Family & Divorce Intake: Interstate Custody, Founder Business and Postnup

CODOSSIER
5 NOVEMBER 2026
REF **LS-20261105-2926DA**

Family & Divorce Law · counsel-led intake · 29 turns · 240 nodes analysed · your edited tree

As of 2026-11-04, the case timeline's date (when the conversation happened, as the record establishes it). Nearest running clock: Husband's return demand.

MERIT	CONFIDENCE	URGENCY	ROUTE
High · 65	Moderate · 49 %	This week	Verify first
value-weighted likelihood of the claims	1 of 18 key facts documented	5 day(s) to the nearest running clock	with one urgent step (Next Moves A1)

1 · REALITY CHECK — WHAT WAS ASKED, WHAT IS LIKELY

QUESTION · WHAT THE PARTY EXPECTED	LIKELY ANSWER	SEE
Which state handles my divorce, and what about his threat?	**Qualified:** Colorado likely for dissolution; custody depends on the Tennessee docket and the six-month mark.	→ **I1** T1 …
Can I file in Colorado or not?	**Qualified:** Not for custody before the six-month mark; support and property need jurisdiction over husband.	→ **I1** T9 …
I haven't answered anything and don't know what to say.	**Qualified:** Nothing from her directly; a counsel-vetted reply goes out only after the docket and criminal checks.	→ **I2** T11
Am I still on the SBA guarantee?	Unknown until loan papers or the lender answer; a divorce decree will not release her.	→ **I3** T27
Are we done? *Expected: intake complete*	**Reversed:** No. The text, departure date, postnup and loan papers are still outstanding.	T29

The conversation to avoid: Do not tell her the abduction claim is empty or that Colorado will hear custody. Both depend on the docket search and § 39-13-306, and neither has been checked.

2 · THE ISSUES THAT DECIDE IT

I1 Which state hears custody: Tennessee priority versus Colorado home state SETTLED C.R.S. §§ 14-13-102(7), 14-13-201(1), 14-13-206(1); Tenn. Code Ann. §§ 36-6-216(a)(1), 36-6-221, 36-6-222 → A2 · A3 · A4 · A5 · D1 · D2
At stake: Her primary goal of keeping the children in Colorado. A Tennessee filing inside its extended window controls custody.
Likely: Neither state is the home state until the six-month mark. A conforming Tennessee filing made first wins. No filing is known, so the docket and the documented departure day decide this. *Resolves it:* Exact late-May departure date and a Tennessee docket search result T5 · T7 · T8 · T11 · T13 …

I2 Whether Tennessee criminal law reaches removal without an order VERIFY Tenn. Code Ann. § 39-13-306; 18 U.S.C. § 1204 → A2 · A4 · D1 · D4
At stake: Decides what any reply may say and whether a Tennessee trip exposes her to arrest. Changes action before 2026-11-09.
Likely: 18 U.S.C. § 1204 does not apply. Section 39-13-306's reach with no order is unresolved, and the tree argues it both ways. Her contact facts and the April incident cut against intent. *Resolves it:* Current text of § 39-13-306 and any warrant or police report T5 · T9 · T15 · F:f09 · F:f17 …

I3 Company interest: postnup survival, governing law, valuation, SBA guarantee CONTESTED C.R.S. § 14-2-309; Cal. Fam. Code §§ 721, 852(a); Estate of MacDonald, 51 Cal.3d 262 (1990) → A5
At stake: Most of the recoverable value rides on the 62% LLC interest. The guarantee is an unquantified liability.
Likely: The challenge is strong under California fiduciary rules or the Colorado UPMAA: no counsel, no disclosure, funding-round pressure. The terms and governing-law clause are unread, so outcome and forum fit stay open. *Resolves it:* Signed 2019 postnup with governing-law clause and signing-week communications T17 · T19 · T21 · T27 · F:f26 …

I4 Whether Colorado can reach husband for support and property SETTLED C.R.S. §§ 14-10-106(1)(a)(I), 14-5-201, 14-10-114(3); Kulko v. Superior Court, 436 U.S. 84 (1978) → A6 · D2
At stake: Interim support, fees and the non-company estate. She has F:f40's $9K, and the husband has no Colorado contacts.
Likely: Colorado can dissolve on 91-day domicile. Support and property need a § 14-5-201 basis, which is weak. Income base and company value move together, and his salary cut sits at the guideline cap (x9). *Resolves it:* Husband's Colorado contacts and his company distribution records T9 · T21 · T25 · F:f16 · F:f33 …

I5 Exposure and taint from the QuickBooks login CONTESTED 18 U.S.C. §§ 1030(g), 2701, 2707; Van Buren v. United States, 593 U.S. 374 (2021) → A1 · D3
At stake: A civil claim against her and loss of the evidence. It also hands the husband leverage on the company claims.
Likely: Exposure is real but contested. Reusing a still-working login after separation is arguably unauthorized. The SCA's fit to payroll and ledger data is doubtful, and state computer-crime law is unexamined. *Resolves it:* Who issued the login and whether it was ever revoked T23 · T24 · F:f35 · N:65d88494

Every other finding of the review is folded into these issues.

