

FILED
Court of Appeals
Division I
State of Washington
11/30/2020 2:09 PM

FILED
SUPREME COURT
STATE OF WASHINGTON
12/1/2020
BY SUSAN L. CARLSON
CLERK

SUPREME COURT NO. 99270-3

NO. 79627-5-I

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

MICHAEL PAULSON,

Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR KING COUNTY

The Honorable Leroy McCullough, Judge

PETITION FOR REVIEW

MICHAEL J. PAULSON
Appellant

STATE OF WASHINGTON (Plaintiff) vs. MICHAEL PAULSON (Defendant)

No. 17-1-04225-7 KNT, Appeal No. 79627-5-I

1) Excessive Bail

My rights under the United States constitution, 8th amendment and the constitution of the State of Washington section 14 were violated when excessive bail in the amount of \$400,000.00 was given me to keep me incarcerated therefore not allowing me to be able to bail myself out to build a proper defense against the accusations and charges given me by the state of Washington and Becky Paulson.

It will be noted that I had no record or history of crimes or violence prior to my arrest and also had good standing in my community and at my job which made me a low risk for flight.

One of the reasons for the 8th amendment of the United States constitution and its adoption by the State of Washington under section 14 is so a defendant would be able to afford and have the opportunity outside of incarceration to be able to build a proper defense against the accusations and charges brought forth against them by a government agency that would otherwise not be normally available to them do to being incarcerated. It is clear that the bail of \$400,000.00 judged upon me by State of Washington was not only excessive but also affected my right to a fair trial by keeping me incarcerated, violating my constitutional rights as a United States citizen and a citizen of Washington State.

Amendment 8 - Cruel and Unusual Punishment. Ratified 12/15/1791.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

**CONSTITUTION OF THE STATE OF WASHINGTON
SECTION 14 EXCESSIVE BAIL, FINES AND PUNISHMENTS.**

Excessive bail shall not be required,
excessive fines imposed, nor cruel punishment inflicted.

Denied bail or release

The Original File Name was paulson4.pdf

796275_Report_of_Proceedings - Volume 5_20191224080036D1969446_3435.pdf This File Contains: Report of Proceedings - Volume 5, Pages 656 to 801, Hearing Date(s): 09/19/2018;09/20/2018

Report of Proceedings Total Number of Pages: 1629

Pages 797-801

I was denied my constitutional rights to a fair trial of due process when there was an absence of fairness that fatally inflicted this trial as follows:

- 1) Being locked up and held by the state and not being allowed a reasonable bail to be released to gain the evidence and witnesses to counter the statements made by the state and states witnesses, such as:

I was restricted from having the opportunity to have access to bank account records for trial evidence that would have showed Beck Paulson having liberal access to bank funds that would contradicted her statements during the criminal trial, and even though I had power of attorney to handle my bank accounts while being incarcerated they were denied access to my bank records by the bank that would have helped me in my defense against the state. This would have played a role in the jury's decision not to convict me on all counts charged against me by the state by bringing Becky Paulson credibility of her testimony into question.

- 2) Evidence Withheld, Perjury committed by accuser.

In the July 2019 divorce trial Becky Paulson stated and recorded by Judge Maureen McKee in referring back to June 2016 supposed incident made an accusation stating that while on the phone with 911 that a gun was fired in her presence, this statement was excluded and withheld by the prosecuting attorney during the 2018 criminal trial.

The testimony by Becky Paulson during the criminal trial and the 911 tape are inconsistent with Becky Paulson's testimony in the civil trial while under oath in both trials, and highly perjurious. Becky Paulson refers both statements back to the June 2016 incident, predating both the criminal and divorce trials, therefore withheld from the defense in the criminal trial that would have had an effect on the jury's decision on the verdict. It will be noted the jury did ask to here the 911 tapes again prior to making their decision.

Reference

17-3-04777-9 KNT Parenting plan, attachment "A" item #6.

The Original File Name was paulson6.pdf

796275_Report_of_Proceedings - Volume 7_20191224080036D1969446_9535.pdf This File Contains: Report of Proceedings - Volume 7, Pages 995 to 1164, Hearing Date(s): 11/14/2018
Report of Proceedings Total Number of Pages: 1629
Pages 1095-1096, 1105-1106

The Original File Name was paulson7.pdf

796275_Report_of_Proceedings - Volume 8_20191224080036D1969446_7670.pdf This File Contains: Report of Proceedings - Volume 8, Pages 1165 to 1423, Hearing Date(s): 11/15/2018;11/19/2018
Report of Proceedings Total Number of Pages: 1629
Pages 1267-1268

The Original File Name was paulson6.pdf

796275_Report_of_Proceedings - Volume 7_20191224080036D1969446_9535.pdf This File Contains: Report of Proceedings - Volume 7, Pages 995 to 1164, Hearing Date(s): 11/14/2018
Report of Proceedings Total Number of Pages: 1629
Pages 995 through 1164

The Original File Name was paulson8.pdf

796275_Report_of_Proceedings - Volume 9_20191224080036D1969446_4807.pdf This File Contains: Report of Proceedings - Volume 9, Pages 1424 to 1629, Hearing Date(s): 11/20/2018;11/21/2018;02/01/2019

Report of Proceedings Total Number of Pages: 1629

Pages 1550-1566

ABC New,

Bill Cosby's Civil Deposition Testimony Can Be Used by Prosecutors in Criminal Trial, Judge O'Neill Rules.

- 3) Deputy McCafferty testimony put him in the seat of an expert on strangulation which put me at a disadvantage by not having my own expert on strangulation to counter his testimony, his testimony would have been enough to sway the jury in the states favor even though he had contradicted himself in his testimony when filling out the form Domestic Violence form for Becky Paulson. It will also be noted that Becky Paulson refused medical treatment for herself and our children even after her description of what allegedly took place that would have put medical personal in a better position to determine if her story had credence along with deputy McCafferty testimony.

The Original File Name was paulson3.pdf

796275_Report_of_Proceedings - Volume 4_20191224080036D1969446_4561.pdf This File Contains: Report of Proceedings - Volume 4, Pages 474 to 655, Hearing Date(s): 09/18/2018

Report of Proceedings Total Number of Pages: 1629

Pages 536-619

- 4) During the trial Becky Paulson admitted while on record without the jury present to recognizing text messages sent to her phone, but changed her statement later that she wasn't sure if she could remember sending them with jury present, this change in Becky Paulson's statement would have played a key role in the jury's decision not to convict me on all counts charged against me by the state.

The Original File Name was paulson7.pdf

796275_Report_of_Proceedings - Volume 8_20191224080036D1969446_7670.pdf This File Contains: Report of Proceedings - Volume 8, Pages 1165 to 1423, Hearing Date(s):

11/15/2018;11/19/2018

Report of Proceedings Total Number of Pages: 1629

Pages 1185-1187, 12

- 5) My legal council did not properly represent me during the trial, he was to bring in expert witnesses for strangulation and fire arm testimony to counter the state and Becky Paulson accusations, when I asked about expert witnesses later, I was told it was too late to bring them in because the trial had just started. As you know Mr. Johnson was sanctioned and fined \$1200.00 for not following up on my appeal for not properly representing me.

Mr. Johnson had entered a notice of appearance to represent me for the civil case 17-3-04777-9 KNT approximately two weeks prior to the trial date but failed to file for an extension, on the date

of the civil trial judge Maureen McKee denied any trial extension and during the trial did not allow any trial papers to be entered such as financial and parenting plan papers and blamed me for not getting any of trial papers filed on time even though there was record of Mr. Johnson filing to represent me prior, it will also be noted that during the civil trial I was told by Mr. Johnson not answer any questions that could refer to the appeal on the criminal trial which did limit my testimony. Not properly following up on the notice of appearance while representing me in the civil trial played a role in an unfair and very regrettable judgment handed to me by Judge Maureen McKee including a no contact order on me not being able to see my children until there 18 years old.

See next page for signature

BY SUSAN L. CARLSON, Clerk of the Court
CLERK
Maureen McKee denied any trial extension and during the trial did not allow any trial papers to be entered such as financial and parenting plan papers and blamed me for not getting any of trial papers filed on time even though there was record of Mr. Johnson filing to represent me prior, it will also be noted that during the civil trial I was told by Mr. Johnson not answer any questions that could refer to the appeal on the criminal trial which did limit my testimony. Not properly following up on the notice of appearance while representing me in the civil trial played a role in an unfair and very regrettable judgment handed to me by Judge Maureen McKee including a no contact order on me not being able to see my children until there 18 years old.

A handwritten signature in cursive script, appearing to read "Mike Paul". The signature is written in dark ink and is positioned in the lower-left quadrant of the page.

APPENDIX A

ABC News

Bill Cosby's Civil Deposition Testimony Can Be Used by Prosecutors in Criminal Trial, Judge Rules

A judge rejected the entertainer's motion to suppress the contents.

