

STATEMENT OF THE LEGAL ISSUES

I. WHETHER THE TRIAL COURT'S DETERMINATION TO GRANT PHYSICAL CUSTODY TO THE MOTHER WAS IMPERMISSIBLY INFLUENCED BY TRAVIS ARNESON'S PHYSICAL DISABILITY?

Trial Court: The trial court granted custody to the Mother after overruling objections from Travis alleging that the custody determination was based on considerations which are in violation of the Americans with Disabilities Act.

II. WHETHER THE TRIAL COURT'S DETERMINATION TO GRANT PHYSICAL CUSTODY TO THE MOTHER WAS ERRONEOUSLY BASED ON THE "TENDER YEARS" DOCTRINE?

Trial Court: The trial court overruled Travis' objections which alleged reliance on the "tender years" rule and granted physical custody to the Mother.

III. WHETHER THE TRIAL COURT'S FINDINGS SUPPORTING ITS PHYSICAL CUSTODY DETERMINATION ARE CLEARLY ERRONEOUS, AND WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN AWARDING PHYSICAL CUSTODY TO THE MOTHER?

Trial Court: The trial court rejected Travis' proposed findings and overruled Travis' objections to Defendant's Proposed Findings and Conclusions regarding the best interest of the child, and awarded physical custody to the Mother.

IV. WHETHER THE TRIAL COURT ERRED IN CONSIDERING THE MONTHLY PAYMENTS FROM TRAVIS' MALPRACTICE SETTLEMENT AS INCOME FOR DETERMINING CHILD SUPPORT AND PAST DUE SUPPORT?

Trial Court: The Trial Court, after deducting some of Travis' medical and other expenses, considered the monthly payments from Travis' malpractice settlement as income for calculating child support.

V. WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN AWARDING ATTORNEY FEES TO THE MOTHER?

Trial Court: The trial court awarded attorney fees to the Mother.