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A NEWSLETTER FROM

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IN THIS ISSUE

Post-Decree Modification After Divorce

It is common for the parties to a divorce to go back to court after the divorce is finalized to litigate “post-decree” issues. A post-decree proceeding may be initiated to enforce the terms of the original divorce order or to modify one or more terms of the original order.

Grounds for Modification

Post-decree modification proceedings can cover a range of different topics, from a request to reduce the amount of monthly alimony payments to a request to completely reverse the custody agreement. Regardless of the substance of the modification sought, a court will consider two factors in ruling on a request to modify:

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1. The length of time since the original divorce order was entered; and
2. Whether there has been a substantial change in circumstances since the time the original divorce order was entered.

Let's take a closer look at each of these factors:

Timing

In general, the shorter the time period between the original divorce order and the request to modify, the stricter the legal standard will be. A good rule of thumb, which is written into the laws governing dissolution of marriage in many states, is that if you ask to modify the original divorce order within two years of its entry, you must meet a higher burden in proving that a modification is warranted. This is especially the case if children are involved. At the very least, within this two-year period, you will be required to show that there was a substantial change in circumstances. In some states, if a party seeks modification within two years, the courts will not amend a final custody agreement unless there is a showing of serious endangerment to the parties' child.

Change in Circumstances

What constitutes a "substantial change in circumstances"? There are a handful of classic examples that are known to reliably prove a substantial change in circumstances:

- A party's change in employment (which often is accompanied by a change in schedule);
- A change in a party's living situation (e.g., cohabiting with a new partner);
- A change in a child's schedule (e.g., going from a half-day pre-school schedule to a full-day kindergarten schedule);
- One party relocating to another state; or
- One party losing the financial or emotional capacity to care for the minor child (i.e., drug and alcohol abuse).

Cautions and Caveats

1. If your change in circumstances is financial, don't wait to seek modification.

If you need to modify a financial obligation imposed on you in the original divorce

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Celebrating World Environment Day

June 5th is World Environment Day. Whether you're outdoors or stuck inside, celebrating the biodiversity of the planet we all share can happen any day of the week—even from the comfort of your own couch.

Take a break from your routine and enjoy the natural wonders of our planet with these live nature and wildlife cams:

Katmai National Park and Preserve

Katmai's live feed allows you to approach brown bears—without losing an arm! Watch as these majestic bears feast on salmon at Alaska's Brooks River:

www.nps.gov/katm

Yellowstone National Park

Yellowstone's famed Old Faithful geyser is just that—faithful. And now, you won't have to miss out on nature's regularly-scheduled performance through Yellowstone's livestream (and you won't even have to risk falling in):

www.nps.gov/yell

Yosemite National Park

Among the countless other wonders that can be found at the national park, Yosemite Falls is one the world's tallest waterfalls. No guarantees that you might not get sprayed through this amazing feed:

www.yosemite.org/webcams

California hummingbirds

You could spend hours with a pair of binoculars, trying to catch a glimpse of some of the most elusive and magical creatures on our planet, or simply check out this adorable hummingbird feed:

www.explore.org/livecams/hummingbirds

Channel Islands National Park

Hummingbirds not your thing? Try following the bald eagles of the Channel Islands as they hunt for prey:

www.nps.gov/chis

Oceans

Whether it's the Long Beach

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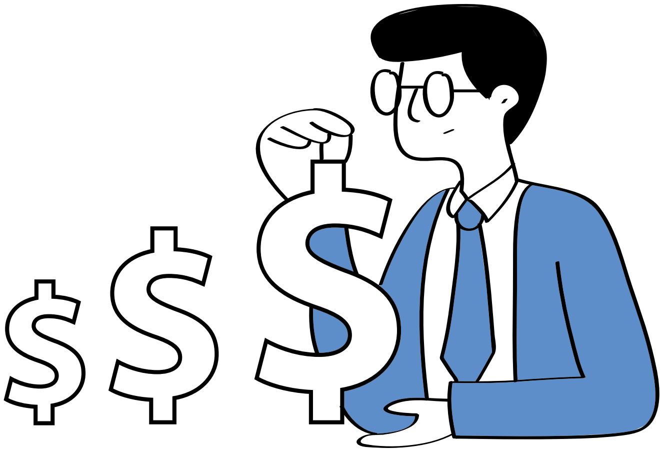
Questions to Ask a Prospective Financial Advisor

Below is a short list of questions to ask a prospective financial advisor. These questions will give you a good overview of whether a particular individual is qualified and worthy of your trust.



You may find, though, that you only have to ask a few of these questions to get a sense of whether this is an individual with whom you want to work.

1. What are your credentials?

This is an easy opening question, one that the advisor should be comfortable answering. The advisor should tell you about his education, training and experience, and he should be specific. Take notes, so that you can verify his credentials later.

