

Bohmer v. Bohmer

A step by step walk-through of your MPT method

The task: you are an associate at a Franklin firm representing **Jessica Bohmer** (the mother, pro bono). Her husband **Alex** filed for custody of their 6 year old, Carrie, in **Franklin** on June 30, 2008. Jessica and Carrie now live in **Columbia**. The partner wants an **objective memo** answering two questions under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA).

THE TWO QUESTIONS

1. Was **Franklin or Columbia the home state** under the UCCJEA when Alex filed on June 30, 2008?
2. Assuming Franklin is the home state, is a **Motion to Decline Jurisdiction** (inconvenient forum) likely to succeed, so the case can be heard in Columbia?

Tone + trap: this is predictive, not persuasive. The memo says give **weaknesses as well as strengths**. An answer that argues only Jessica's side gets marked down. No separate statement of facts is needed.

YOUR METHOD The six moves, applied to this file

This guide runs your own reading order on Bohmer: structure first, rules second, facts last, matched to the rules, then write it in IRAC.

- 1 **Read the task memo twice** to lock the structure: who you are, what you are writing, and the exact questions.
- 2 **Work the Library and pull the rules** from the statutes and the two cases. Tag each rule with a color.
- 3 **Anchor your client and matter** from the memo: a short, general spine of who and what.
- 4 **Jot the case parties** as you read each case, so you know what a winning (or losing) fact pattern looks like.
- 5 **Work the File and match facts to rules:** pull the relevant, similar, and contrasting facts under each colored rule.
- 6 **Outline, then write in IRAC:** Whether, Here, Therefore, both issues, both sides.

STEP 1 Read the task memo twice for the structure

First pass for the gist, second pass with your pen. The memo and the transcript hand you the whole skeleton. Write this spine at the top of your scratch paper before you read anything else:

WHO YOU ARE associate at Petrilla and Associates, a Franklin firm, for Jessica (pro bono).

WORK PRODUCT an objective memo to the partner. Detailed analysis, apply the authorities, give both sides.

QUESTION 1 home state = Franklin or Columbia on the filing date?

QUESTION 2 if Franklin is home state, will it decline as an inconvenient forum?

GOAL get the custody fight moved to Columbia, where Jessica feels safe and can file.

Notice the memo pre-sorts your answer into **two IRAC blocks**. Question 2 even tells you the standard to use (inconvenient forum) and assumes the answer to Question 1, so keep them separate and answer them in order.

STEP 2 Work the Library: pull the rules

Read the Library before the File so you know what facts matter. Pull the black letter, then tag each rule with a color. You will reuse these exact colors when you match facts in Step 5.

The statutes: Franklin UCCJEA

- › **§ 16-102(7)**: “home state” = the state where the child lived with a parent for **at least six consecutive months immediately before** the case is filed. A **temporary absence counts as part of that period**.
- › **§ 16-201**: the **home state has priority** for an initial custody case. Another state may hear it only if the home state **declines under § 16-207**.
- › **§ 16-207**: the home state **may decline as an inconvenient forum** if another state is more appropriate, weighing **six factors**; if it declines, it stays its case on condition the parent promptly files in the other state.

The two cases: what each one decides

RULE (FROM THE LIBRARY)	MATCHED FACT (FROM THE FILE)
■ <i>In re Marriage of Mills</i> (Franklin Ct. App. 2002): an absence that starts as temporary can turn into a permanent relocation .	■ HOLDING you will borrow : a stay is no longer “temporary” once the absent parent forms intent to live permanently elsewhere and is in fact doing so .
■ <i>Mills</i> : intent is shown by actions , not words alone (Jennifer rented a house, enrolled the kids, took a job).	■ So the 6 month clock for the new state starts when intent formed and was acted on , here Aug 10, 2000.
■ <i>Mills</i> : telling the other parent “I am staying” is relevant but NOT controlling on the date of relocation.	■ Franklin lost jurisdiction because the move was obvious before the express notice; the clock did not wait for the announcement.
■ <i>In re Marriage of Brickman and Young</i> (Franklin Sup. Ct. 2003): how to run the six inconvenient forum factors .	■ Rules you will borrow : no single factor is dispositive and no burden of proof, but domestic violence gets greater weight than any other factor.
■ <i>Brickman</i> : when a parent fled to escape violence , the court may ask which state better protects them; abusers have high recidivism .	■ Result there: Columbia was more appropriate. But the violence in <i>Brickman</i> was extreme (4 convictions, beatings in pregnancy), which sets your comparison bar.

