

From: Courtney Macavinta courtney@therespectinstitute.org  
Subject: EXT: Questions for Amy  
Date: Jan 5, 2017, 6:58:01 PM  
To: Cardoza, Heather (GE Healthcare) Heather.Cardoza@ge.com  
Cc: Janell Campbell janell.campbell@ymail.com

Also, found this guy. Highly rated on Yelp and like Amy, only does family law.

<http://www.dinneenlaw.com/>

---

**What I've heard from you as your wishlist:**

- Want to file for divorce immediately (not legal separation)
- What Bill to move out as soon as possible
- Want to sell the house
- Want equal division of community property  
(Calif is a "community property state" So all earnings, wages, tips, bonuses and commissions are considered the equal property of both spouses, even if technically earned by one of them. Additionally, property that is purchased with these earnings and debt that is incurred during the marriage is also considered community property. The identification of property as community property commences on the first day of the marriage)
- Want to keep your retirement account.  
(However, A person's pension plan can also be subject to community property standards. One way that these plans are dealt with are by providing the other spouse with a certain percentage of the pension check that the retired employee receives. The percentage is often dictated by the number of years that the spouses were married in comparison to the total number of years that the employee participated in the pension plan. In cases involving pension plans or retirement accounts, a qualified domestic relations order may be made by the family court judge. This is a court order regarding the employee's retirement plan that requires the employer to comply with the order's terms. In other cases, the employee may decide to provide the other spouse with a one-time lump-sum payment that represents his or her share of the community property portion of the plan.)
- Want physical custody of the children.
- Note that you've been primary caregiver, and the extent to which your mom had to take your place for business trips in the past.
- Open to shared "legal custody" which includes the right to make decisions about the child's education, religion, healthcare, and other important concerns.
  - **Determining "Primary Caretaker" of the Child.** In addition to the above factors, some states' family courts allow a preference for the parent who can demonstrate that he or she was a child's primary caretaker during the course of the marriage. In custody cases, the "primary caretaker" factor became important as psychologists began to stress the importance of the bond between a child

and his or her primary caretaker. This emotional bond is said to be important to the child's successful passage through his or her developmental stages, and psychologists strongly encourage the continuation of the "primary caretaker"-child relationship after divorce, as being vital to the child's psychological stability. When determining which parent has been the primary caretaker, courts focus on direct care-taking responsibilities, such as:

- Bathing, grooming, and dressing;
  - Meal planning and preparation;
  - Purchasing clothes and laundry responsibilities;
  - Health care arrangements;
  - Fostering participation in extracurricular activities; and
  - Teaching of reading, writing, and math skills.
  - Volunteering at school
  - Taking to/from school
- Want child support to support physical custody: <http://www.courts.ca.gov/selfhelp-support.htm>
  - Don't want alimony
  - Though you want to protect the kids from harm and disruption, a peaceful process from you is not the "goal" because he's already showing he wants a fight; you want to be protected and ideally get the items on your wishlist.

#### QUESTIONS:

- What % of her cases has she actually had to fight in court? What % did she win?
- What is the toughest child custody battle she has won?
- What is the toughest custody case she has lost?
- Bill is going to "fight" the divorce (and already has been threatening you/calling you names). How will she deal with your case if he decides to fight you on custody to drag out the process or "win"?
- What can we do to come out strong and move the divorce / custody resolution forward rapidly?
- What should you be doing, or not doing, to insure success with the custody agreement?

#### SHARE:

- Your concerns about his driving, medication use, and non-involvement with oldest son.
- He's angry and has already threatened you several times; moved your bedroom; came into your bedroom at night while you were sleeping (you feel unsafe); has broken into your computer
- That he's already said he wants the "deposit" on the home back; and to use your trip



to Hawaii against you; and to not move out until the house sells.

- Share about the romantic situation in Nov. and what he knows.
- He's called you names within earshot of the children

--

Here's my [scheduling link](#).

[\*therespectinstitute\*](#) *We give youth and their influencers the tools to redefine respect & build self-respect so they can break cycles of disrespect and thrive. As featured by CNN, USA Today, NPR, Glamour, Clinton Global Initiative and Ashoka Changemakers.*