

FILED
SUPREME COURT
STATE OF WASHINGTON
2/29/2024 10:03 AM
BY ERIN L. LENNON
CLERK

Supreme Court No. 102607-2
Court of Appeals No. 84415-6-I

**Supreme Court
of the State of Washington**

David Thacker,

Petitioner,

v.

Crystal Skov,

Respondent.

Answer to Petition for Review

Kevin Hochhalter
WSBA # 43124
Attorney for Respondent

Olympic Appeals PLLC
4570 Avery Ln SE #C-217
Lacey, WA 98503
360-763-8008
kevin@olympicappeals.com

Table of Contents

1. Identity of Respondent	1
2. Introduction	1
3. Restatement of Issues Presented for Review	2
4. Statement of the Case	3
4.1 Introduction	3
4.2 David’s long history of abuse of Skov and his children.	3
4.3 The January 2022 incident.....	5
4.4 The trial court’s denial of David’s requested DVPO.	7
4.5 The parenting plan modification court considered extensive evidence, including the January 2022 incident, and found that David, not Crystal, was the abuser.	8
4.6 The Court of Appeals dismissed David’s appeal of the denial of the DVPO as moot because the parenting plan modification decision controls over any prior DVPO.	9
5. Argument	11
5.1 There is no issue of public interest.....	11
5.1.1 The Court of Appeals correctly held that the parenting plan modification decision supersedes the prior DVPO, rendering the appeal moot.	12

5.1.2 The collateral consequences exception to mootness applies to an appeal of entry of a DVPO against the appellant, not an appeal of denial of a DVPO.	17
5.2 There is no conflict.....	18
6. Conclusion.....	19

Table of Authorities

Cases

<i>Cowan v. Cowan</i> , ___ Wn.App.2d ___, 534 P3d 853 (2023)	13, 15
<i>Danny v. Laidlaw Transit Servs., Inc.</i> , 165 Wn.2d 200, 198 P.3d 128 (2008)	18
<i>Rodriguez v. Zavala</i> , 188 Wn.2d 586, 398 P.3d 1071 (2017)	13

Statutes

RAP 13.4	11
RCW 7.105.210	13
RCW 7.105.500	13
RCW 7.105.550	13
RCW 26.09.191	13, 15

1. Identity of Respondent

Crystal Skov, Respondent at the Court of Appeals, asks this Court to deny review.

2. Introduction

Crystal Skov is the victim of years of domestic violence by David, evidence of which was presented to the trial court in this DVPO case as well as to the trial court in the parenting plan modification trial that concluded shortly before the Court of Appeals issued its Opinion here. The trial court, on revision, denied David's petition for a DVPO, finding that Crystal had not committed domestic violence against David. The parenting plan modification court considered even more extensive evidence of David's long history of abuse, including evidence relating to the incident that gave rise to David's DVPO petition, and found that David, not Crystal, was the abuser, entering extensive and detailed findings against him.

It is highly offensive that David now attempts to argue that Washington's strong public policy of protecting victims of domestic violence should be applied to protect *him*, the abuser. He continues to claim the status of victim in order to continue his abuse of the real victim, Crystal, by prolonging this litigation. David's petition for review is baseless and should be denied.

3. Restatement of Issues Presented for Review

David fails to clearly articulate the issues that he is asking this Court to consider if review is granted. Instead, he states his issues in terms of the criteria for granting review. It appears that the issue he wants reviewed is whether the Court of Appeals correctly dismissed his appeal as moot. His petition does not ask this Court to reach the merits of the trial court's denial of his DVPO petition. The sole issue is mootness.

4. Statement of the Case

4.1 Introduction

David's Statement of the Case is based primarily on his own version of the events of January 2022 and the trial court commissioner's findings. But, on revision, the trial court judge rejected both the commissioner's findings and David's version of the facts and instead found that Crystal did not commit domestic violence against David. CP 445-50. Crystal's Brief of Respondent set forth facts consistent with the trial court *judge's* finding. A brief summary is provided below.

4.2 David's long history of abuse of Skov and his children.

In response to the DVPO petition, Crystal presented evidence that David abused his first wife both physically and through coercive control. Br. of Resp. 2-3. When his first wife fought back, David accused her of being the abuser. Br. of Resp. 3.

David also abused his first daughter physically and through coercive control. Br. of Resp. 3-5. He admitted to this daughter that he was mistreating her but made excuses for his behavior. Br. of Resp. 5.

Throughout his marriage to Crystal from 2004 until separation in 2017, David abused Crystal emotionally, psychologically, and physically. Br. of Resp. 5-9. He was also physically abusive to L.T. (one of his children with Crystal) and emotionally and psychologically abusive to all of his children. CP 267. Both A.T. and L.T. now experience suicidal ideation due to the abuse they have suffered at David's hands. Br. of Resp. 12-15; CP 270, 497, 488.

After separation, David has made a pattern of calling the police to accuse Crystal of abusing or assaulting him whenever there was a confrontation regarding exchanges of the children. Br. of Resp. 9-12. In the DVPO proceeding, David did not controvert Crystal's evidence or even deny it. Br. of Resp. 15.

4.3 The January 2022 incident.

On January 26, 2022, L.T., who has special needs, was “activated” and uncooperative in making an exchange to David’s custody. Br. of Resp. 18. It was Crystal’s understanding that L.T. should not be physically forced to comply when in this state. Br. of Resp. 18-19.

After both parties attempted to talk L.T. into going into David’s house, David became agitated and angrily threatened L.T. that David would physically remove him from Crystal’s car. Br. of Resp. 19. Crystal told David that was not okay, but David persisted, opened the car door, and pulled L.T. out in a bear hug. Br. of Resp. 20. L.T. struggled to escape while David carried him into the house and Crystal followed, trying to stop him. Br. of Resp. 20.

Inside the front door, David and L.T. fell to the floor, where David wrestled L.T. and L.T. screamed for David to stop. Br. of Resp. 20-21. Julia, David’s new

wife, told Crystal to leave the house. Br. of Resp. 21. It was around this time that Crystal allegedly kicked David and shoved Julia. *See* Br. of Resp. 22-24. L.T. escaped from David's grasp and ran out of the house and across the street. Br. of Resp. 21.

Back outside the house, David chased down L.T. while Crystal pled with David not to ruin his relationship with L.T. by treating him this way. Br. of Resp. 21. David carried L.T. back to the house over his shoulder with L.T. screaming the whole way for David to stop. Br. of Resp. 21.

During the chaos, Julia had called 911. Br. of Resp. 21. When things calmed down, she tried to end the call, but the dispatcher sent officers to the scene anyway. Br. of Resp. 21-22. After interviewing Crystal, David, Julia, and A.T., the officers found L.T. hiding in an upstairs closet, crying and unwilling to talk about what had happened. Br. of Resp. 22-23.

Crystal denied kicking David or shoving Julia. Br. of Resp. 24. A.T. initially told the officers that Crystal had kicked David, but later recanted, explaining that she had only said that because she was sure that was what David wanted her to say. Br. of Resp. 23-24.

4.4 The trial court's denial of David's requested DVPO.

David petitioned for a DVPO against Crystal, alleging that she kicked him. Br. of Resp. 24-25. After considering documents and testimony, the trial court commissioner believed that Crystal had kicked David and did not establish that she was justified to do so in defense of L.T. Br. of Resp. 25-27. The commissioner granted the DVPO against Crystal, finding that she had assaulted David. Br. of Resp. 27.

Crystal moved for revision. Br. of Resp. 27. Judge David Keenan reviewed the records of the case and granted the motion for revision, finding that Crystal did not commit domestic violence against David. Br. of

Resp 27-28. The trial court entered an order granting the revision and an order terminating the DVPO. Br. of Resp. 27-28.

4.5 The parenting plan modification court considered extensive evidence, including the January 2022 incident, and found that David, not Crystal, was the abuser.

Crystal separately petitioned for modification of the parenting plan, based in part on David's history of domestic violence toward her and the children, which had never yet been brought to the trial court's attention. *See* App. 1¹. After a lengthy modification trial, the superior court made exhaustive findings of fact documenting David's history of domestic violence against Crystal and the children. E.g., App. 11-26, 35-52. The evidence considered by the modification court

¹ In supplemental briefing to the Court of Appeals on the mootness issue, Crystal provided the modification court's memorandum decision as an Appendix. For this Court's convenience, that Appendix is also attached to this Answer.

included the January 2022 incident that had formed the basis for the denied/terminated DVPO. *See, e.g.*, App. 43, 47. The modification court ordered §191 findings against David for his history of domestic violence, restricted his visitation with the children, and entered a DVPO against him. Supp. Br. of Resp. 4-5; App. 53-60, 65-77.

4.6 The Court of Appeals dismissed David’s appeal of the denial of the DVPO as moot because the parenting plan modification decision controls over any prior DVPO.

The Court of Appeals, noting that David’s original DVPO would have already expired by its own terms, requested supplemental briefing from the parties as to whether David’s appeal was moot. Crystal agreed that the appeal would be moot on those grounds, Supp. Br. of Resp. 5-6, but also argued that David’s appeal was moot because, even if revived, the original DVPO would be superseded by the subsequent decision in the

parenting plan modification action, Supp. Br. of Resp 7-8.

David argued that the denial/termination of his DVPO “will have significant collateral consequences in the parties’ current parenting plan action.” Supp. Br. of App. 2. His argument, in essence, was that a DVPO in his favor would have had preclusive effect in the modification proceedings, requiring entry of §191 findings and limitations against Crystal. *E.g.*, Supp. Br. of App. 9.

The Court of Appeals held that David’s appeal was moot for two reasons: First, the court could not provide effective relief where reversal of the termination order would only result in a DVPO that had already expired under its own terms. Opinion at 1. Second, “Washington law is clear that the parenting plan action controls over the DVPO action.” Opinion at 2 (citing *Rodriguez v. Zavala*, 188 Wn.2d 586, 595 n.4,

398 P.3d 1071 (2017) (“provisions in [DVPOs] are subject to parenting plans”)).

5. Argument

A petition for review should be accepted only if the Court of Appeals decision conflicts with a published decision of the Supreme Court or the Court of Appeals or if the case involves an issue of substantial public interest that should be determined by the Supreme Court. **RAP 13.4(b)**. This case involves none of those things. There was no error in the Court of Appeals’ dismissal of the appeal as moot. This Court should deny review.

5.1 There is no issue of public interest.

David’s argument focuses on the public interest prong, trying to portray himself as a victim of domestic violence who is deserving of protection under Washington’s strong public policy against domestic violence. This Court should not allow David, the

perpetrator, to claim the benefits of a public policy intended to protect Crystal, the victim. Just because domestic violence generally is a matter of public interest, it does not follow that every DVPO case is of sufficient public importance to warrant review by this Court. This case does not warrant review.

5.1.1 The Court of Appeals correctly held that the parenting plan modification decision supersedes the prior DVPO, rendering the appeal moot.

First, the Court of Appeals correctly held that the parenting plan modification decision supersedes the prior DVPO, rendering the appeal moot. No public policy or theory of “collateral consequences” can save David’s appeal from this mootness. Any collateral consequence that could have flowed from the denial of David’s DVPO petition is superseded by the modification court’s determination that David was the perpetrator and Crystal the victim, and by that court’s entry of a DVPO against David, not Crystal.

A DVPO is subject to later modification or termination, including in a family law proceeding. **RCW 7.105.500, .550.** Courts can realign the parties upon finding that the original petitioner is actually the abuser. **RCW 7.105.210.** A DVPO cannot permanently modify a parenting plan. *Cowan v. Cowan*, ___ Wn. App. 2d ___, 534 P.3d 853, 864 (2023). A DVPO cannot have preclusive effect over a modification trial. *See Id.* at 862-65; **RCW 26.09.191(2)(n).** Rather, DVPOs “are subject to parenting plans.” *Rodriguez v. Zavala*, 188 Wn.2d 586, 595 n.4, 398 P.3d 1071 (2017). Indeed, David’s DVPO here was expressly subject to any parenting plan entered in the then-pending modification action. CP 359. In short, a decision of a court in a parenting plan trial always prevails over a prior DVPO.

Even if it were revived on appeal, David’s DVPO would, by its own terms and by applicable law, still be subject to and superseded by the final orders in the

modification action. A revived DVPO would not be grounds to vacate the modification court's final orders. Those final orders, entered after a lengthy trial and exhaustive findings of fact, reversed the roles of the parties and entered a DVPO *against David*. This new DVPO and parenting plan must supersede any "revival" of David's prior DVPO.

In the face of the final orders in the modification, the Court of Appeals could no longer provide the relief David was seeking. The Court of Appeals correctly dismissed David's appeal as moot.

The modification court's decision also wipes away any "collateral consequences" that David might have suffered due to denial/termination of his DVPO. The only collateral consequence he identifies is his claim that the termination of his DVPO somehow deprived the modification court of relevant information and that revival of the DVPO on appeal would have provided him with grounds to have the modification decision

vacated. *See* Petition 14-15; Supp. Br. of App. 5. What he really means is that he believes that a DVPO would have had preclusive effect in the modification trial, limiting the modification court's ability to independently weigh the evidence that was presented at trial, which included the January 2022 incident. But a DVPO does not have preclusive effect on a later parenting plan trial.

Because of the differences between a DVPO hearing and a full parenting plan trial, the DVPO decision cannot have preclusive effect on the trial. *Cowan*, 534 P.3d at 863-64. Unlike the California statute cited by David in his Petition at 25, a DVPO in Washington does not create a presumption in a subsequent parenting plan proceeding. **RCW 26.09.191(2)(n)** (the weight to be given to a DVPO "is within the discretion of the court."). The parties have the right, in a subsequent parenting plan trial, to re-litigate the factual basis for the prior DVPO. *Id.* at 865.

Here, the parties did so. The modification court considered the evidence presented at trial, including both the January 2022 incident and David's long history of abusive conduct. The court was not deprived of any information. Rather, it likely had better information than the commissioner in the DVPO hearing had. The modification court's decision prevails over the prior DVPO. Even if David's DVPO were revived on appeal, it would not be grounds to vacate or modify the modification court's final orders. Rather, the DVPO would be subject to those orders.

The Court of Appeals correctly determined that David's appeal was moot. There were no collateral consequences justifying consideration of a moot case. This Court should deny review.

5.1.2 The collateral consequences exception to mootness applies to an appeal of entry of a DVPO against the appellant, not an appeal of denial of a DVPO.

David's petition focuses on an argument that Washington should adopt a blanket exception to the mootness doctrine for all DVPO appeals. He argues that other states have adopted such a blanket rule. But those other states have done so only by concluding that it is justified by the collateral consequences that can impact *the person against whom the DVPO is entered*, such as social stigma, adverse effects on employment, or other unpredictable future impacts from having been found by a court to be a perpetrator of domestic violence.