STEP 3 Anchor your client and matter

From the memo only, write a short general spine. Keep it minimal: it is the peg you hang every File fact on. Details come later.

CLIENT Jessica Bohmer, mother, wants the case in Columbia and fears Alex.

OPPONENT Alex Bohmer, father, filed first in Franklin; still married to Jessica.

CHILD Carrie, age 6; now in Columbia with Jessica and the grandparents.

THE FIGHT which state hears custody: Franklin (where Alex filed) or Columbia (where they fled).

STEP 4 Jot the case parties as you read

As you read each case, capture the parties and the moves that drove the result. This is your yardstick: your job in Step 5 is to show how Jessica is **like** the winner and **unlike** the loser.

Mills (the home-state / temporary-absence case)

- › Jennifer left Franklin for Columbia on a set date **intending to relocate**, then rented, enrolled the kids, and took a job.
- › She did not **tell William it was permanent until months later**; he argued that later date controlled.
- › Held: the clock ran from the **relocation date, not the announcement**; Columbia was home state; Franklin had no jurisdiction.

Brickman (the inconvenient-forum case)

- › Severe, documented abuse: **four convictions, beatings during pregnancy, no counseling**, no showing the danger had passed.
- › Kids had lived in Columbia **five years**; courts were **400 miles apart**; incomes **\$41,797 vs \$6,500**.
- › Held: reversed; Columbia is the more appropriate forum, with **added weight to the violence factor**.

STEP 5 Work the File: match facts to the colored rules

Now read the File (transcript, intake form, protection order, email) with your colored rules in front of you. Every fact you pull should snap under a rule of the same color. Same color on both sides of these tables = a fact that is doing legal work.

Issue 1: home state · match the timeline to the rule

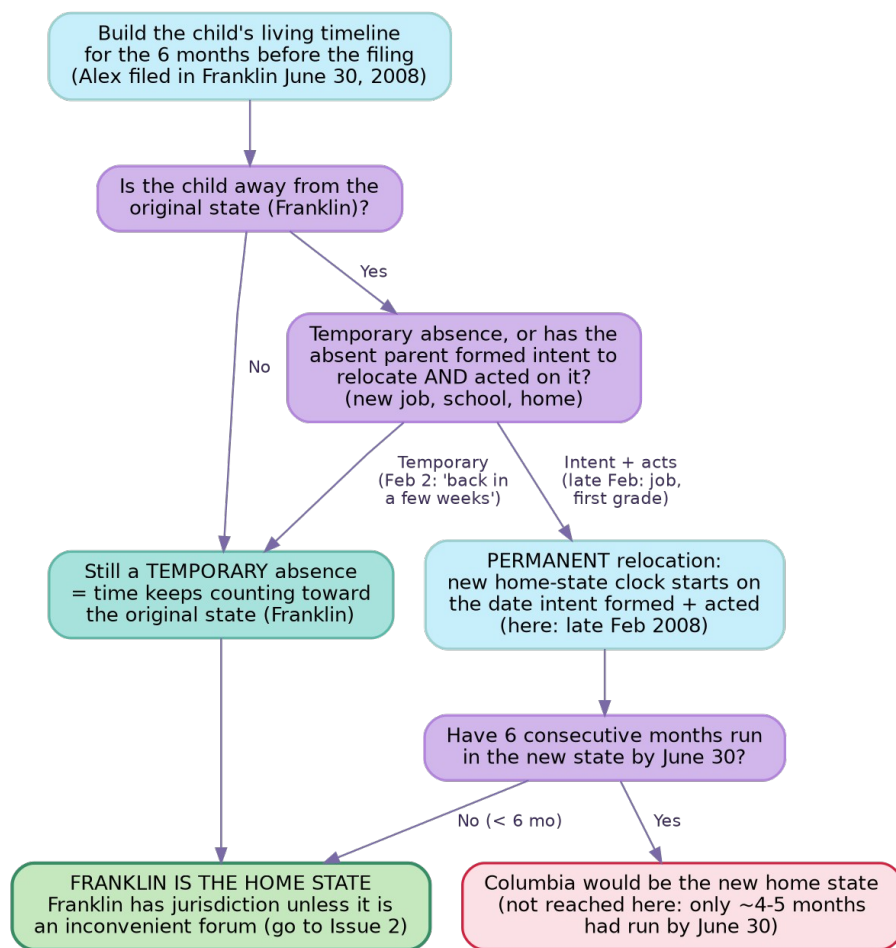
6 month clock + filing date **temporary absence still counts** **intent shown by actions** **express notice, not controlling**

