

MEMO

A hypothetical problem by Lisa Kelly

Ms. Mary Sarton resides in Monongalia County. She is a 29 year old woman with two children, Celle who is ten years old and Tanya who is eight. These are children by a marriage which ended in divorce last fall. According to the terms of the divorce, Ms. Sarton was given custody of the children and Mr. Sarton was to have them for visitation every other week-end and three weeks during the Summer. She was awarded child support in the amount of \$150.00 per month and \$1.00 alimony.

Ms. Sarton and the girls have subsisted on TANF and food Stamps since the divorce. Because of a shortage in subsidized housing, she is renting a trailer without any assistance from the State. Her rent is \$120.00 per month. She was awarded a car in the divorce, but it was old and no longer runs. She cannot afford to have it repaired. Mr. Sarton always picked up the girls for visitation. She cannot afford a telephone.

Mr. Sarton lives in rural Wayne County, Pennsylvania. He had the children for the last three weeks before school started as ordered by the divorce decree. However, he failed to return them to Ms. Sarton and instead enrolled them in school in Pennsylvania. He has sent Ms. Sarton a letter stating that he wants to keep the children with him now because he is better able to provide for them. Mr. Sarton remarried at the beginning of the Summer. Ms. Sarton has learned from the girls upon their return from prior visits that Mr. Sarton and his new wife live in a "really neat house." From the sound of things, it appears that Mr. Sarton is now making more money in the construction business than he did before the divorce.

Ms. Sarton has attempted to use pay phones to call the girls since they have been with their father, but has only been able to talk to Celle once. During this call, Celle said that she liked her new school and that she was fine, but she wanted to know when her mother would come to see them. Ms. Sarton said she would try her best to come soon. The call ended abruptly when Celle said she had to go.

Please counsel with Ms. Sarton to determine what options exist to reach her goals. In addition to the domestic relations materials we have already studied, you might want to look at W. Va. Code Sec. 61-2-14d.