The blanket rule adopted in those states applies to an appeal from the *entry of a DVPO against the appellant*. Such a rule would not protect David's appeal here, which was a *denial* of a DVPO against *Crystal*. David would not suffer any stigma or other collateral

consequences from having his DVPO denied. The rule he proposes does not fit this case. Even if this Court is inclined to consider such a blanket rule, this is not the case in which to do so. This Court should deny review.

5.2 There is no conflict.

David suggests that the Court of Appeals decision conflicts with *Danny v. Laidlaw Transit Servs. Inc.*, 165 Wn.2d 200, 198 P.3d 128 (2008). *Danny* was a wrongful discharge case before this Court on a certified question from federal court. In answering the question, this Court held that “Washington State has a clear public policy of protecting domestic violence survivors and their children and holding domestic violence perpetrators accountable.” *Id.* at 221.

There was no question of mootness in *Danny*. There was no discussion of collateral consequences. There was no discussion of whether a parenting plan modification decision prevails over a prior DVPO.

There simply is not the kind of conflict that this Court is looking for to warrant further review.

David apparently believes that dismissal of his appeal as moot does not serve Washington's public policy of protecting domestic violence victims. David is wrong. As the parenting plan modification court found after a robust trial with more evidence and due process than the DVPO hearing, David is the perpetrator. Crystal is the victim. Dismissing David's appeal as moot was not only legally correct but also serves the public policy of protecting victims by protecting Crystal against further abusive litigation by David.

6. Conclusion

The Court of Appeals correctly dismissed David's appeal as moot. That decision does not conflict with *Danny* and does not raise any issue of substantial public interest that could warrant this Court's attention. The Court should deny review.

I certify that this document contains 2,819 words.

Submitted this 29th day of February, 2024.

/s/ Kevin Hochhalter

Kevin Hochhalter, WSBA #43124

Attorney for Respondent

kevin@olympicappeals.com

Olympic Appeals PLLC

4570 Avery Ln SE #C-217

Lacey, WA 98503

360-763-8008

1 Kathleen Kennelly on December 31, 2018, prior to finalization of the divorce orders. The
2 parties did not go to trial on any issues pertaining to their dissolution or parenting plan,
3 having settled all issues with agreed orders.

4 **A. The December 31, 2018 GAL Report, Authored by Kathleen Kennelly,
5 Was Based on a Prior Statutory Definition of Domestic Violence and Not
6 on the Current Definition of Domestic Violence Pursuant to RCW
7 7.105.010, in Effect at the Time of this Modification Trial.**

8 The agreed parenting plan entered on February 2, 2019 was entered when A.T.
9 was 10, L.T. was 7, and G.T. was 4. Prior to the entry of this agreed parenting plan,
10 Crystal had requested .191 restrictions against David. As a result of the requested
11 restrictions, Kathleen Kennelly was appointed the Guardian ad Litem on September 7,
12 2018, to investigate all issues relating to making a parenting plan for the children,
13 including domestic violence, mental health, emotional abuse, and abusive use of conflict.
14 Exhibit 447, Pages 2-3. Though Ms. Kennelly was not specifically asked on direct or
15 cross examination which definition of domestic violence she used, the Court notes that at
16 that time of her report, in 2018, the controlling definition of domestic violence was RCW
17 26.50, which has since been repealed and replaced by RCW 7.105.010. Using the prior
18 definition of domestic violence per RCW 26.50, as noted in her report, Ms. Kennelly did
19 not recommend any .191 restrictions against either parent. Per the undisputed testimony,
20 by Crystal, as a result of Ms. Kennelly's recommendations, the parties agreed to a
21 parenting plan that did not order any limitations against either party.

22 Ms. Kennelly was called to testify at this modification trial concerning her
23 recommendations made in December of 2018. When asked why she did not recommend
24
25

1 any .191 restrictions against either party in that report, Ms. Kennelly testified that she
2 “concluded it was important to the children to have a consistent relationship with both
3 parents.” However, at the time Ms. Kennelly made those recommendations, she testified
4 she was unaware that L.T. had attempted acts of self-harm as far back as when L.T. was in
5 the second grade. In fact, Ms. Kennelly was specifically unaware that in 2018, L.T. had
6 choked himself with a jacket and tried to jump out of the car on the way to the hospital
7 when she recommended no .191 restrictions against either parent.
8

9 Ms. Kennelly also admitted she had not conducted a trauma assessment on any of
10 the children, nor referred the children to a provider for a trauma assessment prior to
11 making recommendations in her GAL report. Ms. Kennelly testified that although she had
12 received evidence that “David had used inappropriate parenting tactics,” she concluded
13 she would not recommend any .191 restrictions against him despite this information
14 because “he was working in therapy to become a better parent.” Ms. Kennelly further
15 acknowledged in testimony that although she believed Ashley’s reports of abusive
16 parenting tactics employed by David, and she believed “a lot of what the mother said to
17 me,” referring to Crystal regarding her reports of domestic violence and abuse, “he was
18 involved in getting counseling, getting help, and getting parental skills.” Thus, despite
19 believing Ashley and Crystal reports of David’s domestic violence and abusive parenting
20 tactics, she ultimately decided against restrictions, testifying that “I thought it was
21 important that the case get settled.” As a result, the parenting plan entered on February 1,
22 2019 noted language in the final order that “.191 restrictions do not apply as the GAL
23 concluded there was no basis for restrictions against either parent.” Exhibit 1, Page 2.
24
25

1 Ultimately, Ms. Kennelly’s investigation, and the analysis she conducted specific to
2 domestic violence, were analyzed under a prior statutory definition of domestic violence
3 and not under the current definition under RCW 7.105.010, which came into effect on July
4 1, 2022.

5
6 Crystal filed this action for modification of the parenting plan in April 2022, and a
7 second Guardian ad Litem, Ms. Lynn Tuttle, was appointed on May 24, 2022. She was
8 ordered to investigate all issues relating to entering a parenting plan for the children, with
9 a specific focus on “domestic violence of both parties; mental health issues of the
10 children; emotional or physical abuse of the children by either party; any issue discovered
11 that could affect the safety of the children; and all issues related to making a parenting
12 plan for the children.” Exhibit 342. By the time Ms. Tuttle concluded her investigation
13 and drafted her report, the new statutory definition of domestic violence pursuant to RCW
14 7.105.010 was in effect. Ms. Tuttle’s recommendations on the issue of domestic violence,
15 which will be discussed further below, were based on the applicable statutory definition
16 pursuant to RCW 7.105.010.
17

18 **B. After Entry of the Agreed Parenting Plan in 2019, the Parties Continued**
19 **to Have Conflict in Parenting the Children and More Litigation Followed.**

20 Following settlement of all dissolution and parenting plan issues in 2019, the
21 parties experienced immediate conflict. The parties had conflict regarding entering L.T.
22 into a social skills program as recommended by his providers; issues with pick up and
23 drop off the children; issues with reaching agreement for summer camps and a dinosaur
24 camp; arguments about preschool for G.T.; and arguments about David not returning the
25

1 children on time to Crystal, to name a few. The parties arbitrated the issue of David's late
2 return of the children during COVID and the arbitrator ruled in Crystal's favor on that
3 point. However, the parties wound up returning to litigation when David objected to
4 Crystal's relocation from Bellevue to Issaquah.

5
6 **C. The Relocation Findings and Orders Did Not Involve Litigation**
7 **Regarding .191 Restrictions, and the Court Deciding Those Issues**
8 **Received No Evidence in Support of or in Contradiction to Findings of**
9 **Domestic Violence or any Form of Abuse When the Relocation Order and**
10 **Findings were Entered.**

11 The parties engaged in additional litigation following Crystal's notice of intent to
12 relocate from Bellevue to Issaquah. This move was necessitated following the sale of the
13 marital home, requiring Crystal to move to a rental home in Bellevue. When she was able
14 to purchase a family home, it was located in Issaquah. The parties were unable to agree
15 on relocation and the matter went to trial; the move was ultimately authorized by the trial
16 court.

17 Crystal testified that the relocation trial did not involve a change to the parenting
18 plan and that the judge did not hear any testimony concerning either party's capacity to
19 parent safely. Crystal's testimony on this point was not contradicted by David or any of
20 his witnesses and is in fact supported by the order on relocation. The trial court at
21 relocation specifically noted as follows:

22 "Neither party asked to modify the parenting plan because of the
23 petitioner's proposed relocation. The petitioner argued that this matter
24 is not a relocation matter because neither party asked to modify the
25 parenting plan. The Court finds that because the petitioner's proposed
relocation causes the children to move into a new school district, this is
a relocation matter that should be decided under the relocation act.
Based on the above, and on the factors listed below, the Court concludes

1 that the planned move would not cause more harm to the children
2 than good to the children and the person who wants to move.”

3 Exhibit 4, Page 2.

4 In addition to finding that neither party requested a change in the parenting plan,
5 the trial court at relocation made findings that “both parents have a good relationship with
6 their children and are involved in their children’s lives.” Id. at Pages 2-3. But again, there
7 was no evidence that the relocation court heard any of the concerning testimony heard by
8 this Court of the harms sustained by the children while being parented by David, including
9 the suicidality and/or self-harm behaviors of three out of four of David’s children while
10 they were in his care. The relocation court’s findings were confined to the singular
11 litigated issue – should the Court allow the children to move from Bellevue to Issaquah?
12 This Court reaches this conclusion as it did not receive evidence that the relocation court
13 heard any of the evidence heard by this Court when drawing its conclusions. This Court
14 further reaches this conclusion when reviewing Exhibit 4 itself – the relocation order dealt
15 strictly with Crystal’s request to relocate from Bellevue to Issaquah.
16

17
18 **D. Based on traumatic events occurring in David’s home, including the**
19 **children’s reporting of witnessing domestic violence between David and**
20 **Julia; that L.T. and now A.T. were engaging in suicidality; and the**
21 **children’s stated fear of their Father to multiple providers, Crystal filed**
22 **for a modification to the original parenting plan.**

23 The parties have been able to reach agreement on at least one thing – that
24 modification of the original parenting plan is necessary. Though the reasons for their
25 agreement do not align – Crystal wants to reduce David’s residential time pursuant to .191
restrictions and David wants to increase his time to a 50/50 parenting plan - the parties

1 entered an agreed order finding adequate cause to modify the parenting plan. Exhibit 16.

2 At the time of Crystal's filing for modification on April 27, 2022, A.T. was 13 years old,

3 L.T. was 11, and G.T. was 7. Exhibit 5.

4 II. BASED ON THE FACTS THAT HAVE ARISEN SINCE THE ENTRY
5 OF THE ORIGINAL PARENTING PLAN, UNKNOWN TO THE
6 COURT AT THE TIME OF ENTRY, THE COURT FINDS A
7 SUBSTANTIAL CHANGE HAS OCCURRED IN THE LIVES OF THE
8 CHILDREN; THAT MAINTAINING THE 2019 PARENTING PLAN IS
9 DETRIMENTAL TO THE CHILDREN'S PHYSICAL, MENTAL, AND
10 EMOTIONAL HEALTH; AND IT IS IN THEIR BEST INTEREST TO
11 MODIFY THE PARENTING PLAN TO REMOVE THE HARM TO
12 THEM WHILE IN DAVID'S CARE.

13 As noted above, the Court signed agreed orders pertaining to the parenting plan of
14 A.T, L.T., and G.T. in February of 2019. It was undisputed, and Exhibit 1 corroborates,
15 that the original parenting plan was based on Ms. Kennelly's GAL report from December
16 of 2018 where she found that there was no basis for restrictions against either parent. The
17 February 2019 parenting plan parroted that language, noting that per the GAL report, there
18 was not a basis for restrictions against either parent. Since entry of the agreed parenting
19 plan in February of 2019, the parents agreed to modification of the parenting plan. And
20 that agreement is a reason for modification pursuant to RCW 26.09.260(2)(a). However,
21 in addition to finding that the parents agree to modification of the parenting plan, the
22 Court finds that the present environment in the father's home is detrimental to the
23 children's mental and emotional health and finds little to no harm to the children by
24 changing their environment under the existing parenting plan, while there are major
25 advantages to the change for the children.

1 As to the children's declining mental and emotional health since entry of the
2 agreed parenting plan, the Court finds that the children have been exposed to domestic
3 violence in the father's home between himself and Mrs. Julia Thacker, his current spouse.
4 The Court also finds that both A.T. and L.T. have expressed suicidality since entry of the
5 agreed parenting plan, while A.T. has acted upon her expressed suicidal ideation in 2022.
6 Numerous professionals interacting with the children have consistently reported A.T. and
7 L.T. threats to harm to themselves. A.T. has been observed to shake, show fear, and hide
8 under desks at school when she becomes aware her father has entered the school. And,
9 A.T. and L.T. have both expressed suicidal ideation and consistently made these
10 statements to school personnel, counselors, mental health therapists, hospital staff and
11 treating physicians. The children have consistently reported their father as their trigger
12 point to multiple treating professionals and these statements were corroborated by
13 numerous witnesses who testified before this Court. The Court notes that specific to the
14 children's statements to their treating physicians, mental health providers, and school
15 personnel, the Court considered their statements for the fact that the children were making
16 such statements concerning their fears and concerns, informing the court as to their state
17 of minds and their needs for mental health treatment. The Court also considered their
18 statements as reported and testified to by Ms. Tuttle as they formed the basis for her
19 recommendations to the Court.
20
21
22

23 It is clear to this Court that these children have been in a mental and emotional
24 crisis since at least January 26, 2022, and that the crisis has been exacerbated by their
25 continued unsupervised contact with David, their father. Since temporary orders

1 suspended all unsupervised visits for David, the children's suicidal ideation has reduced.
2 This correlation is notable. However, the supervised visits are not without issue as noted
3 by visit supervisor, Ms. Brown. In the end, all three children are in need of mental health
4 treatment to include therapy and possibly medication, as recommended by their medical
5 providers, and all three minor children are currently receiving some form of mental health
6 therapy. All three children need time to heal from their traumas relating to David's
7 parenting, his exposing them to domestic violence, and his emotional abuse while
8 parenting them.
9

10 Based on her collection of data and analysis of the information, Ms. Tuttle
11 recommended modification to the parenting plan wherein David's contact with A.T. and
12 L.T. was limited to contact as agreed to by A.T. and L.T. G.T. was not included in her
13 recommendation of suspended contact with David as he had not yet expressed any threats
14 to harm himself, but G.T. is also the youngest of the children at seven years of age at the
15 time of the filing for modification. Per Dr. Wheeler's testimony, he had not yet entered
16 the typical age range for children who show resist-refuse dynamics. Given that G.T.'s
17 three older siblings, including his adult sister Ashley, had suicidal ideation and self-
18 harming behaviors while in David's care, the Court does not find it is in G.T.'s best
19 interests to continue residential time with his father pursuant to the 2019 parenting plan.
20 He is just as affected by the exposure to domestic violence and emotional abuse at the
21 hands of his father. The Court will not wait for G.T.'s mental health to decline like his
22 siblings prior to intervening. Either way, Ms. Tuttle was very clear in her testimony that it
23 was very rare for her to recommend total termination of residential time for a parent, but
24
25

1 she expressed that she made that recommendation on the basis that A.T. and L.T. were
2 suicidal because of their father, expressing they would rather die than be in his care. Her
3 top priority in her recommendations focused on ensuring the children did not successfully
4 act on their suicidal ideations.

