Circuit Court for Anne Arundel County
Case No. C-02-FM-22-002176

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2500

September Term, 2023

KEITH CHASE

v.

DANIELLE BOWLING

Arthur,
Reed,
Zarnoch,
(Senior Judge, Specially Assigned)

JJ.

Opinion by Reed, J.

Filed: October 9, 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).

This matter began on July 5, 2022, when Appellee, Danielle Bowling, filed a Complaint for Custody against Appellant, Keith Chase. A custody hearing was held before a trial judge on January 10, 2024, and a custody order was entered on February 22, 2024. On February 29, 2024, Appellant filed a timely Notice of Appeal of the custody order.

In bringing his appeal, Appellant presents two questions for appellate review, which the court rephrases into three questions as follows[1]:

I. Did the trial court err by awarding Appellee primary legal and physical custody?

II. Did the trial court err by requiring supervision during Appellant's visitation with the children?

III. Did the trial court err by ordering a graduated access and visitation schedule for the Appellant?

For the following reasons, we affirm the ruling of the trial court.

FACTUAL & PROCEDURAL BACKGROUND

The parties in this case are the unmarried biological parents of two minor children, H.C., born July 19, 2020, and N.C., born December 3, 2021. The party's relationship began in 2019. They cohabitated with their children on-and-off for two and a half years prior to separating.

The parties recall the division of parental responsibility differently. Appellant, Mr. Chase, testified that he was very involved in rearing the young children and formed a strong

[1] Appellant identified the following two questions for review in his brief: "[1] Did the Circuit Court properly consider the Best Interests of the Minor Children when imposing access/visitation schedule and awarding sole legal and primary physical custody to the Appellee? [2] Did the Circuit Court erred [sic] in ordering a gradual schedule to the Appellant?"

relationship with them. Appellee testified that she did most of the work raising the children, and that the children spent very little time with Appellant.

During the hearing, there was testimony that the parties separated in June 2022, after Appellant physically abused Appellee. Appellee alleged that while in the car with Appellant and the minor children, Appellant struck her head and face, and later threatened over the phone to kill her. Following the incident, Appellant was arrested. Appellee petitioned for a protective order against Appellant, and the trial court granted a temporary protective order on June 29, 2022.[2] On July 11, 2022, the Circuit Court for Anne Arundel County found by a preponderance of the evidence that Appellant had assaulted Appellee and granted a final protective order. The order prohibited the Appellant from contacting Appellee and awarded Appellee sole custody of the minor children.

Prior to the final protective order hearing, Appellee also filed a complaint for custody on July 5, 2022. On October 4, 2022, the trial court ordered a custody evaluation. A magistrate presided over a pendente lite custody hearing on October 27, 2022. On December 7, 2022, the magistrate recommended that Appellee, Danielle Bowling, be awarded sole legal, and primary physical custody of the children, and Appellant be granted supervised visitation with the children. The magistrate's recommendations were adopted by the trial court on January 5, 2023.

[2] The temporary protective order was granted in the District Court (Case No. D-07-FM-22-00425), and then transferred to the Circuit Court for Anne Arundel County for adjudication of the final protective order (Case No. C-02-FM-22-809108).

Mr. Rick Tabor supervised Appellant's visitation with the children during the pendente-lite custody arrangement. On February 1, 2023, Appellant and Mr. Tabor got into a disagreement over the phone regarding Appellant's payments for supervision services. Mr. Tabor later told the court ordered custody evaluator that Appellant was enraged, screaming, and cursing during the dispute. Mr. Tabor did not feel safe supervising visitation after this incident and terminated his services. Though Appellant eventually hired a new visitation supervisor, no further supervised visitations took place.

A final custody hearing was held on January 10, 2024. Appellee's testimony detailed the facts surrounding the protective order case, and described other occasions when Appellant physically abused her and threatened her.

The court admitted the custody evaluator's report as a joint exhibit. The court admitted other evidence, including screenshots of threatening text messages sent by Appellant to Appellee, the parties' financial records, photographs of the parties with their children, and photographs of the Appellee's injuries following the abuse.

On February 6, 2024, the trial judge delivered a ruling on the record and awarded sole legal and physical custody to the Appellee. The trial court awarded Appellant access to the children on a graduated schedule.