By JAMES HILL and LESLEY MESSER

December 5, 2016, 5:39 PM

Bill Cosby's Civil Deposition Testimony Can Be Used by Prosecutors in Criminal Trial

The judge overseeing the criminal case against Bill Cosby has issued a ruling on Monday denying...[Read More](#)

— -- The judge overseeing the criminal case against Bill Cosby has issued a ruling on Monday denying the entertainer's motion to suppress the contents of his civil deposition testimony and any evidence derived from it.

Cosby's lawyers had asked the court to disallow the use of the deposition at his criminal trial, based principally on the argument that Cosby sat for the depositions in 2005 and 2006 only after being assured by the then-district attorney that he would not face criminal prosecution.

The judge roundly rejected those arguments and found that there was no constitutional barrier to the use of Cosby's civil testimony in the criminal case.

"There is no basis in the record to support the contention that there was ever an agreement or a promise not to prosecute the Defendant," Judge Steven T. O'Neill wrote.

Former Montgomery County D.A. Bruce Castor testified in February that he promised immunity to Cosby more than a decade ago and gave several reasons why he didn't bring criminal charges against the comedian at that time.

Judge O'Neill must still decide whether the prosecution will be permitted to allow 13 other women who have said they were also assaulted by Cosby to testify. O'Neill has scheduled pre-trial hearings next week to hear arguments on that issue.

Cosby, 79, said in the deposition that he had a sexual encounter with Andrea Constand.

"I don't hear her say anything. And I don't feel her say anything," he said. "And so I continue and I go into the area that is somewhere between permission and rejection. I am not stopped."

He has maintained that the encounter was consensual.

He also said that he gave her a [Benadryl](#) after she complained of sleep trouble and tension and acknowledged that he had given Quaaludes to another woman.

The civil suit filed by Constand for which he was deposed was confidentially settled in 2006 and sealed.

After The Associated Press successfully fought for the release of portions of the deposition, dozens of women came forward with allegations of sexual harassment and assault.

Through his attorneys, Cosby has always denied accusations of wrongdoing. In May, his attorney Brian McMonagle said, "Mr. Cosby is not guilty of any crime

and not one single fact presented by the Commonwealth rebuts this truth. ... We have no doubt this case ultimately will be resolved in Cosby's favor."

Last December, just weeks before the criminal statute of limitations was to expire in the Constand case, newly-elected Montgomery County District Attorney Kevin Steele announced criminal charges against Cosby.

Cosby's attorneys have filed multiple unsuccessful motions seeking the dismissal of the case.

Cosby's trial has been set for next June in Norristown, Pennsylvania, and if convicted, he could face up to 10 years behind bars and a \$25,000 fine. He has pleaded not guilty and is free on \$1 million bail. Cosby's attorneys have indicated that they may seek a change of venue.

APPENDIX B

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Superior Court of Washington, County of King

In re:

Petitioner:

BECKY PAULSON

And Respondent:

MICHAEL PAULSON

No. 17-3-04777-9 KNT

Final Parenting Plan
(PPP/PPT/PP)

Clerk's action required: 1.

Parenting Plan

- 1. This parenting plan is a final signed court order entered by agreement of the parties.
- 2. **Children** - This parenting plan is for the following children:

Child's name	Age
1. Elijah John Paulson	6
2. Zephaniah Ezekiel Paulson	3

- 3. **Reasons for putting limitations on a parent** (under RCW 26.09.191)
 - a. **Abandonment, neglect, child abuse, domestic violence, assault, or sex offense.**

A parent has one or more of these problems as follows:

Child Abuse - MICHAEL PAULSON (or someone living in that parent's home) abused or threatened to abuse a child. The abuse was: physical and repeated emotional abuse.

Domestic Violence - MICHAEL PAULSON (or someone living in that parent's home) has a history of domestic violence as defined in RCW 26.50.010(1).

1 **Assault** - MICHAEL PAULSON (or someone living in that parent's home) has assaulted
2 someone causing grievous physical harm, or causing fear of such harm.

3 Note: The father was found guilty by jury of 2nd degree assault, with special factors of (1)
4 victim being a member of the same family or household, (2) aggravated domestic violence
5 offense and committed within the sight or sound of children, in King County Case No.
6 17-1-04225-7 KNT, on November 21, 2018.

7 **b. Other problems** that may harm the children's best interests:

8 A parent has one or more of these problems as follows:

9 **Abusive use of conflict** - MICHAEL PAULSON uses conflict in a way that endangers
10 or damages the psychological development of a child listed in 2.

11 **4. Limitations on a parent**

12 **The following limits or conditions apply to MICHAEL PAULSON.**

- 13 A. Prior to initiating any contact with the children and after compliance with all orders in
14 the criminal case noted above (including expiration of the no contact order), the
15 father shall enroll in, remain in full compliance with, and complete domestic violence
16 perpetrator treatment with a Washington state certified provider as defined in
17 Washington Administrative Code (WAC) 110-60A. The father will be responsible for
18 the cost of the evaluation and treatment.
- 19 B. Before any contact occurs between the father and children, the children shall be
20 evaluated by a mental health professional who has experience working with children
21 who have been exposed to domestic violence. The mental health professional shall
22 determine and follow a treatment plan for the children to support them through
23 reunification with the father, provide therapy consistent with the treatment plan, and
24 provide recommendations for a schedule of contact that meets each child's
emotional needs. The father shall pay all expenses associated with this evaluation,
treatment and recommendations.
- C. Any contact between the father and children shall take place in the children's county
of residence. There shall be no contact between the mother and father.
- D. Any contact between the father and children shall be professionally supervised at
the father's expense and occur in a public location. The professional supervisor
shall be a licensed mental health professional who has experience working with
children who have been exposed to domestic violence, but not the same
professional who provided evaluation, treatment and recommendations as set forth
in (B), above. The supervisor shall provide each parent with a written list of
expectations, including but not limited to the following requirements:
1. The supervisor is to remain within line of sight and hearing of the father and
children at all times;
 2. The father is to refrain from asking the children any questions about the mother
or details about the location of their home, school, activities, etc.;

- 3. The father shall not engage in any physical punishment of the children, yell at them or the supervisor, or engage in any demeaning language about the children, supervisor or the mother;
 - 4. The contact between the father and children shall take place at locations and during times agreed upon by the supervisor and mother;
 - 5. The supervisor shall provide written reports of each father/ child contact to each parent;
 - 6. The supervisor shall have the authority to terminate contact if he/she determines that contact does not meet the written list of expectations or recommendations of the evaluator/ therapist.
- E. After the father has had six months of supervised visitation, the father may move to modify the parenting plan and the Court will consider the completion of the domestic violence batterer's evaluation and treatment and the six months of supervised visitation as a substantial change of circumstances.

5. Decision-making

When the children are with you, you are responsible for them. You can make day-to-day decisions for the children when they are with you, including decisions about safety and emergency health care. Major decisions must be made as follows.

a. Who can make major decisions about the children?

Type of Major Decision	Joint <i>(parents make these decisions together)</i>	Limited <i>(only the parent named below has authority to make these decisions)</i>
School / Educational		BECKY PAULSON
Health care (not emergency)		BECKY PAULSON

b. Reasons for limits on major decision-making, if any:

Major decision-making **must** be limited because one of the parents has problems as described in **3.a.** above.

6. Dispute Resolution - If you and the other parent disagree:

From time to time, the parents may have disagreements about shared decisions or about what parts of this parenting plan mean. To solve disagreements about this parenting plan, the parents will go to a dispute resolution provider or court. The court may only require a dispute resolution provider if there are no limitations in **3a.**

The parents will go to court (without having to go to mediation, arbitration, or counseling).

1 **7. Custodian**

2 The custodian is BECKY PAULSON solely for the purpose of all state and federal statutes
3 which require a designation of determination of custody. Even though one parent is called
4 the custodian, this does not change the parenting rights and responsibilities described in
5 this plan.

6 *(Washington law generally refers to parenting time and decision-making, rather than
7 custody. However, some state and federal laws require that one person be named the
8 custodian. The custodian is the person with whom the children are scheduled to reside a
9 majority of their time.)*

10 **Parenting Time Schedule (Residential Provisions)**

11 *Skip the parenting time schedule in sections 8 - 11 if one parent has no contact with the
12 children other than what is described in section 4 – Limitations.*

13 **8-11. Does not apply**

14 **12. Transportation Arrangements**

15 So long as there is a restraining order, no contact order and/or protection order in place
16 prohibiting contact between the parties, the mother shall identify a third party who can
17 transport the children to and from visits with the father.

18 **13. Moving with the Children (Relocation)**

19 If the person with whom the children are scheduled to reside a majority of their time plans to
20 move (relocating person), s/he **must notify** every person who has court-ordered time with
21 the children.

22 ***Move to a different school district***

23 If the move is to a different school district, the relocating person must complete the form
24 *Notice of Intent to Move with Children* (FL Relocate 701) and deliver it at least **60 days**
before the intended move. Due to the history of this case, the mother is required only to
provide a mailing address and no other identifying information regarding her or the
children's whereabouts.

