

LEAH HUNKOVIC,

Plaintiff/
Counterclaim-Defendant,

vs.

STANLEY HUNKOVIC, JR.,

Defendant/
Counterclaim-Plaintiff.

* IN THE CIRCUIT COURT

* OF

* MARYLAND

* FOR

* BALTIMORE COUNTY

* Case No. 03-C-10-000989 DL

**RULE 15-207(d) (2) ORDER
HOLDING COUNTERCLAIM-DEFENDANT
LEAH HUNKOVIC IN CIVIL CONTEMPT,
IMPOSING SANCTIONS, AND SETTING PURGE CONDITIONS**

Before the Court are counterclaim-plaintiff Stanley Hunkovic's Petition for Contempt and Enforcement of Custody Order, and the Court's Show Cause Order, both filed herein on March 26, 2012 (Document No. 48), and the Court being satisfied that counterclaim-defendant Leah Hunkovic was on April 12, 2012 duly and timely served by hand with the said Show Cause Order, Petition, and other accompanying papers as reflected in the Proof of Service, filed on April 25, 2012 (Document No. 49), and the Court on May 9, 2012 having conducted a hearing in the matter on the record, it is, therefore, this 9th day of May, 2012, by the Circuit Court of Maryland for Baltimore County,

ORDERED, that the said Petition for Contempt and Enforcement, filed on March 26, 2012 (Document No. 48) by counterclaim-plaintiff Stanley Hunkovic, be, and it hereby is, GRANTED, and the Court further

DETERMINES, ORDERS and FINDS, for the reasons set forth below and on the record during the hearing held on May 9, 2012, that counterclaim-defendant Leah Hunkovic has intentionally and persistently violated the custody and visitation provisions contained in the parties' Judgment of Absolute Divorce, entered on September 1, 2011 (Document No. 43), which grants counterclaim-plaintiff Stanley Hunkovic "sole legal and primary physical custody [of] the parties' minor children", by refusing and/or otherwise preventing counterclaim-plaintiff Stanley Hunkovic from serving as the children's sole legal and primary physical custodian as provided in the subject order, as more specifically set forth below, and, with regard to the foregoing, the Court further

TAKES JUDICIAL NOTICE OF CERTAIN FINDINGS, previously made by the Court in Judge Sherrie Bailey's "Opinion of Court", filed on September 1, 2011 (Document No. 42), as follows (Nos. 1-12, below being direct quotations from Judge Bailey's decision):

1. The Plaintiff, Leah Christy Hunkovic, a native of Trinidad and Tobago, and the Defendant, Stanley J. Hunkovic, Jr., a United States citizen and resident of Baltimore, were married in a religious ceremony on or about June 16, 2007. Two children were born to the parties: Gabriel Julius-Karl Hunkovic, born April 16, 2008 and Anastasia Sierra-Marie Hunkovic, born August 31, 2009. Both children were born in Maryland where the parents resided at 5406 Fair Oaks Avenue, Baltimore, Maryland 21214.
2. On January 26, 2010 Plaintiff filed a complaint in Baltimore County Circuit Court seeking a limited divorce. As part of this complaint, Plaintiff sought sole physical and legal custody of the children pendente lite and permanently.
3. On or about February 26, 2010 Defendant filed a counter-complaint for limited divorce as well as a Motion for an Emergency Custody Order. The Honorable Judge Kathleen G. Cox of the Baltimore County Circuit Court presided over the hearing regarding the Motion for Emergency Custody in chambers the same day. The Plaintiff's attorney participated in this hearing and indicated that he had spoken with the Plaintiff. He also indicated that she was visiting New York, that she was not leaving the country, and that she would be available for a hearing in Maryland when necessary. He further indicated that she would agree with an order that she's not leaving the country with the children. Judge Cox indicated that she would not let either party leave the country before custody merits were determined. Her Honor Judge Cox issued an order enjoining both parties from leaving the United States with their children and further ordered that the children's passports were to be held by Defendant's attorney pending further full hearings on the merits of this case. Both parties were enjoined from seeking to obtain duplicate passports for the children.

