



# The Road To Justice Starts Here

Exclusively Representing Women in Divorce, Custody and Support Matters.

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## CAN EXPRESS CALIFORNIA CHILD CUSTODY PREFERENCE

California child custody law allows any child old enough to have a reasonable opinion the opportunity to express preference in child custody cases. When is a child old enough?

The definition of “sufficient age and capacity to reason” varies. Some 8-year-olds are mature enough to make a decision, while some 13-year-olds are not. However, all children 14 and older may address the court if a judge does not make a specific finding that addressing the court would not be in the child’s best interest. Younger children may address the court if a judge finds that doing so would be in the child’s best interest.

- Once a judge has determined that it would be in a child’s best interest to address the court, there are a number of ways that the child can let the court know about custody preference.
- The child can talk to a family court mediator or counselor. The mediator or counselor will provide a written report to both parents and to the judge.
- The child can talk to a child custody evaluator. The child’s wishes will be included in the Child Custody Evaluation Report.

- The court may appoint an attorney to represent the child. The minor’s counsel will talk to the child, determine his or her preference, and represent the child’s interests in court
- The judge may interview the child in the judge’s chambers. A court reporter will be present to record the conversation. Parents can request the record.
- The child can testify from the witness stand.

How much does child preference matter? It depends on the situation and the child. A 16-year-old who makes straight A’s and volunteers will be considered more likely to have a sound preference than a 14-year-old with a history of delinquency.

If you want your child to testify in your California child custody hearing, you should let your San Francisco divorce attorney know. Your attorney will make arrangements with the court.

The Bay Area child custody lawyers at The Law Offices of Paul H. Nathan are dedicated to helping families find a child custody solution that works. To schedule an appointment, call us at 415-341-1144. ■



# you won't lose it all

The majority of people who file for bankruptcy are solid, hardworking people who have encountered crippling medical bills, job loss, or divorce. Filing for bankruptcy is a tool to right one's financial ship and keep creditors at bay.

The good news is that there are exemptions from bankruptcy proceedings. Most states only allow you to utilize state exemptions. A few others permit you to choose between federal or state exemptions.

Household property and appliances, jewelry (up to a certain amount), clothing, life insurance, alimony and child support, public benefits, retirement plans, and tools necessary for your trade (e.g., a mechanic's tools) are exempt from bankruptcy proceedings.

For the two marquee items, your house and car, it's a little more complex. The "homestead exemption" varies from state to state and ranges from nothing being exempted to the entire value of the property being exempted. For the states between those two bookends, the worth of your home minus the amount you still owe equals your equity value. If your equity value exceeds the state limit for the homestead exemption, your house might be sold to pay off other debts. You will still receive back whatever the exemption amount is for your state.

As for the vehicle exemption, a person may keep their vehicle if its equity value (market value minus amount owed) is below the state/federal exemption limit. Any amount above the limit will likely be able to be paid by the owner to keep possession of their vehicle.

If you file for bankruptcy, you *won't* lose everything... and you'll receive a fresh start. Contact a bankruptcy attorney to guide you through the process. ■

## APRIL'S RECIPE

# cilantro chimichurri



For my first recipe in the newsletter I'll start easy. And, I am using this recipe for this month because we have had a some good weather in Northern California making for ideal springtime grilling.

Chimichurri is a South American herb sauce used on grilled meats and vegetables.

This is my version, which I use cilantro instead of the traditional parsley. I like the flavors of cilantro. However, you can substitute out the cilantro for the more traditional ingredient parsley.

You will quickly develop your own proportions in this recipe. Some prefer more or less garlic, some prefer parsley to the cilantro, others add tomatoes, and some add hot peppers like jalapeno. Enjoy!

- 3-4 cloves garlic
- 2 cups fresh cilantro or parsley
- ½ cup olive oil
- half a lemon
- sea salt

Put the garlic into a food processor and pulse until finely chopped. Add the cilantro or parsley and pulse briefly until finely chopped. Transfer to a mixing bowl adding the olive oil. Squeeze some lemon into the sauce. Add salt to taste. This will be spicy because of the raw garlic.