5
6 Ms. Tuttle's recommendations were reviewed by two separate experts, Dr. Marnee
7 Milner and Dr. Jennifer Wheeler, and both testified that her investigation, analysis, and
8 ultimate recommendations fell within the standard of practice, even if they did not
9 ultimately agree that all contact should be terminated unless agreed to by the eldest
10 children. The doctors did agree that suspension of residential time could be necessitated if
11 the children needed time to heal from their traumas and if David continued to engage in
12 behaviors that caused additional trauma during visits. In the end, however, both doctors
13 testified that Ms. Tuttle's methodology followed the standards and her analysis and
14 conclusions flowed from the data she collected, meaning that her recommendations were
15 not out of line with the data she collected. The Court also found Ms. Tuttle's data,
16 analysis, and testimony credible.

17
18 The Court finds and concludes that based on the substantial change of
19 circumstances in the children's lives since entry of the agreed parenting plan in February
20 2019, modification of the original parenting plan is in the best interests of the children.
21 Remaining in David's unsupervised care as ordered under the parenting plan of 2019 is
22 detrimental to the children's physical, mental, and emotional health, and must be modified
23 to eliminate the harm to the children.
24
25

1 III. DAVID COMMITTED ACTS OF DOMESTIC VIOLENCE AGAINST
2 CRYSTAL SKOV.

3 The Washington State legislature changed the definition of domestic violence in
4 2021, making it effective July 1, 2022, repealing the prior domestic violence statutes
5 pursuant to RCW 26.50. As of July 1, 2022, domestic violence is defined in Washington
6 state as “Physical harm, bodily injury, assault, or the infliction of fear of physical harm,
7 bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual
8 penetration; coercive control; unlawful harassment; or stalking of one intimate partner by
9 another intimate partner.” RCW 7.105.010 (9)(a). The Court finds David committed
10 multiple acts of domestic violence during his intimate relationship with Crystal, including
11 physical acts of violence and engaging in coercive control to intimidate, control and
12 compel Crystal’s conduct.
13

14 A. **The GALs Both Agreed in Testimony that there was Evidence that David**
15 **Committed Acts of Domestic Violence against Crystal.**

16 i. Kathleen Kennelly Admitted She Was Mistaken in Not Recommending
17 Restrictions Against David in her 2018 GAL report.

18 As stated previously, Kathleen Kennelly was the first appointed GAL in 2018. In
19 her written report, she did not recommend .191 restrictions against either parent. In
20 testimony, however, she could not support her initial conclusion recommending no .191
21 restrictions against David. On cross-examination she admitted that “based on what we
22 know today, there was DV.” This concession was necessitated by her acknowledgment
23 that during her investigation in 2018 she believed both Crystal and Ashley’s reports of
24 physical and emotional abuse by David. And when she addressed these concerns with
25

1 David, according to Ms. Kennelly, “Mr. Thacker talked a lot about working on his
2 behavior and understand[ing] his wife’s concerns, and changes in his behavior in the
3 marriage.”³ Ms. Kennelly took this to mean that “he took steps to accomplish those goals”
4 as “he said he was putting energy into therapy and participated in marriage counseling
5 with Mrs. Thacker.”⁴ The Court finds that David’s awareness of his need to change his
6 behavior in the home, as he expressed it to Ms. Kennelly, corroborated Crystal and
7 Ashley’s testimonies describing the harmful behaviors that he promised to change. The
8 Court received no evidence that Crystal or Ashley made similar promises to change their
9 behavior in the home, leading the Court to the conclusion that David’s behavior in the
10 home was the main issue causing the emotional and mental health distress observed by the
11 professionals treating this family.
12

13
14 Specific to the domestic violence allegations, Ms. Kennelly testified that Crystal
15 reported that David was overly controlling, but Ms. Kennelly did not feel it rose to the
16 level of requiring a restriction on his parenting time back when she authored her report in
17 2018. She acknowledged she had not previously recommended a domestic violence
18 restriction against David even though Crystal provided examples of how David controlled
19 her in the marriage. This was a clear error in light of the fact that Ms. Kennelly had
20 received corroborative evidence of David’s controlling behaviors from Danielle Peruchi,
21

22
23 ³ The Court considered David’s out of court statements to Ms. Kennelly pursuant to
24 statements made by a party opponent as they were introduced against David during cross-
25 examination of Ms. Kennelly.

⁴ This “Mrs. Thacker” is referring to Crystal, who was in divorce proceedings with David
at the time of Ms. Kennelly’s investigation.

1 David's first spouse. In short, Ms. Kennelly had received information from three separate
2 witnesses – Crystal, Ashley, and Danielle.– concerning David's domestic violence and
3 still decided to recommend no restrictions against David. Even more puzzling is that Ms.
4 Kennelly received corroborative evidence from David himself about his control of Crystal
5 during the marriage. Ms. Kennelly investigated David's statements to her during her
6 investigation that his controlling behavior during his marriage to Crystal was part of their
7 marriage agreement, referring to it as complementarianism. This was corroborated by
8 Crystal. The Court received testimony from Crystal that due to her own religious faith
9 during her marriage to David, she believed she needed to be subservient to him and that
10 David used her religion to support his control of her. In contradiction to what David told
11 Ms. Kennelly about their marriage agreement during her investigation - that he would be
12 in control of Crystal during the marriage, at trial, David testified that he is not a religious
13 person himself and denied that he was controlling as part of their marriage agreement.
14 Ms. Kennelly testified that she *did* receive information from David corroborating his
15 belief that his control over Crystal was part of their marriage agreement. Thus, David
16 testified inconsistently with what he previously told Ms. Kennelly during her
17 investigation, and this is just the first of many examples the Court notes of David saying
18 different things to different people at different times. Even Ms. Kennelly testified that
19 "Mr. Thacker reported different things to different people, but Ms. Skov remained
20 consistent on this point....I don't know."
21
22
23

24 When Ashley reported to Ms. Kennelly that David yelled at the children, including
25 her, and that his yelling was abusive; that he would hold his hand over the children's

1 mouths and tell them to stop crying; and that he lunged at her and yelled, Ms. Kennelly
2 testified that she had no reason to disbelieve Ashley and she agreed that David was
3 inappropriate in disciplining the children in that way. When Ashley relayed how David
4 would yell at her when she was not doing the chores as he wanted, with the explanation
5 that the yelling was abnormal in tone and volume and that David would get close to her
6 and the children's faces when doing so, Ms. Kennelly admitted that those behaviors by
7 David could destroy a child's self-esteem and cause them to self-mutilate, indicating
8 emotional abuse of the child.⁵ Ms. Kennelly was aware at the time of her investigation
9 that Ashley was self-mutilating while in David's home, indicating corroboration of her
10 assertions of emotional abuse, as defined by Ms. Kennelly's testimony. David gave
11 inconsistent testimony on this. He acknowledged Ashley's cutting to Ms. Kennelly during
12 her investigation and Ms. Kennelly testified to this fact at trial. However, at trial on the
13 same question of whether David was aware that Ashley was cutting herself, David
14 testified differently saying, "I was testifying that nobody thought that Ashley had
15 struggles with suicidality. It's opportunistic that she's bringing it up." He elaborated
16 further, "It's not accurate that she was cutting." Again, this is an example of David saying
17 different things at different times.

20
21 Ms. Kennelly was asked on cross-examination if David would mistreat the
22 children if Crystal did not do what he asked her to do, and she responded, "that appears to

23
24 ⁵ The Court considered Ms. Kennelly's testimony as to Ashley's statements to her for the
25 purpose of establishing what information she considered in her report and as to how she
reached her recommendations. The Court notes that Ashley testified to those behaviors by
David at trial herself and was subject to cross-examination by David about those incidents
she described at trial.

1 be the case.” She also testified that she didn’t disbelieve Crystal’s reports that David
2 would drive at intense speeds demanding an apology from Crystal, and Ms. Kennelly
3 acknowledged that David’s behavior in doing so was coercive control. Furthermore, Ms.
4 Kennelly also testified that “Mr. Thacker admitted doing this behavior. He minimized it
5 when he admitted it.” Upon further questioning, Ms. Kennelly explained, “I didn’t
6 disbelieve that he did this. I don’t know if that behavior is domestic violence, it could be
7 domestic violence, but I couldn’t decide on just one incident.” She went on, “it is a form
8 of domestic violence, but it doesn’t rise to the level that he would have restrictions against
9 him for access to his children.” But when confronted with the fact that there was evidence
10 that David drove erratically more than once, and sometimes with the children in the car,
11 she was asked if this was a form of coercive control, and Ms. Kennelly conceded that it
12 was. Despite this acknowledgment, she still testified at trial that she did not think that
13 those acts in and of themselves were enough to put restrictions on a parent. Nevertheless,
14 she confirmed that she believed Crystal when she reported David’s acts of domestic
15 violence, testifying: “I believed a lot of what the mother said to me. She did some
16 questionable things. I thought it was important that the case get settled.”
17
18

19 As to nonconsensual sex between Crystal and David, Ms. Kennelly agreed that
20 Crystal reported that David had sex with her while she was sleeping. David agreed in his
21 interview with Ms. Kennelly that he had sex with Crystal while she was sleeping but that
22 he thought she was awake. Ms. Kennelly agreed that David’s act of having sex with
23 Crystal while she was asleep was nonconsensual.
24
25

1 Ultimately, Ms. Kennelly could not agree with her own initial report wherein she
2 did not recommend .191 restrictions against David. She concluded her testimony by
3 saying the following,

4 **“Given what we have discussed today, I would say yes, there
5 was domestic violence. When I did the assessment, I came to
6 the conclusion that my conclusions were right for this family,
7 but apparently that was wrong.”**

- 8 ii. Lynn Tuttle Recommended Domestic Violence, Emotional
9 Abuse, and Physical Abuse Restrictions against David. The
10 Court Finds David Committed Acts of Domestic Violence and
11 Emotional Abuse, but Does Not Find he Committed Physical
12 Abuse.

13 Ms. Tuttle testified that she observed a pattern of behavior by Mr. Thacker in all of
14 his marriages that caused her concern for the safety of the children while in his care. She
15 received data from Danielle Peruchi, David’s first wife, who reported David was
16 physically violent and engaged in restraining behaviors of her during their marriage, and
17 the children reported observing domestic violence between David and Julia Thacker, his
18 current spouse. Like Danielle, Crystal also reported that David committed domestic
19 violence against her by rage yelling in her face; pushing her down twice; engaging in
20 sexual coercion of her; breaking things in the home; driving at intense speeds until she
21 apologized to his satisfaction; manipulating her by getting her to comply with his demands
22 to prevent him from taking his rage out on the children; restraining her; and putting a
23 pillow over her mouth. Based on this data she collected, Ms. Tuttle testified she had a
24 concern that in all three marital relationships, there was a consistent pattern of reports that
25 David was committing domestic violence in his marital relationships.

1 Ms. Tuttle also testified that David had admitted to some of Crystal's allegations.
2 David acknowledged breaking the remote; dropping Ashley's desk, causing it to break;
3 and in a declaration reviewed by Ms. Tuttle, she testified he reported to the Court via
4 declaration that he did drive too fast, but that it was years ago.
5

6 Ms. Tuttle agreed with Ms. Kennelly that there was no evidence Crystal engaged
7 in any forms of abuse of the children or David, and more specifically, that Crystal did not
8 commit acts of domestic violence against David or the children.

9 Ms. Tuttle's investigation and recommendations were supported by the two
10 testifying psychologists, one hired by Crystal and the other by David. Both psychologists
11 were hired to review Ms. Tuttle's investigation and subsequent work product. Both
12 psychologists testified that her investigation and subsequent recommendations conformed
13 to the standard of practice, and that her recommendations flowed from the data she
14 collected and analyzed. Specifically, Dr. Jennifer Wheeler, hired by David, testified that,
15 in regards to Ms. Tuttle's report, "her report fell within the standard of care." She testified
16 that she performed a work product review of Ms. Tuttle's work and concluded that Ms.
17 Tuttle's "procedures, analysis, and recommendations did flow from the data she
18 presented." She went further in her testimony and stated that "it was my impression from
19 Ms. Tuttle's report that the recommendations she provided flowed logically from the
20 analysis of the data she presented with regard to the children having a respite from contact
21 while they are attending to their mental health. The fact that a child had made an attempt
22 of suicide puts the risk at a greater risk, so it flows that Ms. Tuttle's recommendation of
23 the children's health, safety, and wellbeing should be prioritized." Likewise, Dr. Marnee
24
25

1 Milner, hired by Crystal to do a work product review of Ms. Tuttle's report, testified that
2 Ms. Tuttle's methodology "was well within the standard of practice." Dr. Milner went
3 further: "the methodology followed the standards and the analysis and conclusions flowed
4 from the data." Dr. Milner explained that she reviewed the GAL file provided to her and
5 concluded that Ms. Tuttle's recommendations for a finding of domestic violence against
6 David was well supported in her investigation and analysis. On this point, Dr. Milner
7 testified, "it is my opinion that the data set forth by Ms. Tuttle, there was a solid analysis
8 on the issue of domestic violence. There was compelling data to reach where she reached
9 her conclusion that there should be .191 findings for domestic violence against the father."
10 Dr. Milner testified that there were multiple data sources that supported a domestic
11 violence finding against David, including all three children reporting witnessing domestic
12 violence in his current marital relationship with Julia, as well as Danielle, David's first
13 wife, providing corroborating information about the domestic violence she endured during
14 her marriage to David.
15
16

17 This Court found Ms. Tuttle's testimony credible. Her data collection and written
18 reports were buttressed by the testimony of each of the parties' experts – Drs. Milner and
19 Wheeler – who both testified that Ms. Tuttle's recommendations were well supported by
20 the data she collected; and that Ms. Tuttle followed the standards of practice in both the
21 collection and presentation of the data she used to support her recommendations.
22

23 Overall, the Court found Ms. Tuttle was thorough in her investigation, collecting
24 an enormous amount of data and compiling it, and presented her recommendations in a
25 neutral way, both in the reports themselves and in her testimony. However, as to her

1 recommendations of finding David committed physical abuse, the Court does not find
2 there was sufficient evidence in the record. The experts noted above clearly supported her
3 conclusions of domestic violence, and Ms. Tuttle and Ms. Kennelly both testified that
4 David's parenting tactics were inappropriate as emotional abuse. The treating mental
5 health providers established the children were suffering from multiple mental health
6 diagnoses tied to trauma the children suffered while being parented by David. However,
7 there was not the same evidence corroborating David physically abused the children.
8 Several of the witnesses, including Crystal and Ashley denied David committed physical
9 abuse.
10

11 **B. The Court Finds Crystal's Testimony Credible and Finds David Lacked**
12 **Credibility.**

- 13 i. The Court finds Crystal's testimony credible and was corroborated by other
14 witnesses.