The graduated schedule is divided into seven phases. Phases 1-3 last one month each, Phases 4-6 last two months each, and Phase 7 is the final access arrangement. By complying with each phase's requirements, Appellant graduates to the next phase. During Phase 1, Appellant has a minimum of two hours of supervised access per week. Unsupervised access begins during Phase 2. As Appellant progresses, he gains increased

access time each phase. Upon reaching Phase 7, Appellant has unsupervised access with the children on alternating weekends from Friday to Sunday. The trial court ordered that exchanges of the children are to take place at a Maryland State Police barracks in Glen Burnie, Maryland.

The ruling established a holiday access schedule and procedures for taking vacations with the children The ruling also required the Appellant to pay child support.

The ruling was reduced to a written order filed on February 22, 2024. The written order required the parties to communicate via the co-parenting platform "AppClose," although this requirement was not discussed during the ruling on the record.

The Appellee was awarded "**sole** legal and primary physical custody of the children" during the ruling on the record, but the final written order grants Appellee "**primary** legal custody" of the minor children. These are distinct forms of legal custody.[3] In our review, we give credence to the written order's award of primary legal custody.

[3] A parent with sole legal custody has "the right and obligation to make long range decisions involving education, religious training, discipline, medical care, and other matters of major significance concerning the child's life and welfare." *Taylor v. Taylor*, 306 Md. 290, 296 (1986). The custody order awarded Appellee "primary legal custody" which is not a judicially established form of custody. It seems to refer to joint custody with tie-breaking authority granted to one parent. *See Santo v. Santo*, 448 Md. 620, 632-33 (2016) ("In a joint legal custody arrangement with tie-breaking provisions, the parents are ordered to try to decide together matters affecting their children. When, and only when the parties are at an impasse after deliberating in good faith does the tie-breaking provision permit one parent to make the final call.").

Following the decision by the court, Appellant filed a Notice of Appeal to appeal to this Court on February 29, 2024. The instant appeal followed. Appellant filed a brief on May 20, 2024, while Appellee has not participated in this appeal.[4]

STANDARD OF REVIEW

A. Generally

A reviewing court reviews the trial court's ultimate custody and visitation decisions for an abuse of discretion. *Davis v. Davis*, 280 Md. 119, 126-27 (1977). On appeal, the trial court's factual findings are reviewed for clear error. *Id*. Alleged legal deficiencies are only overruled if the error is not harmless. *Id.*

We review final custody and visitation decisions for abuse of discretion by respecting "the trial court's unique opportunity to observe the demeanor and the credibility of the parties and the witnesses." *Santo*, 448 Md. at 626 (quoting *Petrini v. Petrini*, 336 Md. 453, 470 (1994)) (cleaned up).

The Supreme Court's decision in *Santo* outlined how trial courts may abuse their discretion in custody and visitation cases:

> Though a deferential standard, abuse of discretion may arise when no reasonable person would take the view adopted by the trial court or when the court acts without reference to any guiding rules or principles. Such an abuse may also occur when the court's ruling is clearly against the logic and effect of facts and inferences before the court or when the ruling is violative of fact and logic. Put simply, we will not reverse the trial court unless its decision is well removed from any center mark imagined by the reviewing court.

Santo, 448 Md. at 626 (quoting *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 313

[4] Appellant filed an Amended Brief on August 14, 2024, which was stricken as untimely on August 23, 2024.

(1997)) (cleaned up)

B. The Best Interests of the Child

The best interests of the child are the determining factor in Maryland custody and visitation decisions. *See, e.g., Taylor*, 306 Md. at 303 ("We emphasize that in any child custody case, the paramount concern is the best interest of the child."); *Boswell v. Boswell*, 352 Md. 204, 219 (1998) ("In Maryland, the State's interest in disputes over visitation, custody, and adoption is to protect the "best interests of the child" who is the subject matter of the controversy.").

As compared to a trial court, a reviewing court is "in a much less advantageous position to assure that the child's welfare is best promoted." *Davis*, 280 Md. at 132. While the trial judge "sees the witnesses and the parties, hears the testimony, and has the opportunity to speak with the child" a reviewing court "has only a cold record before it." *Id*. at 125. As a result, "trial courts are endowed with great discretion in making decisions concerning the best interest of the child." *Petrini* 336 Md. at 469.

