CODOSSIER
November 5, 2026
REF LT-20261105-2926DA

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

Prepared for counsel

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 ← *July 2023 move date; late May 2026 departure*
Husband's ownership share About 62%
Outside investors' combined share About 38% ← *100% total; husband's about 62%*
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 ← *$240K prior salary; $120K current salary*
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
Husband's demanded return of the children 2026-11-09 · IMMINENT · 4 days
Husband's requested Thanksgiving time with the children 2026-11-26 · OPEN · 21 days

> *The matter resolves whether the client keeps the children in Colorado with the husband's summers and holidays preserved, and receives her fair share of the marital property, including the business, without wrecking the husband's company.*

THE BOTTOM LINE

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).

WHAT WAS ASKED — WHAT THIS PLAN ANSWERS

can I file in Colorado or not?
It depends on which claim you mean. A Colorado divorce petition is likely available if your domicile in Fort Collins dates from late May, because the 91-day requirement would already be met. A Colorado custody case cannot rest on home-state status until six consecutive months have run in late November; before then it faces Tennessee's priority if he files there first, and Colorado could act only through temporary emergency jurisdiction, if the facts fit. Support and property orders also need personal jurisdiction over him, which he can contest because he has never visited Colorado. A Colorado lawyer should decide what to file and when, after checking Tennessee court records.

I don't know if I'm still on it.
Find your copy of the guarantee and have counsel ask the lender for the loan file or a payoff statement. If it is still outstanding you could owe on it after the divorce regardless of who runs the company, so any property settlement should deal with release or indemnity.

I haven't answered anything and don't know what to say.
Do not send a substantive reply yourself, and do not answer his demand to return the children by Monday, November 9, 2026. Hire a licensed attorney first, and let that attorney decide whether to respond and in what words. A short acknowledgment that counsel will respond, which keeps the video calls going and routes any Thanksgiving discussion through counsel, is the kind of reply to consider. Do not accept his 'abduction' label, promise a return date, or describe the April incident in a text. No order, filing or lawyer contact exists, so you are not yet answering a court.

Which state handles my divorce, and what do I do about his threat?
Three questions share the one word 'divorce.' Ending the marriage can likely be done in Colorado if your domicile there began in late May, since the 91 days required have then run, though he may dispute your intent to stay. Custody depends on the six-month home-state count: Colorado is not the home state until late November, and Tennessee keeps priority until then only for a custody case he files first while he still lives there. Property and support depend on whether a court has personal jurisdiction over him and on which state's law applies, and neither is settled. As to his threat, there is no court order, 'abduction' is only his label, the federal kidnapping crime does not cover a move between states, and whether Tennessee's own statute reaches your move is an open question for a Tennessee-licensed lawyer. Do not return the children or agree to a handoff on your own; decide that with a licensed attorney before Monday, November 9, 2026.

PRESCRIPTIONS — 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 & POSITIONS

None of these periods rests on a signed rule in this knowledge base — confirm each before relying on it.

POSITION	LAST DAY	ACT BY	BASIS
Colorado home state custody jurisdiction	–	–	
Tennessee extended home state custody jurisdiction	–	–	
Colorado dissolution residency	–	–	
Personal jurisdiction over husband for property and support	–	–	
Postnup enforceability challenge	–	–	
Community property claim to LLC interest	–	–	
Separate property claim inheritance in tennessee house	–	–	
Temporary support and fees	–	–	
Imputation for voluntary underemployment	–	–	
Unjustifiable conduct objection to colorado jurisdiction	–	–	
Sba loan personal guarantee liability	–	–	
Computer access exposure quickbooks	–	–	

BUCKET 1 OF 4

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.

Related — Bucket 3 (Whether to respond to husband's demand): company valuation, the postnup, and the property pool (house, condo, 401(k), IRA, crypto) that support requests sit beside
Related — Bucket 2 (Postnup, business valuation, and property division): the unexplained $2,000 deposits as part of the communications picture

ACROSS THIS BUCKET — also drawn from Unauthorized Access Statutes and Divorce Evidence

HOW TO WIN

+ Accessing a spouse's electronic communications without authorization may violate the federal computer-access statute or the Stored Communications Act, and neither has its own exclusionary rule for civil discovery, so whether evidence is usable is a separate question. ‡
+ Neither the CFAA nor the SCA contains a statutory exclusionary rule for civil discovery. ‡

No blind spots were established here by this analysis.