2. How are you compensated?

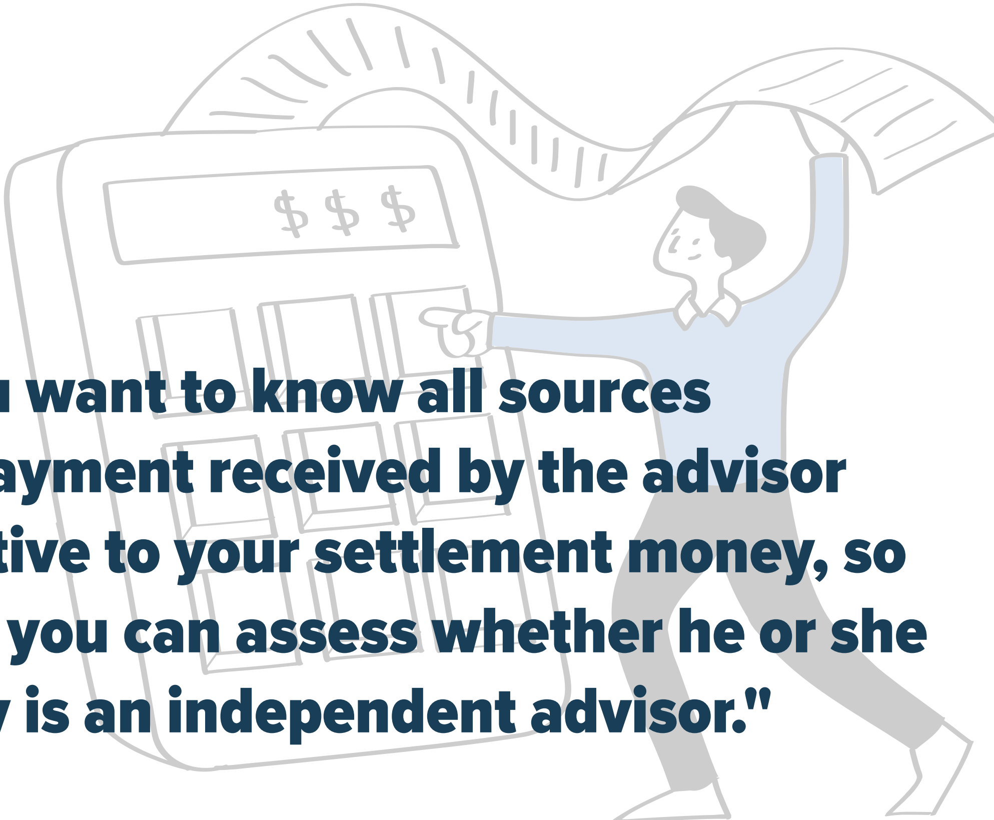
Some financial planners charge a flat rate (e.g., 1% of your annual assets). Some bill by the hour. Others are paid on commission; still others earn their income from a combination of sources. You want to know all sources of payment received by the advisor relative to your settlement money, so that you can assess whether he or she truly is an independent advisor.

Generally speaking, it is best to avoid advisors who work on commission since, like any other commission-based salesperson, their advice may be clouded by their own self-interests.

The critical point here is that you ask about compensation and get a detailed answer. You don't want to be surprised by hidden fees or costs. General answers, such as "Our fees are among the lowest in the industry" are not acceptable. Even worse is a dismissal of your concerns, such as "I'd rather not discuss specific fees at this initial consultation."

3. Have you ever been investigated or had any disciplinary proceedings instituted against you, by any regulatory body, for unlawful or unethical conduct?

Ideally, the answer to this question is an unequivocal "No." If the answer is "yes," follow up with, "What was the outcome of the investigation/ disciplinary proceeding?"



> **"You want to know all sources of payment received by the advisor relative to your settlement money, so that you can assess whether he or she truly is an independent advisor."**

4. What can you do for me?

This is a broad, open-ended question that should yield a fairly detailed answer. The advisor should provide a short outline, in plain English, of the skills he brings to the table and the areas in which he is comfortable (and qualified) to give advice. This question also should prompt the advisor to ask some questions of you about your short-term and long-term goals and your tolerance for risk.

If, instead, the advisor boasts about how he can "beat the market" or get better results than any other advisor in town, or if he says he knows "exactly" what you need and then launches into a speech full of technical jargon, consider this a red flag. An answer like this could be your first warning that this individual is more salesperson than advisor,
and not someone worthy of your trust.

5. How often can I expect to hear from you?

Use this question as a springboard to a discussion of how, practically speaking, your relationship with this financial advisor would work. Follow up with related questions, such as:

- How closely will you be monitoring my account – daily? weekly? monthly? quarterly?
- How would I contact you if I have a question?
- Will I deal directly with you or do you work with a team of other advisors?
- Who is on the team? [Get names and contact information.]

Illustrations by Designs.ai

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order, e.g., to reduce the child support or alimony/ maintenance you were ordered to pay, the sooner you seek a modification after your change in circumstances, the better off you will be (even if less than two years has passed since the original divorce order was issued). Making a formal request to modify will not immediately change your monthly or weekly financial obligation, but it will start the clock running, such that you can ask the court to modify what you owe retroactively to the date you made your request.

