72932-2

72932-2

No.72932-2-1

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION ONE

IN RE: THE MARRIAGE OF

JARED BRYAN KILLEY

Appellant

V

ELIZABETH KILLEY

Respondent

ON APPEAL FROM SUPERIOR COURT OF WASHINGTON

FOR KING COUNTY

No. 13-3-13106-8 SEA and No. 14-2-01611-5 SEA

Before the Honorable Judge Samuel S. Chung

APPELLANT'S OPENING BRIEF

Jared Bryan Killey Pro Se

6818-208th SW #5563

Lynnwood, WA 98046

(206) 468-7017

RAP 10.3(a)

TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES

WASHINGTON STATUTES

FEDERAL RULES OF EVIDENCE

CODE OF JUDICIAL CONDUCT

OTHER AUTHORITIES

1. INTRODUCTION

On December 6, 2013 Jared Killey filed a Petition for Dissolution of his marriage to his wife, Elizabeth. They have one child of the marriage, Aaron Samuel Killey who is 4.

Jared appeals the Trial Court's errors in establishing a Parenting Plan for Aaron that is manifestly unreasonable, is not consistent with WA State Statute and is not in Aaron's best interests.[1]

2. JURISDICTION

The Court of Appeals has jurisdiction because the Trial Court issued a final order that affects a substantial right of the Appellant to parent his child as he sees fit and because the Trial Court denied the Appellant Due Process of Law by allowing testimony, known to be false, to stand uncorrected. The Trial Court denied the Appellant his right to be heard according to Law.

[1] RCW Title 26 Chapter 26.09

ASSIGNMENTS OF ERROR

1 The Trial Court Erred When It Allowed Testimony, Known To Be False, To Stand Uncorrected

2 The Trial Court Misapplied RCW 26.09.191(1) (2)

3 The Trial Court Violated Rules of Evidence and Procedure

4 The Trial Court's Process Was Unconstitutional

ISSUES PERTAINING TO ERRORS

1 The Trial Court Erred When It Allowed Testimony, Known To Be False, To Stand Uncorrected

The Trial Court Issued Judgments Based On Testimony Known To Be False.

Judicial and Non-Judicial Officers of the Court Made Materially False Statements on the Records

2 The Trial Court Misapplied RCW 26.09.191(1) (2)

The Trial Court Failed To Follow the Requirements under RCW 26.09 When It Established a Parenting Plan for Aaron

The Trial Court Erred When It Placed Restrictions on Jared's Residential Time with Aaron Based on RCW 26.09.191(1) (2)

The Trial Court Did Not Make an Express Finding to Support the Residential Time Restrictions

There Is No Evidence to Support the Court's Finding of Domestic Violence

3 The Trial Court Violated Rules of Evidence and Procedure

Judicial Officers Testified From The Bench.

The Trial Court Excluded Admissible Expert Testimony

4 The Trial Court's Process Was Unconstitutional

The Trial Court Did Not Protect the Appellant's Right To Due Process.

The Trial Court Violated the Appellant's Right to Be Heard.

STATEMENT OF THE CASE

Jared Killey is the Appellant in this case. The Respondent is his former wife, Elizabeth. The parties were married in Seattle on September 13, 2003 and separated in June, 2013.

On Dec. 6, 2013 Jared filed a Petition for Dissolution of the marriage in Superior Court of WA King County, 13-3-13106-8 SEA. There is one child of the marriage, Aaron Samuel Killey who is 4. Elizabeth has one son from a former relationship, Marlon who is 18. Jared appeals the Parenting Plan established for Aaron by the Superior Court of Washington for King County, Seattle on 12/ 4/ 2014.

Trial Court erred when it invoked RCW 26.09.191(1) (2) to restrict Jared's residential time with Aaron to 24 days a year with no overnights. There is no basis for this restriction. The Parenting Plan is manifestly unreasonable and is not consistent with RCW Title 26 Chapter 26.09 and must be vacated.

STANDARD OF REVIEW

This court reviews provisions of a parenting plan for abuse of discretion In re Marriage of Littlefield, 133 Wn. 2d 39, 46 (1997)

A trial court abuses its discretion if its decision is manifestly unreasonable or based on untenable grounds or untenable reasons. Id at 47

A court's decision is manifestly unreasonable if it is outside the range of acceptable choices given the facts and the acceptable legal standard. Id. at 47

A decision is based on untenable reasons if it is based on an incorrect standard or if the facts do not meet the requirements of the correct standard. Id.

A decision is based on untenable grounds if the factual findings are unsupported by the record. Id.

An Appellate Court will not disturb a trial court's finding in a parenting plan if they are supported by 'ample evidence'

In re Marriage of Kovacs 121 Wn. 2d 795, 810 (1993)

Required findings must be sufficiently specific to permit meaningful review and at a minimum must indicate the factual basis for ultimate conclusions. In re Dependency of C.R.B., 62 Wn.App. 608, 618 (1991) statutory interpretation is a question of law reviewed de novo. In re Marriage of Katare, 125 Wn.App. 813, 825 (2005)

BACKGROUND

Prior to the marriage Jared purchased a 2 bedroom 1 bath condo in Kirkland WA which became the family home for the entire duration of the marriage. Jared worked next door at Safeway and Elizabeth worked across the street at Subway.

The family was well known and well respected in the community by neighbors and residents who regularly passed through their lines at their retail stores. The children were also well known in the community and were known to be happy, healthy, well-behaved children.

Of interest in this case is that in November 1994 when Jared was 17 he was critically injured in an auto accident when he was the front seat passenger in a car that lost control on an icy highway 522 in Maltby and was T-boned by another vehicle. Jared suffered multiple life-threatening traumas to the chest and abdomen as well as severe traumatic brain injury. As a result Jared suffers from residual pain of the lower spine and pelvis. Jared has some residual memory loss and some residual aphasia.

This is only relevant because Elizabeth used Jared's brain injury against him in the dissolution proceedings.

The Father's Parenting Is Beyond Reproach

In his Pro Se effort to represent himself during the pre-trial phase and dissolution trial Jared was respectful, intelligent and articulate. He

expressed deep concern for Aaron and is seeking custody. There is nothing to indicate that his brain injury affects his ability to parent his child and there is absolutely no information to support a contention that Jared ever used or abused any drugs or alcohol.

