

Essay Prompt 1

“Please advise Rasheed as to which facts are relevant to the determination of the best interest of the child pursuant to the statute and which facts are not relevant.”

This short essay evaluated the applicant’s understanding of the legal standard applicable to a parenting time modification and the relevant best interest of the child factors of section 14-10-124(1.5)(a). (Because Rasheed did not request a change of decision-making responsibility, the section 14-10-124(1.5)(b) factors were not relevant.) Points were allocated based on the number of relevant and irrelevant facts the applicant found in the fact pattern, whether the applicant identified the statutory best interest factors, and whether the applicant used the facts to conclude that Rasheed’s motion was likely not in the child’s best interest. Applicants did not have to write their answer in any particular format, but the following lists detail the information an applicant was expected to identify in their answer.

Relevant Facts:

- Stany is ten years old.
- Stany is close with his mother Malavika. Malavika cleans for Stany, makes sure his clothes are clean, and keeps him current with appointments.
- Stany is close with his brother Rossy. Stany idolizes Rossy and Rossy dotes on Stany.
- Stany has never met his father’s partner, Douglas.
- Stany thrives in Sun Valley, where he loves his school, is active in community life and sports, and has friends.
- Malavika had depression at one point, but she sought therapy and no facts suggested that her mental health affected her parenting.
- Malavika enrolled Stany in Arabic classes during Rasheed’s parenting time without Rasheed’s consent.
- Malavika has been Stany’s primary caregiver since his birth.
- Rasheed has been an involved parent.
- Malavika and Rasheed live in different cities an hour away.
- After the divorce, Malavika found an apartment that she could afford in Stany’s school district.
- After the divorce, Rasheed moved to Loveland (and away from Stany) so he could concentrate on his relationship with Douglas.
- The parties had a heated argument in front of Stany.

Irrelevant Facts:

- Rasheed’s sexual orientation and his same-sex relationship with Douglas.
- Rasheed had an affair with Douglas during the marriage.
- Malavika lives in Sun Valley, an area that Rasheed perceives as low-income.
- Stany shares a room at Malavika’s home but would have his own room at Rasheed’s home.

Applicants who included the following analyses in their essay received additional points:

- At ten years old, Stany is likely not mature enough to express a reasoned and independent preference as to the parenting time schedule.
- It might not be in Stany’s best interest to live away from Malavika and Rossy.
- Living with Rasheed would require Stany to change schools and extracurricular activities and adjust to a new person (Douglas) in his home.

- Malavika's decision to enroll Stany in Arabic classes during Rasheed's parenting time demonstrates that she does not encourage Stany's relationship with his father.
- Rasheed's desire to move Stany away from Malavika demonstrates that he does not encourage Stany's relationship with his mother.
- Because of the distance between the parents, any parenting plan will result in one parent having more parenting time than the other parent.

Applicants who listed the following section 14-10-124(1.5)(a) factors received additional points (applicants did not have to list the factors verbatim to receive points):

- The wishes of the child's parents as to parenting time;
- The wishes of the child if he or she is sufficiently mature to express reasoned and independent preferences as to the parenting time schedule;
- The interaction and interrelationship of the child with his or her parents, his or her siblings, and any other person who may significantly affect the child's best interests;
- The child's adjustment to his or her home, school, and community;
- The mental and physical health of all individuals involved;
- The ability of the parties to encourage the sharing of love, affection, and contact between the child and the other party;
- Whether the past pattern of involvement of the parties with the child reflects a system of values, time commitment, and mutual support;
- The physical proximity of the parties to each other as this relates to the practical considerations of parenting time; and
- The ability of each party to place the needs of the child ahead of his or her own needs.