PROPOSITION 1.1 Support need set against husband's capacity

$2,000 IS NOT AN ORDER

His $2,000 monthly deposits are voluntary and not an order, so they should not become the baseline; you have no income since 2020 and $9,000 of your own, and no temporary support or fee order has been sought.

HOW TO WIN

+ His $2,000 monthly deposits are voluntary with no court order; present them as temporary so they do not become the expected baseline, and settle their character (support, shared expenses or other) through the joint statements and his explanation.
+ No temporary order for maintenance or fees has been sought. ‡
+ Which framework governs: the guideline formula applies when combined adjusted gross income is at or below the statutory ceiling, while factors govern in Tennessee or above the ceiling, so set your monthly shortfall and his net ability to pay accordingly. ‡
+ Count your $9,000 account, roughly $60,000 IRA, and any later share of his 401(k) or the company against your need, since leaving them out overstates it.
+ A Colorado dissolution petition automatically bars each party from transferring or concealing marital property during the case. ‡
+ Imputation needs no named open jobs; it rests on findings about why his salary fell from its prior level.
+ Build a monthly figure of actual family spending by category, each line traced to a bank statement, card statement or receipt, and make sure any temporary-orders hearing is recorded with the transcript or minute order kept.

BLIND SPOTS

– If his expense list goes unchallenged before the court sets his ability to pay, padded costs become the baseline and are hard to reopen later.
– Figuring your shortfall before the property split is final can count your property offset as zero, overstating the shortfall, so the order should account for it.
– A Colorado tribunal reaches a nonresident on support only on an enumerated basis (C.R.S. § 14-5-201) and minimum contacts satisfying due process, and his acquiescence in the children living in Colorado may not supply them. ‡
– Imputed income: if your need is figured only from his current $120,000 pay and your zero income, the number may be set low; a voluntarily underemployed parent's support can rest on potential income, so gather job-availability evidence at that pay early, before he argues no such jobs are open.
– Income base: do not drop his company pay or bonuses because of their label or tax treatment if they recur, and idle assets with no return count; settle whether gross or net pay controls before his counsel uses it to widen the gap, and address attacks on your credentials and time out of work.

BUCKET 2 OF 4

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.

Related — Bucket 4 (Custody jurisdiction, abduction claim, and children's safety): the guarantee and credit-card debts, and temporary support and fee requests
Related — Bucket 1 (Personal financial exposure and interim support): the divorce-forum question, which is separate from the property analysis

PROPOSITION 2.1 Classifying assets and debts as shared or separate

LABEL EVERYTHING — wrong label sticks

Every asset and debt needs a label (yours, shared, or mixed) and a value; the company began in California during the marriage and starts as shared property subject to the postnup, and your $180,000 of inheritance in the Tennessee house needs tracing.

HOW TO WIN

+ Label each asset and debt separate, marital or community, or mixed, with a value: the LLC interest, Tennessee house, San Diego condo, his roughly $400,000 401(k), your roughly $60,000 IRA, the roughly $250,000 crypto on the 2024 return, and the joint cards. ‡
+ If California law governs, property acquired during the marriage while domiciled there is community property (Cal. Fam. Code § 760), so the 2016 company, built with your near-unpaid books and HR work, starts as community property. ‡
+ Ask the court, or agree in writing with him, which single rule controls the company and each other item, with a reason why the other rule does not apply.
+ If California law governs, turning community property into separate property needs a writing with an express declaration that the characterization is being changed (Cal. Fam. Code § 852(a); Estate of MacDonald, 51 Cal.3d 262 (1990)), and you recall no such declaration beyond the postnup's 'company is his'. ‡
+ ERISA's anti-alienation rule (29 U.S.C. § 1056(d)(3)) means any decree or settlement dividing his roughly $400,000 401(k) must provide for a qualified domestic relations order. ‡

BLIND SPOTS

– In Tennessee inherited property is separate, but separate money put into joint title may be treated as transmuted to marital property, with joint titling raising a rebuttable presumption (Tenn. Code Ann. § 36-4-121(b)(2)(D); Batson v. Batson, 769 S.W.2d 849 (Tenn. Ct. App. 1988)), putting your $180,000 at risk. ‡
– A wrong label that is signed or accepted by the court becomes final and hard to undo, so check each money trail before anything is signed.
– If the wrong starting rule is used, the bank records and title history you gather can prove the wrong point, so ask early whether a second rule applies to the company, the house, or any other item.
– His lawyer may argue that company gains after an earlier separation date belong to him, shifting the job of proving them onto you, so keep your own records of your unpaid work and of company money since 2016.