Jared's parenting history is beyond reproach. He parented Marlon for 10 years and during that time Marlon was never ill or injured, he was never in trouble at school, never in trouble with the law. Marlon graduated from high school and is a responsible adult.

Likewise in Jared's custody, Aaron was a happy healthy child and was never sick or injured.

During the marriage both parents worked full-time but Aaron never went to day care. Aaron was always with Jared except for the 32 hours a week that Jared was at Safeway. During those hours Aaron was with Elizabeth, Marlon or the paternal grandmother.

The parties separated in June, 2013. There was no particular incident that precipitated the separation; Jared had planned it for several years but the separation was delayed when Elizabeth became pregnant with Aaron in 2010.

After the separation in June 2013, Marlon and Elizabeth stayed in the family home, the Kirkland condo. Jared took his clothes, computer and Aaron's crib, clothes and toys and secured a small two-room flat in a

private residence a mile from the family home. Aaron was shuttled back and forth between mother and father daily.

Things were working out well and everyone was adjusting until September, 2013 when Elizabeth moved her new boyfriend, a convicted felon[2] named Kurt Krinke into the family home.

Non-stop conflict began revolving around this guy Krinke, who started instigating conflict between Jared and Elizabeth and started injecting himself into Jared's relationship with Aaron by trying to push Jared out and take over as Aaron's father.

Within just a few weeks after Krinke moved into the condo child exchanges became difficult. Aaron started acting scared to return home with Elizabeth and wanted to stay full time with Jared. By November Jared wasn't getting Aaron as often, Elizabeth started leaving Aaron in the unsupervised care of her new boyfriend.

It Was In November, 2013 That Aaron Started Showing The First Signs of Abuse.

December 4, 2013 Elizabeth sent Jared a text saying that Aaron was seriously ill and needed to go to the emergency room. Jared took Aaron to his apartment and observed that Aaron only had the common

[2] WA State Patrol background check reveals multiple Class A and B felony and misdemeanor convictions.

cold and had no need for emergency care. This is documented in the medical record from 12/7/2013. CP 182

When Elizabeth came to Jared's apartment that night 12/4/2013 to pick Aaron up, Aaron again was scared and wanted to stay with Jared.

Elizabeth was furious because Jared didn't take Aaron to the ER and started verbally abusing Jared about it. Aaron was scared and crying. Jared was becoming very concerned about Aaron's behavior toward Elizabeth when she came to pick him up. RP 174 @14-25; RP 175@13-25

Jared was worried about Aaron and decided not to send him home with Elizabeth and told her she had to leave but she refused. Jared pushed her out the door and locked her out.

Krinke became involved when Elizabeth called him to assist her in breaching Jared's locked door. Krinke and Elizabeth abducted Aaron by force from Jared's apartment.

Aaron was sequestered in the Kirkland condo and Jared was held at bay by threats of arrest and Order of Protection.

The neglect and abuse of Aaron began in earnest.

After gaining physical control of Aaron, on December 4, Krinke advised Elizabeth to call police and get Jared arrested, which she did. Jared was charged with assault 4 DV. On July 21, 2014 Jared was found

not guilty of Assault 4 DV during a two-day jury trial in Kirkland Municipal Court in regard to this incident.

In the meantime, on December 6, 2013 Jared filed a Petition for Dissolution of the marriage. He proposed a fair division of community assets and liabilities and proposed a Parenting Plan that continued parenting Aaron as before. CP@ 13

On December 27, 2013 Elizabeth filed her Response to Jared's Petition for Dissolution and attached 4 handwritten pages in which she claims she paid all of the family's expenses during the marriage with her own income, with no help from Jared, and claims a right to all Personal and Community property of the marriage, both cars, Jared's condo and all appliances, all tax exemptions for both children, child support and maintenance while claiming that she should not be responsible for any community debts.

Elizabeth expressed her resolve to sabotage Aaron's relationship with his father when she proposed a parenting plan which allowed no time for Jared and Aaron ever. CP@ 24

After filing her Response to Jared's Petition for Dissolution, Elizabeth also filed a Petition for Order for Protection on January 16, 2014 naming Aaron as a protected person and has used the incident in Jared's

apartment on the night of Dec 4 as justification for keeping Aaron away from Jared.

RP page 15@17 to page 22@4

The Trial Court Erred When It Allowed Testimony Known To Be False To Stand Uncorrected

The Order for Protection should be vacated because Elizabeth has used this Order multiple times in attempts to get Jared arrested again and again. CP101-168 Jared has not violated any Court order. The Order for Protection is based on false testimony and is being used to deny Jared access to his child.

Less than two weeks after the ex-parte order for 'protection' was signed, on January 29, 2014, Aaron was left in the unsupervised care of Krinke and wound up at the emergency room with blunt force cardiac injury and fluid in his lungs. CP@184

Elizabeth was listed as 'unavailable' at the Jan 29, 2014 ER visit but Krinke was instructed in no uncertain terms to return the child for a recheck within 48 hours. The Doctor stressed the importance of this several times in his report but these instructions were not followed. [3]

[3] Merck Manual of Medical Information Home Edition 1997 pg. 163 Pneumonia can become suddenly fatal and is the 6th leading cause of death. Aaron was at extreme risk when follow up care was neglected.

By the time the hearing for the Protection Order happened on February 13, 2014 Jared hadn't seen Aaron for over 10 weeks. While the Superior Court King County was restraining Jared, Aaron was being abused and injured in the custody of his mother and Krinke.

On Feb 13, 2014 Commissioner Canada -Thurston passed custody from Jared to Elizabeth based, not on domestic violence or assault, but on completely false testimony regarding Aaron's physical care.

Elizabeth alleged that Aaron had pneumonia on 12/4/2013 and that Jared had refused to take Aaron to the doctor. Elizabeth uses this false allegation as justification for her behavior at Jared's apartment that night.

RP Feb13pg 9-11.

Court begins verbally berating Jared for something that was not even true and telling him that he cannot say anymore in his own defense. [4]

Court: *Sir I want to let you know that will be really important if in fact what you just testified to turns out what you thought was the sniffles was pneumonia. I'm not saying that for you to say one more word, not one word.* [5] *I'm just telling you that it will look bad for you if the child on that weekend was diagnosed with pneumonia it will look bad.*

---

[4] Canon 2 Rule 2.6 Ensuring the right to be heard. (A) a judge shall accord to every person who has a legal interest in a proceeding or that person's lawyer the right to be heard according to the law. Comment (1) the right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed.