Exceptions:

- If the relocating person could not reasonably have known enough information to complete the form in time to give 60 days' notice, s/he must give notice within **5 days** after learning the information.
- If the relocating person is relocating to a domestic violence shelter or moving to avoid a clear, immediate and unreasonable risk to health or safety, notice may be delayed **21 days**.

- If information is protected under a court order or the address confidentiality program, it may be withheld from the notice.
- A relocating person who believes that giving notice would put her/himself or a child at unreasonable risk of harm, may ask the court for permission to leave things out of the notice or to be allowed to move without giving notice. Use form *Motion to Limit Notice of Intent to Move with Children (Ex Parte)* (FL Relocate 702).

The *Notice of Intent to Move with Children* can be delivered by having someone personally serve the other party or by any form of mail that requires a return receipt.

If the relocating person wants to change the *Parenting Plan* because of the move, s/he must deliver a proposed *Parenting Plan* together with the *Notice*.

Move within the same school district

If the move is within the *same* school district, the relocating person still has to let the other parent know. However, the notice does not have to be served personally or by mail with a return receipt. Notice to the other party can be made in any reasonable way. No specific form is required.

Warning! If you do not notify...

A relocating person who does not give the required notice may be found in contempt of court. If that happens the court can impose sanctions. Sanctions can include requiring the relocating person to bring the children back if the move has already happened, and ordering the relocating person to pay the other side's costs and lawyer's fees.

Right to object

A person who has court-ordered time with the children can object to a move to a different school district and/or to the relocating person's proposed *Parenting Plan*. If the move is within the same school district, the other party doesn't have the right to object to the move but s/he may ask to change the *Parenting Plan* if there are adequate reasons under the modification law (RCW 26.09.260).

An objection is made by filing the *Objection about Moving with children and Petition about Changing a Parenting/Custody Order (Relocation)* (form FL Relocate 721). File your *Objection* with the court and serve a copy on the relocating person and anyone else who has court-ordered time with the children. Service of the *Objection* must be by personal service or by mailing a copy to each person by any form of mail that requires a return receipt. The *Objection* must be filed and served no later than **30 days** after the *Notice of intent to Move with Children* was received.

Right to move

During the 30 days after the *Notice* was served, the relocating person may not move to a different school district with the children unless s/he has a court order allowing the move.

After the 30 days, if no *Objection* is filed, the relocating person may move with the children without getting a court order allowing the move.

1 After the 30 days, if an *Objection* has been filed, the relocating person may move with
2 the children **pending** the final hearing on the *Objection* **unless**:

- 3 • The other party gets a court order saying the children cannot move, or
- 4 • The other party has scheduled a hearing to take place no more than 15 days after
5 the date the *Objection* was served on the relocating person. (However, the
6 relocating person may ask the court for an order allowing the move even though a
7 hearing is pending if the relocating person believes that s/he or a child is at
8 unreasonable risk of harm.)
- 9 • the court may make a different decision about the move at a final hearing on the
10 *Objection*.

7 **Parenting Plan after move**

8 If the relocating person served a proposed *Parenting Plan* with the *Notice*, **and** if no
9 *Objection* is filed within 30 days after the *Notice* was served (or if the parties agree):

- 10 • Both parties may follow that proposed plan without being held in contempt of the
11 *Parenting Plan* that was in place before the move. However, the proposed plan
12 cannot be enforced by contempt unless it has been approved by a court.
- 13 • Either party may ask the court to approve the proposed plan. Use form *Ex Parte*
14 *Motion for Final Order Changing Parenting Plan – No Objection to Moving with*
15 *Children* (FL Relocate 706).

12 **Forms**

13 You can find forms about moving with children at:

- 14 •The Washington State Courts' website: www.courts.wa.gov/forms,
- 15 •The Administrative Office of the Courts - call: (360) 705-5328,
- 16 •Washington LawHelp: www.washingtonlawhelp.org, or
- 17 •The Superior Court Clerk's office or county law library (for a fee).

18 *(This is a summary of the law. The complete law is in RCW 26.09.430 through*
19 *26.09.480.)*

17 **14. Other**

18 The mother may apply for, renew and maintain passports for the children without the father's
19 consent or approval. The children may travel outside the US without the father's consent or
20 approval. The United States is the children's country of residence.

21 **15. Proposal**

22 Does not apply.

23 **16. Court Order**

24 This is a court order (if signed by a judge or commissioner below).

Findings of Fact - Based on the pleadings and any other evidence considered:

Paulson v. Paulson (17-3-04777-9 KNT)

Attachment A: Findings of Fact

1. The parties met and married shortly after on 10/4/11. They have two sons, Elijah John Paulson, who was born on 9/23/12, and Zephaniah Ezekiel Paulson, who was born on 8/14/15.
2. The couple separated three times – in April 2015, in April 2016 and June 2017. The ultimate date of separation was 6/3/17. The testimony was that the marriage was irretrievably broken.
3. The father committed acts of domestic violence throughout the marriage. He was aggressive not only to the mother but also towards the children. The mother describes the way in which the father screamed at the children and spanked them. According to the mother, he had no interest in parenting the children. Multiple times the father placed the mother and children in fear of imminent harm.
4. During the relationship, the father had at least five guns and would be careless about them. He kept one on top of his nightstand fully loaded and kept a shotgun next to the backdoor. The father attempted to teach Elijah, when he was younger than five years-old, how to use a gun.
5. At the end of March 2016, the father slammed the door so that the pictures next to it fell off the wall, yelled at the mother saying that she had Satan in her, grabbed Elijah by the throat and then tried choking the mother. She left the father right after this incident, taking the children with her to Oklahoma. The separation lasted until September when the mother decided to reunite with the father.
6. After reuniting with the father, the aggressive and controlling behavior on the part of the father continued. The next time he was violent was in June 2017. The father woke the mother up by punching the pillow right next to her head. At one point he body slammed the mother. When the mother called 911, the father said something to the effect of "I'm going to have to kill her." As she was holding Zephaniah and Elijah was holding on to her leg, the father shot his gun but did not hit anyone. She took the kids and fled the house.
7. As a result of the June 2017 incident, the father was charged and convicted by a jury of assault in the second degree (domestic violence). Since the incident, he has had no contact with the mother and children. Under the judgment and

sentence for the assault in the second degree (dv) conviction, the father is prohibited from having contact with the mother and children for 10 years.

8. The children are still fearful of the father and have nightmares about the June 2017 incident.
9. At no point during the trial did the father, through counsel, make any request for residential time with the children. Although the court repeatedly asked the father's counsel to provide a specific request regarding the parenting plan in the form of argument and proposed orders, the father's counsel declined to do so.
10. Prior to marriage, the mother worked as an assistant manager for a Pier I Imports in Tulsa, Oklahoma. She also worked on her nursing degree but did not pursue it once she married the father. Currently, the mother works part-time, approximately 28 – 30 hours per week, as a nanny so that she can work but parent two young children by herself.
11. The mother was not able to provide a reliable estimate of the items she left behind in the father's home after separating from him in June 2017 and traveling to Oklahoma.
12. Despite multiple requests by the court, the father, through his attorney, declined to provide the court with the father's financial information, specific requests pertaining to child support, or a proposed child support order. The father testified that he works at a recycling company and earns \$16/hour. The last job he had prior to being incarcerated in June 2017 was at Boeing where he was employed from 7/10/87 through 6/4/17.
13. The father repeatedly failed to respond to the discovery requests issued by the mother. Prior to starting trial, the father, even when represented by counsel, refused to provide the mother with any information as was required by the pre-trial order and discovery rules. The father never provided the mother and the court with a trial notebook. There was a significant amount of work the mother and her counsel had to do to prepare for trial due to the father's intransigence.
14. The mother clearly has a strong bond with the children and has been their sole caretaker for over the past two years. She and the children currently reside in Oklahoma where the mother had been living prior to marrying the father.
15. It is in the children's best interest to continue residing with their mother and to have no contact with their father until contact is allowed pursuant to any active no-contact order, protection order and/or restraining order

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Superior Court of Washington, County of King

In re the marriage of:

Petitioner:

BECKY PAULSON

And Respondent:

MICHAEL PAULSON

No. 17-3-04777-9 KNT

Final Divorce Order (Dissolution Decree)
(DCD)

[X] Clerk's Action required: **1,2, 6, 13, 14, 16**

Final Divorce Order

1. Money Judgment Summary

No money judgment is ordered.

2. Summary of Real Property Judgment

No real property judgment is ordered.

The court has made Findings and Conclusions in this case and now Orders:

3. Marriage

This marriage is dissolved. The Petitioner and Respondent are divorced.

4. Name Changes

Neither spouse asked to change his/her name.

5. Separation Contract

There is no enforceable separation contract.

