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May 7, 1985

Larry S. Avrech  
9863 Via Rita  
Santee, CA 92071

RE: AVRECH Dissolution/Child Custody and Visitation

Dear Mr. Avrech:

I have been retained by your former wife, Susan Warteman, concerning the matter of the custody of your children, Sarah and Michael.

The purpose of this letter is to amicably propose to you that you and Susan stipulate to a modification of the current order of the court concerning child custody and visitation. The basis of this proposal is quite simply that the best interests of the children would be served by such a modification due to your current circumstances.

Without unnecessarily elaborating on what concerning your current circumstance has created this need to modify the custody order, suffice it to say that because of your present situation regarding the matter under investigation with the Police Department, because of the financial burden and strain this event has placed you under, and further because of the additional marital discord between you and your current wife which appears to have been brought on by the investigation and the financial difficulties, the children are better served by shifting responsibility for their primary care to Susan.

It would appear that your present difficult situation is temporary--let's face it, we all suffer temporary periods of strain, stress and hard times. Unfortunately, your situation appears to have erupted all at one time. But when difficult times such as those being currently experienced by you also impact upon minor children, steps should be taken to minimize the extent to which the children are affected by the strife. When a reasonable alternative environment for the children is available, such as the one available under Susan's roof, the opportunity to protect the children from unnecessary additional stress should be utilized.

From the information available to me, I have come to the conclusion that the children are definitely showing outward signs of suffering from the present situation. Performance in school is affected, and the children have been making comments which would indicate that their respective attitudes have taken a turn for the worse as a result of all that surrounds them.

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Therefore, in order to create solutions to the problem that will avoid having to resort to the courts to explain the nature of the problem in greater detail and specificity, I propose the following as a solution which best serves the needs of the children:

1. The parties stipulate to modify the current custody and visitation order of the court to establish that both parties share joint legal custody. This will allow both parties to participate in the important policy-making decisions with respect to health care, education, religious training and the like.

2. The parties stipulate to modify the court order with regard to primary physical custody causing Susan to be the party with such primary responsibility. Primary physical custody would be subject to your having liberal rights of visitation which could either be the subject of a specific visitation schedule or the subject of a flexible general order allowing reasonable visitation. The specifics of a detailed visitation schedule could be worked out with the assistance of the Conciliation Counselor of the Superior Court should you and Susan require such assistance in the event that minor impasses are encountered in working out the specifics between the two of you.

You should realize that Susan's attitude and approach to the proposed modified situation is and will continue to be highly promotive of substantial contact between you and the children. Susan rightly believes that such considerable contact is in the best interests of the children and is also beneficial to assisting you in overcoming your temporary situation.

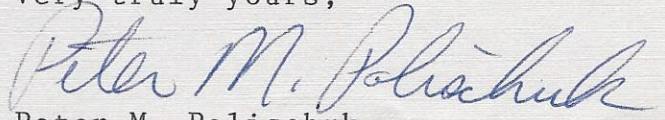
I am prepared to formulate the stipulation as soon as I receive notice from you that you are willing to go along with the proposal. To reiterate, this voluntary solution to the problem will avoid the spectacle of having to let the courts and the public know further about the details of the current state of affairs. Everyone should be in agreement that the children do not need those details to be broadcasted.

I must insist that your response to these proposals be received by my office no later than seven days of the date of this letter, namely, by the end of business on Tuesday, May 14, 1985, otherwise, my client has instructed me to immediately commence a proceeding to effect a change of custody.

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If you have any questions concerning the foregoing, please call. I am more than willing to discuss the matter with you in an effort to achieve what is clearly in everybody's best interests.

Very truly yours,

  
Peter M. Polischuk

PMP:  
cc: Mrs. Warteman