

BARRISTER'S CORNER



ATTY. KENNETH URSUA REYES

Parent's right to change child's residence to another state in custody case

custody determination using "the best interest" standard. Court will look at the factors and decide what is in the best interest of the child. Custody is usually given to the parent that is more likely to allow frequent and continuing contact between the child and the other

parent. On the other hand if there has been a final Custody determination, then the non-custodial parent would have to show a "significant change in circumstances" to change the custody arrangement. The Court would then consider certain factors laid out in the case Marriage of LaMusga in deciding whether the child would suffer detriment from the relocation and whether a change of custody should be ordered. The La Musga factors

"The parent that has custody of the child has a presumptive right to change the child's residence unless the non custodial parent can show that the move would be a detriment to the child."

PARENTS that are going through divorce and legal separation sometimes have to make a decision to move out of state for various reasons. It may be because their family network is in another state. This decision often has a significant impact on the visitation of the other parent because it would be more difficult for the non-custodial parent to exercise his or her visitation rights in a frequent and continuing manner if the custodial parent moves to a different state hundreds or thousands of miles away from the non custodial parent.

The parent that has Custody of the child has a presumptive right to change the child's residence unless the non custodial parent can show that the move would be a detriment to the child. In cases where there has not been any final custody order, the court has to make a

er parent. On the other hand if there has been a final Custody determination, then the non-custodial parent would have to show a "significant change in circumstances" to change the custody arrangement.

The Court would then consider certain factors laid out in the case Marriage of LaMusga in deciding whether the child would suffer detriment from the relocation and whether a change of custody should be ordered. The La Musga factors

are: 1) the children's interest in stability and continuity in the custodial arrangement; 2) the distance of the move; 3) the children's age; 4) the children's relationship with both parents; 5) the relationship between the parents including, but not limited to, their ability to communicate and cooperate effectively and their willingness to put the children's interests above their individual interests; 6) the children's wishes if they are mature enough to make that inquiry appropriate; 7) the reasons for the proposed move; and 8) the extent to which the parents currently are sharing custody.

Attorney Kenneth Ursua Reyes was President of the Philippine American Bar Association. He is a member of both the Family law section and Immigration law section of the Los Angeles County Bar Association. He has extensive CPA experience prior to law practice. LAW OFFICES OF KENNETH REYES, P.C. is located at 3699 Wilshire Blvd., Suite 700, Los Angeles, CA, 90010. Tel. (213) 388-1611 or e-mail kureyeslaw@aol.com; Website kenreyeslaw.com. (Advertising Supplement)

Fact or fallacy?

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ruary. Since buyers need to finish their purchases by Nov. 30 to claim the credit, "we expect greater activity in the months ahead," Lawrence Yun, the Realtors' chief economist, said in a statement.

have to wait to get the money from the Internal Revenue Service.

Completed home sales rose 2.9 percent to an annual rate of 4.68 percent in April from a downwardly revised pace of 4.55 million in March, the Realtors' group said last week.

Sales of inexpensive foreclosures and other distressed low-end properties have even sparked bidding wars in places like Las Vegas, Phoenix and Miami. But the market for high-end properties remains at a virtual standstill.

The national median sales price in April plunged more than 15 percent to \$170,200, from \$201,300 in the same month last year. That was the second largest yearly price drop on record, according to the Realtors'

group. One of the major reasons for sales going up is that the inventory of properties for sale is very low, therefore creating an imbalance supply and demand ratio. Another factor will be prices in outskirts of bigger cities home prices are down to \$ 40-80K average. Which are bringing the investors back in the limelight of things.

This is good for us in general. Now prices are affordable and realistic. Is it going to go up soon, no probably flatline at best and has potential still for a decline in some areas.

For further discussion or if you would like to share more information go to my blog on Realtown.com or email me at kennethgo@verizon.net. Call my office at 562-697-7028. (Advertising Supplement)

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- You are not provided a 30-minute uninterrupted meal break or a 10-minute rest break.
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