PROPOSITION 2.2 Whether governing state law is settled

GOVERNING LAW OPEN — settle before arguing

Which state's law decides the postnup is unresolved across Colorado, Tennessee, California and Delaware, and the argument should not be built until counsel settles it.

HOW TO WIN

+ Under the Colorado rule, a postnup's validity follows the jurisdiction it designates if that jurisdiction has a significant relationship to the agreement or the parties; whether the postnup designates any state is not in the record. ‡
+ If Colorado law governs, its UPMAA (C.R.S. § 14-2-309) applies to agreements signed on or after July 1, 2014, and the 2019 postnup is tested against its three grounds. ‡
+ If Tennessee law governs, a postnup is enforceable if entered freely, knowledgeably, in good faith, without duress or undue influence, and with adequate consideration (Bratton v. Bratton, 136 S.W.3d 595 (Tenn. 2004)). ‡
+ Ask counsel for a written memo naming the governing state, citing its law, listing each departure from the standard version and who bears each burden, and testing any choice-of-law clause.

BLIND SPOTS

– If the governing state's rules are assumed instead of settled, the postnup argument can be built on the wrong rules and points you raised may no longer count.
– His counsel may contest any governing-law designation and press for the state whose rules favor enforcing the company terms, turning on whether the designated state has a significant relationship to the agreement or the parties. ‡
– A memo that names the governing regime without testing each ground can rest the challenge on the wrong test; under Colorado's version the independent-representation ground turns on reasonable time and financial ability to pay (C.R.S. § 14-2-309). ‡
– He may look for a state-specific change that helps the company side on the same challenge points, so check every departure from the standard rule, not only the ones that help you.

PROPOSITION 2.3 Postnup enforceability outcome depends on challenges

SEPARATE CHALLENGES — each needs its own proof

Each challenge to the 2019 postnup, pressure during the funding-round week, no disclosure of company value, no lawyer of your own, and unfair terms, needs its own proof, and delay since 2019 is a separate risk.

HOW TO WIN

+ No challenge to the postnup has been raised yet; list each challenge (pressure at signing, disclosure, access to counsel, unfair terms) separately, since ratification, delay and severability must each be raised and proven.
+ If California law governs, a term making the company separate property transmutes community property and needs a writing, and spousal fiduciary duties create a presumption against the advantaged spouse, which can shift to him the burden to show fairness. ‡
+ Under Colorado law, access to independent counsel requires reasonable time and the ability to get advice, which the record does not show beyond his lawyer's oral statement with no waiver wording; the postnup is unenforceable without knowing waiver if financial disclosure before signing was inadequate. ‡
+ Build the signing-day record: general awareness of the company's value will not suffice, so write down the specific facts you knew, and preserve every email, text, voicemail and draft from the signing week through a forensic copy with a disclosure schedule showing version dates and first sent-time.
+ If a postnup term falls, the normal property rules fill the gap, so measure your loss against those rules to see your share of the community property.
+ Expect the court to decide first whether it looks only at signing day or also at how the deal works now; gather proof of both.

BLIND SPOTS

– Evidence gaps: if the 2019 messages or signing-day files are deleted, unchecked or lost, proof of how you signed may come down to your word, and his file shows a draft but not your real money or time that week, so supply bank statements and calendars yourself.
– He can argue you accepted the postnup's benefits, waited too long to object, or waived its terms through a waiver buried in the body of the 2019 agreement, and those defenses need their own record.
– If special trust between spouses is never raised before the challenge is argued, the judge may treat it as an ordinary fairness fight.
– His side may discount the company's value in talks whether or not the postnup challenge succeeds, to pressure you into settling.
– Disclosure rebuttal: he will say your books-and-HR knowledge was real knowledge standing in for disclosure, that no value disclosure appears in the record, and that omitting value would not have changed your decision, but Colorado adequacy turns on what was given before signing.
– Counsel rebuttal: his lawyer's statement that you could get a lawyer is not access to counsel, which requires reasonable time to decide and get advice; absent any lawyer retention, declination or agreement by him to pay, the record supports the Colorado ground. ‡
– Framework: build a record of which part of the postnup was the main deal and which a side term, and check each challenge against the specific state's rules rather than a common default rule, since a state version may allow a challenge the default rule closes.

