96152-2

No. 76623-6-1

WASHINGTON STATE SUPREME COURT

DAVID WILEY, Appellant

V.

JENNIFER WILEY, Respondent

PETITION FOR DISCRETIONARY REVIEW

David Wiley
Appellant In Propia Persona
1024 Cedar Ave #A
Marysville, Wa 98270
(425) 420-4030

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3. Identity

Now comes David Wiley and requests review by the Washington State Supreme Court. I, David Wiley am the original Respondent in dissolution trial case 15-3-01947-5 and the Father of Jennie, Rana and Tristan.

4. Decision for which Review is sought

I seek review under RAP 13.3 of the undated order denying reconsideration by the first division of the Court of Appeals which was filed on July 6th, 2018 in case 76623-6-1. The appellate decision denied review of case 15-3-01947-5 in the Snohomish County Superior Court. As in my appeal I ask for consolidation with Court of Appeals Division 1 case 74818-1-1. Case 74818 -1-1 involved both a Domestic Violence Protection Order in Snohomish County Superior Court case number 16-2-00015-9 and the same dissolution case. Appellate cases 76623-6-1 and 74818-1-1 are from the same superior court case and issues. They should be consolidated and reviewed together.

5. Issues Presented for Review

1. Are there essential liberty interests at risk during dissolution and child custody proceedings?
2. Did the lower Court knowingly permit fraud and thereby violate the very foundation of due process?
3. Does the Court have authority under the law to accept any reports it desires without statutory approval?
4. Did the Court violate the law and our rights by holding that Judges are free to prohibit witnesses if they don't personally believe it to be in the witnesses best interest to appear in Court?
5. Does the Washington State Child Support amount to an unconstitutional Bill of Attainder?
6. Does Title IV-D federal funding to the State for child support create a financial conflict of interest for State Judges?

6. Statement of the case

David and Jennifer Wiley were married on February 28th, 2004 in Milwaukie, Oregon. They have three minor children: Their daughter Jennie born July 11th, 2005. A daughter Rana born November, 6th, 2006 and a son Tristan born on April 16th, 2009. They resided together in

Snohomish County, Washington since Summer of 2008 until January 2016.

On Friday July 31st, 2015 Jennifer Wiley filed for divorce from David Wiley in the Snohomish County Superior court. In her Parenting Plan she asked to restrain David Wiley's time with the children, sole possession of the house, and maintenance based on alleged physical abuse of the children in accordance with RCW 26.09.191.

On August 31st, 2015 an agreed order was entered between the two parties. Both parties agreed in order to reside in the home, not monitor each other, have split parenting schedules, made for an arrangement of payments from David Wiley to Jennifer Wiley, and Jennifer Wiley agreed to seek full time employment. At Trial Jennifer did not pursue the claims of child abuse . At times she and other witnesses she called attested to David Wiley being a good Father and was not an abuser.

On January 6th, 2016 Jennifer Wiley filed a Petition for an Order for Protection and had an Ex Parte hearing for an order of Protection on January 6th, 2016 without her attorney present or co-signing filings (Wiley 74818-1-i). Filed under case 16-2-00015-9. On the evening of January 18th while in Jennifer Wiley's care, Jennie Wiley (Then Age 10) was

admitted to the hospital Emergency Room for a hematoma from having her fingers slammed in a door.

David Wiley was removed from the family home on February 1st 2016 (his birthday) by a DVPO attested to by Jennifer's affidavit sworn under penalty of perjury (Wiley 74818-1-i). Attorney Jeff Jared proposed three Parenting Evaluators per an existing CR2A agreement and Commissioner Stewart asked for a GAL to be appointed. Jennifer Wiley (through her attorney Andrea Seymour) objected to the appointment of a GAL or the Parenting Evaluators proposed by David Wiley and instead Joan Ward was appointed at their request.

The Domestic Violence Protection Order (DVPO) was upheld on appeal based on Jennifer's statements under **penalty of perjury** that a school nurse had found evidence of Tristan being slapped by David Wiley and that David Wiley had placed paper shooting targets on her closet door to intimidate her. At Trial Nurse Jamey Austad testified at length that she found no evidence Tristan had been slapped and that Jennifer to her shock had in fact instructed Tristan to slap the school nurse. At trial after the hearing for DVPO and appeal Jennifer made numerous corrections to the record when confronted with evidence. Including that the bedroom where the paper targets were allegedly hung was not occupied by Jennifer Wiley,

were not on the closet at all, that David had an expectation of privacy in that bedroom and that Jennifer entered David's private bedroom without permission against a seclusion from intrusion. However, when obtaining a DVPO and under appeal (Wiley v. Wiley, 196 Wn. App. 1059, 2016 WL 6680511) Jennifer portrayed the paper targets as being posted in front of her own personal bedroom closet in order to evict David Wiley from his own home, do financial damage to him and seek restrictions on his fundamental liberties such as his ability to parent. Additionally after admitting to making false statements Jennifer and her attorney created brand new allegations without any corraborating evidence.

In addition Jennifer testified that she had in fact sought to stay in Arlington after the Appellant moved there under a DVPO and called people that David Wiley had been staying with to check on him. That she went through his personal papers and belongings without his permission to document them. That Jennifer had placed phone calls of her own initiative days after obtaining a DVPO against David. Jennifer was monitoring David's social media posts in violation of court order.

David appealed the decision of the trial Court and asked the Appellate Court to examine the evidence. They did not. Nor did they

review it on the second appeal of the trial when Judge Appel found the evidence did not support the Commissioner's findings.

When afforded a full trial, the opportunity to enter exhibits, subpoena witnesses and cross examine the accuser a different finding was made. Judge Appel made no finding of Domestic violence at trial and noted that Jennifer made statements at trial which contradicted earlier sworn statements at the DVPO hearing. Judge Appel clearly stated "But I also know this. If the commissioner at the time of the protection order had known what I know and seen the evidence that I see, that protection order never would have been issued. I'm certain of that." Having found false testimony as the basis for temporary orders Judge Appel did not give **any relief** in his orders.

During Motions in Limine excluded the children as witnesses based on that the best interests of the children precluded them having the option to testify. The children were not allowed to enter the court room and appear in trial in any capacity. David Wiley objected to the inclusion of the Parenting Evaluator's Report because it was not properly filed according to Statute. The objection was raised during Motions in Limine and again when it was offered into evidence. David Wiley asked the Court for exclusion of evidence in lieu of the inability to obtain an agreed

continuance from the other party. Judge Appel overruled the statutory objection and admitted the report into evidence.

However, Judge Appel based his decision on the testimony and report of Joan Ward. In making his decision Judge Appel stated that “I'm going to tell you that justice in regard to a parenting plan is regularly, often and, prehaps in this case, beside the point.” and “ It is the children's best interests that the mother be the custodial parent, in large part, based on factor 3, each parent's past and potential for future performance.” Jennifer admitted to her initial pleadings containing false statements which she did not correct on appeal.

Having found both Parents fit, Judge Appel continued to base his orders on the recommendations of Evaluator Joan Ward. Jennifer was allowed to substitute education for being ordered to find full time employment 3 separate times. Jennifer made clear she had no desire or intention of working full time.

During the testimony of Joan Ward a lot of discussion came up about which factors she took into account. Joan Ward made clear that she did not ask the children about their wishes or about their bond with each parent. Though we know Jessica Martin complained that children wished Court went well for Daddy, but their testimony was not permitted. Joan

Ward did admit though that due to divorce proceedings the children were being alienated from the bonds of their Paternal family. However, she did not make any conclusions about the strength of each child's bond with their parents. Though Joan Ward did note that the children had a stronger bond with their paternal family per her own statements she did not make any conclusions on this factor of residential provisions. Furthermore, Judge Appel himself stated that Joan was not an expert on the statutory factor (RCW 26.09.187(3)(a)(iii) and RCW 26.09.004(2)(f) of providing for the children financially (RP 182-183). The Parenting Evaulator expressed concern about the kids well being with Jen and discussed suicidal ideation and running away among the children.

Both Joan Ward and Judge Appel gave factor RCW 26.09.187(3)(a)(iii) the primary weight in the decision to give Jennifer Wiley custody. Joan Ward did not recognize providing financial support for the children as being equal in parenting functions to attending to the daily needs of the child (RCW 26.09.004(2)). Instead she considered primary caretaking to being a stay at home parent even when the children were in school. This decision making process is what was adopted as the rationale for the Court's decision to give custody to Jennifer Wiley.

II. Arguments

1. Are there essential liberty interests at risk during dissolution and child custody proceedings?

The Court of Appeals found there is no liberty interest in dissolution based on King v. King, 162 Wn.2d 378, 386-87, 174 P.3d 659 (2007) that Unlike termination proceedings, the fundamental parental liberty interest is not at stake in a dissolution proceeding. I am not questioning the decision in King that dissolution does not involve physical liberty. The position in King is in conflict with other decisions of the Washington State Supreme Court as well as our Federal Courts.

State **interference** with a fundamental right is subject to strict scrutiny. In re Parentage of C.A.M.A., 154 Wash.2d 52, 57, ¶ 10, 109 P.3d 405 (2005). *"Strict scrutiny is satisfied only if the State can show that it has a compelling interest, id., and the regulation is* ***narrowly tailored*** *to serve that compelling state interest."* Washington v. Glucksberg, 521 U.S. 702, 721, 117 S.Ct. 2258, 138 L.Ed.2d 772 (1997). **(emphasis mine).**

The state may not interfere in child rearing decisions when a fit parent is available. Troxel v. Granville, 530 U.S. 57 (2000). *A child has a constitutionally protected interest in the companionship and society of his*

or her parent. Ward v. San Jose (9th Cir. 1992). *Children have standing to sue for their removal after they reach the age of majority.* ***Children have a constitutional right to live with their parents without government interference.*** Brokaw v. Mercer County (7th Cir. 2000) *The private,* ***fundamental liberty interest involved in retaining custody of one's child*** *and the integrity of one's family is of the greatest importance.* Weller v. Dept. of Social Services for Baltimore (4th Cir. 1990) *The forced separation of parent from child, even for a short time (in this case 18 hours); represent a serious infringement upon the rights of both.* J.B. v. Washington County (10th Cir. 1997).