2. Modification can be a Pandora's box.

When you seek to modify what was previously a final order, be prepared for your former spouse to seek modifications of his or her own in response to your motion. These might be modifications you have no interest in making, but you have opened the door to this discussion by claiming, in support of your motion, that there has been a substantial change in circumstances.

3. An out-of-court modification is no modification at all.

If you truly need (or want) to modify your divorce order, go through the court system. An agreement to modify a divorce order that is executed outside of court generally is not enforceable, unless the original divorce order specifically allows modification to be done outside of court and without court approval.

4. Closely review your original divorce order.

Some final divorce orders are easier to modify than others.

- Does your original order include a clause governing modification? If so, read this clause closely before you take any action. Whether or not your order includes a modification clause, are there sections of the order that are classified as "non-modifiable." While not all judges strictly enforce this language, if you agreed in your original divorce order that a particular clause was "non-modifiable," you will face an uphill battle in seeking to modify that clause now.
- Does your original order include a mediation clause? If so, you will have to submit to mediation, either before you file your motion to modify or before the hearing on your motion. A trained mediator will work with you and your former spouse to try to reach a compromise and settlement of the modification issue(s). If no settlement is reached, you may proceed to court.

Illustrations by Designs.ai

'WILDLIFE CAMS' FROM PAGE 3

Tropical Reef Aquarium or an orca lookout, you can choose your favorite ocean adventure through any of explore.org's countless ocean cams:

www.explore.org/livecams/oceans

Northern Lights

You can even turn your gaze to the sky and observe one of these most stellar natural wonders the planet has to offer with this spectacular nighttime display:

explore.org/livecams/polar-bears-international/northern-lights-cam

Illustrations by Designs.ai

Summer Fun

7 Rules for Getting Maximum Protection from your Sunscreen

#1. Use a broad spectrum protection product with an SPF of at least 15.

#2. Apply enough of it. Experts recommend 1oz. or a shot glass full for an average size adult at the beach or poolside.

#3. Apply sunscreen 15 minutes before sun exposure.

#4. Apply sunscreen to all exposed areas. Don't forget: the neck (front and back); the ears (from tips to lobes); the upper chest (especially for women); the scalp (for those with thinning hair and consider a hat, too); the feet (both tops and bottoms which can be exposed when you are lying on your back or stomach).

#5. Reapply every two hours regardless of SPF factor. Set a timer on your phone or watch as a reminder.

#6. Reapply after swimming even if the sunscreen says it's waterproof.

#7. For the best cancer prevention and anti-aging benefits, use sunscreen on exposed areas every day, not just when at the beach or pool.

Illustration by Designs.ai

RECIPE

Nicoise Salad with Seared Ahi

Prep 30 mins | Cook 20 mins | Yield 4 servings

A twist on traditional French Nicoise Salad, this dish uses lightly seared ahi instead of canned tuna and oven-roasted vegetables instead of boiled potatoes and steamed beans.

INGREDIENTS

For the vegetables:

- 12 ounces peewee or miniature yellow potatoes (or other waxy potatoes)
- 1/2 pound green beans, ends trimmed
- 2 T olive oil
- Fresh ground pepper and kosher salt to taste

For the dressing:

- 2 T minced shallots
- 2 t whole grain mustard
- 2 T red wine vinegar
- 6 T olive oil
- Fresh ground pepper and kosher salt to taste

For the salad:

- 1 1/4 pound sashimi grade ahi steak, about 1 1/2 to 2" thick
- 2 t olive oil
- 1 head butter lettuce, washed, torn and chilled
- 1 head frisee (also called baby endive), washed, torn and chilled
- 1 pint cherry tomatoes
- 12 olives, Nicoise or other type of olives
- 1 T capers, drained
- 2 boiled eggs, peeled and quartered

INSTRUCTIONS

For the vegetables

- Heat the oven to 400 degrees. Spread the potatoes out on one baking sheet and the green beans on another. Toss each with 1 T olive oil and season with fresh ground pepper and kosher salt to taste.
- Roast the potatoes for approximately 25 minutes, depending on size. Remove from oven and toss after first 10 minutes. Potatoes are done when they can be easily pierced with a fork and have developed some nice color. Remove from oven and set aside.
- Roast the beans for about 10 minutes, tossing after 5 minutes. Beans are done when they are still firm, but are beginning to color. Remove from oven and set aside.

For the dressing:

- Place the minced shallots in a small bowl. Add the mustard and vinegar and whisk together. Whisk in the olive oil to form an emulsion. Season with salt and pepper to taste. Set aside.

For the salad:

- Rub the ahi with olive oil and season with salt and pepper. Heat a non-stick frying pan over medium high heat. Sear 2 minutes on each side, including the top, bottom and sides. The goal is to sear the outer crust of the ahi, but leave the interior pink and raw. Remove from the pan.
- Slice the ahi in thin 1/4" slices cutting across the grain of the fish.
- Spread the lettuce over a large platter or shallow bowl. Arrange the ahi slices, green beans, potatoes, cherry tomatoes, olives and boiled eggs over the lettuce. Drizzle with dressing and serve.