DISCUSSION

A. Appellant's Contentions

First, Appellant argues that when awarding Appellee primary legal and physical custody, the trial court failed to consider Appellant's relationship with the children. Specifically, Appellant argues that the trial judge disregarded testimony of Appellant's relationship with the children prior to their separation. Second, Appellant argues that because the trial judge did not find that the Appellant abused or neglected the children,

supervised visitation was unnecessary. Third, Appellant similarly argues that because the trial judge did not find that Appellant abused or neglected the children, the graduated access schedule is unnecessary. In support, Appellant claims his unsupervised vacation time with children is evidence that the graduated schedule was unnecessary.[5]

B. Analysis

Law Generally Applicable to Custody and Visitation Cases

Maryland case law equips trial judges with several factors (hereinafter "the Best Interest Factors") to guide them when determining what custody and visitation arrangements are in the best interests of a child. *See, e.g.*, *Montgomery Cnty. Dep't of Soc. Servs. v. Sanders*, 38 Md. App. 406; *Taylor*, 306 Md. 290. The Best Interest Factors include:

> (1) The fitness of the parents;
> (2) The character and reputation of the parties;
> (3) The requests of each parent and the sincerity of the requests;
> (4) Any agreements between the parties;
> (5) Willingness of the parents to share custody;
> (6) Each parent's ability to maintain the child's relationships with the other parent, siblings, relatives, and any other person who may psychologically affect the child's best interest;
> (7) The age and number of children each parent has in the household;
> (8) The preference of the child, when the child is of sufficient age and capacity to form a rational judgment;
> (9) The capacity of the parents to communicate and to reach shared decisions affecting the child's welfare;
> (10) The geographic proximity of the parents' residences and opportunities for time with each parent;

[5] Appellant also argues that the trial court erred by failing to order that the parties exchange children at a certain location and to communicate using the AppClose co-parenting platform. These contentions are moot, as they are already required by the custody order.

> (11) The ability of each parent to maintain a stable and appropriate home for the child;
> (12) Financial status of the parents;
> (13) The demands of parental employment and opportunities for time with the child;
> (14) The age, health, and sex of the child;
> (15) The relationship established between the child and each parent;
> (16) The length of the separation of the parents;
> (17) Whether there was a prior voluntary abandonment or surrender of custody of the child;
> (18) The potential disruption of the child's social and school life;
> (19) Any impact on state or federal assistance;
> (20) The benefit a parent may receive from an award of joint physical custody, and how that will enable the parent to bestow more benefit upon the child.

Azizova v. Suleymanov, 243 Md. App. 340, 345-46 (2019).

Trial courts also consider some additional factors described in *Fader's Maryland Family Law*, an oft cited compendium of Maryland domestic relations law:

> (1) the ability of each of the parties to meet the child's developmental needs, including ensuring physical safety; supporting emotional security and positive self-image; promoting interpersonal skills; and promoting intellectual and cognitive growth;
> (2) the ability of each party to meet the child's needs regarding, inter alia, education, socialization, culture and religion, and mental and physical health;
> (3) the ability of each party to consider and act on the needs of the child, as opposed to the needs or desires of the party, and protect the child from the adverse effects of any conflict between the parties;
> (4) the history of any efforts by one or the other parent to alienate or interfere with the child's relationship with the other parent;
> (5) any evidence of exposure of the child to domestic violence and by whom;
> (6) the parental responsibilities and the particular parenting tasks customarily performed by each party, including tasks and responsibilities performed before the initiation of litigation, tasks and responsibilities performed during the pending litigation, tasks and responsibilities performed after the issuance of orders of court, and the extent to which the tasks have or will be undertaken by third parties;
> (7) the ability of each party to co-parent the child without disruption to the child's social and school life;

> (8) the extent to which either party has initiated or engaged in frivolous or vexatious litigation, as defined in the Maryland Rules; and
> (9) the child's possible susceptibility to manipulation by a party or by others in terms of preferences stated by the child.

Id. at 346-47 (quoting Cynthia Callahan & Thomas C. Ries, Fader's Maryland Family Law § 5-3(a), at 5-9 to 5-11 (6th ed. 2016)).

The Best Interest Factors are "not intended to be all-inclusive, and a trial judge should consider all other circumstances that reasonably relate to the issue." *Taylor*, 306 Md. at 311. *See also Petrini*, 336 Md. at 469 ("While custody determinations must be made on a case-by-case basis due to the uniqueness of the fact patterns in such disputes, factors relied upon in past cases can be used to guide the trial court's decision-making process.").