[5] id

Jared: *Can I say one thing?* (Jared knows that Aaron did not have pneumonia on Dec 4, 2013)

Court: *No I meant it when I said no.*[6] *I'm reissuing the order for protection. I'm sending it for Family Court Services for a full investigation to discern what is going on fully here and what treatment should be ordered.*[7]

Here the Court admits it does not know what is going on but issues multiple adverse judgements against Jared anyway.

The necessary evidence was already in the courtroom; medical records that verified Jared's testimony and impeached Elizabeth's. An outside investigation was not necessary and took months to complete while it left Aaron at risk for further abuse and neglect and violated Jared's fundamental liberty right to care and control of his child.

The case was sent to FCS where Social Workers became involved and caused the case to be extended for many months while they wrote their reports.

Jared filed a motion for reconsideration that very day, which was heard on February 25, 2014. Jared again presented the medical records

---

[6] After telling the appellant that he can say no more in his own defense and in defense of his relationship with his child Commissioner issues multiple adverse rulings and orders against the Appellant.

[7] Canon 2 Rule 2.9(3)(c) a judge shall not investigate facts in a matter pending or impending before that judge and shall consider only the evidence presented and any facts that may properly be judicially noticed unless expressly authorized by law.

showing that Elizabeth's testimony was false and that she had blamed Jared for the illness and serious injury that happened on January 29 in Elizabeth's custody, and while in the unsupervised care of Krinke.

RP Feb 25 pg. 15

Commissioner proceeded to testify from the bench[8] on behalf of Elizabeth claiming that 'she did prove she took the child to the doctor 'repeatedly' in December'. RP Feb 25 pg.16@4

This is not what the record says. She took him only on December 7, 2013 and Aaron was diagnosed with the common cold, just as Jared had said. CP 182 Aaron did not have pneumonia in Jared's care as Elizabeth had testified at hearing on Feb 13, 2014.

Even when faced with undeniable written documented medical records, Commissioner continued to argue with Jared and continued giving completely false testimony on behalf of Elizabeth from the bench[9] and continued interrupting and blaming the father and telling the father that he couldn't speak even though she had the medical record right in front of her and knew that Elizabeth had testified falsely RP pg. 16 @22 Commissioner is relentless in her effort to keep witnessing for Elizabeth

---

[8] Fed Rules of Evidence Rule 605. Judge's Competency as a Witness. The presiding judge may not testify as a witness at the trial. A party need not object to preserve the issue.

[9] Id.

from the bench and to keep Jared and Aaron under the restraint of the protection order. RP Feb 25 pg. 15-17

Commissioner refuses to yield and has held Jared under the restraint of an order for protection until this very day, based entirely on false testimony. The Order for Protection should be vacated.

By the time Jared finally got a visit with Aaron on March 1, 2014, he had not seen Aaron for 12 weeks. (Dec 4, 2013 to March 1, 2014)

RP Feb13 pg. 8 line 11-20

Aaron clung to Jared and shook all weekend. At the end of visit Aaron screamed, kicked and tried to cling to Jared to avoid going home with Elizabeth.

After this Jared started recording these exchanges on video. He filed multiple motions, pleadings, declarations and witness Statements but the Trial Court did not respond to his pleadings. March 28, 2014 CP @ 43-50; May 5, CP 52-65 May 23 CP @ 81-85; July 1 CP@ 88-91 Aug 21 CP@ 92-100 172-177

The Trial Court Failed To Follow The Requirements Under RCW 26.09 When It Established A Parenting Plan For Aaron.

On November 10, 2014, the case went to trial before the Honorable Judge Samuel S Chung.

The Trial Court erred when it placed draconian restrictions on Jared's residential time with Aaron without following the requirements under Statute RCW Title 26 Chapter 26.09.

Here the Trial Court abused its discretion and made a grievous error when it incorrectly applied RCW 26.09.191(1) (2) and RCW 26.50.010(1) to severely restrict Jared's residential time with Aaron to only 24 days a year with no overnights.

There is no evidence to support any restriction in Jared's residential time with Aaron under the Statute.

This restriction is worse than manifestly unreasonable; it is directly opposed to the legislative determination for the welfare of children as enacted in RCW Title 26 Chapter 26.09, it is abusive to Aaron, and as such must be vacated.

The Trial Court Did Not Make an Express Finding to Support the Residential Time Restriction

The Trial Court 'may not impose limitations or restrictions in a parenting plan in the absence of express findings under RCW 26.09.191.' Katare, 125 Wn. App. at 826. Any limitations or restrictions imposed 'must be reasonably calculated to address the identified harm'. Id.

Since no harm was identified or even alleged, the restrictions on Jared's residential time are not authorized by Statute.

The Trial Court did not issue an express finding to support the imposition of these restrictions; instead, in the Parenting Plan page 2 of 12 under item II 'Basis for Restrictions 2.1 the Trail Court simply checked a box that reads 'a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

What is the basis for the restriction? Is it a history of multiple acts of domestic violence as defined in RCW 26.50.010(1)? And if so, which acts? Or is it an assault, or is it a sexual assault, which causes grievous bodily harm or the fear of such harm?

None of those behaviors were even alleged much less proven.

Jared challenges the Trial Court's finding that he ever engaged in any of that type of conduct that would authorize a restriction on his residential time with Aaron.

Before the Trial Court can restrict Jared's residential time with Aaron under RCW 26.09.191 (1)(2) it must meet the requirements enacted by the legislature under RCW 26.09.191(6) which States that 'in determining whether any of the conduct described in this section has occurred the court shall apply the 'civil rules of evidence, proof and procedure'.

The Trial Court imposed restrictions with no evidence of domestic violence as defined in RCW 26.50.010(1) which reads;

As used in this chapter, the following terms shall have the meanings given them:

(1) 'Domestic violence' means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

At trial Elizabeth alleges that during the 10 year marriage Jared 'hit' her twice; once in 2010 when she was four months pregnant and once six-months post separation when the couple had a dispute in Jared's apartment over Aaron's need for an emergency room visit.

RP Nov.10, 2014 PG. 23@6-10.