3 · NEXT MOVES

DO NOW, IN THIS ORDER

A1 Instruct the client to stop using the QuickBooks login and preserve, without deleting, what she viewed *Counsel · this week.* Continuing access compounds exposure; deletion creates spoliation I5

A2 Search Tennessee civil and criminal dockets and warrants in the family home's county *Counsel · 2026-11-09.* A first-filed conforming case controls custody and the reply I1

A3 Get the husband's text, documented departure date, bruise photo metadata and the sister text *Client · this week.* Fixes clocks c2, c3 and the April proof I1

A4 Send a counsel-drafted holding reply offering Thanksgiving in Colorado; no admissions *Counsel · 2026-11-09.* Preserves holiday goal without handoff or forum risk I1

A5 Retrieve the 2019 postnup, signing-week emails, and SBA loan and guarantee papers *Client · within 14 days.* Governing law and guarantee status set value and forum I3

A6 Map the husband's Colorado contacts against § 14-5-201 before choosing a support forum *Counsel · before advising.* Without a basis, Colorado support orders fail I4

DO NOT

D1 Do not hand the children over in Tennessee before a Colorado custody case is commenced. Non-return plus a Tennessee filing with the children present forfeits the forum I1

D2 Do not file any Colorado petition involving the children before the documented six-month mark. A dissolution with children is likely a custody proceeding lacking a conforming basis I1

D3 Do not use QuickBooks-derived figures in pleadings, disclosures or negotiation. It invites a counterclaim and suppression fights; seek the records formally I5

D4 Do not let the client reply to the husband directly about the move. Her statements are admissions in Tennessee civil or criminal process I2

4 · CLOCKS — COUNTED BY CODE FROM THE RECORD'S DATES

CLOCK	STARTS	PERIOD	STATUS · LAST DAY	RULE
Colorado home-state six months *(added)*	Children began living in Colorado with a parent in late May 2026	6 consecutive months	**Running**	C.R.S. § 14-13-102(7); § 14-13-201(1) **SETTLED**
Tennessee extended home-state window *(added)*	Children left Tennessee in late May 2026	6 months from departure, while a parent remains in Tennessee	**Running**	Tenn. Code Ann. § 36-6-216(a)(1) **SETTLED**
Colorado dissolution 91-day domicile *(added)*	Client's Colorado domicile begins (late May 2026 arrival; intent contestable)	91 days before commencement	**Running**	C.R.S. § 14-10-106(1)(a)(I) **SETTLED**

Soft clocks (another party can move at any time): Husband's return demand; Husband's Thanksgiving request; Tennessee first-filed custody pleading (unknown); Postnup challenge period (unknown); SBA guarantee enforcement by lender (unknown); Automatic injunction on filing (dormant).

Dormant until their trigger: CFAA and SCA civil limitation, 2 years from act or discovery from Husband or the LLC discovers the QuickBooks access.

5 · VALUE — WHAT IS AT STAKE, AND AGAINST WHOM

ASSET OR CLAIM	AT STAKE	THE CLAIM	OUTLOOK	EXPECTED	AGAINST
Marital estate other than the company: 401(k), IRA, crypto, San Diego condo, Tennessee house equity *swing*	$0–$710k	Equitable or community division, with tracing of the $180K inheritance **SETTLED**	**Better than even**	$0–$604k	Husband
Separate-property tracing of the $180K inheritance in the Tennessee house	$0–$180k	Inherited funds excluded from marital property; joint-title gift presumption to be rebutted **MAJORITY**	**Better than even**	$0–$135k	Husband
Temporary maintenance, child support and fees; imputation of husband's income at the $240K level	$0–$24k	Interim orders; voluntary underemployment imputation; C.R.S. § 14-10-119 fees **SETTLED**	**Better than even**	$0–$17k	Husband
Total recoverable	**$457k**			**$0–$755k**	

Not sized on this record: Husband's 62% interest in the Delaware LLC (freight software), founded 2016 in California during the marriage (against Husband; the two investors (about 38%) are stakeholders), the swing, even; Loss of the Colorado forum and the children's custody if Tennessee files first or Thanksgiving handoff fails (against Husband and his counsel), the swing, exposure, unlikely; 2018 personal guarantee on the company SBA loan (against SBA lender (unnamed)), exposure, unlikely; Use of the old QuickBooks login since June (against Husband and the Delaware LLC), exposure, unlikely. Missing pieces (7) says what sizes them.