Furthermore, when making custody and visitation decisions trial judges are required by statute to consider both evidence of abuse or neglect of the subject child and evidence of abuse of certain other household members. Md. Code Ann., Fam. Law § 9-101 (abuse or neglect of subject child); Md. Code Ann., Fam. Law § 9-101.1 (abuse of household members).

I. Did the trial court err by awarding Appellee primary legal and physical custody?

We find that the trial judge properly considered the best interests of the children when he awarded primary legal and physical custody to Appellee. In his ruling on the record, the trial court explained many of the Best Interest Factors and the facts he found relevant to each one.[6]

[6] In his ruling on the record, the trial judge noted "if I for some reason don't mention one factor in particular or I don't say anything in great detail regarding any one

We need not review the trial judge's entire analysis of each Best Interest Factor to show he neither erred nor abused his discretion. *Gizzo v. Gerstman*, 245 Md. App. 168, 195-96, 226 A.3d 372, 389 (2020) ("Generally, even where the trial court must issue a statement explaining the reasons for its decision, the court need not articulate every step of the judicial thought process in order to show that it has conducted the appropriate analysis."). We instead focus on the Best Interest Factors implicated by Appellant's arguments.

One Best Interest Factor is the existing relationship between a child and the parent seeking custody. Trial judges are more likely to award custody to parents with strong bonds with their children than to those with fraught relationships. *Taylor*, 306 Md. at 308 ("When both parents are seen by the child as a source of security and love, there is a favorable climate for joint custody. On the other hand, joint custody may be inappropriate when opposed by the child, or when there are indications that the psychological or emotional needs of the child would suffer under a joint custody arrangement.").

A closely related Best Interest Factor is the amount of time a parent has been separated from their child. If a parent has had a long separation from their child, it is likely not in the best interests of a child to award that parent custody. *Ross v. Hoffman*, 280 Md. 172, 189 (1977) (quoting *Dietrich v. Anderson*, 185 Md. 103, 119 (1945) ("It is an obvious fact, that ties of blood weaken, and ties of companionship strengthen, by lapse of time, and the prosperity and welfare of the child depend on the number and strength of these ties...").

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factor, it doesn't mean I didn't consider the factor. It just means I am giving you sort of an overview of what I heard in the evidence and the main things I took into account."

The trial court clearly considered the Appellant's relationship with the children when considering the children's best interests. At the time of the merits hearing in January 2024, Appellant had not seen the children since February 2023 and had not lived with the children since June 2022. As a result of this long absence, the trial judge found that the children, particularly the younger N.C., likely did not have a significant relationship with Appellant:

> …I recognize that [N.C.] right now probably doesn't, you know, have much of a bond with [Appellant] because [Appellant] hasn't seen [N.C.]…
>
> [N.C.] needs to get to know you Mr. Chase…I know you are frustrated by that, but I'm here charged to do what's best for the kids, and [N.C.] needs to get to know you.

The children in this case were two and three years old at the time of the custody hearing. Appellant's 18-month absence spanned a significant portion of their young lives. The trial court appropriately considered the impact of Appellant's absence on forming a meaningful relationship with the children.

Appellant claims the trial judge "omitted any mention of the relationship" he had with the children prior to their separation. The record reflects the opposite. The trial judge stated, "[t]here was disputed testimony about [Appellant's] relationship when the children were young. But I took all that, you know, all of that into account."

The trial court did not err nor abuse its discretion. The decision to award Appellee primary legal and physical custody was made with the best interests of the children in mind and was supported by the facts of the case and the evidence presented at the merits hearing.

II. Did the trial court err by requiring supervision during Appellant's visitation with the children?

We further hold that the trial court properly considered the best interests of the children in requiring supervised visitation for the Appellant during Phase 1 of the custody order.

Trial courts have broad power to craft visitation arrangements designed to protect a child's best interests. *Wagner v. Wagner*, 109 Md. App. 1, 42 (1996) ("The *parens patriae* power of the equity courts is plenary to afford minors whatever relief may be necessary to protect their best interests."). When in the child's best interests, a parent's "visitation may be restricted or even denied." *Boswell*, 352 Md. at 221.