In the 2010 incident the parties were struggling for control of Jared's cell phone and Elizabeth sustained a small bruise on her lip. Jared left the home and did not return for several months. Elizabeth called police and filed a complaint. Jared was not arrested but he was charged with assault 4 DV, however, Elizabeth declined to assist with prosecution. The case was dismissed with prejudice when she failed to appear at two trial

dates and would not communicate with the Court. The allegation of assault was not proven.

The Trial Court Erred When It Ordered Batterer's Treatment Based On The Opinion Of A Social Worker

In her DV assessment Hunter says it is 'likely' in her 'opinion' that Jared twice used 'physical force' against Elizabeth. CP 118

Hunter's opinion of Jared's guilt or innocence based on police reports is irrelevant and not admissible as evidence against him. Hunter needs to support her opinion with some kind of documented proof. The only opinion about guilt that is relevant is the opinion of a judge or jury after examining all the evidence. Police reports are allegations, not evidence. Jared was not ever convicted nor did he ever plead to or admit to any assault or violence against Elizabeth and Elizabeth was not able to back up any of her allegations with any proof.

Jared objects to the use of Hunter's undocumented accusations against him. When asked what evidence Hunter was presenting to back up her opinion, she had none. RP 122 @ 16-25 and 127 @ 13 and 130 @ 9

The DV report refers to police statements that Jared had no opportunity to cross examine, and allegations that Alma knew something but Hunter admits she was unable to contact Alma for confirmation and

Jared was not able to cross examine Alma. None of this information is admissible as evidence of anything. CP 218

RCW 26.09.191(6) requires 'in determining whether any of the conduct described in this section has occurred the court shall apply the 'civil rules of evidence, proof and procedure'.

A private interview in Hunter's office in the absence of witnesses and in the absence of a court reporter to determine whether domestic violence has occurred in the opinion of a Social Worker is not consistent with 'civil rules of evidence, proof and procedure', and violate Jared's right to due process of law.

The Trail Court, when it acted upon an inadmissible opinion about Jared's guilt, rather than examining evidence, violated Jared's right to due process of law and as such the restrictions on Jared's residential time with Aaron and the Order compelling Jared to comply with Batterer's Treatment are not authorized under Statute and must be vacated.

Hunter is not a lawyer and here she misapplies the law when she labels Jared's behavior 'domestic violence'.

As used in this chapter, the following terms shall have the meanings given them:

(1) 'Domestic violence' means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury

or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household members.

Hunter's assertion that 'physical force' is justification for battery treatment results from her lack of understanding of the definitions of terms such as 'physical force, domestic violence, assault, and battery'. RP 118

'Physical force' is not synonymous with 'assault' or 'battery' and does not indicate that domestic violence occurred.

Black's Law Dictionary revised fourth edition pg. 193 defines Battery as 'any *unlawful* beating or other wrongful physical violence or constraint inflicted on a human being without his consent'.

Black's Law Dictionary revised fourth edition pg. 147 defines Assault as 'an *intentional, unlawful* offer of corporal injury to another by force or force *unlawfully* directed toward person of another, under such circumstances as create well-founded fear of imminent peril, coupled with apparent present ability to execute attempt if not prevented.

Intention to harm is of the essence" Raefeldt v. Koenig, 152 Wis. 459, 140 N.W. 56, 57, L.R.A. 1918E, 1052

Clearly Jared never 'intended any harm' to Elizabeth and never threatened to harm her. He was merely trying to retrieve his cell phone. Elizabeth struggled to maintain possession of Jared's phone which ultimately resulted in an unintended very minor bruise on her lip. Jared did the right thing by leaving the home to end the altercation; he did not come back for several months. He did send her a text message apologizing and reaffirming that his intent was not to hurt her.

In her assessment (CP 217) Hunter draws the inaccurate conclusion that Jared's apology indicates that he assaulted Elizabeth but, in fact, indicates that Jared *did not* assault her because the *essence* of assault is *'the intent to harm'* [10] which is absent here. RP 118, RP 122, RP 127, RP130.

The term 'history of acts of domestic violence' was intended to exclude isolated, de minimis incidents which could technically be defined as domestic violence. In re C.M.C., 87 Wn. App. at 88.

This isolated, de minimus incident from 2010 does not qualify as a basis to restrict Jared's residential time with Aaron under RCW 26.09.191(1)(2).

The statute requires a finding of multiple acts of assault as defined in RCW 26.50. 010 or one single assault that caused or threatened to cause

[10] Intention to harm is of the essence" Raefeldt v. Koenig, 152 Wis. 459, 140 N.W. 56, 57, L.R.A. 1918E, 1052

'grievous bodily harm'. This act by Jared, when he tried to retrieve his cell phone and Elizabeth refused to give it back, did not cause or intend to cause grievous bodily harm; the intent was only to retrieve his belongings.

This de minimus incident does not qualify as a basis for "Batterer Perpetrator Treatment" or as a basis for restrictions on Jared's residential time with Aaron.

Krinke testified at trial in regard to the second alleged incident that occurred six months post-separation in Jared's apartment on December 4, 2013. RP pg.73-74 when Jared was arrested for assault 4 DV on Dec. 4, 2013 but was found not guilty by jury trial on July 21, 2014.

Krinke admits to trespassing on Jared's apartment on the night of December 4, 2013 even after being ordered to stay out and admits assisting Elizabeth in removing Aaron from Jared's custody by force. He admits standing between Jared and Aaron and telling Jared not to touch Aaron. He admits that Jared was trying to shut the door to keep them out but Krinke held the door open until they had removed Aaron. Krinke admits that Jared repeatedly ordered them to get out of his apartment but they refused to leave. RP 73-74

Krinke also admits that after assisting Elizabeth to take Aaron and after Elizabeth and Aaron had left the house Krinke remained inside Jared's apartment and that Jared continued trying to evict Krinke. RP 74@ 3-10

Krinke admits he didn't see any assault. Krinke does not testify that Jared inflicted any injury on Elizabeth or that he threatened to. Krinke only testified that Jared changed his mind about letting Aaron go home with Elizabeth and that Jared locked her out of his room.

Krinke also admits that he was aware Jared did not want Aaron to leave RP 74@25 but they took him anyway and blocked Jared's access to Aaron by means of arrest, threats of arrest, Orders for Protection and attempted arrests for violations of the protection order. CP 100-168

It is in appropriate to blame Jared for this incident and accuse him of assault when, in fact, he did not assault anyone and Kurt and Elizabeth were trespassing and threatening him in his apartment.