15 Crystal's allegations of domestic violence during her marriage to David have
16 remained consistent throughout the many years of litigation throughout the life of this
17 case. Again, even Ms. Kennelly testified that "Mr. Thacker reported different things to
18 different people, but Ms. Skov remained consistent on this point" – referring to the
19 question of whether the parties agreed to David having control as head of the household
20 with Crystal subservient to him.
21

22 The Court received corroborated themes about David's acts of domestic violence
23 in his intimate relationships. For one, Crystal consistently and repeatedly stated that
24 David rage-yelled at her and the children as a way to induce compliance with his
25

1 demands. Danielle Peruchi⁶ also corroborated in her testimony that David would yell and
2 would be so enraged while yelling that he would spit at her. Ashley also testified that
3 David engaged in rage yelling that had a significant negative impact on her and her
4 siblings. These witnesses, including Ashley, testified that the yelling went beyond any
5 acceptable level of yelling and that it was abusive in nature. Ashley described with
6 particularity how difficult it was to watch David rage yell at L.T., going beyond the
7 yelling to physically restraining him by laying on top of him or binding his arms and legs
8 with his while L.T. cried. David offered no testimony denying Ashley's testimony
9 regarding his physical interactions with L.T. Nor did David offer any testimony
10 explaining why it was necessary to put his full adult weight on L.T. or to completely
11 incapacitate L.T.'s arms and legs as discipline. L.T.'s challenging behaviors occurred at
12 school too and multiple school personnel testified how they were able to re-direct L.T.
13 when he became dysregulated at school, and there was no evidence offered that they used
14 physical restraints or other physical actions on L.T.'s body. David is the only adult in
15 L.T.'s life that does and it is baffling to the Court that he would do so when L.T. would
16 have such an emotional reaction to his application of force as testified to by Crystal and
17 Ashley. Nevertheless, the Court cannot find David was physically abusive while doing
18 so.⁷ The Court did consider this testimony as supporting the Court's finding that he
19 emotionally abused L.T.
20
21
22
23

24 ⁶ Danielle Peruchi was David's first wife. Danielle and David share a daughter, Ashley
25 Thacker.

⁷ The Court considered WAC 110-30-0030.

1 Regarding David's use of restraints to induce compliance by L.T., this point
2 transitions to the second theme of domestic violence David perpetuated consistently
3 throughout his marital and parental relationships - the consistent reports that he would
4 restrain people. Ashley described David restraining L.T. as L.T. cried and struggled.
5 Crystal described David restraining L.T. and herself as well. Danielle testified being
6 restrained by David during her marriage, too.
7

8 The third theme of consistent domestic violence committed by David was reports
9 that he breaks things while raging. Crystal consistently reported that David broke things
10 in the home during his rage events and testified consistently on this point in trial.
11 Danielle reported the same occurred in her marriage to David – she relayed this
12 information consistently to Ms. Tuttle and in trial. Ashley testified David broke her desk
13 intentionally during an argument he had with Crystal. According to the children's reports
14 to mental health providers during their treatment, which was admitted pursuant to
15 statements made for medical diagnosis and treatment as to the children's fears and need
16 for treatment as a result, David broke a laptop belonging to Julia, his current spouse. Julia
17 testified it was an accident, but the Court does not find her testimony credible as in her
18 relationship with David, another familiar theme of domestic violence emerged beyond
19 David's breaking things in anger. In all three marital relationships, David has called law
20 enforcement on his wives, Julia included. It is significant to this Court that in all of
21 David's marital relationships, law enforcement has become involved in his disputes with
22 his spousal partners. David uses the police as an additional mechanism for controlling his
23 spouses and attempting to gain their compliance with his demands and maintain control
24
25

1 over them, including as a way to punish or humiliate them. He did this to Julia too. Julia
2 testified that he locked her out of their home when she had drinks with a neighbor, then
3 called the police against her when she demanded to be let back in by calling his name
4 through the windows. Julia attempted to take the blame for him locking her out of their
5 home and calling the police on her. However, she did testify that the children were awake
6 while she was outside demanding to be let back in and she acknowledged that A.T. had
7 attempted to let her back in by unlocking the back door. Either way, the familiarity of the
8 themes of police involvement between David and his marital partners occurs in his current
9 marriage to Julia as well, despite her attempts at trial to take full responsibility when
10 police have been called to intervene between David and herself.
11

12 There has been significant corroboration that David engaged in repeated and
13 familiar acts of domestic violence against all three spouses. But also, importantly, David
14 did not deny specific acts of domestic violence alleged against him as explained below.
15

16 Danielle testified that when she and David married, on their wedding night, David
17 told her: “that he owned me now that we were married.” David testified well after hearing
18 Danielle’s testimony, and he did not address this allegation at all. He left it unchallenged
19 as a true statement. Danielle testified that he controlled her throughout the marriage,
20 testifying that he controlled her ability to leave the marital home: “I wasn’t allowed to
21 leave. I was only allowed to walk to the laundry mat. I was not allowed to cut my hair or
22 makeup. He picked out my clothes. It was a very controlling relationship.” Again, David
23 did not provide any testimony or evidence specifically refuting the truth of Danielle’s
24 statements. Danielle testified that “he pushed me against the wall and pinned my arm
25

1 behind my back. I was in excruciating pain. I had to agree to iron his shirt then he let
2 go.” David did testify that “I never abused Danielle. She was volatile.” He then testified
3 about the police incident where he called police against her, which Danielle had already
4 admitted in her direct examination. But David did not address her specific allegations of
5 abuse; he rested comfortably in asserting a general denial that he ever abused Danielle.
6 He did not define what he considered abuse though. Whether his definition would match
7 the legal definition of abuse under Washington State law remains unclear due to his lack
8 of specific testimony on the topic. He also did not specifically deny Danielle’s testimony
9 that he restrained or yelled at her in her face, raging and spitting. He did not specifically
10 deny her testimony that he talked down to her all the time, telling her that she was nothing
11 without him, that no one would want her and that she was “White trash.” Danielle testified
12 he told her those things so repetitively that she started to believe it about herself.
13
14

15 As to Crystal’s testimony, she testified that “during his rage incidents, I was told
16 multiple occasions that in order to make the rage go away, I had to do a sincere apology to
17 calm him down and I had to have sex with him, and if I didn’t, it would continue. If I said
18 no, it would continue towards the children. If I wanted to make the rage disappear, I
19 needed to have sex with him.” David testified well after Crystal and had several days to a
20 week to think about his testimony in response to hers and had every chance to rebut or
21 contradict all of her testimony. Yet he did not address her testimony about his rage
22 yelling; that he would tell her that she needed to have sex with him in order to make his
23 rage go away; that if she did not have sex with him during his raging that he would take it
24 out on the children; or that he coerced her into sex by making her afraid of the
25

1 consequences for refusing. He left those allegations unchallenged, and the Court finds
2 Crystal's testimony credible and persuasive.

3 Regarding the driving allegation as coercive control, Crystal testified that "when
4 he was angry, he would drive faster and faster and he wouldn't stop until I apologized
5 well enough." Crystal testified "it happened many times throughout the marriage, only a
6 few times with the children." On one occasion, Crystal testified that David had been
7 peeling out and was driving crazy with the kids in the car. When they reached the stop
8 sign, there was a car in front of them, so he had to come to a stop, and she was able to
9 jump out of the car. According to Lynn Tuttle's investigation, David admitted driving too
10 fast, but explained that it was years ago. However, in his testimony at trial, he testified
11 that Crystal was actually the person who drove too fast in their marriage. He also stated
12 that he accelerated when she bickered with him. He did not want to bicker with her so he
13 claimed to have accelerated to get home faster. His explanations were tortured, making
14 very little sense to the Court, but more importantly as to his credibility, as noted by Ms.
15 Tuttle in her testimony, he did not previously make those claims in a sworn declaration he
16 made to the Court in addressing these allegations. These were entirely new explanations
17 in defense of himself against the allegations that he drove in a reckless manner to
18 intimidate Crystal.
19
20
21

22 Crystal testified to physical acts by David against her as well. She testified he put
23 a pillow over her face for an extended period of time and she freaked out. She testified
24 that he pushes people and pushed her one time when she was pregnant while they were at
25 his parent's house. She testified he slammed a board on her and she fell down. She

1 testified that he threw things at her; explaining that in Texas he threw glassware, but in
2 Washington he threw other things at her. David's response at trial was to testify that he
3 never threw glassware at Crystal. He did not deny pushing her. He did not deny putting a
4 pillow over her face. He did not deny slamming a board on her.

5
6 Like Danielle, Crystal also testified that David restricted her socially, "I wanted to
7 have dinner with my mom two times a month and I was told I could not do that. I was
8 restricted at work. I couldn't go to happy hour even though he could be out all night. I
9 needed to greet him with a smile when he came home. I needed to know when he was
10 coming home because I needed to be prepared, be happy and look good, and have the
11 house ready." David did not deny the truth of Crystal's testimony on these issues. He
12 explained that Crystal stopped working when A.T. was one and she necessarily took on
13 more of the household responsibilities. He claimed he did most of the grocery shopping
14 and cooking while she did most of the laundry and shuttling the kids to different activities.
15 He did not deny restricting her socially, but the Court notes the testimony by Ms.
16 Kennelly confirmed that he made statements to her that it was his belief that his control
17 over Crystal was part of their marriage agreement. His statements to Ms. Kennelly on this
18 point contradicts his testimony at trial where he asserted that Crystal prohibited him for
19 having lunch with females at work and actually controlled him. Again, this testimony
20 seemed to be new at trial as no evidence was presented to this Court that he had raised this
21 before.
22
23

24 Finally, David used intimate photos he possessed of Crystal - the manner of which
25 he possessed them are not germane to the question of whether he used those images as a

1 way to control, intimidate, or coerce Crystal's conduct. David did use these intimate
2 photos of Crystal to control her conduct during the dissolution proceedings and used them
3 to shame and humiliate her and to ultimately punish her. He did not deny Gina Weigum's
4 testimony that in her role as the parties' real estate broker for the sale of the marital home,
5 David told her that he had nude photos of Crystal when the conversation had nothing to do
6 with the parties' intimacy. Gina testified that they had been in the middle of discussing
7 how to get the house ready for sale and his statement about Crystal's nude photos came
8 completely out of the blue. She also testified to having to bring the owner of the real
9 estate company into a conference call with David regarding issues with the listing of the
10 home. She testified that David "off the bat brought up nude photos and videos. The
11 owner shut that down right away." She further testified, "I brought in Mr. Deecy because
12 I felt I needed a male person to support me. There were threats against me as well."
13 David did not deny any part of Ms. Weigum's testimony.
14

15
16 He did not stop there either. He shared information about Crystal's nude pictures
17 with mediators and attorneys. The Court finds his goal was to use the nude pictures as a
18 way of intimidating, shaming, and controlling Crystal in the divorce proceedings and
19 these were acts of domestic violence.
20

21 The Court finds David has engaged in multiple acts of domestic violence in all of
22 his marital relationships, and in particular, he committed acts of domestic violence against
23 Crystal during their twelve years of marriage and after the dissolution of their marriage.

24 ii. **The Court does not find David's testimony credible.**
25

1 The Court has already addressed some of David's inconsistencies in his statements
2 to varied individuals who worked with this family during litigation. But there are many
3 more examples that the Court feels compelled to note in support of its findings that David
4 was not credible in his testimony.

5
6 L.T. and A.T.'s Relationships with the Compston children

7 David testified that Crystal's affair had damaged the relationships L.T. and A.T.
8 had with their friends, Jackson and Alex, who were the children of Gretchen and her
9 husband, with whom Crystal had an affair. David testified that his son L.T. and Jackson
10 were best friends prior to Crystal having an affair with Gretchen's husband. David
11 testified, "After the affair was discovered, [L.T.] and Jackson went from being around
12 each other three times a week to zero, with no reason why." He testified this impacted
13 L.T. as "[L.T.] had behavioral issues. [L.T.] needs friends and had lost his best friend."
14 However, David's testimony turned out not to be true. Gretchen testified that "Jackson
15 and [L.T.] weren't as good of friends." Later on in direct examination, Gretchen testified
16 again that "Jackson and [L.T.], they weren't necessarily close friends, so I don't know
17 how often they even hung out."

18
19 David further testified that like L.T., A.T. was harmed by Crystal's affair as she
20 was no longer able to have a relationship with Alex, Gretchen's daughter. David testified
21 that "[A.T.] attempted to maintain a relationship with Alex. They would talk at school,
22 but both girls realized they weren't supposed to be friends anymore, so they stopped
23 hanging out at school." Yet, this statement turned out to be untrue as well. According to
24 Gretchen's testimony, "after the affair, Alex and [A.T.] did have a relationship because
25

1 they were best friends. I told her she could hang out with [A.T.] as much as she wanted at
2 school.”

