

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MD

██████████

:

Plaintiff

:

vs.

:

CASE NO. FL ██████████

██████████

:

Defendant

:

OPINION

This matter came before the court for a merits custody trial. Testimony was taken on December 7, 8 and 9, 2009. At the conclusion of the testimony, the court held the record open to allow the defendant/mother to complete the psychological evaluation recommended by the custody evaluator. Gail Thornburg, PhD testified in open court on January 27, 2010 as to the results of the psychological evaluation she had performed.

These parties have never married. They met in 2002. ██████████, age 6, was born on ██████████ and ██████████, age 3, was born on ██████████. The parents separated on August 15, 2009.

Plaintiff/father, age 42, was originally from Uzbekistan. He has three prior marriages but no other children. He testified that he was educated as a physician in St Petersburg, Russia, but is currently employed as an ultrasound technician at ██████████ in Virginia. He leaves for work at 2:00 p.m. on Friday,

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works throughout the weekend and returns Sunday evening or Monday morning. He does not work at all during the week.

Defendant/mother, age 26, was born in . Her sister, , is a professional player. Defendant, her father and sister were granted political asylum in the US in . She has no real work history other than attempts to teach tennis which never became a full-time occupation. She is enrolled in school and is attempting to become certified as an ultrasound technician. She hopes to complete her education within the next 2 years.

Plaintiff/father's parents came to this country from Uzbekistan on November 8, 2008 and moved in with the family who were, at that time, living in a very small apartment. Defendant/mother had never met his parents before and was not consulted about the decision to have them move in. Tensions developed between defendant/mother and paternal grandmother resulting in at least one physical confrontation.

Plaintiff/father expressed significant concerns about defendant/mother's mental health and stability. He filed for an emergency commitment of defendant/mother in the midst of this litigation and arranged to have her handcuffed by the sheriffs, in front of the two children, right outside the courthouse. On that occasion, defendant/mom was taken to Shady Grove Hospital

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and released. It is this Judge's opinion that the emergency commitment was completely contrived for leverage in the custody litigation, and it is inexcusable to arrange to have it done right in front of the children. Defendant/mother was billed \$1,500.00 for the cost of that evaluation and plaintiff/father should be ordered to pay that cost. Although there was some evidence of earlier depression and a hospitalization of defendant/mother several years ago in upstate New York, this appears to be related to postpartum depression and isolation. The parties had relocated a number of times for his employment opportunities.

Dr. Thornburg testified quite clearly that defendant/mother is intelligent, able to adjust, provides a warm and loving relationship with the girls, and has no personality disorder, anger management issues, or psychoses. She further found no evidence of instability or abusive behavior toward the children.

Plaintiff/father was also focused on what he perceived as defendant/mother's refusal to work. Finances have been a concern to him from the beginning and there is evidence that defendant/mother was denied prenatal care during at least one of her pregnancies because of financial concerns. Plaintiff/father appears to take his financial obligations seriously which is to his credit, but he shows no understanding of the difficulties faced by the unmarried mother of his children, who is 17 years younger than him and lacks his education.

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English is not her first language although her fluency is increasing. She was able to do the psychological evaluation in English.

It is my belief that this relationship deteriorated largely when the paternal grandparents moved in with the family. They are heavily biased in favor of their son and the grandmother, in particular, is quite overpowering. Mother, who is quiet by nature, was simply overwhelmed by the circumstances she found herself in. Since moving out on her own she has established a suitable living arrangement for the children, is working on her education, and doing quite well. Prior to the grandparents moving in, she was the primary caretaker of the children and has always been active and involved with the children.

The children, by all accounts, are very sweet and very attached to both parents. Both parents are fit and capable. The court is going to award joint legal custody so that both parents can be involved in important decisions involving the children. Luckily the children do not have any significant health concerns and Alexandra is already enrolled in the public school system. It is the opinion of the court that the children should have substantial residential time with each parent and the court is awarding joint residential custody as follows. Under Dad's current work schedule he works every weekend for a long weekend. Accordingly, the children will be with their mother from Friday at noon (or after school where

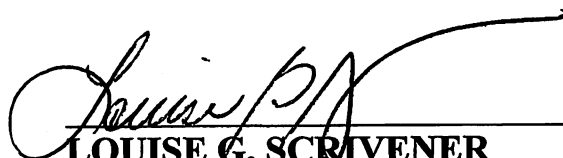
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appropriate) until Tuesday morning, and from Tuesday until Friday at noon with Dad. This will hopefully allow Mom to schedule her classes when the children are with their father and Mom will be with the children while Dad is at work. If the parties' work schedules change it may be that a different arrangement makes more sense down the road, but at this point, this schedule appears to maximize both parents' time with the children.

I also recommend that the court continue to hold the passports for both children so that neither parent can leave the country with the children without prior authority from the court.



LOUISE G. SCRIVENER
Judge, Circuit Court for
Montgomery County, Maryland

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Clerk of the Circuit Court
Montgomery County, Md.

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

██████████ :
Plaintiff :
vs. : FAMILY LAW NO. ██████████
██████████ :
Defendant :

ORDER

For the reasons set forth in the Opinion filed herein, it is this 4th day of February, 2010, by the Circuit Court for Montgomery County, Maryland,

ORDERED, that the parties are hereby awarded joint legal custody of their two minor children, ██████████, born ██████████, and ██████████, born ██████████; and it is further

ORDERED, that each party shall keep the other informed of all significant issues involving the children; and it is further

ORDERED, that the parties are hereby awarded joint physical custody of the minor children as follows: the children will be with the defendant from Friday at noon (or after school where appropriate) until Tuesday morning, and the children will be with the plaintiff from Tuesday until Friday at noon; and it is further

ORDERED, that the parties shall alternate major holidays with the children; and it is further

ORDERED, that the court shall continue to hold the children's passports in trust and neither parent shall travel outside the DC Metropolitan area without first advising the other parent; and it is further

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ORDERED, that the plaintiff shall pay all costs charged by Shady Grove Hospital for the emergency evaluation he requested; and it is further

ORDERED, that the plaintiff shall pay \$6,000.00 in attorney's fees to Galina Rakityanskaya and Richard Nguyen for fees incurred in this custody action; and it is further

ORDERED, that the plaintiff shall pay to the defendant as child support for the two minor children the sum of \$1,462.00 per month commencing February 15, 2010; and it is further

ORDERED, that if the Obligor accumulates support payment arrears amounting to more than 30 days of support, he shall be subject to service of an Earnings Withholding Order; and it is further

ORDERED, that the Obligor is required to notify the Court within ten days of any change of address or employment so long as this support order is in effect, and failure to comply will subject the Obligor to a penalty not to exceed \$250.00, and may result in the Obligor's not receiving notification of proceedings for earnings withholding.



LOUISE G. SCRIVENER
Judge, Circuit Court for
Montgomery County, Maryland

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