Appellant's argument appears to claim, without citation, that supervised visitation is unnecessary because there was no specific judicial finding on the likelihood of abuse or neglect by the Appellant.[7] This argument mistakenly assumes that supervised visitation is only warranted after a finding of abuse or neglect under FL § 9-101.[8]

FL § 9-101 instructs judges to consider abuse or neglect of a child in rendering custody decisions:

> (a) In any custody or visitation proceeding, if the court has reasonable grounds to believe that a child has been abused or neglected by a party to the proceeding, the

[7] Specifically, Appellant argues supervision was unnecessary because the trial judge "acknowledged the absence of any incidents of child abuse or neglect by the Appellant."

[8] There are circumstances other than abuse or neglect where the trial judge may find supervised visitation appropriate. These include when a parent "is working to improve parenting skills, has not seen the child in a long time, has a substance use disorder or mental health issue that might interfere with their ability to parent, has a history of being abusive or trouble controlling anger, or has acted inappropriately with a child." *Visitation/Supervised Visitation*, The People's Law Library of Maryland (Updated Feb. 13, 2024), https://www.peoples-law.org/visitation-and-supervised-visitation [https://perma.cc/6ZF7-JGGL].

> court shall determine whether abuse or neglect is likely to occur if custody or visitation rights are granted to the party.
>
> (b) Unless the court specifically finds that there is no likelihood of further child abuse or neglect by the party, the court shall deny custody or visitation rights to that party, except that the court may approve a supervised visitation arrangement that assures the safety and the physiological, psychological, and emotional well-being of the child.

FL § 9-101.

Importantly, prior to ordering supervised visitation under FL § 9-101, trial judges are required to make a specific finding that there is no likelihood of abuse or neglect. It states, "unless the court makes a specific finding that there is no likelihood of further child abuse or neglect by the party the court must deny the party's request for custody or unsupervised visitation." *Gizzo*, 245 Md. App. at 184 (internal quotation marks omitted) (quoting Md. Code Ann., Fam. Law § 9-101(b)).

The finding of abuse must be made unambiguously because "FL § 9-101 requires the trial court to make a specific finding and does not envision an appellate court assuming the required finding from other disparate statements by the trial judge." *Id*. at 199 (quoting *In re Adoption No. 12612 in Cir. Ct. for Montgomery Cnty.*, 353 Md. 209, 232 (1999) (cleaned up).

FL § 9-101.1 further directs trial judges to consider abuse of certain household members other than the subject child:

> In a custody or visitation proceeding, the court shall consider, when deciding custody or visitation issues, evidence of abuse by a party against:
>
> (1) the other parent of the party's child
>
> (2) the party's spouse; or

> (3) any child residing within the party's household, including a child other than the child who is the subject of the custody or visitation proceeding.

FL § 9-101.1(b).

If abuse occurred to one of these household members, trial courts are instructed to craft custody and visitation arrangements in the best interests of the child and the victim of abuse:

> If the court finds that a party has committed abuse against the other parent of the party's child, the party's spouse, or any child residing within the party's household, the court shall make arrangements for custody or visitation that best protect:
> (1) the child who is the subject of the proceeding; and
> (2) the victim of the abuse.

FL § 9-101.1(c).

FL § 9-101.1 is not a substitute for the best interests of the child standard. Rather, "it obligates the court, when it receives evidence of a party's history of violence against certain household members, to give due consideration to such violence in determining what is in a child's best interest." *Gizzo*, 245 Md. App. at 199.

Although they require similar considerations, the *Gizzo* court identified crucial differences between FL § 9-101 and FL § 9-101.1:

> The language used to describe the court's obligations in FL § 9-101.1 is by no means identical to or equivalent to the language used in FL § 9-101. Section 9-101 states that the court "shall determine" the likelihood of further child abuse or neglect and that the court "shall deny" custody or unsupervised visitation unless the court "specifically finds" no likelihood of further child abuse or neglect.
>
> By contrast, section 9-101.1 states that the court "shall consider" evidence of abuse by a party against the child's parent and that the court "shall make

> arrangements" to best protect the child and the victim of the abuse, "[i]f the court finds" that the party has committed abuse against the other parent.

Id. at 193-94.

Consequently, it is unclear whether a specific judicial finding regarding abuse is required before a trial judge may consider evidence of abuse against the child's parents under FL § 9-101.1.[9] *Id*. at 196-97. Moreover, FL § 9-101.1 does not mandate a specific custody or visitation arrangement after abuse against the child's parent is found. It merely instructs trial judges to ensure the protection of the child and victim. *Id*. at 193-94.