"It is now established beyond question that the "liberty" protected by the two ***due process clauses protects "freedom of personal choice in matters of marriage and family life***"—Justice potter stewart's words, concurring in Zablocki v. Redhail, 434 U.S. 374 (1978) Any governmental intrusion on personal choice of living arrangements requires substantial justification, in proportion to its likely influence in coercing people out of one form of intimate association and into another. Taking account of doctrinal development in this area, the Supreme Court, in its opinion in Roberts v. United States Jaycees (1984), referred for the first time to a "freedom of intimate association."

"the Court has concluded that choices to enter into and maintain certain intimate human relationships must be secured against undue intrusion by the State because of the role of such relationships in safeguarding the individual freedom that is central to our constitutional scheme. In this respect, freedom of association receives protection as a ***fundamental element of personal liberty…*** *In particular, when the State interferes with individuals' selection of those with whom they wish to join in a common endeavor, freedom of association in both of its forms may be implicated."* Roberts v. United States Jaycees, 468 U.S. 609 (1984). **A child has a liberty interest, symmetrical with that of her parent, in maintaining her filial relationship.**

Our Federal Courts have stated repeatedly, families have a *"Parents* ***and children*** *have a well-elaborated constitutional right to live together without governmental interference.* ***That right is an essential Liberty*** *interest protected by the Fourteenth Amendment's guarantee that parents and children will not be separated by the state without due process of law except in an emergency."* (**emphasis mine)** Wallis v. Spencer, 202 F.3d 1126, 1136 (9th Cir. 2000); accord Kirkpatrick v. City. of Washoe, 843 F.3d 784, 789 (9th Cir. 2016) (en banc); Burke v.

City. of Alameda, 586 F.3d 725, 731 (9th Cir. 2009); Rogers v. City. of San Joaquin, 487 F.3d 1288, 1294 (9th Cir. 2007); Mabe v. San Bernardino Cty., 237 F.3d 1101, 1107 (9th Cir. 2001); **Ram v. Rubin, 118 F.3d 1306, 1310 (9th Cir. 1997).**

Where does the authority of the state to dictate our lives end? where does the 1st amendment Liberty interest of Freedom of Association remain? Either our federal courts are wrong & the Supreme Court was wrong in Cama or King was decided wrongly and there is a fundamental liberty interest in how the Court divides Parenting & Property.

2. Did the lower courts permit fraud and thereby violate the very foundation of due process?

The findings of case 15-3-01947-5 are simultaneous that I both did and did not commit Domestic Violence. Estoppel doctrines should prevent the trial court and court of appeals self-contradictory findings and Judgments based on self-contradictory testimony from Jennifer Wiley. The Appellate Court cites in its decision Judge Appel's finding that "there is insufficient evidence to support a finding of abuse or domestic violence". Then why do the orders of February 1, 2016 resulting in immense financial damage, homelessness and loss of representation still

stand? The Appellate court found they would conclude the fraud claim was devoid of merit, but they did so without reviewing the record and consolidating the cases. Jennifer has disavowed her supporting statements but the Court has not rescinded its order or investigated perjury. In short the Court is allowing fraud upon the Court and the damages it causes to myself.

While Judge Appel was certain the Commissioner of the DVPO and temporary orders would have come to a different conclusion he made no finding of fraud and entered no judgment to vacate the Commissioner's previous orders based on the new facts. Both the Trial Court and the Court of Appeals refuse to even review the record for fraud. Is this not the essence of Fraud upon the Court?

In Hardwick v. Vreeken, 15-55563 (9th Circuit 2017) our 9th Circuit famously said of making false statements to remove parental rights that "*No official with an IQ greater than room temperature in Alaska could claim that he or she did not know that the conduct at the center of this case violated both state and federal law.*" However, it appears the 9th circuit repeatedly underestimates how often Court officials will look the other way when it is profitable.

This undermines the very foundation of 14th amendment due process which is that people be compelled to testify truthfully the first time and that no order of the Court should stand on known falsehoods. Yet both the temporary orders of February 1st, 2016 and Appellate case 74818-1-1 remain.

Will the State Supreme Court finally be the first Court to review the record for fraud or is fraud to be permitted in our Family Courts because it is profitable for Attorneys and the Judiciary itself to do so? And does our Courts shielding orders they know to have been created by false representation amount to Fraud Upon the Court?

3. Does the Court have authority under the law to accept any reports it desires without statutory approval?

One of the greatest dangers to our society and the Judiciary itself are Judges that ignore the very laws they're supposed to uphold. That act without law or authority to do so and that Judges are governed by nothing more than personal opinion and feeling in a Court room.

RCW 26.12.175 governs Guardian Ad Litems (GAL), **Independent Investigations,** and Court-appoint special advocates (CASA). RCW 26.12.188 covers the training requirements of

investigators and section 1 notes that they are appointed under the authority of RCW 26.12.175. It in turn specifies that "(2) An investigator is a person appointed as an investigator under RCW 26.12.050(1)(b) or any other third-party professional ordered or appointed by the court to provide an opinion, assessment, or evaluation regarding the creation or modification of a parenting plan." The Appellate Court found these statutes did not apply because Joan Ward was not a Guardian Ad Litem. The Appellate Court did not find any applicable statutes and merely founded that Judge Appel did not abuse his discretion.

The legislature's intent is clear that they're not giving the Courts authority to appoint unbound investigators. Whether the Court calls it a Parenting Evaluation or an "Independent Investigation" it has to follow statutory authority to do so. The Appellate Court names no statutory authority for the Trial court and declares the trial Courts to have discretion to just accept any report it wants, when it wants and statutory construction be damned. Having denied the authority of the law the Appellate Court has apparently granted the Trial Court discretion to admit or deny absolutely any evidence it desires.

Our statutes provide **no remedy for failure to file the report 60 days before trial**. **The report must be filed 60 days before trial without**

exception. The Court has no authority to create remedies of its own as an alternative to following the law. All reports must be either have the full 60 days for meaningful discovery and rebuttal or they must be denied. All laws are meaningless if they are subject to creative reinvention by Judges.

4. Did the Court violate the law and our rights by holding that Judges are free to prohibit witnesses if they don't personally believe it to be in the witnesses best interest to appear in Court?

Our Courts hold abuse families enough by holding that there are no fundamental liberty rights at stake in a divorce. They further tilt the scales of Justice by holding a Judge has broad discretion to conduct their trial in any way they want. Minors and Adults have the same due process right under RCW 5.60.020 to appear and testify in cases at trial.

The actions of the Court violates an uncountable number of prior decisions, statutes and constitutional rights. "*Constitutional rights do not mature and come into being magically only when one attains the state-defined age of majority. Minors, as well as adults, are protected by the Constitution and possess constitutional rights.*" See, e. g., Breed v. Jones, 421 U. S. 519 (1975); Goss v. Lopez, 419 U. S. 565 (1975); Tinker v. Des Moines School Dist., 393 U. S. 503 (1969); In re Gault, 387 U. S. 1

(1967). PLANNED PARENTHOOD v. DANFORTH 428 U.S. 52 (1976). Minors have the same (equal) right to Due Process as those past the Age of Majority.

"Children aged 9 and 11 years were of sufficient age to express intelligent desires, and court was entitled to take these desires into consideration in proceeding to modify divorce decree transferring their custody from mother to father." Habich v. Habich (1954) 44 Wash.2d 195, 266 P.2d 346. *"Guidelines for the trial court in reaching its determination presume that the court has examined the child, observed his manner, intelligence, and memory."* Laudermilk v. Carpenter, 78 Wn.2d 92, 457 P.2d 1004, 469 P.2d 547 (1969); State v. Allen, 70 Wn.2d 690, 424 P.2d 1021 (1967). RCW 5.60.050 is clear that a witness must be produced and examined. Washington State Supreme Court has been clear that there is no exception to this statute because a Judge personally believes a person too young. **Under Washington State law the age of a witness is irrelevant and only their competency to be a witness after examination matters.**

Furthermore this evidence is also a matter of applying the correct legal standard. Both the Parenting Evaluator and Judge Appel made clear their decision was based on Jennifer having previously been a stay-at-

home Mom. The legislature was clear in RCW 26.09.187(3)(a) that the child's relationship with each Parent is to be given the greatest weight and that the child's wishes are to be given equal weight to any parents past or potential performance. The essence of the 14th amendment right to due process is the right to be heard, and the hearing must be both meaningful and appropriate to the case.

5. Does Washington State Child Support amount to an unconstitutional Bill of Attainder?

There are 3 requirements for a bill of attainder (1) specification of the affected person or persons; (2) punishment; and (3) lack of conviction by trial. Washington State Child Support targets (1) Obligor Parents under RCW 26.18.020 (2) Seizes their earnings by an involuntary contractual debt upon all their property (RCW 26.18.055 (3) Does so without any criminal conviction of wrong doing. "*The Supreme Court has explained that a bill of attainder is a law that legislatively determines guilt and inflicts punishment upon an identifiable individual or group of individuals without provision of the protections of a judicial trial*" United States v. Brown, 381 U.S. 437, 448-50 (1965). "*The Bill of Attainder Clause is to be liberally construed in the light of its purpose to prevent legislative*

punishment of designated persons or groups." Cummings v. Missouri, 71 U.S. 277 (1867); Ex parte Garland, 71 U.S. 4 Wall. 333 333 (1866); United States v. Lovett, 328 U.S. 303 (1946). Neither the U.S. nor the Washington State legislature is empowered to legislatively punish a Parent for losing custody in a Civil trial.