RULE (FROM THE LIBRARY)	MATCHED FACT (FROM THE FILE)
■ Temporary absence counts toward the <i>original</i> state (§ 16-102(7); <i>Mills</i>).	■ Carrie went to the grandparents in Columbia Dec 1, 2007 ; parents stayed in Franklin. Pure temporary absence, still Franklin time.
■ A move can <i>start</i> temporary (<i>Mills</i>).	■ Jessica left Feb 2, 2008 telling Alex she would be "back in a few weeks". Still temporary at that moment.
■ Absence becomes permanent when intent forms and is acted on (<i>Mills</i>).	■ In late February Jessica decided not to return, took a job, enrolled Carrie in first grade . Clock for Columbia

	starts here.
■ Express notice is relevant but not controlling (<i>Mills</i>).	■ Jessica told Alex March 1 she was staying. Nice to have, but the move was already clear in late Feb.
■ Home state = lived there 6 consecutive months before filing (§ 16-102(7), § 16-201).	■ Alex filed June 30, 2008 . From Feb 2 that is only ~5 months ; from late Feb, ~4. Columbia has not hit 6 months yet.

Do the math on the page: even taking the *earliest* relocation date (Feb 2), only about five months had run when Alex filed on June 30, so Columbia could not be the home state until roughly August at the earliest.

Franklin is the home state. Kill the counterargument in writing: Alex will point to Dec 1 physical presence (over six months), but a **temporary absence does not count against Franklin**, so that argument should fail.



Issue 1 decision path: temporary absence vs permanent relocation, then count six months to the filing date.

Issue 2: inconvenient forum · run the six factors, both sides

Assume Franklin is the home state. Walk all six *Brickman* factors, give each a lean, and compare Jessica to the mother in *Brickman*. Each factor has its own color below.

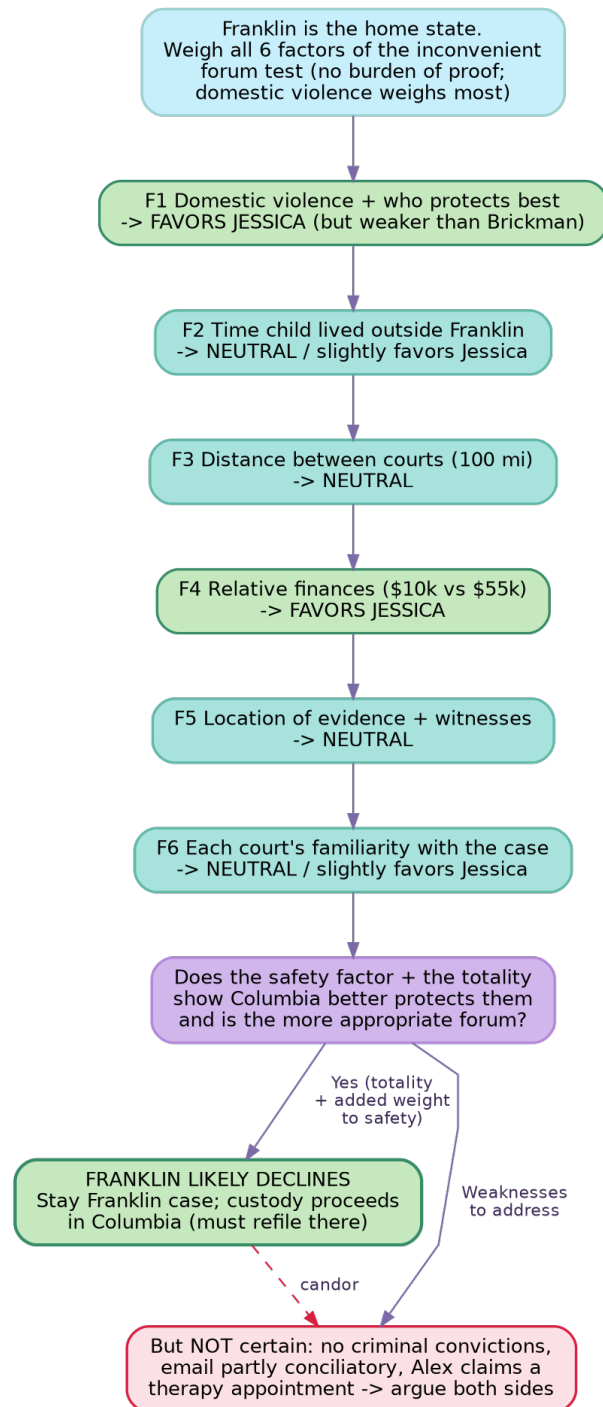
F1 violence
F2 time outside
F3 distance
F4 finances
F5 evidence
F6 familiarity