On cross exam of Krinke, Jared established that an advocate for 'victims' of domestic violence submitted a false report[11] to the court on behalf of Elizabeth EX 11 in regard to the incident that occurred in Jared's apartment on the evening of December 4, 2013when she writes that Krinke did not enter Jared's apartment. RP 75-76

Perhaps the 'victim advocate' understood that Elizabeth and Krinke's behavior at Jared's apartment was inappropriate at best and was trying to help Elizabeth place the blame onto Jared.

---

[11] RCW 9A.72.080 Statement of what one does not know to be true. Every unqualified statement of that which one does not know to be true is equivalent to a statement she knows to be false.

Jared raises the question of whether court employees submitting false testimony on behalf of one party may affect the outcome of hearings. Jared did not ask the question correctly and was rebuffed by the court.

RP pg.75-77

This incident on December 4, 2013 was used again and again in the pretrial hearings to keep Jared under restraint of a Protection Order and to order him to Batterer's Treatment, and to deny him access to Aaron, even though there was never any assault or battery.

In regard to this incident Social Worker Hunter also makes a materially false Statement to the Court on page 11 of her DV report when she says: '*per the Kirkland police report the father told Elizabeth her boyfriend Kurt could not come inside his residence when she arrived to pick up the child. Per the report, Kurt did not enter the father's residence until 'the assault' was in progress and* Mother called out for help'. CP 218

This is not what the police report says, not at all, and there was no 'assault' as determined by a two-day jury trial. In his testimony Krinke does not allege that there was any assault going on when he entered. When Krinke entered Jared's apartment he found Elizabeth 'hysterical' outside Jared's locked door and asking for Krinke's assistance to breach the door.

CP@134

By submitting false testimony to the Court in her DV assessment in regard to this incident, and others, Hunter disqualifies herself, not only as an 'expert', but even as a credible witness.

At Trial No One Testified To Any Knowledge Of Any Assault Or Domestic Violence In The Killey Home

Victoria Aid testified that she was the couple's neighbor for more than 10 years and during that time the family appeared to be very loving and caring. She never heard any fighting or arguing. She denies hearing or knowing about any violent disturbances in the home at any time during the marriage and denies ever seeing Elizabeth bruised. She describes Jared as a loving father always. RP pg. 61-62

On cross-exam Elizabeth questions Ms. Aid in regard to the incident in 2010 only mentioning that Jared had moved out at that point. Ms. Aid had no knowledge of any assault at that time.

The paternal grandmother also testified regarding the dynamic around Jared's family and in regard to Jared's parenting of Aaron. Ms. Bradley also describes Jared as a wonderful father and no danger to the child at all.

The grandmother describes Jared's limitations due to his car accident but denies that Jared ever showed any signs of violence.

Elizabeth claims that she told the family about all kinds of violence from Jared but MS Bradley denies any knowledge of it. RP 31-33

COURT: So your testimony is you have not seen your son violent?

BRADLEY: No never. I've never seen him hit another person and I have four children and my children did not hit each other. My children were not raised in a violent home and they are not violent people.

Elizabeth did not present any witnesses in rebuttal. Although this couple had a large community of friends, co-workers, neighbors, and family, no one was ever aware of any violence in the Killey home.

CP 251-279.

Based on the testimony of witnesses: Elizabeth, Krinke, Ms. Aid and Ms. Bradley there are no grounds for restrictions on Jared's residential time with Aaron.

No one came forward in support of Elizabeth or her parenting except the Social Workers from Family Court Services, who, in fact, did not know Elizabeth personally and were not qualified to give testimony concerning what happened during the marriage. The only information they had was Elizabeth's allegations, all unsupported by any evidence.

Elizabeth did not produce any medical records showing that she ever sustained any injury at any time during the marriage. She did not

produce any psychological record for treatment of depression, anxiety or other emotional distress or mental problem. She never had to leave the home to find alternative safe shelter. She alleges no mistreatment of the children.

There is simply no 'history of domestic violence' in this family that authorizes restrictions on the father's residential time with Aaron.

The Parenting Plan Is Manifestly Unreasonable

The Parenting Plan is manifestly unreasonable because it allows a fit parent only 24 days a year to maintain the parent-child relationship and defeats the legislative intent to provide for the welfare of children as Stated in RCW 26.09.002 and RCW 26.09.003.

It is unclear what factual or legal basis the Trial Court relies on to restrict Jared's residential time with Aaron or how the established Parenting Plan is reasonably calculated to be in the 'best interests of the child' which shall be the 'standard by which the court determines and allocates the parties parental responsibilities' RCW 26.09.002

No harm to the child in the care of the Father is even alleged, no assault is alleged, no sexual assault is alleged and yet the father is restricted to 24 daytime only visits per year. This effectively ends Jared's role as a parent and places him in the role of occasional visitor.

This defeats the determination of the legislature as expressed in its policy Statement RCW 26.09.002 and RCW 26.09.003 which reads in part: '*the State recognizes the fundamental importance of the parent-child relationship to the welfare of the child and that the relationship between the child and each parent should be fostered unless inconsistent with the child's best interests' and that 'the best interest of the child is ordinarily served when the existing pattern of interaction between a parent and child is altered only to the extent necessitated by the changing relationship of the parents or as required to protect the child from physical, mental or emotional harm'.*

Clearly the State's determination is that both parents should have a relationship with the child, not just the Mother.

The only way this determination should be altered is '*as required to protect the child from physical, mental or emotional harm'.* RCW 26.09.002

That purpose was defeated here. Under the currently established Parenting Plan with Elizabeth as the custodial parent the child has suffered emotional trauma, physical injury and mental anguish.[12]

This neglect and abuse is well documented by medical records, witness declarations, photographs and video.

---

[12] See generally Aaron's Medical Records

The Trial Court Erred When It Offered Its Own Characterization Of The Evidence

Jared submitted evidence on his computer monitor showing a series of photographs and video of himself with Aaron, and also video of Aaron at child exchanges. The video shows Aaron's emotional trauma and fear when the residential time with Jared ended and Elizabeth came to pick him up. Jared showed two separate exchanges dated March 29, 2014 and May 11, 2014. CP 48-49

After repeatedly admonishing Jared not to comment on the video, [13] RP 49@12 Judge Chung offered his own characterization of the evidence when he testified from the bench in regard to Jared's video. [14] RP 50@6-19.