6. Does Title IV-D federal funding to the State for child support create a financial conflict of interest for State Judges?

TANF IV-D is designed to benefit the State and all Washington State Judges are direct beneficiaries of these seizures through Title IV-D federal funds. Therefore, this is also a violation of Due Process guarantee of a fair and impartial trial. Ward v. Village of Monroeville, 409 U.S. 57 (1972). The Courts are able to claim less Title IV-D funding from the State when working Parents are granted custody because Title IV-D funding is lessened. This creates the perception and perhaps an actual anti-Father bias in our State Courts. There is no Court in the State which is not a direct beneficiary of these funds which result from Bills of Attainder directed against my property. Child Support should be reserved only for criminal findings of family non-support where full criminal defense is allowed.

III. Conclusion and Relief

The Superior Court improperly violated the statutory and constitutional rights of David Wiley and his children. Knowingly making false statements under oath taints everything it touches and should bacate prior judgments based on it. Minors have a Due Process Right to testify under Washington State law. Parents and Children have a First Amendment right to reside together free of Government intrusion to decide "what is best" absent a proven showing of harm. Court action is subject to strict scrutiny when imposing any living arrangement on a family who desire to live with each other.

In relief I ask the Court of Appeals to Vacate and Reverse the Custody Order and Vacate the Order of Child Support. Additionally I ask for Mandamus to vacate all pre-trial orders in case 15-3-01947-5 for fraud. Additionally I ask for Mandamas to the Trial Court for them to modify the Parenting Plan in accordance with the proper admitted testimony from the Wiley children of their Wishes and Bond with each Parent.

Signed August 2, 2018

Respectfully submitted,

David Wiley, Pro Se

Appendix

RICHARD D. JOHNSON,
Court Administrator/Clerk

The Court of Appeals
of the
State of Washington
Seattle

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June 4, 2018

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CASE #: 76623-6-I
Jennifer Wiley, Respondent v. David Wiley, Appellant
Snohomish County, Cause No. 15-3-01947-5

Counsel:

Enclosed is a copy of the opinion filed in the above-referenced appeal which states in part:

"Affirmed"

Counsel may file a motion for reconsideration within 20 days of filing this opinion pursuant to RAP 12.4(b). If counsel does not wish to file a motion for reconsideration but does wish to seek review by the Supreme Court, RAP 13.4(a) provides that if no motion for reconsideration is made, a petition for review must be filed in this court within 30 days. The Supreme Court has determined that a filing fee of $200 is required.

In accordance with RAP 14.4(a), a claim for costs by the prevailing party must be supported by a cost bill filed and served within ten days after the filing of this opinion, or claim for costs will be deemed waived.

Should counsel desire the opinion to be published by the Reporter of Decisions, a motion to publish should be served and filed within 20 days of the date of filing the opinion, as provided by RAP 12.3 (e).

Sincerely,

Richard D. Johnson
Court Administrator/Clerk

SSD

Enclosure

c: The Honorable George Appel

IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON

IN RE MARRIAGE OF JENNIFER ARLENE WILEY, Respondent, v. DAVID FRANK WILEY, Appellant.	)	No. 76623-6-1 DIVISION ONE UNPUBLISHED OPINION FILED: June 4, 2018

SPEARMAN, J. — Pro se litigant David Wiley appeals the trial court's disposition in a marriage dissolution action instituted by Jennifer Wiley. He challenges the parenting plan and child support order, asserting numerous constitutional violations and flawed evidentiary rulings. Finding no error, we affirm.

FACTS

David and Jennifer Wiley married in 2004. They have three children, aged 7, 10, and 11 at the time of trial. Jennifer filed for dissolution in July 2015. She and David initially agreed to cohabitate in the family home with the children pursuant to an agreed temporary order until the dissolution proceedings were final. However, in January 2016, Jennifer petitioned for a domestic violence protection order (DVPO). After a hearing, the court found by a preponderance of the evidence that David had threatened Jennifer.

The court entered an order of protection against David effective until February 1, 2017. David appealed and this court affirmed the order.[1]

In November 2016, the parties proceeded to trial on the dissolution. Parenting evaluator Joan Ward testified at trial and provided a written report. Ward noted that all three children are stressed and have mental health problems, particularly T.W., who had recently been diagnosed with autism. Ward recommended that the children remain in their current primary residence with Jennifer as the "primary residual parent due to her history of primary care-taking and her more active involvement with the children's schools and health/mental health providers." (Petitioner's Exhibit 47 at 28). Another factor in Ward's decision was her belief that the children would benefit from remaining in their current school. Ward did not make any specific recommendation regarding domestic violence, other than that the parents should not have any contact with each other. She did recommend a ban on corporal punishment, and expressed concern about David's practice of having the children decide how to punish each other. Ward recommended that the mother have full decision making authority regarding health care, including the use of medication. She recommended that each child have one-to-one time with each parent on a rotational basis.

David moved to exclude Ward's written report on the ground that it was untimely filed pursuant to RCW 26.12.175(b). The trial court denied the motion, stating that a continuance would have been the appropriate remedy, but neither party sought that relief.

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[1] Wiley v. Wiley, 196 Wn. App. 1059, 2016 WL 6680511 (unpublished opinion filed November 14, 2016).

David also sought to have two of the children testify at trial regarding their residential schedule preferences. Jennifer moved to exclude their testimony on the ground that it would not be in the children's best interests to testify at their parents' highly contentious dissolution proceeding. She also argued that their testimony would be cumulative with that of the parenting evaluator, who had already spoken with the children. The court granted her motion, finding that the children were not sufficiently mature to express reasoned and independent preferences as to the residential schedule.

Following an eight-day trial, the court entered a parenting plan and order for child support. The parenting plan designated Jennifer as the primary residential parent. The plan gave David residential time with the children every other weekend, plus a midweek visit and an additional weekend visit with each child separately on a rotational basis. The plan gave Jennifer sole decision making authority for major decisions including school and non-emergency health care, as both parents were against shared decision making. The court did not place any limitations on either parent's residential time pursuant to RCW 26.09.191, and did not renew the expired DVPO.[2] The court also entered an order requiring David to pay child support to Jennifer.

The trial court denied David's motion for reconsideration, and entered a final divorce order and decree. David appeals.

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[2] RCW 26.09.191(2)(iii) provides that parenting plans may place restrictions on residential time and mutual decision-making based on a finding that the parent has engaged in certain types of conduct, including "a history of acts of domestic violence."

DISCUSSION

Scope of Appeal

As a preliminary matter, Jennifer asks this court to decline to review issues raised in David's brief that were not identified in his Statement of Arrangements. RAP 9.2(c) provides that "[I]f a party seeking review arranges for less than all of the verbatim report of proceedings, the party should include in the statement of arrangements a statement of the issues the party intends to review." David's Statement of Arrangements mentioned two issues: (1) whether the children should have been allowed to testify in court, and (2) whether the trial court erred in admitting the parenting evaluator's written report. David's appellate briefing included these issues, plus three more: (1) whether Jennifer made false statements to the court; (2) whether the court properly applied the "best interest of the children" standard in making the parenting plan determination, and (3) whether the child support statute is constitutional.

The party seeking review has the burden of providing this court with an adequate record to review the issues raised on appeal. Fahndrich v. Williams, 147 Wn. App. 302, 307, 194 P.3d 1005 (2008). "In general, '[a]n insufficient record on appeal precludes review of the alleged errors.'" Cuesta v. State, Dep't. of Emp't Sec., 200 Wn. App. 560, 568, 402 P.3d 898 (2017) (quoting Bulzomi v. Dep't of Labor & Indus., 72 Wn. App. 522, 525, 864 P.2d 996 (1994). David chose not to order a full transcript of the verbatim report of proceedings, and the record before us is not complete. However, it is adequate to consider the merits of David's arguments, where it is appropriate to do so.

False Statements

David asserts that the trial court found that Jennifer made false statements to the court. On this basis, he argues that the trial court erred in failing to establish the validity of the statements Jennifer made to the parenting evaluator. He contends that the error deprived him of due process and his fundamental liberty interest in retaining custody of his children.

There is no indication in the record before us that David raised this issue to the trial court below. We decline to consider an issue raised for the first time on appeal unless it is a manifest error affecting a constitutional right. RAP 2.5(a)(3); Mellish v. Frog Mountain Pet Care, 172 Wn.2d 208, 221-22, 257 P.3d 641 (2011). "'Manifest' in RAP 2.5(a)(3) requires a showing of actual prejudice." State v. Kirkman, 159 Wn.2d 918, 935, 155 P.3d 125 (2007). "[T]he focus of the actual prejudice must be on whether the error is so obvious on the record that the error warrants appellate review." State v. O'Hara, 167 Wn.2d 91, 99-100, 217 P.3d 756 (2009).

David has not made the required showing to permit appellate review. First, he has not demonstrated that the alleged error is of constitutional dimension. Unlike termination proceedings, the fundamental parental liberty interest is not at stake in a dissolution proceeding. King v. King, 162 Wn.2d 378, 386-87, 174 P.3d 659 (2007). The entry of a parenting plan "does not terminate the parental rights of either parent, but rather allocates or divides parental rights and responsibilities in such a way that they can be exercised by parents no longer joined in marriage." Id. at 385-86. Here, the court entered a parenting time schedule that designated Jennifer as the primary residential parent and included a regular schedule of residential time for David, with no restrictions

based on RCW 26.09.191. The court did not terminate David's parental rights. His fundamental parental liberty interest was not infringed.

