

The Road To Justice Starts Here

Focusing in Family Law Including, Divorce, Custody & Support

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ask an attorney

(REAL QUESTIONS FROM REAL CLIENTS)

QUESTION: I've been married for the past two years. My husband earns the money in our household. While married I came down with a serious bacterial infection. As a result, I will not be able to return to work for three years per my doctor's orders. Recently, my husband left me for a younger woman and doesn't want to pay any support. Do I have a right to spousal support?

PAUL NATHAN: Yes, given the facts presented, it appears you are likely entitled to spousal support a.k.a. alimony. The Court will look at you and your husband's ability to provide for your own needs. If you cannot provide for your own living needs the Court will likely order your husband to provide you with support for a temporary period of time to allow you to recover from your health matter and start earning income of your own.

Make sure you have engaged an attorney you're confident can effectively argue to the Court that you are entitled to spousal support. ■



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Grateful Dogs Rescue is the oldest dog rescue group in San Francisco. For more than two decades Grateful Dogs Rescue's mission has been to save the lives of dogs at **San Francisco Animal Care and Control** that are at risk of euthanasia. Grateful Dogs works to save as many of these dogs as possible, placing them in experienced foster homes, providing veterinary care and training as needed until loving adopters can be found. You can find their website at <http://www.gratefuldogsrescue.org/>. ■



warning

EXPANDED FOR GRAPEFRUIT-MEDICATION INTERACTION

The sometimes-dangerous relationship between grapefruit/grapefruit juice and certain medications was discovered in 1992. However, in the last four years

the number of medications that produce serious side effects when combined with grapefruit has risen dramatically, from 17 to 44, including many common ones, according to the Lawson Health Research Institute in Canada.

Normally, the body breaks down medications before they enter the bloodstream. Grapefruit, as well as limes, pomelos, and Seville oranges, contain chemicals called furanocoumarins that interfere with this process by preventing normal breakdown of drugs, which increases the concentration of some drugs to harmful levels.

Grapefruit can also have the opposite effect. It can dilute the potency of some prescription drugs, rendering them ineffectual.

For some people, as little as one grapefruit or an 8-ounce glass of grapefruit juice stays “active” in the body for up to 24 hours, ready to negatively interact with various medications.

People over age 45 buy the most grapefruit and take the most prescription drugs. Not coincidentally, they’re affected the most.

The frequency of adverse reactions may be low, but the risks aren’t worth it. Heart rhythm problems, respiratory distress, kidney failure, muscle breakdown, blood clots, and even sudden death may result.

Awareness of the problem is key. When prescribed a new drug, ask your doctor or pharmacist if there are any foods or medications that you should avoid. More comprehensive lists of drugs that grapefruit interacts with can be found online at sites such as www.mayoclinic.com. ■



DO YOUR HOMEWORK ON reverse mortgages

A reverse mortgage is a loan that enables you to borrow against the equity you’ve built up in your home. The money can be used for anything the recipient likes. When the owner dies or sells the home and permanently relocates, the reverse mortgage loan is paid from the estate, thus monthly payments are avoided.

Money can be received in a lump sum, a line of credit, or monthly payments. The borrower must be at least 62 years of age, and own their home outright or be able to pay off the home with the distribution(s) from the reverse mortgage.

The federal government requires that potential applicants undergo counseling about the reverse mortgage process—at a cost of approximately \$125—before receiving one. Property taxes and homeowner’s insurance must be paid or else a default of the loan is imminent. Some substantial up-front and ongoing fees are included with a reverse mortgage.

Many people apply for reverse mortgages as soon as they turn 62. But borrowing this early can be extremely risky, as it may deplete available resources later in life for things such as long-term care, among other necessities.

Couples should both be age 62 or older to apply. If one partner is under age 62 when the other partner applies, their name is not on the reverse mortgage. If death befalls the older partner, the younger person has no claim to the house.

Reverse mortgages are not free money, no matter how they’re portrayed by celebrities on TV. *They should be a last resort.* ■

when a trustee delays

DISTRIBUTION OF YOUR INHERITANCE

By James W.R. Hastings, Esq., LL.M., CPA

It's a common scenario – You and the trustee know each other; each of you has reviewed and is familiar with the terms of the trust. All that is left is for the trustee to distribute your inheritance.

But then it doesn't happen.

When a trustee drags his or her feet, there may be any number of factors at play, such as:

- **The trustee needs to be prodded.** In some cases, a gentle reminder from a trust beneficiary is enough to get the trustee moving.
- **The trustee is simply being lazy.** Sometimes the trustee just doesn't want to deal with the trust or keeps forgetting to administer it even after a request was made.
- **Confusion.** The trustee may not understand the actual directions that are written in the trust or may be confused by conversations he or she had with the creator of the trust.

- **Something nefarious.** Delaying the trust can sometimes happen for more serious reasons, such as to cover up for mismanagement of the trust or for the purpose of stealing assets. If you attempt to find out details such as what assets were in the trust, how much trust money has been spent, what assets remain, etc., but are denied that information, that's a red flag.

If you can't get a trustee to respond to any request or to take action, you should consider contacting a trust litigation attorney. An attorney can help you compel a distribution, account for losses due to the trustee, surcharge for those losses, demand the return of any stolen property, and request damages from the trustee.

James W.R. Hastings is an Estate and Tax attorney with a LL.M. in Tax Law and Certified Public Accountant who serves as "Of Counsel" to the Law Offices of Paul H. Nathan. ■

February 2013 Important Dates

February 10 – Chinese New Year February 12 – Fat Tuesday/Mardi Gras
February 13 – Ash Wednesday February 14 – Valentine's Day February 18 – Presidents Day

BTW, texting just had a b-day

Love it or hate it, the ubiquitous text message recently turned 20.

Back on December 3, 1992, software engineer Neil Papworth sent the first-ever text message. So, what did it say? It was just the short and simple message, "Merry Christmas."

Nowadays, approximately six billion SMS (short message service) texts are sent every day in the United States and over 2.2 trillion are sent each year, according to Forrester Research.

SMS messaging is big business, too. It is expected to be a \$150 billion industry in 2013.

HBD texting! ■

OMG! HBD :)



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INTERNATIONAL child custody disputes

When divorced or separated couples end up living in different countries, and a child is involved, custody issues may lead to "abduction"—defined as the wrongful removal of a child from, or retention away from, their country of primary (habitual) residence.

The "left behind" parent may file a petition under the Hague Convention in any jurisdiction covering the habitual residence of the child. The Hague Convention on the Civil Aspects of International Child Abduction provides the mechanism for the return of a child who has been wrongfully removed from one country or wrongfully retained in a foreign country. The U.S. Office of Children's Issues in the Bureau of Consular Affairs can discharge the duties under the Hague Convention. It is a civil process, not a criminal process. The person who wrongfully removed the child will not be extradited to the child's home country for prosecution.

If it can be established that the child was wrongfully removed from their habitual residence, The Hague Convention will order

the return of the child to his/her home. Exceptions include:

- The child was wrongfully retained for more than a year before "return proceedings" were commenced.
- The legal custodian was not exercising custody rights when the child was removed.
- The legal custodian originally consented to the removal of the child.
- The return of the child would subject him/her to grave risk.
- The child is mature enough to decide if he/she wants to return.

Remedies provided under the Hague Convention are available *only to those countries that are a party to the Convention*. If the country where the child is being wrongfully retained is not a signatory, the "left behind" parent must rely on the alien country's legal system...sometimes a risky proposition.

Contact a family law attorney with international child custody experience to secure the return of your child. ■

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