Other Evidence Rules Are Implicated As Well.

The Trial Court Abused Its Discretion When It Excluded Expert Testimony Regarding Aaron's Medical Records

---

[13] Code of Judicial Conduct Canon 2 Rule 2.6 Ensuring the Right to Be Heard(A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. COMMENT [1] The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed.

[14] ER 605 A judge presiding at a trial may not testify in that trial as a witness. No objection need be made in order to preserve the point.

The trial court ruled that Jared's witness, Terri Bradley could not testify to what was recorded in Aaron's medical records (submitted by both parties) because 'she's not a licensed physician'. RP42/25

Here the Trial Court confused a Pro Se litigant by making him believe that some obscure rule existed that disqualified his witness.

Ms Bradley Was Sufficiently Qualified To Testify

There is no rule, law or statute that requires an expert witness to hold any license, degree, or certificate to qualify as a credible and knowledgeable expert witness.

Rule702. Testimony by Expert Witnesses

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

(a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;

(b) the testimony is based on sufficient facts or data;

(c) the testimony is the product of reliable principles and methods; and

(d) the expert has reliably applied the principles and methods to the facts of the case.

Jared wrote a full page of qualifying information about Bradley's degree, knowledge and experience and included this qualifying information in his trial notebook. The trial court knew that MS Bradley was fully qualified to testify to the meaning of medical terms such as 'URI' and fully qualified to testify to whether a fever is 99* or 101*.

RP Nov 10@42/22

This information is simple and does not require an MD to understand.

Rule 607. Who May Impeach a Witness

Any party, including the party that called the witness, may attack the witness's credibility.

The testimony of MS Bradley was also rebuttable information that could be countered on cross-exam if the opposing party disagreed with any of the testimony. The opposing party did not object to admitting the medical record and did not object to the testimony of Terri Bradley.

The Trial Court erred when it stopped this testimony simply because it was unattractive to the Mother.

COURT: ***Mr. Killey is the purpose of these medical records questions to show that Aaron did not receive proper treatment under the care of your wife?***

JARED: ***Yes***

COURT: ***Okay. You can't...*** RP pg. 41

The medical records reveal serious neglect and internal injuries to the child in the care of the Mother and by stopping this important testimony the Trial Court abused its discretion, denied Jared the right to be heard according to law and made an erroneous ruling. The Trial Court excluded this testimony that was admissible by law and urgently necessary to decide the best interests of the child.

The Testimony Of Ms Bradley Was Relevant

Both parties submitted copies of Aaron's medical records into their trial notebooks and both sides wanted to litigate the issues regarding Aaron's health. There was a dispute between the parties that needed to be resolved.

The purpose of the Dissolution Trial was to litigate issues in dispute and resolve conflict between the parties.

The Trial Court prevented the parties from having their issues resolved by excluding this important expert testimony regarding the issue disputed; Aaron's medical records.

The Excluded Testimony Would Have Shown

1 That on December 4, 2013 Aaron was in Jared's custody at his Kirkland apartment. Elizabeth instructed Jared to take Aaron to the ER. After observing Aaron for a while Jared decided that Aaron was not urgently ill and only had a runny nose. Jared did not take Aaron to the ER.

2 That on December 7, 2013 Elizabeth took Aaron to the ER and was given a print out that explains Aaron had an URI, also known as the common cold.

3 That on January 16, 2014 Elizabeth filed a Petition for Order for Protection and named Aaron as a protected person. Jared was restrained from seeing Aaron from December 4, 2013 until March 1, 2014.

4 Two weeks after restraining Jared, Krinke took Aaron to the ER with blunt force cardiac trauma and pneumonia, tachycardia and tachypnea . Aaron was seriously ill and had internal injuries.

5 Pneumonia can become suddenly fatal and instructions were given to return for recheck within 48 hours. This was not done. The Mother put Aaron at extreme risk when she did not follow up for this serious illness and injury.

6 Aaron remained chronically ill for many months while Jared was restrained. He suffered chronic cough, fever, vomiting, and infection.

7 On March 10, 2014 chest X-ray reveled traumatic internal injury to both shoulders.

8 In April, 2014 Aaron was left in a dirty diaper so long that the skin burned off his bottom. At visit April 26 the father observed and

documented in photographs a second degree burn (not to be confused with a diaper rash). Jared treated the burn for two days.

9 At the next visit on May 10, 2014 Jared observed that the burn was still not healed and had become infected. Jared took Aaron to the ER where he was diagnosed with Candida; a painful, and almost unbearably itchy infection. Jared treated the infection for two days.

10 For the next four months Jared treated the infection and documented in photos on the days he had visits with Aaron but the infection was not being treated by the mother and infection persisted until August 29, when the mother finally took Aaron to the doctor for treatment.

11 On May 9, 2014 Krinke took Aaron to the doctor without the Mother present. When questioned about Aaron's cardiac shunt, Krinke denied any knowledge (even though Aaron was in Krinke's care when it was diagnosed Jan 29.) Doctor ordered diagnostic echocardiogram and Mother got a referral to a Cardiologist at Children's Hospital Seattle.[15]

The Mother never followed up with the cardiologist. The internal injuries that Aaron suffered are being concealed by the Mother and Krinke.

It is unclear how the current Parenting Plan is reasonably calculated to protect the child from physical, mental or emotional harm

[15] Aarons medical records CP 181-206
Some of the record was omitted when originally filed.

which is required when imposing restrictions on residential time with the child.

At trial Aaron's best interests were not even considered by anyone except the father. The focus of the trial was directed at accusing and blaming the father for alleged wrongdoing during the marriage and recommending restrictions on the father-child relationship.

SOCIAL WORKERS RECOMMEND

UNAUTHORIZED RESTRICTONS

Brewer recommends restrictions on the father-child relationship based on; 1) The Father's Arrest. Jared objects. RP pg. 146

> When Brewer says that an arrest is a basis for residential time restrictions she is not giving expert testimony, she is issuing an erroneous conclusion of law. The arrest is not a basis for restriction because it was proven to be a false arrest and Jared was found not guilty of the allegations, so that argument fails.
>
> 2) the Full Order For Protection
>
> 3) order to participate in Domestic Violence Treatment.