Moreover, the record contains no support for David's claim of error. Contrary to David's assertion, the trial court did not rule that Jennifer made statements at trial that contradicted earlier sworn statements at the DVPO hearing. Nor did the trial court find that false testimony formed the basis for the temporary orders. Rather, the court compared the evidence that was before the commissioner at the DVPO hearing with the evidence that was presented during trial and concluded "there is insufficient evidence to support a finding of abuse or domestic violence." Verbatim Report of Proceedings (VRP) (12/23/2016) at 175-76. The court expressly noted that the DVPO was issued based largely on affidavits at an "abbreviated hearing," whereas the eight-day trial provided "considerably more evidence upon which to draw" a different conclusion. Verbatim Report of Proceedings (VRP) (12/23/2016) at 176. Accordingly, the court did not impose restrictions on David pursuant to RCW 26.09.191—a favorable outcome for him. There is simply no factual basis for David's claim that Jennifer made false statements or that she perpetuated fraud on the court. Even if we were to grant review, we would conclude that his claim is devoid of merit.

Parenting Evaluator's Report

After several continuances, parenting evaluator Joan Ward submitted her final report 37 days before trial began. David argues that the trial court erred by denying his motion to exclude the report on the ground that it was filed less than 60 days before trial pursuant to RCW 26.12.175(b). "We review a trial court's decision to admit or exclude evidence for an abuse of discretion." Salas v. Hi-Tech Erectors, 168 Wn.2d 664, 668,

230 P.3d 583 (2010) (citing State v. Stenson, 132 Wn.2d 668, 701, 940 P.2d 1239 (1997). "A trial court abuses its discretion when its decision is manifestly unreasonable or based on untenable grounds." In re Marriage of Kovacs, 121 Wn.2d 795, 801, 854 P.2d 629 (1993) (citing Hizey v. Carpenter, 119 Wn.2d 251, 268, 830 P.3d 646 (1992)).

We disagree with David. RCW 26.12.175(b) provides that "[t]he guardian ad litem shall file his or her report at least sixty days prior to trial." This statute does not govern parenting plan reports. The trial court nevertheless addressed David's motion as if the statute did apply. The court noted that RCW 26.12.175(b) does not provide for a specific remedy in the event the report is not timely filed. It asked whether David's reason for not requesting a continuance was because he preferred to get the trial underway. David agreed, and added that he believed Ward's testimony would be sufficient without the report. The court ruled that the appropriate remedy would be a continuance to provide additional time to review the report, rather than excluding the report altogether. It explained that "there's no substitute for a written report" because it is "the expert's last word on the opinion that they wish to give" and is "helpful for me to have that item in chambers so that I can read it carefully. . . ." VRP (11/29/16) at 45-46. The court denied David's motion to exclude, stating that "I understand the need to have sufficient time with a report, but the best remedy when you don't have enough time is to get more time. And nobody apparently wants more time." VRP (11/29/16) at 46. This was not an abuse of discretion.[3]

[3] Furthermore. Ward's written report was consistent with her testimony, to which David did not object or claim as error on appeal. We fail to see any prejudice stemming from admission of the report and David identifies none.

Children's Testimony

David argues that the trial court erred in granting Jennifer's motion to exclude the testimony of the children. He contends that the children have a due process right to testify under the United States Constitution, the United Nations Convention on the Rights of the Child, and Washington state law, and asserts that no statutory exclusion exists on the basis of age or dependency. He further contends that because Jennifer's testimony was fraudulent, the court's refusal to allow the children to testify prejudiced him.

This argument is entirely lacking in merit. "In matters affecting the welfare of children ... the trial court has broad discretion, and its decision are reviewed only for abuse of discretion." Caven v. Caven, 136 Wn.2d 800, 806, 966 P.2d 1247 (1998). We also review a trial court's evidentiary rulings for abuse of discretion. Hollins v. Zbaraschuk, 200 Wn. App. 578, 580, 402 P.3d 907 (2017), rev. denied, 189 Wn.2d 1042, 409 P.3d 1061 (2018).

RCW 26.09.187(3)(a)(vi) provides that the court shall consider "[t]he wishes of the parents and the wishes of a child who is sufficiently mature to express reasoned and independent preferences as to his or her residential schedule,..." The trial court noted that David's request to have the children express their preferences by testifying in court was extremely unusual, stating that "[t]his is the first time I've ever had a parent who actually wanted to bring a child into court to testify in the midst of a custody dispute between the child's own parents." VRP (11/29/16) at 21. The court called David's request "a pretty rough deal" and refused to subject the children to it, "especially since I have no reason to believe and I don't believe that they're old enough and objective

enough and mature enough to make reasoned decisions on the question of where they should be the majority of the time." VRP (11/29/16) at 23. The children are young, and there is evidence in the record that they all suffer to some degree from mental health problems and that they do not get along with each other. The court's decision to exclude their testimony was manifestly reasonable and well within its discretion.

Moreover, although David asserts that the children have a right to testify, the record does not demonstrate that the children actually wanted to do so. David simply asked them if they "wish to have a say." VRP (11/29/16) at 19. The children did in fact have an appropriate, safe forum in which to express their views: interviews with the parenting evaluator. There is no authority for the proposition that children have a statutory, constitutional, or international treaty right[4] to express their preferences by testifying in court. And given that there is no evidence that Jennifer's testimony was fraudulent, there is no basis for David's claim of prejudice.

Best Interests of the Child

RCW 26.09.002 provides that "[i]n any proceeding between parents under this chapter, the best interests of the child shall be the standard by which the court determines and allocates the parties' parental responsibilities." The court considers seven factors in determining residential provisions for each child, with the greatest weight placed on "the relative strength, nature, and stability of the child's relationship with each parent." RCW 26.09.187(3)(a)(i). "A trial court's rulings dealing with the

[4] In addition, as Jennifer correctly notes, the United States has not ratified the United Nations Convention on the Rights of the Child.

provisions of a parenting plan are generally reviewed for abuse of discretion." Lawrence v. Lawrence, 105 Wn. App. 683, 686, 20 P.3d 972 (2001).

David argues that the trial court violated his constitutional rights and misapplied the "best interests of the child" standard in finding that Jennifer should be the primary residential parent absent a finding that he was an unfit parent. However, as discussed above, the parenting plan did not deprive David of his rights as a parent. Rather, it designated Jennifer as the primary residential parent, with regular residential time for David. Cases cited by David regarding termination of parental rights are inapplicable here.

David also contends that the residential decision improperly rested on the parenting evaluator's presumption that the placement of a child with the parent who has been the primary caregiver is in the child's best interest.[5] We disagree. There is no evidence in the record before us that the parenting evaluator based her decision on a presumption in favor of the primary caregiver. The trial court acknowledged that the parenting evaluator was required to make her recommendation based on the seven factors in RCW 26.09.187. It found that she did so, and that her analysis was "reasonably sound given the information that she had." VRP (12/23/16) at 183. We defer to the trier of fact for the purposes of resolving conflicting testimony and evaluating the persuasiveness of the evidence and credibility of the witnesses. Thompson v. Hanson, 142 Wn. App. 53, 60, 174 P.3d 120 (2007).

[5] The Parenting Act of 1987, Laws of 1987, ch. 460, requires the court to consider seven statutory factors when making residential decisions. It includes no presumption in favor of the primary caregiver. RCW 26.09.187(3)(a); In re Kovacs, 121 Wn.2d at 809.

David further argues that the residential decision was not in the best interests of the children because the trial court found Jennifer had no credibility. However, as discussed above, the trial court made no such finding. David also claims that the parenting plan must be vacated because the trial court admitted it lacked the appearance of justice. But the trial court made no such admission. Rather, in explaining its rulings to the parties, the trial court stated that the "best interest of the children" standard for parenting plans differs from the "fair and equitable" standard for distribution of marital property and debt. Accordingly, the court stated that "[w]ithout telling you that this parenting plan is unjust, I'm going to tell you that justice in regard to a parenting plan is regularly, often and, perhaps in this case, beside the point." VRP (12/23/16) at 184. David has not shown that the trial court erred in applying the "best interests of the child" standard.

Constitutionality of Child Support Statute

David argues for the first time on appeal that Washington's child support statutes are unconstitutional. See chapter 26.19 RCW. Citing a federal statute that grants money to states for maximizing child support, David asserts that the State has entered into contract with the federal government to involuntarily enter parents into bills of attainder which help fund the State itself, thereby overriding the liberty rights of parents and children.

"Statutes are presumed to be constitutional, and the burden to show unconstitutionality is on the challenger." Amunrud v. Board of Appeals, 158 Wn.2d 208, 215, 143 P.3d 571 (2006) (citing In re Marriage of Johnson, 96 Wn.2d 255, 258, 634 P.2d 877 (1981). "This standard is met if argument and research show that there is no

reasonable doubt that the statute violates the constitution." Amunrud, 158 Wn.2d at 215 (citing Larson v. Seattle Popular Monorail Auth., 156 Wn.2d 752, 757, 131 P.3d 892 (2006).

The State has a well-established compelling interest in the welfare of children and the protection of their fundamental right to support. Johnson, 96 Wn.2d at 263. "Public enforcement of child support is a recognized governmental function" that "has a historical and continuing basis in our law." Id. at 262. "Where minor children are involved, the state's interest is that, in so far as possible, provision shall be made for their support, education, and training, to the end that they may grow up to be worthy and useful citizens." Id. at 263 (quoting Corson v. Corson, 46 Wn.2d 611, 615, 283 P.2d 673 (1955). David's brief, insubstantial arguments and inapposite citations fail to overcome the presumption of constitutionality. "Passing treatment of an issue or lack of reasoned argument is insufficient to merit judicial consideration." Palmer v. Jensen, 81 Wn. App. 148, 153, 913 P.2d 413 (1996) (citing State v. Johnson, 119 Wn.2d 167, 171, 829 P.2d 1082 (1992)).