BUCKET 3 OF 4

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.

Related — Bucket 1 (Personal financial exposure and interim support): why the Thanksgiving handoff and the timing of any filing matter for which state becomes the forum, and the abduction claim itself
Related — Bucket 4 (Custody jurisdiction, abduction claim, and children's safety): the unexplained $2,000 monthly deposits as they bear on interim support

BUCKET 4 OF 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.

Related — Bucket 2 (Postnup, business valuation, and property division): his written demand, your non-reply, and the decision on whether and how to respond and whether the children go for Thanksgiving
Related — Bucket 3 (Whether to respond to husband's demand): property and postnup consequences of the California and Delaware connections, which are separate from the divorce-residency point

PROPOSITION 4.1 Which state can grant each claim

FOUR CLAIMS — four different footings

Divorce, custody, support and property each stand on a different footing: Colorado can likely end the marriage on your domicile, custody turns on the six-month home-state count, and money orders against a husband who has never visited Colorado face a personal-jurisdiction gap.

HOW TO WIN

+ A Colorado divorce requires your Colorado domicile for the 91 days before filing (C.R.S. § 14-10-106(1)(a)(I)); assemble dated proof that you have lived at your parents' Fort Collins home since late May with intent to remain, including the children's school enrollment since August. ‡
+ A Colorado decree cannot itself transfer title to the Tennessee house or the San Diego condo; a court with personal jurisdiction over him may order him to convey (Fall v. Eastin, 215 U.S. 1 (1909)). ‡
+ Custody does not require his presence or personal jurisdiction over him (C.R.S. § 14-13-201(3)), so the personal-jurisdiction gap affects support and property, not custody. ‡
+ Colorado may dissolve the marriage on your domicile alone with full faith and credit (Williams v. North Carolina, 317 U.S. 287 (1942)), but a status-only decree does not by itself resolve the money claims (Estin v. Estin, 334 U.S. 541 (1948)). ‡
+ Only the 91 days before filing count, so your intent need not date from the late-May arrival as long as domicile began at least 91 days before filing.

BLIND SPOTS

– Support and property orders in Colorado need personal jurisdiction over the husband consistent with due process, and he has not visited Colorado, so counsel sorts each claim before filing. ‡
– Colorado reaches a nonresident husband on support only on an enumerated basis (C.R.S. § 14-5-201), and none such basis is shown on the record as it stands. ‡
– He can contest Colorado's personal jurisdiction over the support and property claims; he has not visited Colorado, and his acquiescence in the children living there is not a minimum contact (Kulko v. Superior Court, 436 U.S. 84 (1978)). ‡
– He can argue the stay at your parents' home lacked intent to remain, which would attack the 91-day domicile requirement for the divorce. ‡
– A challenge that the Fort Collins stay was not domicile bears on the 91-day divorce requirement only; the custody home-state count looks to actual residence, not intent (C.R.S. § 14-13-102(7)). ‡

PROPOSITION 4.2 Whether Tennessee priority filing blocks Colorado

CLOSING WINDOW — Tennessee priority lapses by itself

Tennessee keeps priority over custody only for a case filed within six months of your late-May departure while he still lives there, and that priority ends without any court order. His filing threat therefore has force mainly in the next few weeks and around the November 26, 2026 handoff.

HOW TO WIN

+ Colorado becomes the children's home state only after six consecutive months living there with a parent; school enrollment does not count, and time away (including Thanksgiving on November 26, 2026) counts toward the six months, so agree any absence in writing. ‡
+ Tennessee's extended home-state basis covers only a case begun within six months of the late-May departure, and Tennessee may decline in favor of Colorado as the more appropriate forum or defer to a conforming proceeding first commenced elsewhere. ‡
+ Colorado temporary emergency custody needs the children present and abandoned or threatened with mistreatment; if he calls the move unjustifiable conduct, Colorado must decline unless he acquiesced or the other court is unwilling to act. ‡
+ Filing a Colorado dissolution petition automatically bars both parties, the respondent once served, from removing the children from Colorado without written consent or a court order. ‡
+ Ask only for what you can prove now: the April incident, your role as main caregiver since 2020, and the children's Fort Collins schooling.