As discussed earlier, the Order for Protection and Hunter's recommendation that Jared participate in domestic violence batterer's treatment is an error and those judgement were entered against Jared based of false testimony. None of these issues are a basis for a restriction on

Jared's residential time with Aaron. The Court must show proof by a preponderance of evidence that Jared engaged in 'a history of acts of domestic violence' as defined in RCW 26.50.010 or an assault or sexual assault that causes grievous bodily harm or the fear of such harm. Brewer also testifies that the Mother should be the primary parent because 'the father was employed full time' but so was the mother, so that basis fails and because 'there was an extended period of time with no contact with the child'; because the Mother sequestered the child and restrained Jared with threats of arrest, so that basis fails as well. RP 147

None of Brewer's reasons are a basis for restrictions on the father's residential time with Aaron. Brewer admits she did not interview the father, she did not visit his home, she does not know where he is living, she does not know his work schedule, she has not seen him interact with the child, in short, and Brewer has absolutely no information to recommend restrictions on Jared's residential time with Aaron.

Hunter recommends restrictions based on police reports, with no convictions for domestic violence, medical records, petition for order for protection. None of these documents indicate a 'history of acts of domestic violence' which is required to restrict Jared's residential time with Aaron.

As discussed previously Hunter's report relies on inadmissible assumptions of guilt and Jared objects to this testimony, pointing out that

Hunter has no knowledge of whether the information in police reports and order for protection is true or false. Hunter testifies that in her professional opinion Jared engaged in 'some type of physical assault' against the mother in 2010. RP

Hunter's 'opinion' regarding Jared's guilt is irrelevant because she is not a judge and she is not a juror. This is not expert testimony. This is just an unsubstantiated accusation against Jared that Hunter is submitting under the pretense of expertise. It is not evidence. Hunter has no way of knowing if Jared is guilty or not, she was not there, making the risk of error enormous.

Social Workers Debra Hunter and Emily Brewer recommended restrictions that are without merit because their recommended restrictions are not authorized by Statute are not consistent with the legislative intent as enacted in RCW title 26 chapter 26.09 and are not in Aaron's best interest.

Elizabeth requested, and the Trial Court established, a Parenting Plan that is clearly harmful to Aaron but beneficial to her because it allows her to continue exerting power and control over the father and to sabotage the father-child relationship that the legislature has determined to foster.

RCW 26.09.191 does not only authorize restrictions based on a finding of a 'history of acts of domestic violence'.

Subsection (3) also allows restrictions on Elizabeth's residential time with Aaron on the basis of

(e) *'the abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development'.*

(f) a parent has withheld from the other parent access to the child for a protracted period without good cause

(g) such other factors or conduct as the court expressly finds adverse to the best interests of the child.

It is well within the Court's discretion to limit Elizabeth's residential time with Aaron on the basis that (f) Elizabeth withheld Aaron from the father for three months without good cause and would have withheld the child permanently if the Court had not ordered her to bring the child to the father for visitation. In her response to Jared's Petition for Dissolution, Elizabeth expresses her intent to permanently block Jared's access to their child in her proposed Parenting Plan dated December 27, 2013 CP 24-34 in which she proposes no time at all for Jared and Aaron, ever, based on her allegation that Jared assaulted her on Dec.4, 2013, an allegation for which Jared was found not guilty.

It is also within the Court's discretion to restrict Elizabeth's time based on (e) her repeatedly engaging in abusive use of conflict: false

arrest, attempted arrests, orders of restraint, vandalism of the father's property and false allegations of abuse against the father and his family.

This abusive treatment of Jared and Aaron by Elizabeth is a basis for restrictions in Elizabeth's residential time.

It would also be within the Court's discretion to place restrictions on the Mother's time with Aaron based on the neglect and physical harm to Aaron suffered in her custody after she restrained Jared.

Even if the Court believed that there was sufficient evidence to support a finding of 'a history of acts of domestic violence' the legislative intent is to allow judicial officers to have the discretion and flexibility to assess each case based on merits of the individual cases before them. RCW 26.09.003 reads in part: 'when judicial officers have the discretion to tailor individualized resolutions, the legislative intent expressed in RCW 26.09.002 can more readily be achieved'.

To provide judicial officers with the necessary tools to implement their discretion and flexibility the court may apply RCW 26.09.191(2)(n)

(n) if the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the

limitations of (a), (b), and (m)(i) and (iii) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

Since there was no harm alleged to the child in the care of the Father, RP 118@19 and because there is not any evidence of domestic violence, there was only one unsubstantiated accusation of a de minimus incident between the parties during a 10-year marriage, in 2010, the Court was well within its discretion to establish a Parenting Plan that was fair to Jared and Aaron.

The Trial Court's Process Was Unconstitutional

The United States Supreme Court has recognized that 'freedom of personal choice in matters of family life is a fundamental liberty interest protected by the 14th amendment'. Santosky vs. Kramer 455 U.S. 745 753 (1982).

A parent's interest in management of his child is 'far more precious than any property right' Stanley vs. Illinois 405 U.S. 645 651 (1972)

The 'parent's claim to authority in their own household to direct the rearing of their children is basic and the structure of our society'. Polovchak vs. Meese, 774 F .2d 731, 734 (7th Cir. 1985) quoting Ginsberg v. New York, 390 U.S. 629 639 (1968).

Parents have due process rights whenever government action affects freedom to raise a child or has a potential or actual divisive impact on family relations. Polovchak, 774 F.2d at 734-35.

Due process is *not* limited to cases where parental relations are terminated completely. Id. The severity of impact on parent-child relations merely affects the nature of the process due, not whether it is due. Id. At 735; In re Sumey, 94Wn. 2d 757, 762- 63 (1980).

In assessing the constitutionality of a procedure which infringes on a parent's right to the care and custody of the child a court must ascertain the proper balance between the parent's constitutional rights and the State's constitutionally protected parens patriae interest in protecting the best interests of the child'. Sumey at 762 -63

To achieve that balance Washington Court consider three factors

1) the parent's interest 2) the risk of error created by the State's chosen procedure and 3) the State's interest. In re Key, 119 Wn. 2d 600, 610 (1992)

Applying that test to the process used by the trial court here, the process falls far short of what was due.

1) because the father is a fit parent the State's parens patriae interest in restricting his rights is minimal whereas the father's interest in raising his child is weighty.

