

Essay Prompt 1

Rasheed wants to file a motion with the court to modify the parenting time provisions in an allocation of parental responsibilities order that a Colorado district court entered in 2021, while his ex-wife Malavika opposes any change. The order states that Stany, the parties' 10-year-old son, lives primarily with Malavika and grants Rasheed parenting time. Rasheed travels to Denver every weekend to spend parenting time with Stany. Rasheed and Malavika have joint decision making when it comes to Stany's well-being and Rasheed is required to pay \$500 in child support each month.

Malavika has been Stany's primary caregiver since he was born. She cooks for him, makes sure his clothes are clean, and is up to date with his medical and dental appointments. During their marriage, Rasheed was always working to provide for the family. However, Rasheed was an involved parent and helped Stany with his homework every night.

Now that Stany is older, Rasheed believes he can care for Stany much better than Malavika and wants to be Stany's primary parent. He believes Malavika would probably try to use his current relationship against him in court. According to Rasheed, a few years before they divorced Malavika went into a depression. She stopped talking, took to their bed most days, and became so withdrawn as a wife that Rasheed was driven to have an affair with Douglas, a man he met at work.

After Rasheed and Malavika divorced, Malavika sought therapy for her depression. She found an affordable two-bedroom apartment to rent in Sun Valley, a Denver neighborhood in the same school district where Stany was already attending school. Stany shares one of the bedrooms with Rossy, Malavika's 13-year-old son from a previous relationship. Stany idolizes his older brother and Rossy dotes on Stany. The two have a close relationship.

Rasheed describes the Sun Valley area as low-income, primarily because there is an abundance of subsidized housing like the apartment Malavika rents. Despite Rasheed's concerns, Stany is thriving there. He loves his school, has good friends, and is active in community sports. Last year, Stany's community little league baseball team, the Sun Valley Cowboys, won the state championship.

After their divorce, Rasheed moved to Loveland, a city located about an hour away from Denver. He felt he needed to get far away from Malavika so he could concentrate on his relationship with Douglas. He and Douglas, whom Stany hasn't met yet, just bought a spacious three-bedroom ranch home in Loveland so Stany would have his own room whenever Rasheed exercises parenting time.

Last week, Rasheed and Malavika got in a heated argument in front of Stany because Malavika unilaterally decided to enroll Stany in a free Arabic language class offered at the Sun Valley Community Center. Rasheed tried to explain to Malavika the class interfered with his parenting time with Stany because it was only offered on the days that he has parenting time with Stany. However, Malavika refused to unenroll Stany from the class, claiming she did not want to disappoint Stany. He had gotten really excited about attending the class after he found out a few of his Sun Valley Cowboys teammates would be attending the same class. Rasheed refuses to take Stany to the class because he doesn't think Stany needs to learn Arabic.

Please advise Rasheed as to which facts are relevant to the determination of the best interests of the child pursuant to the statute and which facts are not relevant.