1 **6. Money Judgment** (summarized in section 1 above)

2 None. However, the court retains jurisdiction to enter a judgment upon motion of the
3 Petitioner if there are not sufficient funds in the Respondent's VIP to pay the amount
4 awarded to the Petitioner as set forth below, in Section 8.

5 **7. Real Property** (summarized in section 2 above)

6 The real property is divided as explained below:

Real Property Address	Tax Parcel Number	Given to which spouse as his/her separate property?
29235 158th Ave. SE Kent, WA 98042		Respondent

7 **8. Petitioner's Personal Property**

8 The personal property that Petitioner now has or controls is given to Petitioner as her
9 separate property. In addition, the Petitioner is awarded:

- 10 (a) 50% of the Respondent's The Boeing Company Employee Retirement Plan that
11 was accumulated during marriage, to be paid to her via the QDRO presented with
12 this order.
- 13 (b) \$33,958.94 from the Respondent's The Boeing Company Voluntary Investment
14 Plan, to be paid to her via the QDRO presented with this order. The amount of
15 \$33,958.94 is calculated as follows:
 - 16 -\$6,741.73, which represents 50% of the contributions made to the VIP account
17 during marriage (\$5,466.40 in 2016 and \$8,017.05 in 2017);
 - 18 -\$130.10, which represents 50% of 2.38% annual growth on 2016 contributions
19 for 2016;
 - 20 -\$177.31, which represents 50% of 2.63% annual growth on 2016 and 2017
21 contributions for 2017;
 - 22 -\$168.54, which represents 50% of estimated 2.50% annual growth on 2016 and
23 2017 contributions for 2018;
 - 24 -\$6,020.14, which represents 50% of the vacation and sick leave payout the
25 Respondent received after separation for earnings during the marriage;
 - \$3,012.26, which represents approximately 50% of the funds contained in the
parties' community BECU savings and checking at the time of separation, which
the Respondent received, less funds the Petitioner received;
 - \$5,440 for 25 months of back child support (June, 2017 through December,
2018 at \$100 per month; January, 2019 to June, 2019 at \$790 per month);
 - \$253.00 interest for back child support per temporary order, August, 2017
through June, 2019 (1% per month);
 - \$10,805 attorney's fees;
 - Less \$2,630 for 50% of 2016 income tax refund received by Petitioner, less
50% of tax preparation fee;
 - Less \$951.48 for predistributions Petitioner received via Respondent's VISA
card;

1 -\$4,792.34, which represents 15% estimated income tax to pay on portions of
2 VIP to be cashed for non-retirement division of assets and back support
3 (\$6,020.14 sick/ vacation pay + \$3,012.26 BECU funds + \$10,000 personal
4 property + \$5,440 back support + \$253 interest on back support + \$10,805
5 attorney's fees - \$2,630 2016 taxes - \$951.48 VISA = \$31,948.92 X .15 =
6 \$4,792.34).

7
8 **9. Respondent's Personal Property**

9 The personal property that Respondent now has or controls is given to Respondent as his
10 separate property, except as provided above in (8). There is no transfer of property needed
11 from the Petitioner to the Respondent.

12 **10. Petitioner's Debt**

13 The Petitioner must pay all debts she has incurred (made) since the date of separation,
14 unless the court makes a different order about a specific debt below.

15 The Petitioner must pay the debts that are now in her name.

16 **11. Respondent's Debt**

17 The Respondent must pay all debts he has incurred (made) since the date of separation,
18 unless the court makes a different order about a specific debt below.

19 The Respondent must pay the debts that are now in his name.

20 **12. Debt Collection**

21 If one spouse fails to pay a debt as ordered above and the creditor tries to collect the debt
22 from the other spouse, the spouse who was ordered to pay the debt must hold the other
23 spouse harmless from any collection action about the debt. This includes reimbursing the
24 other spouse for any of the debt he/she paid and for attorney fees or costs related to
25 defending against the collection action.

13. Spousal Support

No spousal support is ordered.

14. Fees and Costs (*Summarize any money judgment in section 1 above*)

The Respondent shall pay the Petitioner \$10,805.00 for partial fees and costs incurred due to intransigence.

15. Protection Order

A Protection Order has been entered in King County Case No. 18-2-23500-6 KNT, and a no contact order has been entered in King County Case No. 17-1-04225-7 KNT.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

16. Restraining Order

Approved - The request for a *Restraining Order* is approved. The *Restraining Order* is filed separately.

17. Children

This court has jurisdiction over the children as explained in the *Findings and Conclusions* for this case.

18. Parenting Plan

The court signed the final *Parenting Plan* filed separately today.

19. Child Support

Court Order - The court signed the final *Child Support Order* and *Worksheets* filed separately today.

Tax exemptions and post-secondary (college or vocational school) support are covered in the Child Support Order.

20. Other orders

Ordered.

7/24/19 Maureen McKee
Date Judge *Maureen McKee* **Maureen McKee**

Petitioner and Respondent or their lawyers fill out below.

This document: This document:
Is presented by me May be signed by the court without notice to me

24176 47642
Petitioner signs here or lawyer signs here + WSBA # *Respondent signs here or lawyer signs here + WSBA #*

Lisa K. Barton Myles J. Johnson
Print Name *Print Name* *Date*

Paulson v. Paulson (17-3-04777-9 KNT)

Attachment A: Findings of Fact

1. The parties met and married shortly after on 10/4/11. They have two sons, Elijah John Paulson, who was born on 9/23/12, and Zephaniah Ezekiel Paulson, who was born on 8/14/15.
2. The couple separated three times – in April 2015, in April 2016 and June 2017. The ultimate date of separation was 6/3/17. The testimony was that the marriage was irretrievably broken.
3. The father committed acts of domestic violence throughout the marriage. He was aggressive not only to the mother but also towards the children. The mother describes the way in which the father screamed at the children and spanked them. According to the mother, he had no interest in parenting the children. Multiple times the father placed the mother and children in fear of imminent harm.
4. During the relationship, the father had at least five guns and would be careless about them. He kept one on top of his nightstand fully loaded and kept a shotgun next to the backdoor. The father attempted to teach Elijah, when he was younger than five years-old, how to use a gun.
5. At the end of March 2016, the father slammed the door so that the pictures next to it fell off the wall, yelled at the mother saying that she had Satan in her, grabbed Elijah by the throat and then tried choking the mother. She left the father right after this incident, taking the children with her to Oklahoma. The separation lasted until September when the mother decided to reunite with the father.
6. After reuniting with the father, the aggressive and controlling behavior on the part of the father continued. The next time he was violent was in June 2017. The father woke the mother up by punching the pillow right next to her head. At one point he body slammed the mother. When the mother called 911, the father said something to the effect of "I'm going to have to kill her." As she was holding Zephaniah and Elijah was holding on to her leg, the father shot his gun but did not hit anyone. She took the kids and fled the house.
7. As a result of the June 2017 incident, the father was charged and convicted by a jury of assault in the second degree (domestic violence). Since the incident, he has had no contact with the mother and children. Under the judgment and

sentence for the assault in the second degree (dv) conviction, the father is prohibited from having contact with the mother and children for 10 years.

8. The children are still fearful of the father and have nightmares about the June 2017 incident.
9. At no point during the trial did the father, through counsel, make any request for residential time with the children. Although the court repeatedly asked the father's counsel to provide a specific request regarding the parenting plan in the form of argument and proposed orders, the father's counsel declined to do so.
10. Prior to marriage, the mother worked as an assistant manager for a Pier I Imports in Tulsa, Oklahoma. She also worked on her nursing degree but did not pursue it once she married the father. Currently, the mother works part-time, approximately 28 – 30 hours per week, as a nanny so that she can work but parent two young children by herself.
11. The mother was not able to provide a reliable estimate of the items she left behind in the father's home after separating from him in June 2017 and traveling to Oklahoma.
12. Despite multiple requests by the court, the father, through his attorney, declined to provide the court with the father's financial information, specific requests pertaining to child support, or a proposed child support order. The father testified that he works at a recycling company and earns \$16/hour. The last job he had prior to being incarcerated in June 2017 was at Boeing where he was employed from 7/10/87 through 6/4/17.
13. The father repeatedly failed to respond to the discovery requests issued by the mother. Prior to starting trial, the father, even when represented by counsel, refused to provide the mother with any information as was required by the pre-trial order and discovery rules. The father never provided the mother and the court with a trial notebook. There was a significant amount of work the mother and her counsel had to do to prepare for trial due to the father's intransigence.
14. The mother clearly has a strong bond with the children and has been their sole caretaker for over the past two years. She and the children currently reside in Oklahoma where the mother had been living prior to marrying the father.
15. It is in the children's best interest to continue residing with their mother and to have no contact with their father until contact is allowed pursuant to any active no-contact order, protection order and/or restraining order

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Superior Court of Washington, County of King

In re:

Petitioner:

BECKY PAULSON

And Respondent:

MICHAEL PAULSON

No. 17-3-04777-9 KNT

Restraining Order
Final

Clerk's action required: 7

Restraining Order

This order replaces all earlier Restraining Orders restraining the same person signed in this case number. Use a separate order for each restrained person.