Grill up some meat or vegetables and serve at the table as a condiment. ■

# WHEN AMUSEMENT turns to pain



With the summer months just around the corner, millions of families already have planned their vacations, and many undoubtedly will include a stop at an amusement park or carnival.

Unfortunately, amusement park rides cause thousands of injuries each year, ranging from cuts and bruises to broken bones and severe head trauma. Children account for roughly one half of amusement park ride injuries, with kids ages 10–14 receiving the lion’s share. Tragically, some people also lose their lives.

There are two types of rides: fixed-site rides (permanent rides at a theme park) and mobile rides (rides found at carnivals and county fairs). The Consumer Product Safety Commission (CPSC) has no authority to regulate fixed-site rides, only mobile rides—this is known as the “roller coaster loophole.” State governments, insurance companies, and third-party inspectors oversee fixed-site rides.

According to the CPSC, there are four leading factors that pave the way for ride injuries and fatalities:

- **Mechanical failure.** This may include a manufacturing defect or a park’s failure to properly maintain a ride.
- **Improper operation of a ride.** The ride attendant may abruptly stop a ride or fail to latch a seatbelt correctly.
- **Passenger misuse or failure to follow instructions.** For example, don’t unlatch a safety restraint, don’t stand up, don’t rock a car, and so forth.
- **Inherent nature of the ride.** Some rides are fast or whip or spin a lot – there are natural consequences to that.

People who have been injured on amusement park rides through no fault of their own may file a legal claim to receive compensation for their injuries. Two of the most common claims are for negligence and product liability. Contact an experienced personal injury attorney to make sure your rights are protected if you or a loved one is ever injured on a ride.. ■

April 2013 Important Dates

April 1 – Easter Monday

April 13 – Complimentary Seminar by Paul Nathan “What Every Woman Should Know About Divorce.”

April 15 – Income Taxes Due April 22 – Earth Day April 24 – Administrative Professionals Day

## the 4-1-1 on meteorites

When a meteorite hit Russia in February, injuring over 1,000 people and causing extensive damage to buildings and other structures, there was a renewed interest in all things meteoric. Here are some basic facts:

- Meteors are classified differently than meteorites; meteors are pieces of space rock that come from asteroids or comets and usually burn up when they hit the Earth’s atmosphere. The pieces of rock that actually make it to the Earth’s surface are called meteorites.
- Meteorites can hit the Earth at over 18,000 miles per hour.
- Large-impact strikes, like the one that hit Russia recently, happen about once every five years, according to experts. Smaller strikes occur 5 to 10 times per year but usually hit in remote, unpopulated areas.
- A famous large meteorite strike known as the “Tunguska Event” hit Russia in 1908, knocking down millions of trees in a Siberian forest but caused no known injuries. ■

## five ways your child

### CAN EXPRESS CALIFORNIA CHILD CUSTODY PREFERENCE



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This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

# driverless cars MAY TRANSFORM OUR ECONOMY

The transition from horse-drawn carriage to automobile at the turn of the 20th century was monumental. A new automotive revolution is brewing that may surpass it.

Google is leading the way in developing the driverless car and thinks it will arrive in full force within 10 years. Some say a bit longer, but almost all the experts agree it's a matter of when, not if.

A significant appeal of going driverless is safety. Auto accidents are responsible for over 30,000 fatalities and nearly a quarter million hospitalizations each year. Google believes the driverless car will prevent a huge majority of these, since most accidents are caused by human error.

Since these cars would be able to drop off passengers and come back later to pick them up, parking would be less of an issue. A car could be used by more people in a given time span. Parents' time

could be freed up by not having to run their kids all over creation.

The economic impact of driverless cars could be enormous. Fewer drivers and crashes mean reduced injuries and less auto damage. This would affect auto body repair technicians, hospital personnel, auto accident attorneys, insurance adjusters, and law enforcement, to name just a few. Taxi and bus drivers would be impacted as well.

Economic winners would be electronics and software firms, in-car entertainment manufacturers, pubs, and, oh yeah, Google—again, just a small sample.

It is estimated that over \$2 trillion in economic activity will be up for grabs with the advent of driverless vehicles. While some are grabbing, others will be trying to find their way. Change is seldom easy. ■