As already discussed the father's freedom to raise his child is a fundamental liberty interest. The State's interest by contrast is weak or nonexistent. Without a finding of unfitness or some other serious risk to the child the State's parens patriae interest 'does not even come into play'. Santosky, 455 U.S. At 767, n, 17. When the parent is considered fit the parent's interest is cognizable and substantial and the State's interest in caring for the child is de minimus. Stanley 455 U.S. at 651-52, 657. Thus two of the three factors- the parent's interest and the State's interest- weigh in favor of strong procedural protection here.

2) The risk of error was enormous

The other factor in evaluating constitutional adequacy of a process for depriving individual rights is the risk of making an erroneous decision. Key, 119 Wn. 2d at 610. Here the risk of error was so exceptionally high as to deny the father due process.

Due process requires a standard of proof that is commensurate with the weight of the interests at stake Santosky 455 U.S. At 755.

In cases involving individual rights the standard of proof reflects the value society places on individual liberty. Id. at 756. Courts require the highest standard of proof -beyond a reasonable doubt-in criminal cases and an intermediate standard of clear and convincing evidence when the individual interest at stake are particularly important and more substantial than mere loss of money Id. At 755-56. Here, although a parent was permanently deprived of a fundamental parenting right the trial court did not even apply the minimal standard of proof -a preponderance of evidence. Because no evidence existed to support a finding that the father had committed multiple acts of 'domestic violence' the court's standard; one of 'presumption' was not commensurate with the weight of the father's interest; it violated due process. Santosky 455 U.S. At 755. When a judgment is entered without procedural due process it is void. Ebbighausen, 42 Wn. App. at 102. Sumey, 94Wn. 2d at 762. Because the permanent parenting plan was entered without due process this Court should declare it void.

Since no harm to the child in the care of the father was even alleged, it was well within the discretion of the court to establish the father's reasonable Parenting Plan for Aaron because the father's plan will meet all of the statutory requirements and will support the determination

of the State in regard to the welfare of the child while Elizabeth's plan does not.

RCW 26.09.013 (7) provides:

'In cases in which the court finds that the parties do not have a satisfactory history of cooperation or there is a high level of parental conflict the court may order the parties to use...safe locations to facilitate the exercise of residential time'.

The Court by using this provision can solve the problem of the Mother using a claim of conflict with the father as a reason to deny the father residential time with Aaron. By using a safe location for child exchanges Jared and Aaron can enjoy their residential time without the imposition of restrictions.

The court has provided these solutions for Elizabeth but she still refuses to cooperate. Clearly the legislative intent is for this residential time to occur between the father and child even if Elizabeth is opposed [16] and that restrictions on residential time should only be imposed if 'necessary to protect against adverse effects to the child's best interests'.

The father proposed a Parenting Plan that allows adequate time for Aaron to maintain his bonds with his Mother and brother while also

[16] The best interests of the child shall be the standard by which the court determines and allocates the parties' parental responsibilities. RCW 26.09.002

allowing Aaron adequate time to maintain his interpersonal relationships with the paternal side of the family while the current plan does not.

The current Parenting Plan establishes an incentive for Elizabeth to continue blocking Aaron's access to his father which is not in Aaron's best interests and is inconsistent with the legislative intent for Aaron's welfare.

The current Parenting Plan does not satisfy the determination of the State or of the father and is not in the best interest of the child.

The father proposed that he should manage the child's school week and Elizabeth should have the child Friday afternoon until Sunday PM.

With this arrangement Aaron can be with his father instead of spending his days at a daycare facility and this way Aaron's care can be managed closer to the pre-separation schedule.

The current Parenting Plan should be vacated and the parties should be ordered to follow the Father's Parenting Plan pending further proceedings. RP pg. 15 Line 17 - pg. 22 Line 4

CONCLUSION

There is no basis for any restrictions on the Jared's residential time with Aaron.

The Parenting Plan proposed by the Mother and established by the Trial Court is manifestly unreasonable because it grants custody and control of Aaron to the parent who exhibits conflict and a spirit of uncooperativeness and whose intent is to permanently block her child's access to his Father.

The current parenting plan is manifestly unreasonable because the Mother's parenting of Aaron has exhibited evidence of neglect and physical injury and because it places manifestly unreasonable restrictions on the father, a fit parent, who has exhibited the spirit of fairness and cooperation and has always acted in the best interests of Aaron.

The Parenting Plan is manifestly unreasonable because it grants custody to the parent who has requested that the Court act for her benefit in a manner that is inconsistent with the legislative intent expressed in RCW 26.09.002 and RCW 26.09.003, is inconsistent with the best interests of her child and negatively impacts Aaron's interpersonal relationships with his extended family.

The Parenting Plan is manifestly unreasonable because it denies Aaron access to his Father, a fit parent, who never caused or allowed any injury or harm to the child and whose parenting is beyond reproach.

THE APPELLANT REQUESTS THE FOLLOWING RELIEF

1. Reverse the designation of the Mother as the primary parent and remand for further proceedings.

2. Order that the parties should comply with the Father's Proposed Parenting Plan pending further proceedings.

3. Order that Aaron should have a guardian ad litem to represent his interest in a safe home environment and to represent his interest in maintaining a relationship with his father .

4. The Orders issued by the Trial Court for Batterer's Treatment and Parenting Classes are inappropriate for Jared and should be vacated.

Date 5/11 2015 Respectfully Submitted,

Jared Bryan Killey
Appellant Pro Se

P. O. Box 5563
Lynnwood WA 98046
206-468-7017

COURT OF APPEALS

OF THE STATE OF WASHINGTON DIVISION 1

JARED BRYAN KILLEY — No. 13-3-13106-8SEA

Petitioner/Appellant — COA No. 72932-2-1

vs. — CERTIFICATE OF SERVICE

ELIZABETH KILLEY

Respondent

The undersigned certifies under penalty of perjury according to the laws of the State of Washington that on this date I caused to be served by certified mail to

Elizabeth Killey
P. O. Box 802
Woodinville WA 98072

And to her attorney

Leticia Camacho WSBA # 31341
Northwest Justice Project
401 Second Avenue South Suite 407
Seattle WA 98014

A true and correct copy of The Appellant's Opening Brief

Dated this 11 day of May, 2015

Signed _____

Jared Bryan Killey
6817-208th SW Box 5563
Lynnwood WA 98036