1. **This Order restrains (name):**
Michael Paulson

Restrained Party's Distinguishing Features:

Restrained Party's Identifiers:

Sex: Male Race: Caucasian Hair: Blonde
Height: 5'9" Weight: 185 Eyes: Blue

Caution: Access to weapons: no

2. **This Order protects:** Becky Paulson
and the following children, who are under 18 (if any)

Child's name	Age
1. Elijah John Paulson	6
2. Zephaniah Ezekiel Paulson	3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

3. **To the Restrained Person listed in 1:**

This Order starts immediately, and ends on December 31, 2099 as to Becky Paulson.

This Order starts immediately, and ends on September 23, 2030 as to Elijah Paulson.

This Order starts immediately, and ends on August 14, 2033 as to Zephaniah Paulson.

Warning! You must obey this order. Violation of this order with actual notice of its terms is a **criminal offense** under Chapter 26.50 RCW and will subject the violator to arrest (RCW 26.09.060). This order is enforceable in all 50 U.S. states, the District of Columbia, and U.S. territories and tribal lands (18 U.S.C. § 2265).

4. **Findings**

Authority: The court has jurisdiction over the parties, the children listed in **2**, and the subject matter.

Notice: The Restrained Person had reasonable notice and an opportunity to be heard. He was notified of the hearing by personal service.

The Restrained Person had actual notice of and was present for the hearing.

Credible Threat: The Restrained Person represents a credible threat to the physical safety of the Protected Person.

Intimate Partner: The Restrained Person is/was an intimate partner to the Protected Person (including current and former spouses and domestic partners, parents of a child-in-common, and people who lived together as part of a dating relationship).

5. **Court Orders to the Restrained Person listed in 1:**

Warning! You must obey this order until it ends. If you know about this order but do not obey, you may be arrested and charged with a crime.

Do not disturb

The Restrained Person must not disturb the peace of the Protected Person or of any child listed in **2**.

Stay away

The Restrained Person must stay away from the Protected Person's home, workplace, or school, and the daycare or school of any child listed in **2**.

Also, The Restrained Person must not knowingly go or stay within 500 feet of the Protected Person's home, workplace, or school, or the daycare or school of any child listed in **2**.

Note: The Restrained Person is not prohibited from attending services and annual events

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

b. "Alternate Payee" shall mean: Becky Renee Paulson, whose Social Security number, date of birth, and mailing address are provided under separate cover.

c. "Plan" shall mean: The Boeing Company Voluntary Investment Plan

d. "Plan Administrator" shall mean: Employee Benefit Plans Committee
of The Boeing Company
100 North Riverside
MC 5002-8421
Chicago, IL 60606

The Alternate Payee is the former spouse of the Participant.

The parties were married on 10/4/2011 and separated on 6/5/2017. A Decree of Dissolution was entered on _____.

2. Intent and Purpose of Order

This order is intended to constitute a Qualified Domestic Relations Order (QDRO) as set forth in Section 414(p) of the Internal Revenue Code of 1986, Section 206(d)(3) of the Employee Retirement Income Security Act of 1974 (ERISA), and the Retirement Equity Act of 1984, Public Law 98-397, all as amended.

This order is entered pursuant to RCW 26.09 for the purpose of dividing the Plan benefits of the Participant and assigning a portion of those benefits to the Alternate Payee in order to achieve an appropriate division of marital property in a manner consistent with the intent and agreement of the parties.

This order shall hereby create and recognize as to the Plan, the existence of the Alternate Payee's right to receive a portion of the benefits otherwise payable to the Participant as set forth below.

3. Benefit Amount Awarded to the Alternate Payee

The Alternate Payee is hereby awarded ~~\$43,958.94~~ ^{33,958.94} to be paid from the Participant's vested account balance as of the date of segregation or transfer to the separate account of Alternate Payee as set forth in Section 4 below. The amount shall be withdrawn pro rata from the Participant's investment funds and

} MM

1 subaccount(s). However, in no event will the Alternate Payee be entitled to an
2 amount in excess of the total value of the Participant's account(s) under the
3 Plan at the time assets are segregated. In no event will this amount exceed the
monthly benefit payable to the Participant.

4 **4. Commencement and Duration of Benefits**

5 The benefit amount awarded to the Alternate Payee shall be segregated or
6 transferred to the Alternate Payee as soon as practicable after entry of this
7 order, determination by the Plan Administrator that the Order is a QDRO and
8 either receipt of signed waiver forms from both parties or the end of the 30-day
9 waiver period. The Participant's account shall be reduced to reflect any
10 payment pursuant to this QDRO. A separate account is established on behalf
of the alternate payee within the Plan, and the Alternate Payee shall have the
option to elect a rollover of funds to an individual retirement account or another
qualified retirement plan, or to elect to defer payment. Any such election shall
be conveyed to the Plan Administrator in a method provided for the purpose.

11 If the Alternate Payee elects to defer payment, the Alternate Payee shall have
12 the same investment rights as a Participant but shall not be entitled to loans or
13 withdrawals other than a lump-sum or installment distribution election of the
14 account. However, distribution of the Alternate Payee's account must be made
or begin no later than the required beginning date that applies to the Participant
under IRC Section 401 (a)(9)(C).

15 **5. Death of Participant or Alternate Payee**

16 In the event of the death of the Alternate Payee before distribution of Plan
17 benefits awarded by the order, any unpaid amounts shall be paid to the
18 beneficiary designated by the Alternate Payee in writing, in accordance with
19 procedures established by the Plan Administrator. If there is no surviving
beneficiary, then such amounts shall be paid to the Alternate Payee's estate.

20 The death of the Participant shall have no effect on the entitlements of the
21 Alternate Payee under the Plan as established by the terms of this order.

22 **6. Limitations**

23 No provision of this order shall be construed to require the Plan to provide any
24 type or form of benefit or any option not otherwise provided under the Plan,
25
26

1 provide increased benefits (determined on the basis of actuarial value), or pay
2 benefits to the Alternate Payee that are required to be paid to another alternate
payee under another QDRO.

3 No provision of this order shall be construed to require the Plan, Plan
4 Administrator, or any other fiduciary with respect to the Plan to take any action
5 that is inconsistent with any provision of the Plan, or contrary to any controlling
Federal law, ruling, or regulation.

6 In the case of conflict between the terms of this QDRO and the terms of the
7 Plan, the terms of the Plan shall prevail.

8 **7. Tax Treatment of Distributions**

9 An Alternate Payee who is the spouse or former spouse of the Participant shall
10 be responsible for appropriate Federal income tax on distributions made to
11 him/her under the Plan in accordance with Sections 402(a)(1) and 72 of the
Internal Revenue Code. The Alternate Payee shall also be responsible for
12 applicable state and local taxes on distributions from the Plan. The Alternate
Payee shall be provided appropriate tax information with regard to any Plan
13 distribution(s) as regularly provided to Participants in accordance with standard
Plan reporting procedures.

14 **8. Determination and Notifications**

15 The Plan Administrator shall notify the originator of this order, the Participant,
16 and Alternate Payee of the receipt of the order and the Plan's procedure for
determining whether the order is a QDRO. Within a reasonable period of time
17 after receipt, the Plan Administrator shall determine whether the order is
18 qualified and notify concerned parties of such determination. During the period
in which the issue of qualification is being determined, the Participant's
19 accounts shall not be available for loans, withdrawals, or distributions of any
type.

20 The Participant and Alternate Payee shall each be responsible for notifying the
21 Plan Administrator in writing of any change of his or her mailing address.

22 **9. Continuing Jurisdiction**

23 The court shall retain jurisdiction over the parties and the Plan with respect to
24 this order to the extent necessary to preserve the original intent of the parties,
25

1 and maintain its status as a QDRO until all obligations of the Plan to the
2 Alternate Payee have been satisfied.

3 **10. Payment Errors**

4 If the Plan Administrator pays to the Participant any benefits that have been
5 assigned to the Alternate Payee under this order, or if the Plan Administrator
6 pays to the Alternate Payee any benefits that have NOT been assigned to the
7 Alternate Payee under this order, the party who has received the incorrect
8 overpayment shall, within fifteen (15) business days of receipt of such benefits,
9 forward to the Plan Administrator the amounts that have been paid to him or her
10 in error. The party receiving the incorrect overpayment shall forward these
11 amounts by certified mail, return receipt requested. The party receiving the
12 incorrect amount shall also, within fifteen (15) business days of receipt of such
13 overpayment, notify the other party of the overpayment and, within fifteen (15)
14 business days of communications regarding same with the Plan Administrator,
15 shall provide the other party with copies of all his or her communications with
16 the Plan Administrator regarding the overpayment.