Husband's prior salary against the Colorado temporary-maintenance guideline cap: `husband_salary_prior - guideline_cap` = **$0**

6 · WHO ELSE IS ON THE OTHER SIDE

Two outside investors (about 38%). Equity holders whose funding round prompted the postnup; they have an interest in keeping the cap table and control stable. *Next:* Probably none until a buyout or valuation affects the company; they may resist discovery or a transfer of equity. T17 · T19

SBA lender (unnamed). Holds the 2018 personal guarantee; the loan's outstanding status is unknown. *Next:* None expected unless the loan is in default; status is checkable by request. T27

Client's sister. Ally and sole witness to the same-night text about the April incident. *Next:* Available as a witness once counsel preserves the text. T15

7 · MISSING PIECES — RANKED BY WHAT THEY MOVE

#	WHAT TO GET	MOVES	STATE
1	Departure date from Tennessee; Whether husband has filed anywhere; No order, no lawyer contact; Thanksgiving request.	`sizes the swing`: Loss of the Colorado forum and the children's custody if Tennessee files first or Thanksgiving handoff fails	Claimed
2	2019 postnup; No disclosure of company value; Company ownership; Postnup governing-law clause; Client had no lawyer of her own. His lawyer called the postnup 'standard' and said she could get a lawyer, but they were closing a funding round that week; Husband founded the company in 2016 in California, during the marriage. It is a Delaware LLC in freight software; Client thinks the company is worth several million, but he controls all the information; Company valuation.	`sizes the swing`: Husband's 62% interest in the Delaware LLC (freight software), founded 2016 in California during the marriage	Claimed · Not asked
3	Tennessee house and $180K.	$156k · 2 claims	Claimed
4	Personal jurisdiction over husband.	$128k · 2 claims	Not asked
5	The couple still owns a San Diego rental condo; His 401(k) is about $400,000; client's old IRA is about $60,000; Forum.	$124k	Not asked
6	Husband's pay; Husband puts $2,000 a month into the joint account. The deposits are unexplained and started after client left; Client's finances.	$3,600	Claimed · Not asked
7	Husband's text and deadline; Company value.	gates all	Claimed

4 further undocumented fact(s) move no claim's value and gate nothing.

8 · THE RECORD AND THE AUTHORITIES

The file rests on 18 key facts: 1 documented, 16 claimed, 1 not asked.

Documented or corroborated: About $250K per the 2024 tax return; nothing since. (T25).

Read from the governing text in this run: **Cal. Fam. Code § 760** SETTLED (leginfo.legislature.ca.gov) Presumption applies only to property acquired while domiciled in California; 'except as otherwise provided by statute' leaves room for a valid postnup or other statutory exceptions. Domicile at the 2016 founding must be shown; **C.R.S. § 14-2-309** SETTLED (law.justia.com) Subsection (1)(c) makes an agreement unenforceable without independent counsel unless it has the waiver notice or plain-language explanation. The excerpt I read does not show the disclosure subsection text. Colorado law applies only if the postnup is governed by it; **Tenn. Code Ann. § 36-4-121** SETTLED (law.justia.com) The excerpt read gives the separate-property definition, not the marital-property definition in subsection (b). It says nothing on postnups, California acquisition or choice of law. Apply it only if Tennessee is the divorce forum; **C.R.S. § 14-10-113(2)** SETTLED (law.justia.com) This is Colorado law. It does not govern a Tennessee house or a Tennessee divorce. Subsection (2)(b) also excepts property acquired in exchange for inherited property. It has no joint-title gift presumption.

Also relied on, from memory: C.R.S. § 14-10-113; 29 U.S.C. § 1056(d)(3); Tenn. Code Ann. § 36-4-121(b)(2)(D); C.R.S. §§ 14-10-114, 14-10-115(5)(b)(I), 14-10-119; C.R.S. § 14-5-201; C.R.S. §§ 14-13-201, 14-13-206, 14-13-208; 18 U.S.C. § 2707; C.R.S. § 14-13-206(1); Tenn. Code Ann. § 36-6-221; C.R.S. § 14-10-107(4)(b); UCCJEA first-commenced rule; C.R.S. §§ 14-13-102(7), 14-13-201; C.R.S. § 14-13-208; C.R.S. § 14-10-124(1.5).

Scores and dates are code's arithmetic on the record and the ranges above, not calibrated against outcomes. Only authorities marked read were read from their text in this run; confirm every other citation before reliance.