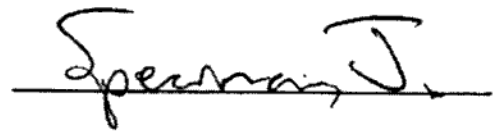
Attorney Fees

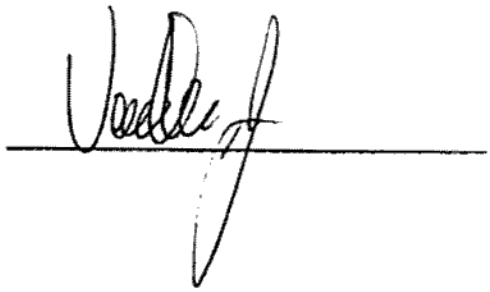
Jennifer requests attorney fees on the ground that David's appeal is frivolous. RAP 18.9(a) permits us to award attorney fees as sanctions, terms, or compensatory damages when a party files a frivolous appeal. Advocates for Responsible Development v. Western Washington Growth Management Hearings Bd., 170 Wn.2d 577, 580, 245 P.3d 764 (2010). "[A]ll doubts as to whether an appeal is frivolous are resolved in favor of the appellant." Kinney v. Cook, 150 Wn. App. 187, 195, 208 P.3d 1 (2009). "An appeal is frivolous when there are no debatable issues over which reasonable minds

could differ and there is so little merit that the chance of reversal is slim." Kearney v. Kearney, 95 Wn. App. 405, 417, 974 P.2d 872 (1999). We conclude that David's appeal is frivolous, and we grant Jennifer's request for attorney fees.

Affirmed.

WE CONCUR:





FILED
7/6/2018
Court of Appeals
Division I
State of Washington

IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON

IN RE MARRIAGE OF JENNIFER ARLENE WILEY, Respondent, v. DAVID FRANK WILEY, Appellant.	)	No. 76623-6-1 ORDER DENYING MOTION FOR RECONSIDERATION

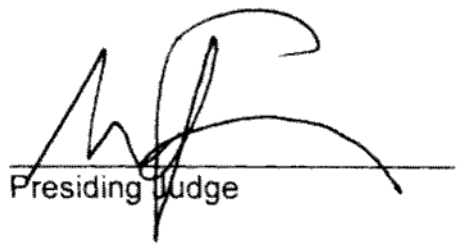
Appellant, David Wiley, has moved for reconsideration of the opinion filed in this case on June 4, 2018. A majority of the panel has determined this motion should be denied.

Now, therefore, it is hereby

ORDERED that the motion for reconsideration is denied.

Dated this _____ day of _____ 2018.

FOR THE COURT:



Presiding Judge

RICHARD D. JOHNSON,
Court Administrator/Clerk

The Court of Appeals
of the
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CASE #: 76623-6-I
Jennifer Wiley, Respondent v. David Wiley, Appellant

Counsel:

Enclosed please find a copy of the Order Denying Motion for Reconsideration entered in the above case.

Within 30 days after the order is filed, the opinion of the Court of Appeals will become final unless, in accordance with RAP 13.4, counsel files a petition for review in this court. The content of a petition should contain a "direct and concise statement of the reason why review should be accepted under one or more of the tests established in [RAP 13.4](b), with argument." RAP 13.4(c)(7).

In the event a petition for review is filed, opposing counsel may file with the Clerk of the Supreme Court an answer to the petition within 30 days after the petition is served.

Sincerely,

Richard D. Johnson
Court Administrator/Clerk

SSD

Enclosure

c: The Reporter of Decisions

RULE 13.3
DECISIONS REVIEWED AS A MATTER OF DISCRETION

(a) What May Be Reviewed. A party may seek discretionary review by the Supreme Court of any decision of the Court of Appeals which is not a ruling including:

(1) Decision Terminating Review. Any decision terminating review.

(2) Interlocutory Decision. Subject to the restrictions imposed by rule 13.5(b), any interlocutory decision, including but not limited to (i) a decision denying a motion to modify a ruling of the commissioner or clerk which denies a motion for discretionary review, and (ii) if the clerk refers a motion for discretionary review to the court, a decision by the court which denies a motion for discretionary review.

(b) Decision Terminating Review. A party seeking review of a Court of Appeals decision terminating review may first file a motion for reconsideration under rule 12.4 and must file a "petition for review" or an "answer" to a petition for review as provided in rule 13.4.

(c) Interlocutory Decision. A party seeking review of an interlocutory decision of the Court of Appeals must file a "motion for discretionary review" as provided in rule 13.5.

(d) Incorrect Designation of Motion or Petition. A motion for discretionary review of a decision terminating review will be given the same effect as a petition for review. A petition for review of an interlocutory decision will be given the same effect as a motion for discretionary review.

(e) Ruling by Commissioner or Clerk. A ruling by a commissioner or clerk of the Court of Appeals is not subject to review by the Supreme Court. The decision of the Court of Appeals on a motion to modify a ruling by the commissioner or clerk may be subject to review as provided in this title.

References

Rule 12.3, Forms of Decision; Rule 17.3, Content of Motion, (b) Motion for discretionary review.

RCW 26.09.191

Restrictions in temporary or permanent parenting plans.

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(3) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm or that results in a pregnancy.

(2)(a) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in RCW 26.50.010(3) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm or that results in a pregnancy; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in RCW 26.50.010(3) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm or that results in a pregnancy; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the

victim, no rebuttable presumption exists under (e) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises residential time in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that the child was not conceived and subsequently born as a result of a sexual assault committed by the parent requesting residential time and that:

(i) If the child was not the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that the child was not conceived and subsequently born as a result of a sexual assault committed by the parent requesting residential time and that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in

the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have residential time with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised residential time has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of residential time between the parent and the child, and after consideration of

evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised residential time has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of residential time between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. The limitations shall also be reasonably calculated to provide for the safety of the parent who may be at risk of physical, sexual, or emotional abuse or harm that could result if the parent has contact with the parent requesting residential time. The limitations the court may impose include, but are not limited to: Supervised contact between the child and the parent or completion of relevant counseling or treatment. If the court expressly finds based on the evidence that limitations on the residential time with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person

engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence pursuant to *RCW 26.26.760 to have committed sexual assault, as defined in *RCW 26.26.760, against the child's parent, and that the child was born within three hundred twenty days of the sexual assault.

(iv) If the court limits residential time under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(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 (iv) 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 (iv) 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.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

(a) A parent's neglect or substantial nonperformance of parenting functions;

(b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;

(c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

(d) The absence or substantial impairment of emotional ties between the parent and the child;

(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; or

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

(4) In cases involving allegations of limiting factors under subsection (2)(a)(ii) and (iii) of this section, both parties shall be screened to determine the appropriateness of a comprehensive assessment regarding the impact of the limiting factor on the child and the parties.

(5) In entering a permanent parenting plan, the court shall not draw any presumptions

from the provisions of the temporary parenting plan.

(6) 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.

(7) For the purposes of this section:

(a) "A parent's child" means that parent's natural child, adopted child, or stepchild; and

(b) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW **18.320.010**.

[**2017 c 234 § 2; 2011 c 89 § 6; 2007 c 496 § 303; 2004 c 38 § 12; 1996 c 303 § 1; 1994 c 267 § 1.** Prior: **1989 c 375 § 11; 1989 c 326 § 1; 1987 c 460 § 10.**]

NOTES:

***Reviser's note:** RCW **26.26.760** was repealed by 2018 c 6 § 907, effective January 1, 2019.

Effective date—2011 c 89: See note following RCW **18.320.005**.

Findings—2011 c 89: See RCW **18.320.005**.

Part headings not law—2007 c 496: See note following RCW **26.09.002**.

Effective date—2004 c 38: See note following RCW **18.155.075**.

Effective date—1996 c 303: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 30, 1996]." [**1996 c 303 § 3.**]

Effective date—1994 c 267: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 1, 1994]." [**1994 c 267 § 6.**]

RCW 26.09.187

Criteria for establishing permanent parenting plan.

(1) DISPUTE RESOLUTION PROCESS. The court shall not order a dispute resolution process, except court action, when it finds that any limiting factor under RCW 26.09.191 applies, or when it finds that either parent is unable to afford the cost of the proposed dispute resolution process. If a dispute resolution process is not precluded or limited, then in designating such a process the court shall consider all relevant factors, including:

(a) Differences between the parents that would substantially inhibit their effective participation in any designated process;

(b) The parents' wishes or agreements and, if the parents have entered into agreements, whether the agreements were made knowingly and voluntarily; and

(c) Differences in the parents' financial circumstances that may affect their ability to participate fully in a given dispute resolution process.

(2) ALLOCATION OF DECISION-MAKING AUTHORITY.

(a) AGREEMENTS BETWEEN THE PARTIES. The court shall approve agreements of the parties allocating decision-making authority, or specifying rules in the areas listed in RCW 26.09.184(5)(a), when it finds that:

(i) The agreement is consistent with any limitations on a parent's decision-making authority mandated by RCW 26.09.191; and

(ii) The agreement is knowing and voluntary.

(b) SOLE DECISION-MAKING AUTHORITY. The court shall order sole decision-making to one parent when it finds that:

(i) A limitation on the other parent's decision-making authority is mandated by RCW 26.09.191;

(ii) Both parents are opposed to mutual decision making;

(iii) One parent is opposed to mutual decision making, and such opposition is reasonable based on the criteria in (c) of this subsection.

(c) MUTUAL DECISION-MAKING AUTHORITY. Except as provided in (a) and (b) of this subsection, the court shall consider the following criteria in allocating decision-making authority:

(i) The existence of a limitation under RCW 26.09.191;

(ii) The history of participation of each parent in decision making in each of the areas in RCW 26.09.184(5)(a);

(iii) Whether the parents have a demonstrated ability and desire to cooperate with one another in decision making in each of the areas in RCW 26.09.184(5)(a); and

(iv) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

(3) RESIDENTIAL PROVISIONS.