17 As soon as administratively possible after receipt of notification that a party has
18 received an overpayment, the Plan Administrator shall take whatever corrective
19 action necessary to adjust the parties' payments so that the Alternate Payee
20 receives the amounts and only the amounts assigned to him or her in this order.
21 The Plan Administrator shall also correct any and all records and tax forms so
22 that the parties are not liable for any income taxes associated with payments
23 assigned to the other party.

24 If the Plan Administrator makes an overpayment or underpayment to either of
25 the parties for any reason, and the parties cannot come to an agreement
26 regarding the amount of said payment that should be debited from or credited to
their respective benefit payments, the court reserves jurisdiction for all issues
relating to the allocation of such debits or credits between the Alternate Payee
and the Participant.

21 **11. Plan Termination**

22 If the Plan is terminated, whether on a voluntary or involuntary basis, and the
23 Participant's benefits become guaranteed by the Pension Benefit Guaranty
24 Corporation ("PBGC"), the Alternate Payee's benefits, as stipulated herein, will
25 also be guaranteed to the same extent in accordance with the Plan's
26

1 termination rules and in the same ratio as the Participant's benefits are
2 guaranteed by the PBGC.

3 **12. Miscellaneous**

4 The assignment of rights and benefits to the Alternate Payee under this order
5 shall be permanent. From the date this order is determined to be a QDRO and
6 thereafter, the Participant shall have no further right or interest in the portion of
7 the benefits under the Plan that are ordered to be assigned to the Alternate
8 Payee, and the Alternate Payee shall have no further right or interest in the
9 portion of the benefits under the Plan that are not ordered to be assigned to him
10 or her.

11 The Parties shall hold the Plan (and its sponsor, agent, and fiduciaries)
12 harmless from any liabilities that arise from following this QDRO, including all
13 attorney fees that may be incurred in connection with any claims that are
14 asserted because the Plan honors this QDRO.

15 The parties certify that they are not aware of any prior orders or QDROs that
16 purport to dispose of the Participant's benefits under the Plan.

17 DONE IN OPEN COURT this 24 day of July, 2019.

18 
19 Judge Maureen McKee **Maureen McKee**

20 APPROVED AS TO FORM AND CONTENT and PRESENTED BY:

21 _____
22 Lisa K. Barton/WSBA#24176
23 Attorney for Alternate Payee

24 _____
25 Becky Renee Paulson
26 Alternate Payee

27 _____
28 Myles J. Johnson/ WSBA #47642
29 Attorney for Participant

30 _____
31 Michael John Paulson
32 Participant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Superior Court of Washington, County of King

In re:	No. 17-3-04777-9 KNT
Petitioner:	Child Support Order
BECKY PAULSON	Final (ORS)
And Respondent:	<input checked="" type="checkbox"/> Clerk's Action Required: WSSR
MICHAEL PAULSON	

Child Support Order

1. Money Judgment Summary

Summarize any money judgments from section 22 in the table below.

Judgment for	Debtor's name	Creditor's name	Amount	Interest
Past due child support from June, 2017 to December, 2018 (\$100 per month per temporary order)	MICHAEL PAULSON	BECKY PAULSON	\$700.00	\$253.00 ¹
Past due child support from January, 2019 to June, 2019 at current support rate of \$790	MICHAEL PAULSON	BECKY PAULSON	\$4,740.00	
Yearly Interest Rate for child support, medical support, and children's expenses: 12% . For other judgments: 12% (12% unless otherwise listed)				
Lawyer: represents: MICHAEL PAULSON				
Lawyer: Lisa K. Barton represents: BECKY PAULSON				

¹ Interest is calculated for 22 months (August, 2017 through June, 2019) at the rate of \$1 per month each month (12% per annum on \$100 per month).

1 **Findings and Orders**

- 2
3 2. The court orders child support as part of this family law case. This is a final order.
4 3. The *Child Support Schedule Worksheets* attached or filed separately are approved by the court and made part of this Order.

5 **4. Parents' contact and employment information**

6 Each parent must fill out and file with the court a *Confidential Information* form (FL All Family
7 001) including personal identifying information, mailing address, home address, and
8 employer contact information.

9 **Important!** If you move or get a new job any time while support is still owed, you must:

- 10
 - Notify the Support Registry, and
 - Fill out and file an updated *Confidential Information* form with the court.

11 **Warning!** Any notice of a child support action delivered to the last address you provided on
12 the *Confidential Information* form will be considered adequate notice, if the party trying to
13 serve you has shown diligent efforts to locate you.

14 **5. Parents' Income**

15

Parent (name): BECKY PAULSON	Parent (name): MICHAEL PAULSON
Net monthly income \$ 1,754.58. <i>(line 3 of the Worksheets)</i> This income is: <input type="checkbox"/> imputed to this parent. <input checked="" type="checkbox"/> this parent's actual income <i>(after any exclusions approved below)</i>	Net monthly income \$ 2,533.20. <i>(line 3 of the Worksheets)</i> This income is: <input type="checkbox"/> imputed to this parent. <input checked="" type="checkbox"/> this parent's actual income <i>(if proved at trial) (after any exclusions approved below)</i>
Does this parent have income from overtime or a 2 nd job? <input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes.	Does this parent have income from overtime or a 2 nd job? <input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes.

16
17
18
19
20

21 **6. Imputed Income**

22 *To calculate child support, the court may impute income to a parent:*

- 23
 - whose income is unknown, or
 - who the Court finds is unemployed or under-employed by choice.

24 *Imputed income is not actual income. It is an assigned amount the court finds a parent could or should be earning. (RCW 26.19.071(6))*

Parent (name): BECKY PAULSON	Parent (name): MICHAEL PAULSON
Does not apply. This parent's actual income is used.	Does not apply. This parent's actual income is used.

7. Limits affecting the monthly child support amount

Does not apply. The monthly amount was not affected by the upper or lower limits in RCW 26.19.065.

8. Standard Calculation

Parent Name	Standard calculation Worksheets line 17
BECKY PAULSON	\$454
MICHAEL PAULSON	\$790

All children living together - All of the children are living with BECKY PAULSON all of the time. The other parent must pay child support. The standard calculation from the *Child Support Schedule Worksheets* line 17 for the parent paying support is \$790.

9. Deviation from standard calculation

Should the monthly child support amount be different from the standard calculation?

No - The monthly child support amount ordered in section 10 is the **same** as the standard calculation listed in section 8 because there is no basis for a deviation.

10. Monthly child support amount (transfer payment)

After considering the standard calculation in section 8, and whether or not to apply a deviation in section 9, the court orders the following monthly child support amount (transfer payment).

MICHAEL PAULSON must pay child support to BECKY PAULSON each month as follows for the children listed below:

Child's Name	Age	Amount
1. Elijah John Paulson	6	\$395.00
2. Zephaniah Ezekiel Paulson	3	\$395.00
Total monthly child support amount:		\$ 790.00

11. Starting date and payment schedule

The monthly child support amount must be paid starting July 1, 2019 on the following payment schedule:

In one payment each month by the first day of the month.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

12. Step Increase (for modifications or adjustments only)

Does not apply.

13. Periodic Adjustment

Child support may be changed according to state law. The Court is not ordering a specific periodic adjustment schedule below.

14. Payment Method (check either Registry or Direct Pay)

Send payment to the:

Registry – Send payment to the Washington State Support Registry. The Division of Child Support (DCS) will forward the payments to the person owed support and keep records of all payments.

Address for payment: Washington State Support Registry
PO Box 45868, Olympia, WA 98504

Phone number/s: 1 (800) 922-4306 or 1 (800) 442-5437

Important! *If you are ordered to send your support payments to the Washington State Support Registry, and you pay some other person or organization, you will **not** get credit for your payment.*

DCS Enforcement:

DCS will **enforce** this order because:

One of the parties has asked DCS for services by signing the application statement at the end of this order (above the *Warnings*).

15. Enforcement through income withholding (garnishment)

DCS or the person owed support can collect the support owed from the wages, earnings, assets or benefits of the parent who owes support, and can enforce liens against real or personal property as allowed by any state's child support laws without notice to the parent who owes the support.

*If this order is **not** being enforced by DCS and the person owed support wants to have support paid directly from the employer, the person owed support must ask the court to sign a separate wage assignment order requiring the employer to withhold wages and make payments. (Chapter 26.18 RCW.)*

Income withholding may be delayed until a payment becomes past due if the court finds good reason to delay.

Does not apply. There is no good reason to delay income withholding.

1 **16. End date for support**

2 Support must be paid for each child until the child turns 18 or is no longer enrolled in high
3 school, whichever happens last, unless the court makes a different order in section 17.

4 **17. Post-secondary educational support (for college or vocational school)**

5 **Reserved** - A parent or non-parent custodian may ask the court for post-secondary
6 educational support at a later date without showing a substantial change of circumstances
7 by filing a *Petition to Modify Child Support Order* (form FL Modify 501) The *Petition* must be
8 filed *before* child support ends as listed in section 16.