3 The fact that Crystal had an affair during the marriage, which was dissolved in
4 2019, was immaterial to this modification action as no credible evidence was introduced
5 showing the affair was a contributing cause to the children’s current emotional and mental
6 health crises that formed the basis for Crystal’s filing of this modification action. The
7 Court finds David introduced this testimony with the intent of shaming Crystal in these
8 proceedings and/or to paint her in a negative light to the trial court. The inconsistencies of
9 his testimony regarding the impact of the affair on the children when compared to
10 Gretchen’s testimony is another example of how David’s testimony was contradicted by
11 other witnesses.
12

13 Ashley’s Desk
14

15 Crystal testified that “David was angry at me. He went downstairs. He pulled
16 Ashley’s desk out of her room and destroyed it in our game room. He was breaking
17 Ashley’s desk in the game room. She came downstairs running. He yelled at her telling
18 her it was her fault. She was crying.” Ashley testified that she ran towards her bedroom
19 downstairs after hearing a very loud crash sound. She then saw her desk was broken in
20 pieces. She testified that David yelled at her that it was her fault. On other hand, David
21 testified that the desk merely fell. The picture that Ashley took of the broken desk was
22 admitted as Exhibit 328, which appears to corroborate the conclusion that the damage was
23 likely sustained as described by Crystal and Ashley, given that the desk was in pieces. It
24 had no legs and the drawer did not appear to be attached to the hardware on the side that
25

1 allows the drawer to slide into the desk as the open and closing function. The Court does
2 not find David's explanation credible. Moreover, his statement that he did not intend to
3 blame Ashley does not match the words he used himself to explain his communication to
4 her. He stated he told her there was a lot of stuff in her drawer. Thus, he was intending
5 on blaming her as he was pointing out, in his version of the events, that the desk fell
6 because she had too much stuff in it. In addition, David offered no reason in testimony as
7 to why the desk would have fallen. He admitted he was bickering with Crystal at the time.
8 His version of the events are not supported by the picture of the desk or his own
9 testimony.
10

11 Ashley's Mental Health

12 As noted above in the section referencing Ms. Kennelly's GAL investigation and
13 report, David testified inconsistently on his awareness of Ashley's mental health struggles.
14 He stated on cross-examination at trial that "...nobody thought that Ashley had struggles
15 with suicidality. It's opportunistic that she's bringing it up." When asked if he was made
16 aware that Ashley was cutting herself in middle school, he responded, "It's not accurate
17 that she was cutting." However, in Ms. Kennelly's report dated December 31, 2018, he
18 reported something different to her about Ashley's cutting behaviors:
19

20 "Ashley has struggled with her emotions and has 'cut' herself – she
21 is a sweet girl and maybe she never had the stability she needed since
22 she had teenage parents. Ashley is an impressionable young girl and
23 9 or 10 months ago I did stuff that upset Ashley."
24

25 Exhibit 447, Page 13.

1 It is clear to this Court that in branding his daughter Ashley an opportunist for
2 testifying that she too was suicidal due to his parenting of her, David's intent at trial was
3 self-serving, operating to cast doubt on Ashley's testimony because she came to Court to
4 testify about his abusive behaviors. His statements to Ms. Kennelly are admissible to
5 show that he has changed his testimony to suit his current need to discredit Ashley at trial.
6 As noted above, Ms. Tuttle's investigation also included an analysis of David's
7 inconsistent statements about the same events or topics, and his inconsistent statements
8 impacted his credibility to the Court.
9

10 4/9/2022 Incident Involving David and Julia Looking for A.T.

11 The parties agreed that A.T. left David's second home, to which he referred to as
12 the farm in Monitor, Washington, in the early hours on the morning of April 9, 2022. A.T.
13 contacted Crystal to pick her up via email. This was following A.T.'s threat of suicide at
14 school on April 8, 2022, after which David decided not to take her to the hospital, opting
15 instead to take her to his farm hours away from their residence in King County. The
16 problem is that David and his wife Julia gave different accounts about whether they
17 contacted Crystal when they discovered that A.T. was missing from their farm home.
18 According to Ms. Tuttle's investigation, David reported to her that he did not call Crystal
19 when A.T. was missing from her bed, but Julia testified that David had been calling
20 Crystal over and over. David's statements were inconsistent and impacted his credibility.
21 For this same reason, Julia's testimony was inconsistent and not credible. Either way,
22 neither David or Julia were credible due to this and other discrepancies.
23
24
25

1 David's Misrepresentations about Statements He Claimed CPS, Doctors, and Mental
2 Health Personnel Made to Him.

3 **CPS**

4 David did not take A.T. to the hospital in April 2022, even after school personnel
5 advised him that he should take her to the hospital for evaluation as she had just
6 threatened to kill herself, as testified to by Ms. Julianna Jenkins. A.T.'s threat to harm
7 herself was made even more concerning given that A.T. had just attempted suicide by
8 overdose in March 2022. When A.T. threatened to kill herself that day at school, she was
9 crying and shaking, and hiding under a desk. Ms. Jenkins testified regarding A.T.'s state
10 at the time she made this statement, "[A.T.] had seen a car and she had an intense reaction.
11 She was in a state of panic stating, 'I don't want to go. I don't want to leave.'" Ms.
12 Jenkins further testified, "[A.T.] had physically hidden from him in panic. She hid under
13 a desk. She was in a panic, shaking and crying...[A.T.] had crawled under a desk.". The
14 Court admitted the above statements, as testified to by Ms. Jenkins, as an excited utterance
15 by A.T.
16

17
18 David did not take A.T. to the hospital for evaluation and instead took her to his
19 farm in Monitor, Washington. When asked why he did not take A.T. to the ER, he gave
20 differing and inconsistent reasons why he had not. The Court considered David's
21 statements as statements made by a party opponent and as establishing inconsistency in
22 those statements. First, he claimed to Ms. Tuttle, as noted in her report dated November
23 23, 2022, that A.T. was better and did not want to go back to the ER. Exhibit 342, Page
24 24 of 68. Later, according to Ms. Tuttle, he told her that he spoke to Benjamin Quinn
25

1 from CPS who David claimed had told him that since A.T. seemed calmer, that CPS
2 thought it was fine if she did not go the hospital. According to Ms. Tuttle's testimony, the
3 CPS records did not corroborate David's claims. But beyond that, the Court finds it
4 highly unlikely that Mr. Quinn, charged with the protection of children as an employee of
5 Child Protective Services, would recommend or agree that a parent should not take an
6 actively suicidal child to the hospital for evaluation when that same child had just
7 attempted suicide by overdose just one month prior. David was not credible on this point
8 and his attempt to say that CPS agreed he need not need to take A.T. to the hospital was
9 self-serving and unreliable.

10
11 **Sheryl Brown, Visitation Supervisor**

12 Ms. Brown testified that even during *supervised* visits, David had taken L.T. by
13 the arm when he was refusing to exit Cystal's car for a visit with him. Ms. Brown
14 testified that "Dad came over, took him by the arm. David wanted to show parental
15 authority. I told him to take a softer approach. [L.T.] was quite distressed. I debriefed
16 with Mr. Thacker. I provided suggestions." David's testimony about this same forceful
17 contact by him with L.T. was to say that "there was no physical force at all. So when she
18 testified that I took [L.T.] from the arm, I did, but not as it was suggested. I got down to
19 his eye level and put my hand on his shoulder. He said no." The Court finds Ms. Brown,
20 a neutral witness, to be credible on this point. Her testimony that L.T. was distressed in
21 the interaction with David corroborates her testimony that David's touch was aggressive.
22 The Court further finds Ms. Brown's testimony is corroborated by David's own testimony
23 establishing that he was intending to assert dominance in the interaction with L.T.
24
25

1 “[L.T.] had been refusing for 5 weeks. Each time he did that, there
2 was a \$400 charge. We are \$2000 in and for over a month [L.T.]
3 refused to get out of the car. The tone up to that point was very
4 positive. I chose to take a less optional tone with [L.T.]. We are
5 the authorities. We are the adults. It’s time to get out of the car.
6 After five weeks of a soft approach, there was agreement to try a
7 different approach.”

8 David’s own words lead the Court to conclude that he was physically aggressive
9 when he attempted to force L.T. out of his car by grabbing him by the arm. David’s
10 testimony has again been contradicted by not only his own testimony, but by the
11 testimony of a credible witness. David did not present any evidence that Sheryl Brown
12 would be motivated to lie and the Court found her credible.

13 **David’s Belief that Crystal was to Blame for His Children Rejecting Him was Not**
14 **Corroborated by the Evidence.**

15 The Court considered David’s argument that the children were being alienated
16 against him by Crystal, and was the cause for why his children were rejecting him. But he
17 did not produce credible evidence to support his assertion. Even his own witness Dr.
18 Wheeler testified that in “resist refuse dynamics, there are multiple influences that are
19 either the cause or maintain the child’s resist-refuse behaviors.” This is a changed
20 position in the field of resist-refuse dynamics. According to Dr. Wheeler, practitioners in
21 the field used to believe that when children refused a parent, it was because of the other
22 parent’s actions, but per Dr. Wheeler “we now know, in most cases, there is more than
23 one factor.” Dr. Wheeler elaborated further when asked about the frequency of a single
24 factor being the cause for children refusing another parent and testified: “Single factor
25 cases are very rare. Off the top of my head, I cannot recall a case that I was involved in

1 that was a single factor case.” Dr. Wheeler did not testify that this case was one of those
2 rare single factor cases.

3 David’s own therapist, Ms. Allyson Henry, testified that David “has felt that
4 Crystal has done things to alienate the children from him,” but later acknowledged that
5 “there could be other things that are causing alienation. They could be his behaviors and
6 her behaviors.” Furthermore, she testified: “I believe he is ready, willing, and able to
7 address any harmful behaviors on the children,” leading the Court to believe that she
8 believed that David’s behaviors contributed to his children’s resist-refuse dynamics.

9 When asked to explain why she thought he was ready to address his harmful behaviors on
10 the children, she replied, “I believe this because I explained my background and told him
11 that if he wanted to have any interaction with his children, he had no choice but to
12 apologize to his children.” Ms. Brown further testified that a rejected parent in refuse-
13 resist dynamics needs to acknowledge the trauma they caused – “the parent has to take
14 responsibility for all traumas they inflicted on the child.” The Court finds David has not
15 taken any responsibility for the traumas he inflicted on his children. He continues to fault
16 Crystal entirely.
17

18
19 Multiple providers from Seattle Children’s testified and did not corroborate
20 David’s belief that Crystal was saying negative things about him around the children as a
21 way of alienating them from him. In addition, multiple school professionals who worked
22 with the children testified and none corroborated his belief that Crystal bad-mouthed him
23 in front of the children or to the school personnel outside of the children’s earshot.
24
25

1 Ms. Kennelly testified and did not corroborate David's belief that Crystal alienated
2 the children against him. And Ms. Tuttle testified and did not corroborate David's belief
3 that Crystal alienated the children against him.

4 In short, David's narrative of blaming Crystal for his children refusing him is not
5 supported by any objective evidence, nor the objective witnesses he called, namely Dr.
6 Wheeler and Ms. Allyson Brown.

7
8 IV. THE COURT FINDS DAVID ENGAGED IN EMOTIONAL ABUSE OF
9 THE CHILDREN.

10 Crystal testified that she and David got married when Ashley was six years old. It
11 was uncontested that Ashley came to live with Crystal and David after they married.
12 Ashley was six years old at the time. Crystal testified that David "screamed at [Ashley]
13 and that it got worse and worse until she moved out." Ashley corroborated Crystal's
14 testimony. Ashley testified that "my father had a lot of rage and it was constant and
15 unpredictable; that's what made it so difficult. If I didn't cry one day, it was an amazing
16 day. It was a matter of when he is going to blow up and berate me." Ashley gave further
17 details during her testimony about how David's parenting was emotionally abusive to her:
18 "I have no issues with being told to do chores. I had an issue of how it was handled by
19 my father. The problem was whenever I didn't do something perfect enough or good
20 enough, then the emotional abuse would start. He would berate me for not executing them
21 as he wanted it to be done." When asked for examples, Ashley offered the following as to
22 why he was emotionally abusive, "If he told me to trim the tree, I would be told I wasn't
23 doing it fast enough. He would come up and start yelling at you. He would scream and
24
25

1 yell at you. Mowing a lawn in hot Texas, if I wanted to take a break to get water, he
2 wouldn't always let me get a break. Didn't know where the rules are, the boundaries are,
3 sometimes you are okay and sometimes you aren't. I could never figure out how to please
4 him and it made me feel bad about myself." Crystal corroborated that David's yelling at
5 the children went beyond any regular type of yelling that may occur in family, testifying
6 that yelling was abusive because when he raged, "it was at an intensity that was not
7 yelling; it was terrifying."

9 The pattern of rage yelling did not stop with Ashley, who is now an adult. Crystal
10 testified that "when [L.T.] was a toddler, David would scream at him in a way that scared
11 me as an adult." Crystal testified that she was concerned about how David treated L.T.
12 Crystal testified about a particular incident involving David's raging at L.T.: "In 2013,
13 right after we moved here, David was watching a news show. [L.T.] was playing loudly.
14 I don't know what [L.T.] did, but Mr. Thacker couldn't hear the tv. He went up to [L.T.]
15 when he was 2 and got into his face and held onto him and yelled in his face with an
16 intensity. [L.T.] started screaming." Crystal testified she was not allowed to console L.T.
17 or even check on him after that event: "David took [L.T.] to his bedroom and shut the
18 door and I wasn't allowed to be in there. I went to [L.T.]'s room to check on him. Mr.
19 Thacker found me there and I had to leave." Crystal further testified that "the older the
20 children got, the harder [David] got on the kids. The rage was constant." Crystal
21 explained that David's anger and rage "was a norm in our family." And though David
22 "never hit the children," Crystal testified she was concerned about "..the pulling on their
23
24
25

1 arms, or raging and screaming...” describing that the raging and screaming “was the norm
2 for everybody.” Ashley corroborated Crystal’s testimony in trial.

3 **A. The Children Endorsed Symptoms of Emotional Abuse as Corroborated**
4 **by Multiple Mental Health Professionals and School Personnel; the Court Found**
5 **their Testimony Credible.**

6 Minor child: A.T.

7 The impact of David’s behavior on the children has been significant. According to
8 the testimony of multiple health professionals who treated Crystal and David’s minor
9 children, they have suffered significant consequences to their mental health as a result of
10 David’s abusive parenting tactics and his exposing them to domestic violence. Dr.
11 Crawford, a psychiatrist from Seattle Children’s Hospital testified that he diagnosed A.T.
12 with a “principal diagnosis of unspecified depressive disorder and secondary diagnosis of
13 post-traumatic stress disorder.” A.T. was admitted to Seattle Children’s on April 9, 2022,
14 due to her suicidality. Dr. Crawford testified that A.T. “had tried to kill herself on
15 3/21/2022 and that is why I diagnosed depressive disorder.” When Dr. Crawford
16 examined A.T. for purposes of diagnosing her, Dr. Crawford testified that A.T. “found it
17 difficult to be at her father’s house. She said she tried to kill herself on March 21, 2022,
18 because she was about to go her father’s home per the custody plan, and she did not think
19 she could bear that.” The Court considered Dr. Crawford’s testimony regarding
20 statements made by A.T. for purposes of medical diagnosis or treatment.

