CODOSSIER
November 5, 2026

Colorado Custody and Marital Property Division Including the Husband's Freight-Software

Prepared by counsel for the client's review

- Client age 41
- Length of marriage 13 years
- Children's ages 11 (daughter) and 7
- Time in Tennessee before departure About 2 years 10 months
- Husband's ownership share About 62%
- Outside investors' combined share About 38%
- Client's estimate of company value Several million (client estimate, unverified)
- Husband's salary before June 2026 About $240K
- Husband's salary since June 2026 About $120K
- Salary reduction About $120K per year
- Monthly transfer to joint account by husband since client left $2,000 per month
- Tennessee house down payment from client's father's estate (2023) $180K
- Husband's 401(k) About $400K
- Client's IRA About $60K
- Client's own account balance $9K
- Distance between spouses 1,200 miles

THE SHORT ANSWER

The answer is split by claim, because no single state handles everything. As the calendar stands now, you can likely file the divorce itself in Colorado if your domicile began with your late-May arrival, since that already exceeds the 91 days required, though he can contest your intent to stay. Custody is different: Colorado does not become the children's home state until six consecutive months have run in late November. Until then Tennessee holds priority over a custody case only if he files there first while he still lives there, and that basis lapses by operation of law at the same six-month point, however long he stays in Tennessee. No court order exists, so 'abduction' is so far only his word. The federal kidnapping crime does not reach a move between states, and whether Tennessee's own custodial-interference statute reaches your move is an open question for a Tennessee-licensed lawyer. Money claims need personal jurisdiction over a husband who has never visited Colorado, and the postnup and property rules depend on a governing-law question the record has not settled. So before his Monday, November 9, 2026 demand, retain a licensed attorney, send nothing substantive, and decide with that attorney whether the children go to Tennessee on November 26, 2026, since a handoff near the end of Tennessee's window is the one step that could move the case there. The blockers are these: whether any Tennessee filing exists (position tennessee_extended_home_state_custody_jurisdiction); the exact late-May departure day (the record lists the departure as undated); whether you have counsel; the Tennessee statute's reach; whether a basis exists to reach him for support and property (position personal_jurisdiction_over_husband_for_property_and_support); and the postnup's governing law (position postnup_enforceability_challenge).

WHERE EACH BUCKET STANDS

BUCKET 1 **Personal financial exposure and interim support** THIN CASH — support and exposure unsettled
With $9,000 of your own and the husband's salary cut from about $240,000 to about $120,000, temporary support, a labeled asset map, and the possible 2018 SBA guarantee all need attention.

BUCKET 2 **Postnup, business valuation, and property division** POSTNUP FIRST — company share rides on it
The 2019 postnup, signed at the kitchen table without your own lawyer, and the value of the company you did books and HR for decide your share of a business you do not want to wreck.

BUCKET 3 **Whether to respond to husband's demand** NO ORDER YET — reply only through counsel
His text demanding the children back by Monday, November 9, 2026 is a demand and not a court order. You have no lawyer yet, and no substantive reply should go out before a licensed attorney weighs in.

BUCKET 4 **Custody jurisdiction, abduction claim, and children's safety** TIMING WINDOW — Tennessee priority ends late November
Tennessee's priority over the children's custody lapses by itself six months after you left in late May, which is when Colorado's six months complete, so the risk is concentrated in the weeks before then and around the November 26, 2026 Thanksgiving handoff.

WHAT TO DO, IN ORDER

01 **Retain a licensed attorney now and keep the children in Colorado until that attorney has advised on his demand.** You have not retained counsel, so this comes first. Moving the children to Tennessee, by returning them on his Monday, November 9, 2026 demand or by an unplanned handoff, is the one step that cannot be undone: a Tennessee filing made while his extended home-state basis lasts takes priority, and a Tennessee divorce complaint, once served, bars moving them back out. No court order exists, so his 'abduction' label is so far only his characterization. Engage a Colorado family lawyer before Monday, and have that lawyer bring in Tennessee-licensed counsel on the open question whether Tennessee's custodial-interference statute reaches a move made without an order. This turns on the position tennessee_extended_home_state_custody_jurisdiction. The hazard decays with time: Tennessee's basis lapses by operation of law six months after your late-May departure, which is when Colorado's six months complete in late November. Keep the video calls going; nothing here excludes him from the children.

