

BKB Family Law Significant Custody Win for Father

By January 18, 2012

Father and Mother with a 1 year old son had decided to divorce. One month after they "discussed" divorce, Mother told Father they were "now" divorced. Father could not understand how they could be divorced when he had never seen a *Complaint for Divorce*, was never served, never signed any documents, and never attended any Court hearings. Father went to his County to retrieve the record and saw that his name had been forged to all divorce pleadings. Father saw that Mother had obtained custody for herself of the minor child, had obtained an Order of child support for Father to pay (which Father did not even know about) and had obtained an Order in which Father was to pay all marital debt. Father hired Attorney **Marilyn Kapaun** from BKB Family Law to overturn the divorce and then represent him in a valid divorce action in which Father sought custody of the minor child. BKB served Mother with a *Motion to Set Aside the Divorce Decree*, and Mother absconded to another state with the minor child. Our firm represented Father at an Emergency Hearing where the Judge ordered the Mother to return the child to the jurisdiction under penalty of incarceration pursuant to our Emergency Order. We represented Father regarding the Set Aside of the original divorce decree. Attorney Kapaun obtained an Order in which Mother was found to have signed Father's name to all pleadings and this was submitted to the local police to pursue Mother criminally for forgery and fraud. The original divorce was set aside. Attorney Kapaun represented Father at two probable cause hearings against the Mother for forgery and fraud, and the Municipal found probable cause to arrest Mother for forgery in the first degree, a felony. Mother was arrested a second time. Attorney Kapaun represented Father in the new divorce action and prevailed in obtaining custody for this Father.