4. On February 26, 2010, after the order was issued by Judge Cox, Plaintiff boarded a flight with both children bound for Trinidad and Tobago where she has remained with them ever since. Plaintiff instituted divorce and custody proceedings in Trinidad and Tobago on March 19, 2010 in case number FH-00529, which has been ongoing.
5. On or about May 10, 2010 Plaintiff filed a petition to withdraw her complaint for limited divorce, which the Circuit Court for Baltimore County DENIED on July 22, 2010.
6. Plaintiff acted without regard for the pending litigation when relocating to Trinidad. Plaintiff's move to Trinidad with her children in tow evidenced a complete lack of care that the children have regular and consistent access to their father.
7. Also of note is Plaintiff's disregard of the impact that losing their father will have on the children.
8. Plaintiff now resides in Trinidad: the environment she provides for the children as well as any support network she may have is unknown. Plaintiff did not cooperate with the child access evaluation ordered by this Court through its Family Services Division investigators.
9. Defendant has a support network, which includes his father and four sisters, all of whom have previously helped in the caring of the children. Plaintiff's support network in Trinidad is unknown. Furthermore, Plaintiff's action in relocating with the children and Defendant's subsequent sharply limited time with them demonstrates Plaintiff's disinterest in their children maintaining a relationship with their father. The willingness and/or ability of the Plaintiff to maintain and/or support a normal family relationship between the father and the children seems inadequate.

10. As a result of the Plaintiff's actions, the children's ability to see and interact with their father has been severely restricted. Plaintiff's actions have evidenced a blatant disregard for maintaining natural family relations as between the children and their father as well as a blatant disregard for the proceedings, which she initiated.
11. Plaintiff's move and subsequent initiation of divorce proceedings in Trinidad and Tobago has rendered visitation very difficult. As a result of those proceedings the children were made wards of the High Court of Justice, Family Court Division, of the Republic of Trinidad and Tobago on June 14, 2010. Defendant has had only very limited access to them as a result of this.
12. For all these reasons, and with great respect for the Honorable Court of Trinidad and Tobago, and with understanding that said Honorable Court has designated these children as Wards of the Court, the Circuit Court of Baltimore County will award sole legal and primary physical custody to Defendant, Stanley J. Hunkovic, Jr. with reasonable visitation to Ms. Leah Christy Hunkovic based upon the evidence presented in this court's merits hearing of which Plaintiff was notified. The court will order at least four consecutive weeks visitation to Ms Leah Hunkovic as agreed upon by the parties during school summer vacation and one week each during school winter break and school spring break during the school year, and as further detailed in the accompanying order.

THE COURT FURTHER FINDS AND CONCLUDES, based upon the law as applied to the testimony and other evidence adduced at the hearing held on May 9, 2012:

13. Despite the passage of more than two years since February of 2010, when the children were taken by counterclaim-defendant Leah Hunkovic to Trinidad in violation of Judge Cox's order of ne exeat, the children have continued to remain in Trinidad, with counterclaim-defendant Leah Hunkovic affirmatively pursuing "custody" proceedings there despite the entry here in Maryland of this Court's award of sole custody to counterclaim-plaintiff Stanley Hunkovic.
14. Family Law Article §9-302 expressly provides that this Court has jurisdiction over custody and visitation of children who are removed from Maryland by a parent, where, as here, the parents are separated and/or divorced, Maryland was the marital domicile of the parents, at least one of the parents was a Maryland resident when the children were removed from Maryland and that parent has remained in Maryland, and the Court obtained personal jurisdiction over the parent who removed the children.
15. In the present case, it was counterclaim-defendant Leah Hunkovic who first initiated this Maryland case by causing the filing of her complaint for limited divorce, and this Court has already ruled that counterclaim-defendant Leah Hunkovic could not withdraw from the case in an attempt to deprive the Court of jurisdiction. See Court's July 27, 2010 ruling denying counterclaim-defendant Leah Hunkovic's request to withdraw her complaint for limited divorce (Document No. 24).
16. Here, the parents are separated and divorced, Maryland was their marital domicile, counterclaim-plaintiff Stanley Hunkovic was and is now a Maryland resident, as were the children and counterclaim-defendant Leah Hunkovic on February 26, 2010, when counterclaim-defendant Leah Hunkovic unilaterally took the children to Trinidad.