9 **18. Claiming children as dependents on tax forms**

10 The parties have the right to claim the children as their dependents on their tax forms as
11 follows:

All tax credits and exemptions related to the children are awarded to the mother.

Warning! Under federal law, the parent who claims a child as a dependent may owe a tax penalty if the child is not covered by health insurance.

12 **19. Health Insurance**

13 **Important!** Read the Health Insurance Warnings at the end of this order.

14 The court is not ordering how health insurance must be provided for the children because
15 the court does not have enough information to determine the availability of accessible
16 health insurance for the children (insurance that could be use for the children's primary
17 care). The law requires every parent to provide or pay for health insurance. The Division of
18 Child Support (DCS) or any parent can enforce this requirement.

19 **20. Health insurance if circumstances change or court has not ordered**

20 If the parties' circumstances change, or if the court is not ordering how health insurance
21 must be provided for the children in section 19:

- 22 • A parent, non-parent custodian, or DCS can enforce the medical support requirement.
- 23 • If a parent does not provide proof of accessible private insurance (insurance that can be used for the children's primary care), that parent must:
 - 24 • Get (or keep) insurance through his/her work or union, unless the insurance costs more than 25% of his/her basic support obligation (line 19 of the *Worksheets*),
 - Pay his/her share of the other parent's monthly premium up to 25% of his/her basic support obligation (line 19 of the *Worksheets*), or
 - Pay his/her share of the monthly cost of any public health care coverage, such as Healthy Kids, BHP, or Medicaid, for which there is an assignment.

21. Children's expenses not included in the monthly child support amount

Uninsured medical expenses - Each parent is responsible for a share of uninsured medical expenses as ordered below. Uninsured medical expenses include premiums, co-pays, deductibles, and other health care costs not covered by insurance.

Children's Expenses for:	Parent: BECKY PAULSON pays monthly	Parent: MICHAEL PAULSON pays monthly	Make payments to:	
			Person who pays the expense	Service Provider
Uninsured medical expenses (to include medical insurance premiums)	Proportional Share*	Proportional Share*	[X]	[]

* Proportional Share is each parent's percentage share of the combined net income from line 6 of the Child Support Schedule Worksheets. This share shall be recalculated as set forth in the adjustment provision, above.

** If the percentages ordered are different from the Proportional Share, explain why:

Other shared expenses:

The parents will share the cost for the expenses listed below:

Children's Expenses for:	Parent: BECKY PAULSON pays monthly	Parent: MICHAEL PAULSON pays monthly	Make payments to:	
			Person who pays the expense	Service Provider
Day care:	Proportional Share*	Proportional Share*	[X]	[]

* Proportional Share is each parent's percentage share of the combined net income from line 6 of the Child Support Schedule Worksheets. This share shall be recalculated as set forth in the adjustment provision, above.

** If any percentages ordered are different from the Proportional Share, explain why:

The father shall pay his share of uninsured medical expenses and daycare expenses within 15 days of receipt of proof of the expense. The Division of Child Support is requested and directed to collect these expenses.

1 **22. Past due child support, medical support and other expenses**

2 The court orders the following money judgments

3

Judgment for	Debtor's name	Creditor's name	Amount	Interest
Past due child support from June, 2017 to December, 2018 (\$100 per month per temporary order)	MICHAEL PAULSON	BECKY PAULSON	\$700.00	\$253.00 ²
Past due child support from January, 2019 to June, 2019 at current support rate	MICHAEL PAULSON	BECKY PAULSON	\$4,740.00	
Yearly Interest Rate for child support, medical support, and children's expenses: 12% . For other judgments: 12% (12% unless otherwise listed)				
Lawyer: represents: MICHAEL PAULSON				
Lawyer: Lisa K. Barton represents: BECKY PAULSON				

4
5
6
7
8
9

10 The interest rate for child support judgments is 12%.

11 **23. Overpayment caused by change**

12 Does not apply.

13 **24. Other Orders**

14 All the *Warnings* below are required by law and are incorporated and made part of this order.

15 **Ordered.**

16

17 7/24/19 _____ Maureen McKee _____
Date Judge Maureen McKee Maureen McKee

18
19
20
21
22
23
24

² Interest is calculated for 22 months (August, 2017 through June, 2019) at the rate of \$1 per month each month (12% per annum on \$100 per month).

Petitioner and Respondent or their lawyers fill out below:

This document is agreed and:
Is presented by me

This document is agreed and:
May be signed by the court without notice to me

24176
Petitioner signs here or lawyer signs here + WSBA #

47642
Respondent signs here or lawyer signs here + WSBA #

Lisa K. Barton
Print Name Date
Becky Paulson 7/10/19
Becky Paulson, Petitioner Date

Myles J. Johnson
Print Name Date
Michael Paulson, Respondent Date

Parent or Non-Parent Custodian applies for DCS enforcement services:

I ask the Division of Child Support (DCS) to enforce this order. I understand that DCS will keep \$25 each year as a fee if DCS collects more than \$500, unless I ask to be excused from paying this fee in advance. (You may call DCS at 1-800-442-5437. DCS will **not** charge a fee if you have ever received TANF, tribal TANF, or AFDC.)

Becky Paulson BECKY PAULSON 7/10/19
Parent or Non-Parent Custodian signs here Print name Date
(lawyer cannot sign for party)

All the warnings below are required by law and are part of the order. Do not remove.

Warnings!

If you don't follow this child support order...

- DOL or other licensing agencies may deny, suspend, or refuse to renew your licenses, including your driver's license and business or professional licenses, and
- Dept. of Fish and Wildlife may suspend or refuse to issue your fishing and hunting licenses and you may not be able to get permits. (RCW 74.20A.320)

If you receive child support...

You may have to:

- Document how that support and any cash received for the children's health care was spent.
- Repay the other parent for any day care or special expenses included in the support if you didn't actually have those expenses. (RCW 26.19.080)

Health Insurance Warnings!

Both parents must keep the Support Registry informed whether or not they have access to health insurance for the children at a reasonable cost, and provide the policy information for any such insurance.

If you are ordered to provide children's health insurance...

You have 20 days from the date of this order to send:

- proof that the children are covered by insurance, or
- proof that insurance is not available as ordered.

longer get or continue coverage as ordered in section 19 through your job or union. If your insurance coverage for the children ends, you must notify the other parent and the Support Registry.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Send your proof to the other parent or to the Support Registry (if your payments go there).

If you do **not** provide proof of insurance:

- The other parent or the support agency may contact your employer or union, without notifying you, to ask for direct enforcement of this order (*RCW 26.18.170*), and
- The other parent may:
 - Ask the Division of Child Support (DCS) for help,
 - Ask the court for a contempt order, or
 - File a Petition in court.

Don't cancel your children's health insurance without the court's approval, unless your job ends and you can no

If an insurer sends you payment for a medical provider's service:

- you must send it to the medical provider if the provider has not been paid; or
- you must send the payment to whoever paid the provider if someone else paid the provider; or
- you may keep the payment if you paid the provider.

If the children have public health care coverage, the state can make you pay for the cost of the monthly premium.

Always inform the Support Registry and other parent if your access to health insurance changes or ends.

Washington State Child Support Schedule Worksheets

[] Proposed by []

[] State of WA (CSWP)

Or, [] Signed by the Judicial/Reviewing Officer. (CSW)

County King

Case No. 17-3-04777-9 KNT

Child/ren and Age/s: Elijah John Paulson, 6; Zephaniah Ezekiel Paulson, 3

Parents' names: BECKY PAULSON

MICHAEL PAULSON

(Column 1)

(Column 2)

	BECKY	MICHAEL
Part I: Income (see Instructions, page 6)		
1. Gross Monthly Income		
a. Wages and Salaries	\$1,456.00	\$2,773.33
b. Interest and Dividend Income	-	-
c. Business Income	-	-
d. Maintenance Received	-	-
e. Other Income	-	-
f. Imputed Income	-	-
g. Total Gross Monthly Income (add lines 1a through 1f)	\$1,456.00	\$2,773.33
2. Monthly Deductions from Gross Income		
a. Income Taxes (Federal and State) Tax Year: 2019	-\$436.35	\$27.97
b. FICA (Soc.Sec.+Medicare)/Self-Employment Taxes	\$111.38	\$212.16
c. State Industrial Insurance Deductions	\$26.39	-
d. Mandatory Union/Professional Dues	-	-
e. Mandatory Pension Plan Payments	-	-
f. Voluntary Retirement Contributions	-	-
g. Maintenance Paid	-	-
h. Normal Business Expenses	-	-
i. Total Deductions from Gross Income (add lines 2a through 2h)	-\$298.58	\$240.13
3. Monthly Net Income (line 1g minus 2i)	\$1,754.58	\$2,533.20
4. Combined Monthly Net Income (add both parents' monthly net incomes from line 3)	\$4,287.78	
5. Basic Child Support Obligation Number of children: 2 x \$668.00 per child (enter total amount in box →)	\$1,336.00	
6. Proportional Share of Income (divide line 3 by line 4 for each parent)	.409	.591