02 **Stop using the old QuickBooks login today and tell only your lawyer what you saw.** Every further login adds exposure that cannot be taken back (position computer_access_exposure_quickbooks). The Stored Communications Act and the federal computer-access statute may reach access without authorization, and neither has an exclusionary rule, so whether a court admits what you saw is left to state procedure and discretion. Do not delete, forward or act on the payroll and card data. Whether your use of the login and the records already viewed are protected or usable is a question for counsel's review. The company's card, payroll and distribution records are better reached through formal discovery or an entity-books subpoena.

03 **Have counsel search Tennessee court records and ask his counsel whether anything has been filed.** Whether he has filed in Tennessee or anywhere else is not established; you know of none, and no lawyer has contacted you. A custody case commences on filing, not service, so a filing could already exist without notice to you. If a conforming Tennessee custody case exists, Colorado may not exercise custody jurisdiction unless Tennessee stays it; if none exists, no Tennessee declination is needed. This check should come before any Colorado filing or any reliance on a Colorado order. Counsel should also get his text as written, to confirm that Monday means November 9, 2026.

04 **Answer his Monday text only through counsel and say nothing about returning the children.** You have not replied to anything, and no substantive reply should come from you. Counsel decides whether to reply and in what words. A short written acknowledgment that counsel will respond, which leaves in place the video contact with the children and says holiday time will be discussed through counsel, is the kind of content to consider. Do not adopt his 'abduction' framing, do not promise a return date, and do not describe the April incident in a text. Your sister's text of that night and the bruise photo are already your contemporaneous record.

05 **Decide with counsel, before anything is agreed, whether the children go for Thanksgiving on November 26, 2026.** A handoff near the end of Tennessee's window is the main route by which Tennessee could become the forum: if the children are there and he files and serves a divorce complaint, the statutory injunction bars moving them out of Tennessee. Time away counts toward Colorado's six months, so a brief visit does not reset the count, but that does not stop him from filing while they are there. Question for counsel: does the exact late-May departure day put November 26, 2026 before or after the six-month mark? Options for counsel to weigh include time with him in Colorado, video time, or a Tennessee visit agreed in writing with a fixed return date and a statement that the children live and attend school in Colorado. Your goal of giving him summers and holidays stays intact; this is about structure, not exclusion.

06 **Have counsel choose what to file in Colorado and when, after the Tennessee records check.** No filing is shown to be required by a date now; the duty side is empty and the choice of timing is elective and strategic. Counsel weighs a Colorado divorce petition, which needs your domicile for the 91 days before filing (position colorado_dissolution_residency) and, once filed, restrains both of you from removing the children from Colorado; it does not win custody priority over a Tennessee custody case. Colorado does not become the home state until six consecutive months have run (position colorado_home_state_custody_jurisdiction), and before that Colorado can act on custody only through emergency jurisdiction, if the facts fit. Assemble dated proof of living at your parents' Fort Collins home since late May and of the August school enrollment. A hurried filing can be challenged and the court checks the dates, so confirm the departure and school dates first and ask only for what you can prove.

07 **Preserve proof of the April incident and of your caregiving before any evaluator or guardian is involved.** Keep the bruise photo with its original metadata and your same-night text to your sister, and ask her to preserve her copy and be ready to testify as the recipient. Ask whether any medical or urgent-care record, school or counseling record exists; corroboration beyond the photo, your sister's text and your daughter's observation is not yet in the record. Request pediatric, school and insurance records showing you handled doctors and daily care since 2020, before an interim schedule or an evaluator's home visit sets the status quo.