21
22
23 Dr. Crawford testified generally regarding the impacts of emotional abuse on
24 children and how they would show up in a child. Dr. Crawford testified that among some
25 of the symptoms of post-traumatic stress disorder are hypervigilance, avoidance, and

1 negative moods. Dr. Crawford testified regarding his PTSD diagnosis of A.T.: “I gave her
2 that diagnosis and I had reasons. She said she was going to kill herself if she was going to
3 her father’s home. She could not bear that. That’s avoidance.” In addition, according to
4 Dr. Crawford, A.T. “expressed multiple plans to end her life should she have to return to
5 her father’s house.” Dr. Crawford also testified that he considered A.T.’s statement that
6 she does not feel safe with her father” when treating her. He testified to having concern
7 about A.T.’s observations of domestic violence and that if any of what she reported
8 regarding domestic violence committed by David were true, he would be concerned for
9 her.
10

11 Following A.T.’s discharge from Children’s Hospital, she received care at THIRA
12 Health. Mr. Chris Pugh was her primary therapist, but A.T. worked with three or four
13 clinicians while being treated at THIRA. Mr. Pugh testified he is a licensed mental health
14 associate and worked with A.T. in that capacity. He testified that “upon meeting her she
15 was severely anxious and very fearful. She also had depression.” In addition, he testified
16 that “she was in a hypervigilant state most of the time. She had intense feelings of
17 anxiousness, fearfulness, hopelessness, and would withdraw.” Mr. Pugh delved into
18 A.T.’s anxiety to get at the source of it when determining how to treat her, and testified
19 that, “she shared her source of anxiety was her father and the fear of being placed in
20 custody of him.” He testified that her “anxieties were focused on her worry about being
21 placed in his custody and the fear of what he would do. She was worried he would show
22 up to the treatment center. She worried constantly that he would be there. She was
23 paranoid whenever there was a hearing. Her anxiety would go through the roof.”
24
25

1 Regarding her specific fears, Mr. Pugh testified that she expressed fears about her father.
2 She relayed “having witnessed her father shoving her mother.” Of the utmost concern to
3 Mr. Pugh, however, was A.T.’s statements that “she would run away if she had to see her
4 father and stated that she had a plan for self-harm if she had to go back with him.” Mr.
5 Pugh testified that A.T. showed an awareness of the “loss of control over what might
6 happen to her; that she was in a state of hypervigilance over it” as was evidenced by the
7 fact that she was “sleeping only 4-5 hours a night.” Furthermore, Mr. Pugh testified that
8 A.T. had a self-harm plan, but “she wouldn’t tell me because I would have to do
9 something. It was difficult to watch.”

11 Nancy Roope, a psychiatric nurse practitioner at THIRA, corroborated Mr. Pugh’s
12 testimony concerning A.T.’s diagnoses and status of her mental health. Ms. Roope
13 testified that A.T. was admitted to THIRA’s partial hospitalization program where she
14 received treatment for anxiety and depression. Ms. Roope also corroborated Mr. Pugh’s
15 testimony concerning A.T.’s symptoms being directly related to “going to her father’s
16 home for visitation.” Ms. Roope testified, “her eating disorder was exacerbated whenever
17 she thought about having to see her father or if there was a hearing coming up.” When
18 asked if yelling in the household would cause an increase in A.T.’s anxiety, Ms. Roope
19 testified, “Yes, and calls to police would also contribute to her increased anxiety.” The
20 Court received uncontested testimony that the police were called multiple times to
21 David’s home while the children were in his care, leading the Court to conclude that it
22 directly impacted A.T.’s mental health, as testified to by Ms. Roope.
23
24
25

1 School personnel also testified to A.T.'s behaviors as corroborating signs of
2 emotional abuse. Ms. Julianna Jenkins, the school counselor at A.T.'s high school,
3 testified that she worked with A.T. to provide mental health support. Ms. Jenkins was
4 called to support A.T. as she was refusing to go home to her father's house. She observed
5 that A.T. "had seen a car and she had an intense reaction; she was in a state of panic. We
6 tried to calm her down. She was showing increased panic from seeing stepmom's car and
7 her awareness that dad and stepmom were coming to pick her up." However, just prior to
8 seeing her dad's car, she observed A.T. calmly talking to Ms. Lincicum. But "once she
9 saw a car, she was increased in panic, saying 'I don't want to go; I don't want to leave,'
10 going from a calm conversation to a fearful and hypervigilant state. According to Ms.
11 Jenkins, A.T. did not want to leave with her father. The Court considered A.T.'s
12 statements as excited utterances given the testimony by Ms. Jenkins that A.T. was
13 panicked when making the statements. In addition, A.T.'s statements qualify as excited
14 utterances as Ms. Jenkins observed that A.T. "had physically hidden from him in panic,
15 shaking and crying. She hid under a desk. She was telling him to get away...she was in a
16 panic, shaking and crying." Prior to crawling under the desk, A.T. stated, "I will kill
17 myself." David did take A.T. home from school that day, but disregarded school staff's
18 direction that he take her to the emergency room for evaluation following her threat to kill
19 herself.
20
21
22

23 As to this same event from April 2022 where A.T. was in a panic around her father
24 and stepmother, Ms. Lincicum corroborated the observations made by Ms. Jenkins, and
25 confirmed that A.T. was in a state of panic and excitement when she made statements

1 about refusing to go home with her father, and threatening to kill herself if she was made
2 to. Ms. Lincicum is the mental health counselor at Issaquah Middle School and worked
3 with A.T. following her attempted suicide attempt in March 2022. According to Ms.
4 Lincicum's testimony, A.T. appeared afraid of David and Julia Thacker. When treating
5 A.T. in her role as a mental health counselor, Ms. Lincicum gathered information from
6 A.T. to "provide her the necessary supports given A.T.'s vulnerability and risk to act on
7 her threats to self-harm." A.T. indicated to Ms. Lincicum that "she was fearful of going
8 home to her father and that she avoided school to avoid seeing him or her stepmother at
9 her school." Per Ms. Lincicum's testimony, "she appeared she was afraid of them, and it
10 sounded like she was in trouble for voicing concerns about them." In another separate
11 crisis moment, Ms. Lincicum said it was during her fourth session with A.T., A.T. again
12 appeared fearful of her father. According to Ms. Lincicum's testimony, "Her father came
13 to pick her up and that became a crisis situation at that time. I observed she was fearful.
14 She was scared of going home with her father; she said she didn't want to go home with
15 her father." As to A.T.'s physical demeanor as she made these statements to Ms.
16 Lincicum, "I observed her shaking and saying she didn't want to go home with her father;
17 she was crying and shaking and she appeared very scared." As to the source of anxiety at
18 school, Ms. Lincicum testified that at no time did A.T. report it was due to school itself or
19 due to the transition to in-person learning. The testimony clearly established that A.T.'s
20 source of PTSD and anxiety were due to being in her father's care. As it relates to the
21 Court's consideration of A.T.'s statements to Ms. Lincicum, the Court deemed them
22 reliable due to the fact that they were made for purposes of psychological treatment. Ms.
23
24
25

1 Lincicum testified that she worked with A.T. in her role as the mental health counselor at
2 A.T.'s school. While working with A.T., she was employed by Swedish Medical Center,
3 and was assigned to provide school-based mental health counseling to students at Issaquah
4 Middle School. Her work with A.T. at school was because of A.T.'s suicide attempt just
5 one month prior, necessitating immediate interventions at the school level while awaiting
6 A.T.'s enrollment in outpatient therapy.
7

8 A.T. began to show improvement in her mental health in May of 2022, according
9 to Mr. Pugh's testimony. The Court finds that A.T.'s improvement was linked directly to
10 the Court's entry of an immediate restraining order prohibiting David's contact with A.T.
11 and her siblings. Exhibit 11, filed April 27, 2022. This restraining order was extended on
12 May 24, 2022 through June 14, 2022. Exhibit 18. As of the temporary orders entered on
13 June 16, 2022, visitations between David, A.T., and L.T, under the February 2019
14 parenting plan, were suspended. The temporary orders only allowed electronic visits in a
15 therapeutic setting. Exhibit 21. A.T. continued to make improvements in her mental
16 health following the suspension of residential time pursuant to the 2019 parenting plan.
17 This fact was undisputed at trial. The Court received no testimony that A.T. continued to
18 endorse or act upon any suicidal ideation after the suspension of visits with her father and
19 later limited and supervised visits with her father. The undisputed evidence was that A.T.
20 continued to improve in her mental health following the suspension of in-person and
21 unsupervised contact with her father, David.
22
23

24 Minor Child: L.T.
25

1 L.T. has also endorsed significant mental health challenges throughout his young
2 life, especially since January 26, 2022. As noted above, Ashley and Crystal's individual
3 testimonies corroborated that he bore the brunt of David's anger among the minor children
4 due to L.T.'s challenging behaviors, which David responded to with controlling and
5 physical actions of pulling on L.T. and forcibly removing him from Crystal's car to force
6 him to visit.
7

8 L.T. has also endorsed suicidal ideation, both in the past and immediately
9 preceding this most recent litigation. As noted above, Crystal presented unchallenged
10 testimony that as early as the second grade, L.T. had attempted suicide. Most recently,
11 however, at 11 years old, L.T. was evaluated at Seattle Children's for suicidal ideation.
12 L.T. was taken to Seattle Children's Hospital by Crystal when school personnel reported
13 that L.T. expressed a desire to kill himself to a school counselor. The Court considered
14 the testimony by the school counselor reliable given that the counselor was required to
15 determine if L.T. needed further evaluation for his expressed suicidality. Her information
16 formed part of the information considered by hospital staff when evaluating and treating
17 L.T. following this statement.
18

19 During L.T.'s evaluation at Seattle Children's, he was attended to by various
20 medical personnel. Dr. Hiromi Yoshida conducted a physical examination of L.T. and
21 testified that while doing so, L.T. disclosed that "his father's house is a big stressor." Dr.
22 Yoshida testified that she spoke directly to L.T. on April 21, 2022, and noted that L.T.
23 "gets agitated when he saw his father." Following his physical examination, he was
24 medically cleared for physical ailments, and was then referred to a mental health evaluator
25

1 team (hereinafter “MHE”), who determined he did not meet the criteria for
2 hospitalization. Upon discharge planning, L.T. reported “that he did not feel safe being
3 discharged to father and wanted to be discharged to mother” as testified to by Dr.
4 Yoshida. Dr. Yoshida also noted that L.T. “requested he be in a separate room when his
5 father arrives...[he] reported father’s aggressive behaviors towards stepmom. Due to this
6 request, the father was placed in a separate room.” Dr. Yoshida confirmed that L.T.
7 reported the biggest stressors to him were being at his father’s house. The Court finds the
8 statements L.T. made to medical personnel, including the MHE, were reasonably pertinent
9 to treatment as it was clear that the hospital was attempting to ensure that L.T. was
10 discharged in a safe way, including follow up with outpatient providers. Though L.T.
11 made these statements to the MHE team, per Dr. Yoshida, “we rely on the MHE expertise;
12 we always have a discussion about the safest disposition.” At the time of those
13 statements, the medical team were examining him for physical issues *and* psychological
14 issues and planning for a safe discharge plan upon release from the hospital. The Court
15 finds L.T.’s statements fall outside of hearsay as an exception for purposes of medical and
16 psychological treatment and planning. The hospital had a duty to gather this information
17 in order to provide a safe plan for L.T. upon his discharge from the hospital. Safety is a
18 crucial component to an appropriate release plan and the providers gathered information
19 from L.T. as part of their medical and psychological evaluation and treatment of him.
20
21
22

23 Dr. Rebekah Burns, a pediatric emergency medicine physician at Children’s
24 hospital also treated L.T. during his hospitalization. Dr. Burns testified she took over for
25 Dr. Yoshida. Dr. Burns testified that she participated in the process of figuring out who

1 the child was going to go home with after his discharge from the hospital. The Court
2 received unchallenged testimony from Dr. Burns that after law enforcement spoke to L.T.,
3 they determined that he would be discharged to Crystal's care, not David's, even though
4 L.T.'s release from the hospital landed on David's residential time.
5

6 L.T. showed overt symptoms of trauma when tested by Dr. Tammara Bode in her
7 capacity as a neuropsych evaluator. Dr. Bode testified it was significant that L.T. was not
8 able to complete the trauma assessment. She described him as being "inconsolable." She
9 went further and described that L.T. displayed "overt symptoms of trauma – crying,
10 emotional dysregulation, and an inability to engage with examiners." He was diagnosed
11 with "unspecified trauma because of the way he presented." When asked how L.T.
12 displayed dysregulation, Dr. Bode testified that "he was able to do the IQ test fairly well
13 and cooperatively. He lost mental stamina to do other tests, like academic tests. He was
14 only able to do a few hours." They tried to complete the testing with L.T. another day, but
15 Dr. Bode described this was atypical as they do not split the testing. L.T.'s inability to
16 complete the testing was significant to Dr. Bode. She testified that "children typically can
17 complete the testing in one day. This was different." When asked to describe why L.T.
18 struggled to complete the testing, Dr. Bode testified that he "tended to withdraw a lot. He
19 was able to do the I.Q. test, but then he shut down. He put his head down on the desk and
20 refused to talk to the examiner." Ultimately, L.T. was diagnosed with ADHD,
21 depression, and PTSD.
22
23

24 School personnel corroborated L.T.'s mental health struggles as well. Ms. Marissa
25 Ballard, the school counselor at Clark Elementary, testified that she worked with L.T.