	BECKY	MICHAEL
Part II: Basic Child Support Obligation (see Instructions, page 7)		
7. Each Parent's Basic Child Support Obligation without consideration of low income limitations (Each parent's Line 6 times Line 5.)	\$546.42	\$789.58
8. Calculating low income limitations: Fill in only those that apply.		
Self-Support Reserve: (125% of the federal poverty guideline for a one-person family.)	\$1,301.00	
a. Is combined Net Income Less Than \$1,000? If yes, for each parent enter the presumptive \$50 per child.	-	-
b. Is Monthly Net Income Less Than Self-Support Reserve? If yes, for that parent enter the presumptive \$50 per child.	-	-
c. Is Monthly Net Income equal to or more than Self-Support Reserve? If yes, for each parent subtract the self-support reserve from line 3. If that amount is less than line 7, enter that amount or the presumptive \$50 per child, whichever is greater.	\$453.58	-
9. Each parent's basic child support obligation after calculating applicable limitations. For each parent, enter the lowest amount from line 7, 8a - 8c, but not less than the presumptive \$50 per child.	\$453.58	\$789.58
Part III: Health Care, Day Care, and Special Child Rearing Expenses (see Instructions, page 8)		
10. Health Care Expenses		
a. Monthly Health Insurance Premiums Paid for Child(ren)	-	-
b. Uninsured Monthly Health Care Expenses Paid for Child(ren)	-	-
c. Total Monthly Health Care Expenses (line 10a plus line 10b)	-	-
d. Combined Monthly Health Care Expenses (add both parents' totals from line 10c)	-	-
11. Day Care and Special Expenses		
a. Day Care Expenses	-	-
b. Education Expenses	-	-
c. Long Distance Transportation Expenses	-	-
d. Other Special Expenses (describe)		
	-	-
	-	-
	-	-
e. Total Day Care and Special Expenses (Add lines 11a through 11d)	-	-
12. Combined Monthly Total Day Care and Special Expenses (add both parents' day care and special expenses from line 11e)	-	-
13. Total Health Care, Day Care, and Special Expenses (line 10d plus line 12)	-	-
14. Each Parent's Obligation for Health Care, Day Care, and Special Expenses (multiply each number on line 6 by line 13)	-	-
Part IV: Gross Child Support Obligation		
15. Gross Child Support Obligation (line 9 plus line 14)	\$453.58	\$789.58

	BECKY	MICHAEL
Part V: Child Support Credits (see Instructions, page 9)		
16. Child Support Credits		
a. Monthly Health Care Expenses Credit	-	-
b. Day Care and Special Expenses Credit	-	-
c. Other Ordinary Expenses Credit (describe)	-	-
	-	-
	-	-
d. Total Support Credits (add lines 16a through 16c)	-	-
Part VI: Standard Calculation/Presumptive Transfer Payment (see Instructions, page 9)		
17. Standard Calculation (line 15 minus line 16d or \$50 per child whichever is greater)	\$453.58	\$789.58
Part VII: Additional Informational Calculations		
18. 45% of each parent's net income from line 3 (.45 x amount from line 3 for each parent)	\$789.56	\$1,139.94
19. 25% of each parent's basic support obligation from line 9 (.25 x amount from line 9 for each parent)	\$113.39	\$197.40
Part VIII: Additional Factors for Consideration (see Instructions, page 9)		
20. Household Assets (List the estimated present value of all major household assets.)		
a. Real Estate	-	-
b. Investments	-	-
c. Vehicles and Boats	-	-
d. Bank Accounts and Cash	-	-
e. Retirement Accounts	-	-
f. Other: (describe)	-	-
	-	-
	-	-
	-	-
21. Household Debt (List liens against household assets, extraordinary debt.)		
a.	-	-
b.	-	-
c.	-	-
d.	-	-
e.	-	-
f.	-	-
22. Other Household Income		
a. Income Of Current Spouse or Domestic Partner (if not the other parent of this action)		
Name	-	-
Name	-	-
b. Income Of Other Adults in Household		
Name	-	-
Name	-	-

Other Factors For Consideration (continued) (attach additional pages as necessary)

Signature and Dates

I declare, under penalty of perjury under the laws of the State of Washington, the information contained in these Worksheets is complete, true, and correct.

Parent's Signature (Column 1)

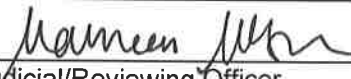
Parent's Signature (Column 2)

Date

City

Date

City



Judicial/Reviewing Officer **Maureen McKee**

7/24/19

Date

**This Worksheet has been certified by the State of Washington Administrative Office of the Courts.
Photocopying of the worksheet is permitted.**

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON,)	No. 79627-5-I
)	
Respondent,)	
)	
v.)	UNPUBLISHED OPINION
)	
MICHAEL JOHN PAULSON,)	
)	
Appellant.)	

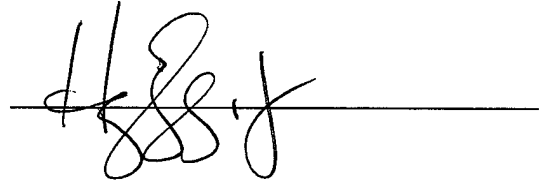
PER CURIAM — Michael Paulson was convicted by a jury of one count of second degree assault following an incident in which he strangled his wife in front of his two minor children. As part of his judgment and sentence, the trial court imposed a ten-year no-contact order prohibiting Paulson from having contact with his children. Paulson appealed, contending that the no-contact order violated his fundamental right to parent and that counsel was ineffective for failing to argue that the no-contact order was excessive in scope and duration. The State concedes that the trial court did not explain on the record how the scope and duration of the no-contact order was reasonably necessary to prevent harm to the children or whether it considered less restrictive alternatives. See, e.g. State v. Warren, 165 Wn.2d 17, 32, 195 P.3d 940 (2008) (crime-related prohibitions affecting fundamental rights must be “narrowly drawn” and there must be “no reasonable alternative way to achieve the State's interest.”).

We accept the State's concession. We remand to the trial court for further analysis and factual findings as to the scope and duration of the no-contact order. On remand, the trial court shall also strike the community custody supervision fee from the judgment and sentence.

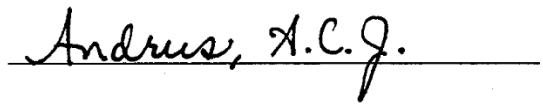
In a pro se statement of additional grounds, Paulson asserts he was denied due process because his incarceration prevented him from accessing important evidence such as bank records that he wished to present at trial, and that a statement he wished to offer was excluded at his criminal trial but admitted during his dissolution trial. But these claims rely on evidence outside the record, which we do not consider in a direct appeal. State v. McFarland, 127 Wn.2d 322, 338, 899 P.2d 1251 (1995). Paulson next argues that his wife's testimony at trial was inconsistent and therefore not credible. But we do not review a jury's credibility determinations. State v. Myers, 133 Wn.2d 26, 38, 941 P.2d 1102 (1997). Finally, Paulson contends that his attorney was ineffective for failing to retain experts in the areas of strangulation and firearms. But to prevail on an ineffective assistance claim, a defendant must show that (1) counsel's performance fell below an objective standard of reasonableness based on consideration of all the circumstances and (2) the deficient performance prejudiced the trial. Strickland v. Washington, 466 U.S. 668, 687, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984). Paulson's conclusory assertions do not establish either deficient performance or prejudice. See RAP 10.10(c) (while citations to the record are not required for review, "the appellate court is not obligated to search

the record in support of claims made in a defendant's statement of additional grounds for review.”).

Reversed and remanded for proceedings consistent with this opinion.



WE CONCUR:



NIELSEN KOCH P.L.L.C.

November 30, 2020 - 2:09 PM

Transmittal Information

Filed with Court: Court of Appeals Division I
Appellate Court Case Number: 79627-5
Appellate Court Case Title: State of Washington, Respondent v. Michael John Paulson, Appellant

The following documents have been uploaded:

- 796275_Petition_for_Review_20201130140655D1498221_6428.pdf
This File Contains:
Petition for Review
The Original File Name was State v. Michael Paulson 79627-5-I.Petition for Review.pdf

A copy of the uploaded files will be sent to:

- Jim.Whisman@kingcounty.gov
- Sloanej@nwattorney.net
- paoappellateunitmail@kingcounty.gov

Comments:

PRO SE PFV

Sender Name: Jamila Baker - Email: Bakerj@nwattorney.net

Filing on Behalf of: Jared Berkeley Steed - Email: steedj@nwattorney.net (Alternate Email:)

Address:
1908 E. Madison Street
Seattle, WA, 98122
Phone: (206) 623-2373

Note: The Filing Id is 20201130140655D1498221