Appellant overlooks these critical distinctions between FL § 9-101 and FL § 9-101.1. To justify supervised visitation, the trial judge was not required to determine that abuse or neglect of the children was likely under FL § 9-101. Instead, under FL § 9-101.1, the judge could consider evidence of domestic violence, apparently without needing to make a specific finding of abuse. Based on this evidence, the judge had the discretion to order supervised visitation to best protect the children.

Even assuming, *arguendo,* that the trial court needed to make a specific judicial finding of abuse before considering domestic violence evidence under FL § 9-101.1, the trial judge was nonetheless directed by the Best Interest Factors to consider "any evidence of exposure of the child to domestic violence and by whom." *Azizova*, 243 Md. App. at 347.

[9] In unreported opinions, this Court has required a preliminary finding of abuse under FL § 9-101.1. *See Jones v. Wells*, No. 778, Sept. Term, 2020, 2021 WL 4169200, at *6 (Md. Ct. Spec. App. Sept. 14, 2021); *Sanchez v. Sanchez*, No. 1689, Sept. Term, 2021, 2022 WL 2354989, at *8 (Md. Ct. Spec. App. June 30, 2022).

Whether the trial judge was guided by FL § 9-101.1 or by the Best Interest Factors, he clearly considered Appellant's violence against Appellee to be relevant when evaluating the best interests of the children. In his ruling, he emphasized the effect Appellant's abuse may have on the children:

> And there are studies out there that say that children who witness domestic violence, that is just as traumatic for the child to see it to actually be a participant or to be the one receiving abuse. So it is going to be very important when the two of you exchange the children for you to act appropriately with each other for your children's sake, if not for each of your respective sakes...

The judge had the discretion to order supervised visitation to best protect the children.[10] *Wagner*, 109 Md. App. at 42. Considering the evidence that Appellant abused the Appellee, the trial court made visitation arrangements aimed at protecting the children from witnessing domestic violence and suffering psychological harm. Therefore, we find that the trial court did not err nor abuse its discretion in ordering supervised visitation.

III. Did the trial court err by ordering a graduated access and visitation schedule for the Appellant?

Finally, we conclude that the trial court did not abuse its discretion in ordering a graduated access schedule for Appellant. Again, we note that trial courts have broad power to craft visitation arrangements designed to protect a child's best interests. *Wagner*, 109 Md. App. at 42.

[10] Maryland case law does not state exhaustively what arrangements trial courts may make to protect a child from exposure to domestic violence under FL § 9-101.1(c). However, this court has found in unreported cases that supervised visitation was appropriate when the trial judge was presented with evidence of domestic abuse against household members. *See*, *e.g.*, *Tusha v. Tusha*, No. 1249, Sept. Term, 2022, 2023 WL 3881259, at *8 (Md. Ct. Spec. App. June 8, 2023).

The schedule ordered by the trial court was clearly devised with the best interests of the children in mind. Though Appellant contends that the graduated visitation was unnecessary after "the Court's acknowledgment that there were no concerns about the Appellant posing a danger to the minor children," the purpose of the graduated schedule was not exclusively to ensure the safety of the children. The trial judge clarified that an important purpose of the graduated access schedule was to ensure Appellant steadily develops a relationship with the children.

As we discussed earlier, the trial judge expressed serious concern that the Appellant's long absence from the children's lives meant that they had not formed a significant bond. *See supra* pp. 10-11.

The trial judge further noted that supervised visitation under the pendente lite order lasted only briefly, and then stopped altogether after Appellant's conflict with the court ordered supervisor. Therefore, the graduated schedule was designed to begin building a parental relationship. The trial judge explained, "I want this to be, you know, positive interaction time so [Appellant] builds, you know, a good relationship…This is part of why, [Appellant], you're not getting as much access as you wanted…it's because the contact didn't happen for whatever reasons it didn't."

Viewed in this light, receiving unsupervised vacation time is not the contradiction that Appellant contends. Rather, it is another opportunity the trial judge has afforded Appellant to forge a meaningful relationship with the children.

For the reasons articulated by the trial judge on the record, Appellant's access schedule was designed to be in the best interest of the children. Accordingly, we hold that the trial court did not err nor abuse its discretion in ordering the graduated access schedule.

CONCLUSION

Accordingly, we affirm the decision of the trial court.

JUDGMENT OF THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, AFFIRMED; COSTS TO BE PAID BY THE APPELLANT.