1 when he was in the fifth grade, around January 2022. She testified she observed “he had
2 class refusal behaviors” wherein he had a “hard time staying in the classroom or coming
3 into the school building.” In addition to that, “he had big emotions and problems getting
4 calm.” According to Ms. Ballard, L.T.’s challenging behaviors started escalating in
5 January 2022 – the date of the physical incident with David where he was forcefully
6 pulled out of Crystal’s car in a very traumatic way as testified to by Crystal. When law
7 enforcement arrived, L.T. was found hidden in a closet crying.
8

9 While working with L.T., Ms. Ballard testified that she needed to contact L.T.’s
10 family when he “disclosed he had suicidal ideations.” As a result of the threats of suicide,
11 Ms. Ballard completed a risk assessment of L.T., which is the normal protocol in her
12 school district. Ms. Ballard testified that the risk assessment has a purpose of ensuring
13 that “we can keep the student safe. If we feel like we aren’t able to, one decision is to ask
14 the family to have their child taken for an evaluation. We have a safety risk questionnaire
15 and I keep it in my files.” During this risk assessment process, L.T. was asked how he
16 was feeling regarding how serious he was about wanting to hurt himself, and L.T.
17 responded he was at a 7, and when asked what happened recently to trigger those
18 thoughts, L.T. responded, “My dad, I feel unsafe around him, scared to go to his house.
19 He loves me, but isn’t empathetic, and doesn’t care about other people or their feelings, he
20 has hurt me before, and am scared he will pick me up from school.” L.T. went on to
21 explain, “I feel trapped in this situation.” Ms. Ballard testified L.T. reported being scared
22 of his dad and stepmom. L.T. reported that David had used “used physical force last year
23 and hurt him.” Though Ms. Ballard is not a medical provider, the Court finds L.T.’s
24
25

1 statements to her are admissible under the exception of statements made for medical
2 diagnosis and treatment, pursuant to statements to psychologists, therapists, and social
3 workers. It is clear to this court that Ms. Ballard had to gather this information from L.T.
4 in pursuit of determining whether L.T.'s safety was at risk and needed to be evaluated at a
5 hospital. These statements are reasonably pertinent to L.T.'s treatment and subsequent
6 diagnoses. As noted by Dr. Bode, L.T. endorsed trauma symptoms during the evaluation
7 process, and he was ultimately seen at Children's for his endorsement of suicidal ideation
8 as made to Ms. Ballard.
9

10 Mr. Ryan McGlynn, a behavioral specialist at Clark Elementary, worked with L.T.
11 while he was a student there. Like A.T., L.T. showed signs of improvement in May 2022,
12 where "he was showing up to school in a generally more positive mood in comparison to
13 the first day I saw him in January 2022 when he was in crisis." The Court notes the
14 physical event between David and L.T. January 2022 was clearly very traumatic to L.T.
15 given that multiple school professionals have described L.T. as being in crisis at the time.
16 But in May of 2022, "he presented with a smile more on his face and he was engaging
17 with less challenging behavior." As noted above in the section referring to A.T.'s
18 improvement in her mental health symptoms, in late April of 2022 the Court entered a
19 protection order prohibiting David from having contact with the minor children. Mr.
20 McGlynn testified that L.T. "maintained a positive affect through the end of the 2022
21 school year." In September of 2022, the Court entered an order on reconsideration,
22 allowing A.T. and L.T. to have weekly therapeutic visits with David via electronic
23
24
25

1 methods only, with an increase in visitation to allow in-person visits.” Exhibit 25, Page 2,
2 Lines 9 – 23.

3 Mr. McGlynn testified that trauma can cause challenging behaviors among kids.
4 He observed L.T. exhibiting challenging behaviors in January 2022 wherein he refused to
5 go to class and hid in the hallways. In these instances, L.T. required adult assistance to
6 help him self-regulate. Mr. McGlynn was very clear that following the January 2022
7 physical incident between David and L.T., L.T. “was not doing well. He was
8 dysregulated at school.” When assessing L.T., Mr. McGlynn was able to gather L.T.’s
9 trigger point for his dysregulation and general challenging behaviors. Mr. McGlynn
10 testified this information was necessary in order to help determine “different strategies to
11 help with the before and after behavior to look at how to change the behavior over time.”
12 Mr. McGlynn determined that one of L.T.’s triggers for dysregulation was that “he was
13 afraid of some adults, especially if he perceived their tone was harsh; when an adult uses a
14 mean voice.” With this information, he was able to create a behavior plan to help L.T.
15 when he displayed dysregulation, and this information became a necessary component to
16 providing L.T. with the necessary supportive behavioral interventions at school. This
17 Court notes that both Crystal and Ashley reported that David raged-yell at L.T. and the
18 impact of it was shown by Mr. McGlynn’s testimony in that he testified that L.T.’s trigger
19 points for dysregulation were harsh tones used by adults, making him afraid of them.
20
21
22

23 Minor Child: G.T.

24 G.T. is the only child that currently has in-person unsupervised visits with his
25 father pursuant to the 2019 parenting plan. However, G.T., like his siblings A.T. and L.T.,

1 reported feeling unsafe with his father, David, per Ms. Tuttle. Ms. Tuttle was asked
2 whether the three minor children felt unsafe and what reasons they gave as to why, to
3 which Ms. Tuttle testified that “*all three* discussed incidents that were frightening between
4 David and Julia. They discussed him being physical with her, locking her out of the
5 house, and breaking a laptop.” Per Ms. Tuttle’s credible testimony, all three children
6 consistently reported being exposed to domestic violence during their residential time with
7 David. As to the emotional abuse aspect of David’s parenting, Ms. Tuttle testified that the
8 three children, “described his yelling and screaming and being unpredictable....they also
9 discussed more subtle things, that David would say something, but later would say he
10 didn’t say it, or they would see something and then David would later tell them it didn’t
11 happen.” The impact to the children in this scenario, when a parent denies their reality, is
12 that “They don’t know how to reconcile what they see versus what their parent tells them
13 is happening. When they are younger, it is more confusing.” Specific to A.T. and L.T.,
14 they both described feeling that this dynamic with their father made them feel crazy, per
15 Ms. Tuttle. Ms. Tuttle explained that “they start to doubt their reality because they are
16 being told something that they are seeing is different than what they are being told. They
17 then start to question their own reality.”⁸

21
22 ⁸ Though the statements made by the children as described in this paragraph are hearsay,
23 the Court considered those statements for purposes of understanding how Ms. Tuttle
24 reached her conclusions. The Court was trying to understand why Ms. Tuttle did not
25 recommend that G.T.’s residential time be similarly limited given the recommendations
made by Ms. Tuttle for domestic violence and emotional abuse restrictions against David
overall. But also, the statements made by the children are statements establishing their
state of mind as to how they feel about being in their father’s care during his residential
time and why they do not want to be in his care. It’s important for the Court to consider
their own statements about what they need to feel safe in a parenting plan.

1 The bottom line is that Ms. Tuttle testified that she received consistent reports
2 from multiple witnesses, including the minor children, David's adult child Ashley, and
3 Crystal, concerning the impact of David's yelling at the minor children. Ms. Tuttle
4 acknowledged that yelling alone is not abusive, however, the children reported David's
5 yelling was significant and beyond any norm - it was "causing a lot of fear, anxiety and
6 stress for the children. It made them very nervous." Ms. Tuttle further testified that the
7 children reported Julia yells too and that "that environment was stressful for them and
8 made them anxious." Moreover, the "children reported being the targets of his yelling."
9 Regarding the consistency of the reports of the children on this matter, Ms. Tuttle relied
10 on the fact that A.T. "provided information that was consistent with what Ashley provided
11 - that it was very unpredictable when he would get angry. That he would get extremely
12 angry and that 'the unpredictability of his response' is what made it harder for the
13 children." According to Ms. Tuttle, "it is very stressful for children not to know what
14 would cause the anger. They described not knowing what would make him angry; not
15 knowing what things might trigger him to get upset." This led the children to feel
16 uncertain as to when and under what circumstances they would experience his rage. It is
17 not a coincidence that A.T. and L.T. have similar diagnoses of anxiety and PTSD with
18 suicidal ideation, lending credence to Ms. Tuttle's testimony regarding the psychological
19 impact of David's anger and rage on his children.
20
21
22

23 Given the negative impact on the children's mental health, showing up as anxiety,
24 PTSD, and depressive symptoms, the Court finds that David engaged in emotional abuse
25 of his children in his rage-filled and unpredictable outbursts of anger, directed at his minor

1 children and his intimate partners as observed by his minor children. The impact of his
2 behavior has been most telling given that since the Court suspended his visits following
3 entry of a temporary restraining order on April 26, 2022, transitioning to remote
4 therapeutic visits for A.T. and L.T. to one professionally supervised in-person visit a
5 week, A.T. and L.T. are doing better. Ms. Tuttle was able to gather credible information
6 from Crystal that following the suspension of unsupervised visits between David and the
7 older children, A.T. was no longer sleeping in her mother's room and L.T. had not had
8 any outbursts at school. Notably, at the time of G.T.'s second interview with Ms. Tuttle,
9 he was the only child still having unsupervised in-person visits with his father, David, and
10 according to Ms. Tuttle's testimony, G.T. "wanted to go through everything I wrote."
11 According to Ms. Tuttle's report, G.T. was concerned at the outset of his second interview
12 about what she had reported he said in her first report. According to Ms. Tuttle, G.T.
13 reported that Julia told him he had lied in first interview with Ms. Tuttle. The Court
14 considered the statements made by the children to Ms. Tuttle, and G.T. in particular, as
15 being part of her investigation and forming a basis for her recommendations. However,
16 the Court also finds that G.T.'s statements are admissible as statements showing his
17 existing state of mind at the time he interviewed with Ms. Tuttle. It is important to the
18 Court to understand how G.T.'s state of mind impacted him during his interviews with
19 Ms. Tuttle. According to Ms. Tuttle, during the second interview, G.T. specifically asked
20 Ms. Tuttle, "what do you tell my dad?" And as noted above, that was his first concern at
21 the start of the interview. It is apparent to this Court that G.T. is concerned about his
22 father's ability to know what he reported to Ms. Tuttle. Id. G.T.'s pressing concern about
23
24
25

1 his father's access to his statements leads this Court to find that he was afraid that what he
2 told the Court via Ms. Tuttle would get back to his father.

3 Ultimately, however, the Court finds G.T. still feels a detrimental impact to his
4 well-being when spending residential time with his father without court interventions
5 saying: "Dad's really abusive. He abuses the power of a grown-up." Exhibit 342, Page
6 35. And earlier, in the same paragraph of Ms. Tuttle's report, he said, "it's scary at dad's,
7 in case he gets mad. I'm the only one there and none of us want to go there." Id. Again,
8 these statements by G.T. are not hearsay and are considered as expressions of his current
9 state of mind as he is expressing his concerns about his father. The Court cannot maintain
10 the current residential schedule for G.T. where he continues to have unsupervised
11 residential visits. His own statements to Ms. Tuttle confirm that he is impacted by
12 David's rage yelling and the exposure to domestic violence in his home.
13
14

15 V. THE CHILDREN'S PRESENT ENVIRONMENT UNDER THE
16 FEBRUARY 2019 PARENTING PLAN, WHEREIN DAVID IS GIVEN
17 UNSUPERVISED RESIDENTIAL TIME WITH THE CHILDREN, IS
18 DETRIMENTAL TO THE CHILDREN'S PHYSICAL, MENTAL, OR
19 EMOTIONAL HEALTH.

20 The question before the Court is whether David is presently a fit and capable
21 parent, capable of providing a suitable home for the children during his residential time?
22 In answering this question, the Court must look at the *current* circumstances of both
23 parents and may not focus solely on the circumstances existing at the time of the filing of
24 the modification petition. When considering an action to modify custody, the Court must
25 consider the "custodial parent's circumstances at or about the time of trial on the question

1 of the children's present environment." In Re Marriage of Ambrose, 67 Wash.App. 103
2 (1992).

3 Although David does not have the majority of the residential time under the 2019
4 parenting plan, the Court finds that David is not presently capable of providing a suitable
5 home for the children in that he is untreated for his domestic violence and emotional abuse
6 behaviors as found by this Court. Without treatment addressing his rage, domestic
7 violence, and emotional abuse, and without limitations on his ability to physically compel
8 any of his children to attend visits, David is not fit to parent his children as he is not
9 capable of providing a home that is free from emotional abuse and domestic violence. As
10 such, the Court finds it is necessary to restrict contact between David and all three
11 children and that restricting his contact protects the best interests of the children under
12 RCW 26.09.191.
13
14

15 VI. DAVID'S RESIDENTIAL TIME WITH ALL THREE CHILDREN
16 SHALL BE SUSPENDED UNTIL HE ESTABLISHES COMPLIANCE
17 WITH DOMESTIC VIOLENCE INTERVENTION TREATMENT AND
18 A DOMESTIC VIOLENCE PARENTING PROGRAM.

19 The children have suffered significant trauma due to David's domestic violence
20 and emotional abuse. A.T. and L.T. have diagnoses that are consistent with emotional
21 abuse and trauma. G.T. has begun therapy with a mental health counselor and is not
22 immune to the impacts of David's abusive behaviors. It is for this reason that the Court is
23 including G.T. in the phases as noted below.

24 The Court will appoint a parenting coordinator to monitor David's compliance
25 with obtaining a domestic violence evaluation, domestic violence intervention treatment if
recommended, and a domestic violence parenting course. If the parties do not agree on

1 who shall be the parenting coordinator, they shall note a motion before the Court. The
2 parenting coordinator shall be the point-person for monitoring David's compliance with
3 all evaluations and treatment recommended. In addition, the Court has determined what
4 David has to do in each phase to move up in phases and gain greater residential time with
5 his children; the parenting coordinator shall apply the standards outlined by the Court in
6 determining when and if David may promote to higher phases in the residential schedule
7 as outlined by the court. The parenting coordinator also has the authority to temporarily
8 suspend visits or demote David from phases for lack of compliance with treatment
9 recommendations. However, any decision made by the parenting coordinator while
10 applying the Court's residential plan may be reviewed by this Court if the moving party
11 can show the parenting coordinator did not have a substantial basis for his/her/their
12 decision.
13
14

15 The children shall also remain in therapy with their individual counselors until
16 completion of treatment or until recommended by the provider, as verified by the
17 parenting coordinator.

18 The parenting coordinator shall communicate with David's treatment providers to
19 determine David's treatment compliance and shall ensure that the children's mental health
20 needs are being addressed by mental health and medical providers. David shall sign a
21 release of information granting the parenting coordinator access to his treatment records
22 and providers via any method requested – i.e., documents, evaluations, additional
23 evaluations as recommended, therapy records either in writing or via phone, email, or
24 other electronic method of communication. David shall also sign releases of information
25

1 allowing Crystal to receive information concerning his compliance and progress in
2 treatment via any method of communication that the parenting coordinator also has.

3 David's DV treatment evaluator shall be provided a copy of all GAL reports, these
4 Supplemental Findings, and Crystal as collateral references when evaluating David for
5 domestic violence. The DV evaluator may also interview Danielle Peruchi and Julia
6 Thacker.
7

8 The parenting coordinator shall determine when David moves from phase to phase
9 pursuant to the Court's established conditions, and when, if necessary, David will need to
10 return to a lower phase or have visits re-suspended pursuant to recommendations made by
11 either his treatment provider or those of the children. Again, decisions made by the
12 parenting coordinator to lower David's phases or suspend/recommence visits may be
13 reviewed by the Court if the moving party can establish there is not a substantial basis for
14 the parenting evaluator's decision.
15

16 Under no circumstances may David physically force any child to attend a visit.
17 Any attempts to physically force a child into a visit shall immediately suspend any further
18 visits the children have with David until the parent coordinator communicates with the
19 appropriate treatment providers to determine a path forward to restarting visits at any
20 phase.
21

22 The children shall engage in visitation as outlined below, but the children may
23 terminate a visit early. At any point in time, if the parenting coordinator determines that a
24 child is suffering from visitation with their father, as confirmed by the children's mental
25 health providers, the parenting coordinator may return visits to an earlier phase or

1 temporarily suspend visitations until a path forward is determined by the child's treatment
2 providers. All visits must be professionally supervised by a provider who has training in
3 domestic violence.