(a) The court shall make residential provisions for each child which encourage each parent to maintain a loving, stable, and nurturing relationship with the child, consistent with the child's developmental level and the family's social and economic circumstances. The child's residential schedule shall be consistent with RCW 26.09.191. Where the limitations of RCW 26.09.191 are not dispositive of the child's residential schedule, the court shall consider the following factors:

(i) The relative strength, nature, and stability of the child's relationship with each parent;

(ii) The agreements of the parties, provided they were entered into knowingly and voluntarily;

(iii) Each parent's past and potential for future performance of parenting functions as defined in *RCW 26.09.004(3), including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child;

(iv) The emotional needs and developmental level of the child;

(v) The child's relationship with siblings and with other significant adults, as well as the child's involvement with his or her physical surroundings, school, or other significant activities;

(vi) The wishes of the parents and the wishes of a child who is sufficiently mature to express reasoned and independent preferences as to his or her residential schedule; and

(vii) Each parent's employment schedule, and shall make accommodations consistent with those schedules.

Factor (i) shall be given the greatest weight.

(b) Where the limitations of RCW 26.09.191 are not dispositive, the court may order that a child frequently alternate his or her residence between the households of the parents for brief and substantially equal intervals of time if such provision is in the best interests of the child. In determining whether such an arrangement is in the best interests of the child, the court may consider the parties geographic proximity to the extent necessary to ensure the ability to share performance of the parenting functions.

(c) For any child, residential provisions may contain any reasonable terms or conditions that facilitate the orderly and meaningful exercise of residential time by a parent, including but not limited to requirements of reasonable notice when residential time will not occur.

[**2007 c 496 § 603; 1989 c 375 § 10; 1987 c 460 § 9.**]

NOTES:

***Reviser's note:** RCW 26.09.004 was alphabetized pursuant to RCW 1.08.015(2)(k), changing subsection (3) to subsection (2).

Part headings not law—2007 c 496: See note following RCW 26.09.002.

Custody, designation of for purposes of other statutes: RCW 26.09.285.

RCW 26.09.004

Definitions.

The definitions in this section apply throughout this chapter.

(1) "Military duties potentially impacting parenting functions" means those obligations imposed, voluntarily or involuntarily, on a parent serving in the armed forces that may interfere with that parent's abilities to perform his or her parenting functions under a temporary or permanent parenting plan. Military duties potentially impacting parenting functions include, but are not limited to:

(a) "Deployment," which means the temporary transfer of a service member serving in an active-duty status to another location in support of a military operation, to include any tour of duty classified by the member's branch of the armed forces as "remote" or "unaccompanied";

(b) "Activation" or "mobilization," which means the call-up of a national guard or reserve service member to extended active-duty status. For purposes of this definition, "mobilization" does not include national guard or reserve annual training, inactive duty days, or drill weekends; or

(c) "Temporary duty," which means the transfer of a service member from one military base or the service member's home to a different location, usually another base, for a limited period of time to accomplish training or to assist in the performance of a noncombat mission.

(2) "Parenting functions" means those aspects of the parent-child relationship in which the parent makes decisions and performs functions necessary for the care and growth of the child. Parenting functions include:

(a) Maintaining a loving, stable, consistent, and nurturing relationship with the child;

(b) Attending to the daily needs of the child, such as feeding, clothing, physical care and grooming, supervision, health care, and day care, and engaging in other activities which are appropriate to the developmental level of the child and that are within the social and economic circumstances of the particular family;

(c) Attending to adequate education for the child, including remedial or other education essential to the best interests of the child;

(d) Assisting the child in developing and maintaining appropriate interpersonal relationships;

(e) Exercising appropriate judgment regarding the child's welfare, consistent with the child's developmental level and the family's social and economic circumstances; and

(f) Providing for the financial support of the child.

(3) "Permanent parenting plan" means a plan for parenting the child, including allocation of parenting functions, which plan is incorporated in any final decree or decree of modification in an action for dissolution of marriage or domestic partnership, declaration of invalidity, or legal separation.

(4) "Temporary parenting plan" means a plan for parenting of the child pending final resolution of any action for dissolution of marriage or domestic partnership, declaration of invalidity, or legal separation which is incorporated in a temporary order.

[2009 c 502 § 1; 2008 c 6 § 1003; 1987 c 460 § 3.]

NOTES:

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Part headings not law—Severability—2008 c 6: See RCW 26.60.900 and 26.60.901.

RCW 26.12.175

Appointment of guardian ad litem—Independent investigation—Court-appointed special advocate program—Background information—Review of appointment.

(1)(a) The court may appoint a guardian ad litem to represent the interests of a minor or dependent child when the court believes the appointment of a guardian ad litem is necessary to protect the best interests of the child in any proceeding under this chapter. The court may appoint a guardian ad litem from the court-appointed special advocate program, if that program exists in the county. The court shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs. The family court services professionals may also make a recommendation to the court regarding whether a guardian ad litem should be appointed for the child.

(b) The guardian ad litem's role is to investigate and report factual information regarding the issues ordered to be reported or investigated to the court. The guardian ad litem shall always represent the best interests of the child. Guardians ad litem under this title may make recommendations based upon his or her investigation, which the court may consider and weigh in conjunction with the recommendations of all of the parties. If a child expresses a preference regarding the parenting plan, the guardian ad litem shall report the preferences to the court, together with the facts relative to whether any preferences are being expressed voluntarily and the degree of the child's understanding. The court may require the guardian ad litem to provide periodic reports to the parties regarding the status of his or her investigation. The guardian ad litem shall file his or her report at least sixty days prior to trial.

(c) The parties to the proceeding may file with the court written responses to any report filed by the guardian ad litem. The court shall consider any written responses to a report filed by the guardian ad litem, including any factual information or recommendations provided in the report.

(d) The court shall enter an order for costs, fees, and disbursements to cover the costs of the guardian ad litem. The court may order either or both parents to pay for the costs of the guardian ad litem, according to their ability to pay. If both parents are indigent, the county shall bear the cost of the guardian, subject to appropriation for guardians' ad litem services by the county legislative authority. Guardians ad litem who are not volunteers shall provide the parties with an itemized accounting of their time and billing for services each month.

(2)(a) If the guardian ad litem appointed is from the county court-appointed special advocate program, the program shall supervise any guardian ad litem assigned to the case. The court-appointed special advocate program shall be entitled to notice of all proceedings in the case.

(b) The legislative authority of each county may authorize creation of a court-appointed special advocate program. The county legislative authority may adopt rules of eligibility for court-appointed special advocate program services that are not inconsistent with this section.

(3) Each guardian ad litem program for compensated guardians ad litem and each court-appointed special advocate program shall maintain a background information record for each guardian ad litem in the program. The background information record shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) General training related to the guardian ad litem's duties;

(c) Specific training related to issues potentially faced by children in dissolution, custody, paternity, and other family law proceedings;

(d) Specific training or education related to child disability or developmental issues;

(e) Number of years' experience as a guardian ad litem;

(f) Number of appointments as a guardian ad litem and county or counties of appointment;

(g) The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause;

(h) Founded allegations of abuse or neglect as defined in RCW **26.44.020**;

(i) The results of an examination that shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW **10.97.050** and the Washington state patrol criminal identification system under RCW **43.43.832** through **43.43.834**. This background check shall be done through the Washington state patrol criminal identification section; and

(j) Criminal history, as defined in RCW **9.94A.030**, for the period covering ten years prior to the appointment.

The background information record shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person appointed as guardian ad litem shall provide the background information record to the court.

Upon appointment, the guardian ad litem, court-appointed special advocate program or guardian ad litem program, shall provide the parties or their attorneys with a copy of the background information record. The portion of the background information record containing the results of the criminal background check and the criminal history shall not be disclosed to the parties or their attorneys. The background information record shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends. The court shall immediately appoint the person recommended by the program.

(5) If a party in a case reasonably believes the court-appointed special advocate or volunteer guardian ad litem is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate or volunteer guardian ad litem on the grounds the advocate or volunteer is inappropriate or unqualified.

[2011 c 292 § 6; 2009 c 480 § 3; 2000 c 124 § 6; 1996 c 249 § 15; 1993 c 289 § 4; 1991 c 367 § 17.]

NOTES:

Grievance rules—2000 c 124: See note following RCW 11.88.090.

Intent—1996 c 249: See note following RCW 2.56.030.

Severability—Effective date—Captions not law—1991 c 367: See notes following RCW 26.09.015.

RCW 26.12.188

Appointment of investigators—Training requirements.

(1) The court may appoint an investigator in addition to a guardian ad litem or court-appointed special advocate under RCW **26.12.175** and **26.12.177** to assist the court and make recommendations.

(2) An investigator is a person appointed as an investigator under RCW **26.12.050**(1)(b) or any other third-party professional ordered or appointed by the court to provide an opinion, assessment, or evaluation regarding the creation or modification of a parenting plan.

(3) Investigators who are not supervised by a guardian ad litem or by a court-appointed special advocate program must comply with the training requirements applicable to guardians ad litem or court-appointed special advocates as provided under this chapter and court rule.

[**2011 c 292 § 5**.]

RCW 26.12.050

Family courts—Appointment of assistants.

(1) Except as provided in subsection (2) of this section, in each county the superior court may appoint the following persons to assist the family court in disposing of its business:

(a) One or more attorneys to act as family court commissioners, and

(b) Such investigators, stenographers and clerks as the court shall find necessary to carry on the work of the family court.

(2) The county legislative authority must approve the creation of family court commissioner positions.

(3) The appointments provided for in this section shall be made by majority vote of the judges of the superior court of the county and may be made in addition to all other appointments of commissioners and other judicial attaches otherwise authorized by law. Family court commissioners and investigators shall serve at the pleasure of the judges appointing them and shall receive such compensation as the county legislative authority shall determine. The appointments may be full or part-time positions. A person appointed as a family court commissioner may also be appointed to any other commissioner position authorized by law.

[**1993 c 15 § 1; 1991 c 363 § 17; 1989 c 199 § 1; 1965 ex.s. c 83 § 1; 1949 c 50 § 5;** Rem. Supp. 1949 § 997-34.]