BLIND SPOTS

– Custody priority goes to the first-filed case only if its basis conforms; a case commences on filing, not service, and a Colorado divorce petition does not by itself win custody priority, so check for any Tennessee custody case before relying on a Colorado order. ‡
– Federal and Tennessee criminal custodial-interference exposure is uncertain: the federal statute reaches only conduct outside the United States, and whether Tennessee's statute reaches removal without a custody order is unresolved. ‡
– He may file first in Tennessee while its extended basis lasts, delay service, or seek emergency orders there, so that the Tennessee filing date fixes priority before you can contest it; do not wait for formal service. ‡
– The six-month clock governs: a Colorado filing before six months meets his Tennessee extended-basis argument, which ends at six months even if he still lives there; temporary absence counts toward the period, but a brief holiday visit does not reset it. ‡
– A Thanksgiving visit to Tennessee could lead to a filed and served Tennessee complaint, triggering the statutory injunction, and the handoff could support his forum argument, so decide the exchange with counsel. ‡
– The record cannot yet say whether Tennessee's custodial interference statute reaches a parent who removes children from Tennessee. ‡
– Check for a pending Tennessee case: no declination is needed if none is pending, but a Colorado order entered while a first-commenced conforming Tennessee case is pending is entered without jurisdiction.
– Jurisdiction standards: other states enforce only orders consistent with the PKPA, which favors the home state, and Colorado's significant-connection route is unavailable while Tennessee remains an extended home state. ‡
– A quick or overreaching filing can backfire: the court checks the dates, and requests outrunning the facts can be used against your credibility at later hearings, so confirm the departure and school dates and tie each request to evidence.

PROPOSITION 4.3 Best-interests evidence gaps for custody

BEST INTERESTS — proof still thin

Colorado weighs custody on the children's best interests and must weigh credible evidence of the April incident your daughter saw; your caregiving since 2020 and the incident itself both still need corroboration.

HOW TO WIN

+ Colorado allocates parental responsibilities on the statutory best-interests factors (C.R.S. § 14-10-124(1.5)); map the April incident, the bruise photo, the same-night text to your sister, your caregiving, and the school routine against each factor. ‡
+ Colorado must consider credible evidence of domestic violence, including violence a child witnessed, inside the best-interests weighing, whether or not anyone asks for a separate ruling.
+ If a guardian ad litem is appointed, ask them to contact the pediatrician, school and any therapists to test your caregiving account before any interim schedule is set.
+ If a guardian ad litem is appointed, ask that the report keep the April incident separate from your caregiving account so the court decides the incident on its own.
+ The April incident can be proved by testimony, the same-night text, the bruise photo, and your sister as the recipient, subject to the ordinary rules of authentication, relevance and hearsay. ‡

BLIND SPOTS

– Colorado cannot enter an interim custody order until it has a UCCJEA basis such as home-state status or temporary emergency jurisdiction, and Tennessee may hold priority until late November.
– If caregiving records are not gathered before an evaluator's home visit, your account can look written for the case, and an interim schedule that does not credit your caregiving can harden into the status quo.
– Your account that you handled the children's doctors and daily care is not yet documented; pediatric, school and insurance records corroborate it, so counsel should request them early. ‡
– A text must be authenticated; you, your sister or another witness with knowledge can do that, and the context and distinguishing features of the message help. ‡
– Statements made under the stress of a startling event, or describing it as it happens, fall within a hearsay exception, which is the footing your same-night text to your sister would need. ‡
– A prior consistent statement generally cannot bolster a witness, but may come in to rebut a charge of recent fabrication, so the same-night text matters most if he says the incident was invented to justify the move. ‡
– Domestic-violence evidence is weighed inside the best-interests factors, not as a separate required finding whose absence is saved for appeal.

‡ rests on law no one has signed in this knowledge base — confirm the authority before relying on it.