17. Accordingly, under the circumstances obtaining here, Family Law Article §9-302 clearly provided this Court with jurisdiction to render the custody and visitation decisions contained in the parties' September 1, 2011 Divorce Judgment (Document No. 43), now being disregarded by counterclaim-defendant Leah Hunkovic. The foregoing Maryland judgment, therefore, was entered with valid and proper subject matter and personal jurisdiction over counterclaim-defendant Leah Hunkovic and the children, in light of Family Law Article §9-302.
18. Family Law Article §9-305(b) and §9-307(d) provide that a relative, such as counterclaim-defendant Leah Hunkovic, may not detain children in a foreign country such as Trinidad, for more than 48 hours after the lawful custodian, such as counterclaim-plaintiff Stanley Hunkovic here, has demanded the children's return.
19. Given that this Court, after a plenary custody merits hearing, validly granted Father sole custody of the children on September 1, 2011, and counterclaim-defendant Leah Hunkovic has subsequently intentionally disregarded that order by remaining in Trinidad with the two children, counterclaim-defendant Leah Hunkovic has thus engaged in a pattern and course of conduct intentionally contemptuous of this Court's September 1, 2011 order and also may have violated Family Law Article §9-305(b) and §9-307(d).
20. Rule 15-206(a) of the Maryland Rules provides that a proceeding for constructive civil contempt shall be included in the action in which the alleged contempt occurred, which is the instant case now before this Court. And, Rule 15-206(b) of the Maryland Rules provides that any party to an action in which an alleged contempt occurred may initiate a

proceeding for constructive civil contempt by filing a petition with the court against which the contempt was allegedly committed.

21. It appears to the Court that there is no valid or other legally justifiable reason why counterclaim-plaintiff Stanley Hunkovic should be further required to passively wait indefinitely for counterclaim-defendant Leah Hunkovic to comply with this Court's September 1, 2011 custody and visitation order.
22. The Show Cause Order issued in this case on March 26, 2012, and personally served upon counterclaim-defendant Leah Hunkovic on April 12, 2012, expressly directed that "counterclaim-defendant LEAH HUNKOVIC shall appear personally in this Court, with the parties' two minor children, Gabriel and Anastasia, for a CONTEMPT HEARING, to be held before a JUDGE of this Court, May 9, 2012, at 9:30 a.m., and then to show cause, if any, why counterclaim-plaintiff Stanley Hunkovic should not be granted the relief requested in his petition".
23. Given that she, herself, without any explanation by letter or formal filing, has failed to personally appear before this Court at the hearing on May 9, 2012, or cause the parties' two children to appear, the Court finds that counterclaim-defendant Leah Hunkovic has not only intentionally acted in contempt of the custody and visitation provisions contained in the parties' Judgment of Absolute Divorce, entered on September 1, 2011 (Document No. 43), but is also in contempt of the Court's March 26, 2012 Show Cause Order.

IN VIEW OF THE ABOVE, THE COURT FURTHER ORDERS, that counterclaim-defendant Leah Hunkovic shall forthwith and without any further delay, herself deliver, or cause to be delivered, the parties' two minor children, Gabriel Julius-Karl Hunkovic, born April 16, 2008, and Anastasia Sierra-Marie Hunkovic, born August 31, 2009, to counterclaim-plaintiff Stanley Hunkovic, in Baltimore County, Maryland, on or before May 31, 2012, failing which law enforcement officers having appropriate jurisdiction shall use reasonable and necessary force to transfer the children, wherever they may be found, into the custody of counterclaim-plaintiff Stanley Hunkovic, and the Court further

ORDERS, that counterclaim-defendant Leah Hunkovic may purge herself of the within contempt citation by causing the delivery of the children, to counterclaim-plaintiff Stanley Hunkovic, in Baltimore County, Maryland, and the Court further

ORDERS, that as an inducement to counterclaim-defendant Leah Hunkovic to comply with the custody and visitation provisions contained in the parties' Judgment of Absolute Divorce, entered on September 1, 2011

(Document No. 43), counterclaim-defendant Leah Hunkovic shall be fined and pay the sum of \$1,000 per day, to the Clerk of this Court, for each and every day or part thereof, after May 31, 2012, that she remains in contempt by refusing to cause the delivery of the children to counterclaim-plaintiff Stanley Hunkovic, in Baltimore County, Maryland.


JUDGE-Circuit Court of Maryland
for Baltimore County

True Copy Test

JULIE L. ENSOR, Clerk

Per 
Assistant Clerk