NOTES:

Effective date—1993 c 15: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 12, 1993]." [**1993 c 15 § 3.**]

Purpose—Captions not law—1991 c 363: See notes following RCW **2.32.180**.

Court

clerks, reporters, and bailiffs: Chapter 2.32 RCW.
commissioners and referees: Chapter 2.24 RCW.

RCW 26.18.020

Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Dependent child" means any child for whom a support order has been established or for whom a duty of support is owed.

(2) "Duty of maintenance" means the duty to provide for the needs of a spouse or former spouse or domestic partner or former domestic partner imposed under chapter **26.09** RCW.

(3) "Duty of support" means the duty to provide for the needs of a dependent child, which may include necessary food, clothing, shelter, education, and health care. The duty includes any obligation to make monetary payments, to pay expenses, including maintenance in cases in which there is a dependent child, or to reimburse another person or an agency for the cost of necessary support furnished a dependent child. The duty may be imposed by court order, by operation of law, or otherwise.

(4) "Obligee" means the custodian of a dependent child, the spouse or former spouse or domestic partner or former domestic partner, or person or agency, to whom a duty of support or duty of maintenance is owed, or the person or agency to whom the right to receive or collect support or maintenance has been assigned.

(5) "Obligor" means the person owing a duty of support or duty of maintenance.

(6) "Support or maintenance order" means any judgment, decree, or order of support or maintenance issued by the superior court or authorized agency of the state of Washington; or a judgment, decree, or other order of support or maintenance issued by a court or agency of competent jurisdiction in another state or country, which has been registered or otherwise made enforceable in this state.

(7) "Employer" includes the United States government, a state or local unit of government, and any person or entity who pays or owes earnings or remuneration for employment to the obligor.

(8) "Earnings" means compensation paid or payable for personal services or remuneration for employment, whether denominated as wages, salary, commission, bonus, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy support or maintenance obligations, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title **50** RCW, except as provided in RCW **50.40.020** and **50.40.050**, or Title **74** RCW.

(9) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld.

(10) "Department" means the department of social and health services.

(11) "Health insurance coverage" is another term for, and included in the definition of, "health care coverage." Health insurance coverage includes any coverage under which medical services are provided by an employer or a union whether that coverage is provided through a self-insurance program, under the employee retirement income security act of 1974, a commercial insurer pursuant to chapters **48.20** and **48.21** RCW, a health care service contractor pursuant to chapter **48.44** RCW, or a health maintenance organization pursuant to

chapter 48.46 RCW, and the state through chapter 41.05 RCW.

(12) "Insurer" means a commercial insurance company providing disability insurance under chapter 48.20 or 48.21 RCW, a health care service contractor providing health care coverage under chapter 48.44 RCW, a health maintenance organization providing comprehensive health care services under chapter 48.46 RCW, and shall also include any employer or union which is providing health insurance coverage on a self-insured basis.

(13) "Remuneration for employment" means moneys due from or payable by the United States to an individual within the scope of 42 U.S.C. Sec. 659 and 42 U.S.C. Sec. 662(f).

(14) "Health care coverage" means fee for service, health maintenance organization, preferred provider organization, and other types of private health insurance and public health care coverage under which medical services could be provided to a dependent child or children. The term "health care coverage" includes, but is not limited to, health insurance coverage.

(15) "Public health care coverage," sometimes called "state purchased health care," means state-financed or federally financed medical coverage, whether or not there is an assignment of rights. For children residing in Washington state, this includes coverage through the department of social and health services or the health care authority, except for coverage under chapter 41.05 RCW; for children residing outside of Washington, this includes coverage through another state's agencies that administer state purchased health care programs.

[2018 c 150 § 102; 2008 c 6 § 1027; 1993 c 426 § 2; 1989 c 416 § 2; 1987 c 435 § 17; 1984 c 260 § 2.]

NOTES:

Part headings not law—Severability—2008 c 6: See RCW 26.60.900 and 26.60.901.

Effective date—1987 c 435: See RCW 26.23.900.

RCW 26.18.055

Child support liens.

Child support debts, not paid when due, become liens by operation of law against all property of the debtor with priority of a secured creditor. This lien shall be separate and apart from, and in addition to, any other lien created by, or provided for, in this title. The lien attaches to all real and personal property of the debtor on the date of filing with the county auditor of the county in which the property is located. Liens filed by other states or jurisdictions that comply with the procedural rules for filing liens under chapter 65.04 RCW shall be accorded full faith and credit and are enforceable without judicial notice or hearing.

[2000 c 86 § 1; 1997 c 58 § 942.]

NOTES:

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

THE FOUNDERS' CONSTITUTION

Amendment I (Petition and Assembly)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

1. Magna Carta, c. 61, 1215
2. William Lambarde, Eirenarcha 175--76 1614 ed.
3. Petition of Right, 1, 7 June 1628
4. The Tumultuous Petition Act 13 Chas. 2, st. 1, c. 5 (1661)
5. Resolution of the House of Commons, 1669
6. Trial of the Seven Bishops for Publishing a Libel
7. John Locke, A Letter concerning Toleration, 1689
8. Bill of Rights, secs. 5, 13, 2, 16 Dec. 1689
9. Stamp Act Congress, Declaration of Rights, sec. 13, 19 Oct. 1765
10. William Blackstone, Commentaries 1:138--39, 1765
11. William Blackstone, Commentaries 4:146--47, 1769
12. Thomas Jefferson, Instructions in the Virginia Convention to the Delegates to Congress, Aug. 1774
13. Continental Congress, Declaration and Resolves, 14 Oct. 1774
14. Declaration of Independence, 4 July 1776
15. Massachusetts Constitution of 1780, PT. 1, ART. 19
16. Maryland Ratifying Convention, Proposed Amendment, 29 Apr. 1788
17. House of Representatives, Amendments to the Constitution, 15 Aug. 1789
18. Pennsylvania v. Morrison
19. St. George Tucker, Blackstone's Commentaries 1:App. 299--300, 1803
20. William Rawle, A View of the Constitution of the United States 124 1829 (2d ed.)
21. Joseph Story, Commentaries on the Constitution 3:§§ 1887--88, 1833
22. Senate, Reception of Abolition Petitions, 1836

SEE ALSO:

The US Constitution: 14th Amendment

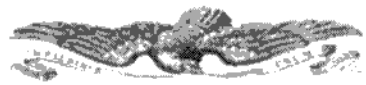
Fourteenth Amendment to the US Constitution - Rights Guaranteed Privileges and Immunities of Citizenship, Due Process and Equal Protection

AMENDMENT XIV of the UNITED STATES CONSTITUTION

Passed by Congress June 13, 1866. Ratified July 9, 1868.

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

THE FOUNDERS' CONSTITUTION



Article 1, Section 9, Clause 3

No Bill of Attainder or ex post facto Law shall be passed.

1. Montesquieu, Spirit of Laws, bk. 12, CH. 19, 1748
2. William Blackstone, Commentaries 4:373--79, 1769
3. Delaware Declaration of Rights and Fundamental Rules, 11 Sept. 1776
4. Thomas Jefferson, Bill to Attaint Josiah Phillips, 28 May 1778
5. Alexander Hamilton, Letter from Phocion, 1--27 Jan. 1784
6. Alexander Hamilton, A Second Letter from Phocion, April 1784
7. Vermont Constitution of 1786, CH. 2, SEC. 17
8. Records of the Federal Convention
9. Oliver Ellsworth, Landholder, no. 6, 10 Dec. 1787
10. James Iredell, Marcus, Answers to Mr. Mason's Objections to the New Constitution, 1788
11. Calder v. Bull
12. St. George Tucker, Blackstone's Commentaries 1:App. 292--93, 1803
13. Thomas Jefferson to L. H. Girardin, 12 Mar. 1815
14. William Johnson, Note to Satterlee v. Mathewson
15. Joseph Story, Commentaries on the Constitution 3:§§ 1338--39, 1833

SEE ALSO:

THE FOUNDERS' CONSTITUTION

Article 1, Section 10, Clause 1

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

1. Deering v. Parker
2. James Madison, Notes for Speech Opposing Paper Money, 1 Nov. 1786
3. Records of the Federal Convention
4. Luther Martin, Genuine Information, 1788
5. James Madison, Federalist, no. 44, 299--302, 25 Jan. 1788
6. Charles Pinckney, South Carolina Ratifying Convention, 20 May 1788
7. Edmund Randolph, Virginia Ratifying Convention, 6 June 1788
8. Debate in Virginia Ratifying Convention, 15 June 1788
9. Debate in North Carolina Ratifying Convention, 29 July 1788
10. Calder v. Bull
11. University of North Carolina v. Fox
12. Fletcher v. Peck
13. Thomas Jefferson to W. H. Torrance, 11 June 1815
14. Gill v. Jacobs
15. Farmers & Mechanics' Bank v. Smith
16. Sturges v. Crowninshield
17. Trustees of Dartmouth College v. Woodward
18. King v. Dedham Bank
19. Ogden v. Saunders
20. Mason v. Haile
21. Craig v. Missouri
22. James Madison to Charles J. Ingersoll, Feb. 1831
23. Joseph Story, Commentaries on the Constitution 3:§§ 1351, 1353--57, 1365--66, 1370--94, 1833

SEE ALSO:

PREAMBLE

We, the people of the State of Washington, grateful to the Supreme Ruler of the Universe for our liberties, do ordain this constitution.

ARTICLE I
DECLARATION OF RIGHTS

SECTION 1 POLITICAL POWER. All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

SECTION 2 SUPREME LAW OF THE LAND. The Constitution of the United States is the supreme law of the land.

SECTION 3 PERSONAL RIGHTS. No person shall be deprived of life, liberty, or property, without due process of law.

SECTION 4 RIGHT OF PETITION AND ASSEMBLAGE. The right of petition and of the people peaceably to assemble for the common good shall never be abridged.

