

Attorney Marilyn Kapaun Secures Temporary Custody for Biological Father Despite No Legitimation Proceedings

By October 14, 2016

Senior Attorney **Marilyn Kapaun** represented a young father in a TPO hearing. The father had a baby with a woman out of wedlock. The baby was not yet legitimated by the father. The father filed a TPO against the mother of the child who he alleged hurt him and put the baby in danger. At the TPO hearing, the Superior Court Judge struggled with whether he could award temporary custody to a third party who was not yet deemed as a father with *legal rights* to the child and considered whether he *had* to send the child to DFCS. With the help of Partner **Charles Medlin** who assisted in preparing for this hearing and Attorney **Erica Byrd** who provided the appropriate law and legal basis for the Judge's decision, Attorney **Kapaun** secured a victory for her client-father: a 12 month Protective Order that awarded temporary custody of the child to the biological father (who has not yet undergone legitimation proceedings) until further Order of the Court.