

Worsham Law Firm P.A.

"Put Aggressive Representation and Experience on Your Side"

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Legal Potpourri

"Change of Custody"



To effectuate a **change of custody** after a divorce is granted requires a finding by the court that there has been a "significant" or "material change of circumstance(s)" since the last court order concerning custody. Facts necessary to meet this requirement vary from case to case and can involve an infinite number of situations.

Another significant change can be the child's

custodial preference. Court's will typically allow children as young as twelve (12) years of age to testify and will weigh their stated preference in light of other case facts and the particular age of the child.

For example, a preference from a fifteen (15) year old to live with a parent where it has been proven that that parent will buy them a

new car if they live with them will be given little, if any, weight.

Only after the court determines that the petitioning party has established a significant change in circumstances, will the court then focus on what is in the child's "best interest". Proof on this issue typically involves presentation of a secure and stable home absent the problems of the ex-spouse.

Legal "Loonacy:" It May be Loony, but it's the LAW!!

It Ain't Arkansaw!!!

According to Arkansas Statute 1-4-105 there is only one proper and legal pronunciation for our State. The statute reads "[b]e it therefore resolved by both houses of the General Assembly, that the only true pronunciation of the name of the state, in the opinion of this body ... It should be pronounced in three (3) syllables, with the final 's' silent, the 'a' in each syllable with the Italian sound, and the accent on the first and last syllables. The pronunciation with the accent on the second syllable with the sound of 'a' in 'man' and the

sounding of the terminal 's' is an innovation to be discouraged.

To Honk or Not to Honk

You're in line at the drive-thru and see your buddy pulling in the parking lot. You glance at the clock and see it's 9:01 p.m. and you start to honk your horn to get his attention. Better not do that!!!

According to Section 18-54, in Little Rock, "No person shall sound the horn on any vehicle at any place where cold drinks or sandwiches are served after 9:00 p.m." (Code 1961, §25-74).

FAST FACTS: The "Death" Tax

- ▶ For Gift Tax Purposes in years 2006, 2007 and 2008 the Unified Credit is \$345,800, the Applicable Exclusion Amount is \$1,000,000.
- ▶ For Estate Tax Purposes in years 2006, 2007 and 2008 the Unified Credit is \$780,800 and the Applicable Exclusion Amount is \$2,000,000.
- ▶ For Gift Tax Purposes in year 2009 the Unified Credit is \$345,800, the Applicable Exclusion Amount is \$1,000,000.
- ▶ For Estate Tax Purposes in year 2009 the Unified Credit is \$1,455,800 and the Applicable Exclusion Amount is \$3,500,000.
- ▶ This tax sunsets in 2010 but will be revised in 2011 without new legislation.

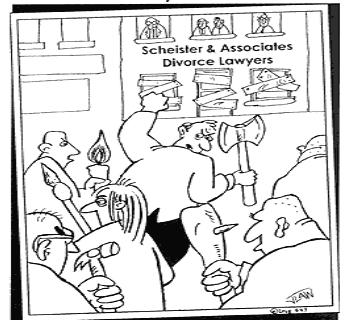


Help Us Help You

We will be in a better position to provide you with effective legal service if you:

- ▶ maintain a folder where you keep all paperwork relating to your matter.
- ▶ maintain a running diary/notebook where you keep track of all direct communications with opposing party.
- ▶ **DO NOT** say anything to an opposing party or their friends which you would not want to the court to hear - they may be recording you!

SNAPSHOTS by Jason Love



"Remember the alimony!"

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