RULE (FROM THE LIBRARY)

MATCHED FACT (FROM THE FILE)

■ F1 Domestic violence + who protects best (weightiest factor).	■ Long abuse history, 2006 choking, consent protection order , Feb 1 shaking + ripped photos, threatening emails, owns a rifle . Weaker than <i>Brickman</i> : no convictions, email partly conciliatory, claims a therapy appointment.
■ F2 Time the child lived outside Franklin.	■ Carrie: ~7 months in Columbia , born there, family there; but 4+ years in Franklin. <i>Neutral, slightly Jessica.</i>
■ F3 Distance between the two courts.	■ Only 100 miles, ~90 min (vs 400 mi in <i>Brickman</i>). Alex, the noncustodial parent, can travel. <i>Neutral.</i>
■ F4 Relative finances of the parties.	■ Jessica \$10k part-time, new job vs Alex \$55k stable . <i>Favors Jessica.</i>
■ F5 Nature and location of evidence + child's testimony.	■ Split: Carrie, Jessica, grandparents in Columbia ; Alex + Carrie's 4 years + preschool in Franklin. <i>Neutral.</i>
■ F6 Each court's familiarity with the case.	■ Franklin issued the 2006 protection order but no custody case exists anywhere; a certified copy travels easily. <i>Neutral, slightly Jessica.</i>

Weigh, do not tally. No factor is dispositive and there is no burden of proof, but violence carries **added weight**. The safety factor plus finances point to Columbia; the rest are neutral. So the honest prediction is that Franklin is **likely to decline**, though **not certain**, because the violence here is real but milder than *Brickman*. Say both. A one-sided answer loses points.



Issue 2 decision path: weigh all six factors, give safety added weight, then predict and hedge.

STEP 6 Outline, then write it in IRAC

Every issue gets the full loop: **Whether** (Issue), the rule with its authority, **Here** (apply the matched facts, both sides), **Therefore** (Conclusion). Use the colors to check you actually used each fact you pulled.

Issue 1 skeleton

ISSUE Whether Franklin or Columbia was Carrie's home state under the UCCJEA when Alex filed on

June 30, 2008.

RULE Home state = where the child lived with a parent **six consecutive months** before filing; **temporary absences count**. Under *Mills*, an absence turns permanent when the parent **forms intent and acts on it**; **express notice is not controlling**.

HERE Here, the **Dec 1 visit** and the **Feb 2 'few weeks' move** were temporary; the move became permanent in **late Feb (job, first grade)**; **March 1 notice** is not controlling. From Feb 2 to the **June 30 filing** is only ~5 months. Counter: Alex's **Dec 1 physical-presence** argument fails because temporary absence still counts as Franklin time.

THEREFORE Therefore, on Issue 1 Franklin was the home state on June 30, and it has jurisdiction unless it declines as an inconvenient forum.

Issue 2 skeleton

ISSUE Whether the Franklin court, though the home state, is likely to decline jurisdiction as an inconvenient forum so Columbia can hear the case.

RULE Under § 16-207 and *Brickman*, the home state may decline after weighing **six factors**; none is dispositive and there is no burden of proof, but **violence carries added weight**.

HERE Here, **F1 violence** favors Jessica but is milder than *Brickman*; **F4 finances** favor her; **F2 time**, **F3 distance**, **F5 evidence**, **F6 familiarity** are neutral. Weakness: no convictions, a partly conciliatory email, a claimed therapy appointment.

THEREFORE Therefore, giving safety added weight, Franklin is likely though not certain to decline in favor of Columbia; if it does, it stays its case on condition Jessica promptly files in Columbia.

BEFORE YOU HAND IT IN Point-losers on this file

- › Answering inconvenient forum without first nailing that **Franklin IS the home state**. You only reach § 16-207 because Franklin has jurisdiction.
- › Arguing **only Jessica's strengths**. The memo asks for weaknesses; compare her honestly to *Brickman*.
- › Fuzzy dates. **Count the months on the page** from each candidate relocation date to June 30.
- › Forgetting the remedy: if Franklin declines it **stays and conditions** the case on a prompt Columbia filing; it does not just dismiss.
- › Dropping the authorities. **Cite the sections and both cases** by name; that is what an MPT grades.