SECTION 5 FREEDOM OF SPEECH. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right.

SECTION 6 OATHS - MODE OF ADMINISTERING. The mode of administering an oath, or affirmation, shall be such as may be most consistent with and binding upon the conscience of the person to whom such oath, or affirmation, may be administered.

SECTION 7 INVASION OF PRIVATE AFFAIRS OR HOME PROHIBITED. No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

SECTION 8 IRREVOCABLE PRIVILEGE, FRANCHISE OR IMMUNITY PROHIBITED. No law granting irrevocably any privilege, franchise or immunity, shall be passed by the legislature.

SECTION 9 RIGHTS OF ACCUSED PERSONS. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

SECTION 10 ADMINISTRATION OF JUSTICE. Justice in all cases shall be administered openly, and without unnecessary delay.

SECTION 11 RELIGIOUS FREEDOM. Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment: PROVIDED, HOWEVER, That this article shall not be so construed as to forbid the employment by the state of a chaplain for such of the state custodial, correctional, and mental institutions, or by a county's or public hospital district's hospital, health care facility, or hospice, as in the discretion of the legislature may seem justified. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony. [**AMENDMENT 88,** 1993 House Joint Resolution No. 4200, p 3062. Approved November 2, 1993.]

Amendment 34 (1957) — Art. 1 Section 11 RELIGIOUS FREEDOM — *Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment.* Provided, however, *That this article shall not be so construed as to forbid the employment by the state of a chaplain for such of the state custodial, correctional and mental institutions as in the discretion of the legislature may seem justified. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.* [AMENDMENT 34, 1957 Senate Joint Resolution No. 14, p 1299. Approved November 4, 1958.]

Amendment 4 (1904) — Art. 1 Section 11 RELIGIOUS FREEDOM — *Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment.* Provided, however, *That this article shall not be so construed as to forbid the employment by the state of a chaplain for the state penitentiary, and for such of the state reformatories as in the discretion of the legislature may seem justified. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.* [AMENDMENT 4, 1903 p 283 Section 1. Approved November, 1904.]

Original text — Art. 1 Section 11 RELIGIOUS FREEDOM — *Absolute freedom of conscience in all matters of religious sentiment, belief, and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person, or property, on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for, or applied to any religious worship, exercise or instruction, or the support of any religious establishment. No religious qualification shall be required for any public office, or employment, nor shall any person be incompetent as a witness, or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.*

SECTION 12 SPECIAL PRIVILEGES AND IMMUNITIES PROHIBITED. No law shall be passed

granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens, or corporations.

SECTION 13 HABEAS CORPUS. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety requires it.

SECTION 14 EXCESSIVE BAIL, FINES AND PUNISHMENTS. Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted.

SECTION 15 CONVICTIONS, EFFECT OF. No conviction shall work corruption of blood, nor forfeiture of estate.

SECTION 16 EMINENT DOMAIN. Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes, or ditches on or across the lands of others for agricultural, domestic, or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right-of-way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money, or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such, without regard to any legislative assertion that the use is public: *Provided,* That the taking of private property by the state for land reclamation and settlement purposes is hereby declared to be for public use. [**AMENDMENT 9,** 1919 p 385 Section 1. Approved November, 1920.]

Original text — Art. 1 Section 16 EMINENT DOMAIN — *Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes or ditches on or across the lands of others for agricultural, domestic or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having first been made, or paid into court for the owner, and no right of way shall be appropriated to the use of any corporation other than municipal, until full compensation therefor be first made in money, or ascertained and paid into the court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.*

SECTION 17 IMPRISONMENT FOR DEBT. There shall be no imprisonment for debt, except in cases of absconding debtors.

SECTION 18 MILITARY POWER, LIMITATION OF. The military shall be in strict subordination to the civil power.

SECTION 19 FREEDOM OF ELECTIONS. All Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

SECTION 20 BAIL, WHEN AUTHORIZED. All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the proof is evident, or the presumption great. Bail may be denied for offenses punishable by the possibility of life in prison upon a showing by clear and convincing evidence of a propensity for violence that creates a substantial likelihood of danger to the community or any persons, subject to such limitations as shall be determined by the legislature. [**AMENDMENT 104,** 2010 Engrossed Substitute House Joint Resolution No. 4220, p 3129. Approved November 2, 2010.]

Original text — Art. 1 Section 20 BAIL, WHEN AUTHORIZED — *All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the proof is evident, or the presumption great.*

SECTION 21 TRIAL BY JURY. The right of trial by jury shall remain inviolate, but the legislature may provide for a jury of any number less than twelve in courts not of record, and for a verdict by nine or more jurors in civil cases in any court of record, and for waiving of the jury in civil cases where the consent of the parties interested is given thereto.

SECTION 22 RIGHTS OF THE ACCUSED. In criminal prosecutions the accused shall have the right to appear and defend in person, or by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is charged to have been committed and the right to appeal in all cases: *Provided,* The route traversed by any railway coach, train or public conveyance, and the water traversed by any boat shall be criminal districts; and the jurisdiction of all public offenses committed on any such railway car, coach, train, boat or other public conveyance, or at any station or depot upon such route, shall be in any county through which the said car, coach, train, boat or other public conveyance may pass during the trip or voyage, or in which the trip or voyage may begin or terminate. In no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed. [**AMENDMENT 10,** 1921 p 79 Section 1. Approved November, 1922.]

Original text — Art. 1 Section 22 RIGHTS OF ACCUSED PERSONS — *In criminal prosecution, the accused shall have the right to appear and defend in person, and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public*

trial by an impartial jury of the county in which the offense is alleged to have been committed, and the right to appeal in all cases; and, in no instance, shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.

SECTION 23 BILL OF ATTAINDER, EX POST FACTO LAW, ETC. No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed.

SECTION 24 RIGHT TO BEAR ARMS. The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.

SECTION 25 PROSECUTION BY INFORMATION. Offenses heretofore required to be prosecuted by indictment may be prosecuted by information, or by indictment, as shall be prescribed by law.

SECTION 26 GRAND JURY. No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall so order.

SECTION 27 TREASON, DEFINED, ETC. Treason against the state shall consist only in levying war against the state, or adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

SECTION 28 HEREDITARY PRIVILEGES ABOLISHED. No hereditary emoluments, privileges, or powers, shall be granted or conferred in this state.

SECTION 29 CONSTITUTION MANDATORY. The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.

SECTION 30 RIGHTS RESERVED. The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people.

SECTION 31 STANDING ARMY. No standing army shall be kept up by this state in time of peace, and no soldier shall in time of peace be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

SECTION 32 FUNDAMENTAL PRINCIPLES. A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government.

SECTION 33 RECALL OF ELECTIVE OFFICERS. Every elective public officer of the state of Washington expect [except] judges of courts of record is subject to recall and discharge by the legal voters of the state, or of the political subdivision of the state, from which he was elected whenever a petition demanding his recall, reciting that such officer has committed some act or acts of malfeasance or misfeasance while in office, or who has violated his oath of office, stating the matters complained of, signed by the percentages of the qualified electors thereof, hereinafter provided, the percentage required to be computed from the total number of votes cast for all candidates for his said office to which he was elected at the preceding election, is filed with the officer with whom a petition for nomination, or certificate for nomination, to such office must be filed under the laws of this state, and the same officer shall call a special election as provided by the general election laws of this state, and the result determined as therein provided. [**AMENDMENT 8,** 1911 p 504 Section 1. Approved November, 1912.]

SECTION 34 SAME. The legislature shall pass the necessary laws to carry out the provisions of section thirty-three (33) of this article, and to facilitate its operation and effect without delay: *Provided*, That the authority hereby conferred upon the legislature shall not be construed to grant to the legislature any exclusive power of lawmaking nor in any way limit the initiative and referendum powers reserved by the people. The percentages required shall be, state officers, other than judges, senators and representatives, city officers of cities of the first class, school district boards in cities of the first class; county officers of counties of the first, second and third classes, twenty-five per cent. Officers of all other political subdivisions, cities, towns, townships, precincts and school districts not herein mentioned, and state senators and representatives, thirty-five per cent. [**AMENDMENT 8,** 1911 p 504 Section 1. Approved November, 1912.]

SECTION 35 VICTIMS OF CRIMES — RIGHTS. Effective law enforcement depends on cooperation from victims of crime. To ensure victims a meaningful role in the criminal justice system and to accord them due dignity and respect, victims of crime are hereby granted the following basic and fundamental rights.

Upon notifying the prosecuting attorney, a victim of a crime charged as a felony shall have the right to be informed of and, subject to the discretion of the individual presiding over the trial or court proceedings, attend trial and all other court proceedings the defendant has the right to attend, and to make a statement at sentencing and at any proceeding where the defendant's release is considered, subject to the same rules of procedure which govern the defendant's rights. In the event the victim is deceased, incompetent, a minor, or otherwise unavailable, the prosecuting attorney may identify a representative to appear to exercise the victim's rights. This provision shall not constitute a basis for error in favor of a defendant in a criminal proceeding nor a basis for providing a victim or the victim's representative with court appointed counsel. [**AMENDMENT 84,** 1989 Senate Joint Resolution No. 8200, p 2999. Approved November 7, 1989.]

ARTICLE II
LEGISLATIVE DEPARTMENT

SECTION 1 LEGISLATIVE POWERS, WHERE VESTED. The legislative authority of the state of Washing-

YEAR

August 03, 2018 - 11:41 AM

Filing Motion for Discretionary Review of Court of Appeals

Transmittal Information

Filed with Court:	Supreme Court
Appellate Court Case Number:	Case Initiation
Appellate Court Case Title:	Jennifer Wiley, Respondent v. David Wiley, Appellant (766236)

The following documents have been uploaded:

- DCA_Motion_Discretionary_Rvw_of_COA_20180803084733SC861466_4986.pdf
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A copy of the uploaded files will be sent to:

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