OPEN QUESTIONS — WHAT DECIDES THIS MATTER AND WHO CAN ANSWER IT

WHAT DECIDES THIS MATTER

? Do you know of any valuation, investor round price, or distributions that indicate what the company is worth and what he actually earns? · *blocks part of this analysis*
? How is the San Diego condo titled, and is there a mortgage or equity on it and on the Tennessee house? · *blocks part of this analysis*
? Does the arm-grab and counter shove trigger a mandatory finding in the governing forum? · *blocks part of this analysis*
? Is the 2018 SBA loan still outstanding, and what is its balance and who is the lender? · *blocks part of this analysis*
? Does the governing forum require actual consultation, or only a genuine opportunity? · *blocks part of this analysis*
? On what exact date in late May did you and the children leave Tennessee? · *blocks part of this analysis*
? Does the governing standard look at enforcement-time circumstances? · *blocks part of this analysis*
? Will the husband's income be imputed beyond his reduced salary? · *blocks part of this analysis*
? Did any absence interrupt the children's Colorado presence? · *blocks part of this analysis*
? Does Colorado have personal jurisdiction over the husband? · *blocks part of this analysis*
? Will the husband file in Tennessee, and on which tracks? · *blocks part of this analysis*
? When did the client form intent to remain in Colorado? · *blocks part of this analysis*
? Does the forensic reconstruction include debt service? · *blocks part of this analysis*
? How will the $2,000 monthly deposits be classified? · *blocks part of this analysis*
? Which forum will hold the temporary-orders hearing? · *blocks part of this analysis*
? What are her reasonable marital-standard expenses? · *blocks part of this analysis*
? Which court will actually hear the property case? · *blocks part of this analysis*
? Which schedule items were omitted or understated? · *blocks part of this analysis*
? Is relief sought without notice to the husband? · *blocks part of this analysis*
? Does Tennessee still qualify as a home state? · *blocks part of this analysis*
? Does the home-state gate open for Colorado? · *blocks part of this analysis*
? Which candidate forum's law governs? · *blocks part of this analysis*
? Is she still on the SBA personal guarantee?

QUESTIONS ONLY THE CLIENT CAN ANSWER

? Whether the client has retained her own licensed attorney? The record does not supply it; likely source: The client's engagement with an attorney, before any response to the husband or any Thanksgiving handoff.. · *blocks part of this analysis*
? What is Current status and balance of the 2018 SBA personal guarantee? The record does not supply it; likely source: The client's copy of the guarantee, and the SBA lender's loan file or payoff statement.. · *blocks part of this analysis*
? Which Monday the husband's deadline refers to (assumed November 9, 2026)? The record does not supply it; likely source: The husband's text as written, or the husband's counsel.. · *blocks part of this analysis*

FACTS THE RECORD STILL NEEDS

? What is Corroboration of the April 2026 incident beyond the client's photo, her sister's text, and the daughter's observation? The record does not supply it; likely source: Sister's testimony, any medical or urgent-care record, photo metadata, and any school or counseling record, obtained through proper channels.. · *blocks part of this analysis*
? What is 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 record does not supply it; likely source: The signed 2019 postnup and its transmittal documents and drafts from the husband's company counsel.. · *blocks part of this analysis*
? What is Nature of the husband's $2,000 monthly transfer to the joint account (support, shared expenses, or other)? The record does not supply it; likely source: Joint account statements and the husband's explanation, through discovery.. · *blocks part of this analysis*
? What is San Diego rental condo title, current value, mortgage, and rental income? The record does not supply it; likely source: County title record, appraisal, mortgage statement, and lease or rent records.. · *blocks part of this analysis*
? What is Current crypto holdings and value (last known figure is from the 2024 return)? The record does not supply it; likely source: Exchange or custodian statements, and current and recent tax returns.. · *blocks part of this analysis*
? What is Husband's distributions and any non-salary income? The record does not supply it; likely source: Company distribution and payroll records and the husband's tax returns, via discovery.. · *blocks part of this analysis*

QUESTIONS OF LAW

? What is Legal status of the client's further use of the old QuickBooks login and the records already viewed? The record does not supply it; likely source: Attorney review of how the records were obtained and whether they can be used.. · *blocks part of this analysis*

RAISED AT INTAKE, NOT PLACED IN THIS ANALYSIS

· Valuing controlled Delaware LLC and income (under Postnup, business valuation, and property division)
· Separate funds traced into Tennessee house (under Postnup, business valuation, and property division)
· Goodwill characterization analysis (under Postnup, business valuation, and property division)
· Pre-tax retirement asset (under Postnup, business valuation, and property division)
· Entity-books subpoena (under Postnup, business valuation, and property division)