08 **Preserve everything from the 2019 signing week and obtain the signed postnup and its transmittal documents.** Save all emails, texts, voicemails and drafts from that week with a forensic copy, because deleted messages cannot be recovered and the question may become your word against his. Gather bank statements and calendars showing your money and time. Counsel should obtain the signed postnup, any attached schedule, and the drafts from his company's counsel to learn the governing-law clause and the place of signing. The challenge grid should be run under each candidate state's law, since governing law is unresolved, and the delay and accepted-benefits points need their own record (position postnup_enforceability_challenge).

09 **Move for temporary maintenance and fees once a Colorado case exists, and treat his $2,000 as voluntary.** With $9,000 of your own and no income since 2020, counsel can move for temporary maintenance and fees (position temporary_support_and_fees). In Colorado fees turn on both parties' resources and temporary maintenance follows the guideline when combined income is within the statutory ceiling. Support against him in Colorado also needs a personal-jurisdiction basis (position personal_jurisdiction_over_husband_for_property_and_support), and whether one can be shown is a threshold question for counsel. Present his $2,000 monthly deposits as temporary, and ask why his salary fell from about $240,000 to about $120,000 since June, since imputation turns on his reasons and earning capacity. Gather job-availability evidence early, challenge his expense list line by line, and make sure any hearing is recorded.

10 **Pin down whether your 2018 SBA personal guarantee is still outstanding.** You do not know if you are still on it. Find your copy of the guarantee and have counsel ask the lender for the loan file or a payoff statement (position sba_loan_personal_guarantee_liability). If it is outstanding, you could owe on it after the divorce regardless of who runs the company, so any property settlement should address release or indemnity. Do not assume you were released.

DATES THAT MATTER

DATE	TIME LEFT	WHAT
Nov 9, 2026	4 days	Husband's demanded return of the children
Nov 26, 2026	21 days	Husband's requested Thanksgiving time with the children

WHAT WE STILL NEED

- Corroboration of the April 2026 incident beyond the client's photo, her sister's text, and the daughter's observation — Sister's testimony, any medical or urgent-care record, photo metadata, and any school or counseling record, obtained through proper channels.
- Full text of the 2019 postnup, the state where it was signed, its governing-law clause, and any attached disclosure or schedule of company value — The signed 2019 postnup and its transmittal documents and drafts from the husband's company counsel.
- Nature of the husband's $2,000 monthly transfer to the joint account (support, shared expenses, or other) — Joint account statements and the husband's explanation, through discovery.
- The client has retained her own licensed attorney — The client's engagement with an attorney, before any response to the husband or any Thanksgiving handoff.
- San Diego rental condo title, current value, mortgage, and rental income — County title record, appraisal, mortgage statement, and lease or rent records.
- Current status and balance of the 2018 SBA personal guarantee — The client's copy of the guarantee, and the SBA lender's loan file or payoff statement.
- Current crypto holdings and value (last known figure is from the 2024 return) — Exchange or custodian statements, and current and recent tax returns.
- Husband's distributions and any non-salary income — Company distribution and payroll records and the husband's tax returns, via discovery.
- Which Monday the husband's deadline refers to (assumed November 9, 2026) — The husband's text as written, or the husband's counsel.

QUESTIONS FOR THE CLIENT

? Do you know of any valuation, investor round price, or distributions that indicate what the company is worth and what he actually earns?

? How is the San Diego condo titled, and is there a mortgage or equity on it and on the Tennessee house?

? Is the 2018 SBA loan still outstanding, and what is its balance and who is the lender?

? On what exact date in late May did you and the children leave Tennessee?

? Is she still on the SBA personal guarantee?

POINTS RAISED THAT THIS BRIEF DOES NOT YET ANSWER

- Valuing controlled Delaware LLC and income
- Separate funds traced into Tennessee house

Citations and dates in this brief are confirmed by counsel before you rely on them.