4 David shall be allowed to mail the children birthday gifts and Christmas gifts in all
5 phases if he is not having in person visits.

7 The children may also initiate electronic communication in any form with David at
8 their discretion only via Autumn's phone and/or their individual devices or separate
9 accounts. David may respond to the electronic communication up until the point where
10 the children communicate a desire to discontinue.

11 Phase 1 – no visits with the children until David obtains a domestic violence
12 evaluation and follows treatment, if recommended, for a continuous three months, with no
13 lapses in treatment or non-compliance noted in the progress reports. If Thanksgiving and
14 Christmas holidays arrive prior to electronic visits or in person visits begin, and David has
15 maintained compliance with treatment, then he shall have a professionally supervised
16 electronic visit with the children on Thanksgiving Eve and on Thanksgiving Day for no
17 more than one hour for each visit. The same is true for Christmas Eve and Christmas Day.
18 David shall be allowed to mail the children Christmas gifts for Christmas. The children
19 shall attend the visit but may end it early at their discretion.

22 Phase 2 – To begin after David completes Phase 1 successfully – Professionally
23 supervised electronic visits for up to 30 minutes with each child, two times a week. The
24 children shall participate in the visit but have the right to end the visit early. David shall
25 bear the cost of these professionally supervised visits. The visit supervisor must have

1 training in domestic violence intervention and shall intervene if a child is showing distress
2 during the visit. If intervention becomes necessary, the visit supervisor shall notify the
3 parenting coordinator in writing detailing the issue and the child's distressing symptoms.
4 Thereafter, the parenting coordinator shall consult with the children's therapist, to
5 determine if it is against the children's mental health to continue the visits and shall
6 coordinate a safe way to reintegrate the affected children into visits again with David. If
7 the electronic visits are successful, and the children are not showing distress, the children
8 shall have the option of expanding the visit to no more than 1 hour. If the children opt to
9 have the visit together, then David's visits under this phase shall be no more than 3.0
10 hours for each visit.
11

12 Phase 3 – Once David has completed Domestic Violence Intervention Treatment,
13 and has begun a domestic violence parenting course, successfully engaging in the
14 parenting course for domestic violence parents for a minimum of three months, David and
15 the children shall have professionally supervised in person visits twice a week for 3 hours
16 each visit, if it includes all three children. If the visits are separate, then each visit shall be
17 1 hour in duration. The children shall decide if they want to engage in the visits together
18 or separately. The children shall participate in the visit, but have the right to end the visit
19 early. Visitation supervisors shall have training in domestic violence and shall intervene
20 if any child is showing distress during the visit. If the visit supervisor had to intervene,
21 the visit supervisor shall immediately document it in writing and notify the parenting
22 coordinator, who shall discuss the visit with the affected child's therapist and determine if
23 the child is safe to proceed with visits. If it is not safe for the child's mental health to
24
25

1 continue with visits, the parenting coordinator shall work with the therapist to determine a
2 reintegration into visits plan with the child and David.

3 Phase 3.5 – this phase will include a separate in person visit between David and
4 the children with a reunification counselor one time a week to work on ensuring that the
5 children are ready for expanded visits. The reunification counselor can recommend
6 separate therapeutic visits between a particular child and David in the counselor’s
7 discretion, otherwise the therapeutic visits shall occur between David and the children all
8 together. This is in addition to the supervised visits noted in Phase 3. The children and
9 David shall remain in phase 3 and 3.5 until the parenting coordinator, in consultation with
10 all therapists working with David and each child, agree that the children and David are
11 ready to move to Phase 4.
12

13 Phase 4 – Begins when David has successfully completed Domestic Violence
14 Intervention Treatment and a Domestic Violence Parenting Course and after the children
15 have engaged in in-person visits with David without showing emotional or mental health
16 distress during or post visits for each of the phases leading up to phase 4, and when the
17 team of professionals working with the family agree that the children and David are ready
18 for expanded and unsupervised visits as determined by the parenting coordinator and/or
19 Court, if reviewed.
20

21
22 The children shall reside with Crystal except when they reside with David every
23 other Friday after school, or 5:00 p.m. if there is no school, until Monday the beginning of
24 the school day, or 9:00 a.m. if there is no school. On weeks where David does not get the
25 children on the weekend, David shall have two visits during the school week, as

1 determined by the parenting coordinator when considering the children's school and
2 activity schedules, from after school until 7:00 p.m. The parenting coordinator shall
3 continue to monitor that the children are not experiencing mental health distress during or
4 after visits and shall have the authority to discontinue visits with David and return to any
5 earlier phase after consultation with all professionals involved with this family.
6

7 Summers– Shall only apply to Phase 4. The children shall reside with Crystal
8 except that each parent shall get two weeks of uninterrupted time for a summer vacation.
9 Beyond the two weeks of vacation time each parent gets, the residential schedule shall be
10 the same as outlined in Phases 1-4.

11 Holidays/Birthdays – Shall only apply to Phase 4. Unless a holiday is specifically
12 mentioned below, holidays shall retain the same residential schedule as outlined in Phase
13 1-4, except as follows:
14

15 **Thanksgiving and Christmas Holidays:** Crystal and David shall alternate
16 holidays. The children shall spend Thanksgiving with one parent, to begin after school
17 through Sunday 7:00 p.m. the night before they return to school, and during that same
18 year, the children shall spend Christmas with the parent that did not have in-person
19 residential time with the children during the Thanksgiving break. Christmas break shall
20 begin on December 20th of every year at 9:00 a.m. and shall end on December 26 at 9:00
21 a.m.
22

23 **Birthdays** – the children shall reside with Crystal; however, David shall get even
24 years with each child. If the child's birthday lands on a school day, then David shall get
25 residential time with the children for each child's birthday on a weekend day for 7 hours,

1 or from after school to 7:00 p.m. on the actual birthday if it is during the school week.

2 **David's birthday** – same as children's birthdays. **Crystal's birthday** – the children shall
3 reside with Crystal.

4 VII. CHILD SUPPORT – THE COURT GRANTS AN UPWARD
5 DEVIATION BASED ON DAVID'S POSSESSION OF WEALTH.

6 The parties stipulated to their respective incomes, which reflect over \$45,000 in
7 combined monthly net income, of which David's income accounted for the majority –
8 David's income amounted to 86% of the total monthly income and Crystal's was 16%.
9 David agreed to Crystal's proposed income figures by way of his testimony at trial.
10 Beyond his stipulation, he acknowledged receiving corporate bonuses and restricted stock
11 units as part of his compensation package.
12

13 David's testimony as to income was supported by his exhibits. Exhibit 477
14 established that David's income in 2022 was \$692,389.27. That is the income Crystal
15 proposed and the income David stipulated was an accurate reflection of his 2022 income.
16 For 2021, David's gross yearly earnings were \$715,238.52, as established by Exhibit 476.
17 By comparison, Crystal's gross monthly income for 2022, agreed as accurate by David via
18 his stipulation at trial, was \$9,082.70 and net \$7379.94. These numbers reflect a disparity
19 in the incomes of the parties and Crystal is now the parent with sole custody under the
20 parenting plan ordered by this Court. Her costs to support the three children will
21 necessarily increase as they are now in her care 100% of the time, with all three children
22 having special needs in the form of mental health care, as well as supplemental supports
23 for specific children including educational, behavioral, eating disorder treatment, and
24
25

1 speech services. This conclusion was supported by Crystal's testimony when she testified
2 that "in the middle of 2022, I was really struggling. I was given the children fulltime
3 2022-2023. My food has gone up \$200 a month, gas has gone up, and in 2022 my kids
4 barely did anything. I am hoping they will be more active now that they are going to
5 therapy. Everything increased. Total kids' stuff went up."
6

7 The Court finds David possesses wealth that includes income that is more than six
8 times Crystal's income, including properties, bank accounts, and other assets. Beyond his
9 wages and other income derived from his employment, David was financially able to pay
10 Crystal's attorney fees as ordered by the Court pursuant to the relocation litigation, while
11 also being able to purchase property in Monitor, Washington for over a million dollars
12 around the same time he was ordered to pay Crystal's attorney fees, per his own
13 testimony. Moreover, beyond the farm property in Monitor, David and Julia also own a
14 home in Issaquah, Washington. In addition to his properties, according to David's
15 financial declaration pursuant to Exhibit 56, signed February 9, 2023, and adopted by
16 David at trial as true, he has \$507,500 in liquid assets and had already paid off over
17 \$196,000 in attorney fees at the time of the declaration. He testified at trial, and did not
18 provide evidence that his liquid assets or real estate holdings had decreased at the time of
19 trial. By contrast, Crystal's financial declaration shows that as of January 2023, she owes
20 over \$30,000 in credit card debt she amassed during litigation. In addition, her expenses
21 are greater than her income by about \$3,000 monthly. When the Court excludes her
22 personal expenses and unidentified total other expenses as noted in her financial
23 declaration, she is still short approximately \$2,000 monthly on her expenses. By contrast,
24
25

1 her liquid assets are approximately \$9,000 in cash and over \$30,000 in stocks and bonds.
2 Crystal's debts due to litigation, paying the costs of her household on her own, and
3 increased expenses due to having the children full-time, show a deviation upward is
4 necessary to support the children while in her care.
5

6 Ultimately, the child support tables do not contemplate monthly income in the
7 amount of \$45,000, which the Court considered. The Court also considered David's
8 possession of wealth and the fact that Crystal is a fulltime parent with increased costs. An
9 upward deviation from the standard calculation of approximately \$2300 a month to
10 \$3500/month ensures that the "child support orders are adequate to meet a child's basic
11 needs and to provide additional child support commensurate with the parents' income,
12 resources, and standard of living." RCW 26.19.001.
13

14 The Court's granting of the upward deviation is not inclusive of the children's
15 costs for unreimbursed medical care, including psychological and medical care; schooling
16 costs including tutoring; and the necessary educational, behavioral, and other
17 psychological assessments and treatment. The Court heard uncontroverted testimony that
18 each child has additional needs beyond the normal needs associated with raising a child –
19 A.T. has been evaluated multiple times for suicidal ideation at the local children's hospital
20 and received additional support from providers regarding an eating disorder. L.T. has
21 received multiple testing and other evaluations from various professionals to address his
22 behavioral and mental health challenges. L.T. has also seen medical and mental health
23 providers for his suicidal ideation. G.T. is seeing a mental health counselor and has
24 received private speech therapy. All three children have significant needs above and
25

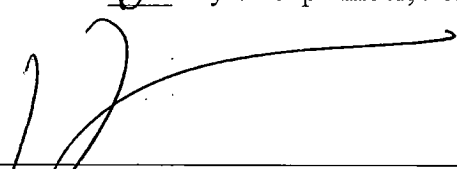
1 beyond the costs associated with raising children. Thus, each party shall pay their
2 proportional share of these costs.

3 VIII. ATTORNEY FEES

4 David has the ability to pay Crystal's attorney fees and Crystal has a need for an
5 award of attorney fees. The Court incorporates the findings noted above in this decision.
6 Crystal shall submit an attorney fee affidavit for the Court to determine whether the
7 attorney fees are reasonable in hourly rate and number of hours billed.
8

9 IT IS SO ORDERED.
10

11 Entered this 6th day of September, 2023.

12
13
14 
15 _____
16 Judge Haydee Vargas
17 King County Superior Court
18
19
20
21
22
23
24
25

Case Number: 17-3-04206-8
Date: September 21, 2023
Serial ID: 23-152831-3584648U0J
Certified By: Catherine Cornwall
King County Clerk, Washington

I, CATHERINE CORNWALL, Clerk of the Superior Court of the State of Washington for King County, do hereby certify that this copy is a true and perfect transcript of said original as it appears on file and of record in my office and of the whole thereof. IN TESTIMONY WHEREOF, I have affixed this Seal of said Superior Court at my office at Seattle.



Catherine Cornwall, King County Clerk



Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Clerk, you must create and/or sign-in to your KC Script Portal account. Only e-certified documents that were directly ordered through the KC Script Portal can be verified through this tool.

Sign in to KC Script Portal:

<https://dja-prd-ecexap1.kingcounty.gov/>

After you login to your account, click Certified Copy Verification from the black ribbon menu at the top of the screen. There you will enter the following Serial ID.

Serial ID: **23-152831-3584648U0J**

This document contains 63 page plus this sheet, and is a true and correct copy of the original that is of record in the King County Clerk’s Office. The copy associated with Serial ID will be displayed by the Clerk.

Child's name	Age	Child's name	Age
1. Autumn Thacker	14	2. Levi Thacker	12
3. Grant Thacker	8	4.	
5.		6.	

The person who filed this petition requested protection for (*check all that apply*):

themselves

someone else. The filing party has the right to petition on the protected person's behalf because:

The filing party is a parent, legal guardian, or custodian of the minor protected person/s.

The filing party is age 18 or older and a family or household member of the minor protected person/s. (*For domestic violence orders only.*)

The filing party is age 15 to 17 and filed on behalf of a minor family or household member. The filing party has been chosen by the minor, and is capable of pursuing the minor's stated interest in this case.

The protected person is a vulnerable adult and the filing party is
 the vulnerable adult's guardian, conservator, or legal fiduciary, or
 an interested person as defined by RCW 7.105.010(18), or
 WA Department of Social and Health Services.

The protected person is an adult who does not meet the definition of a vulnerable adult, but who cannot file the petition themselves because of age, disability, health, or inaccessibility (*Do not check this for vulnerable adult or domestic violence petitions.*)

Warnings to the Restrained Person



You can be arrested even if the protected person or persons invite or allow you to violate the order. You alone are responsible for following the order. **Only the court may change the order.** Requests for changes must be made in writing.

If you do not obey this order, you can be arrested and charged with a crime.

- The crime may be a misdemeanor, gross misdemeanor, or felony depending on the circumstances. You may also be found in contempt of court.
- You can go to jail or prison, lose your right to possess a firearm or ammunition, and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.



Firearms and Weapons. Under federal law, you may not be able to get or have a firearm, other dangerous weapon, ammunition, or concealed pistol license for as long as the protection order is in place, even if the court did **not** issue an Order to Surrender and Prohibit Weapons. 18 U.S.C. § 922(g)(8).

Findings

4. Notice and Hearing

The restrained person had reasonable notice and opportunity to participate. Notice of this hearing was served on the restrained person by:

- electronic service personal service service by mail
- service by publication other: Participation in trial in modification action where this order was requested and at the presentation hearing where this order was approved.

The restrained person did did not have **actual notice** of this hearing.

The court held a hearing before issuing this full protection order. These people attended:

- Protected Person in person by phone by video
- Protected Person's Lawyer in person by phone by video
- Petitioner (if not the protected person) in person by phone by video
- Restrained Person in person by phone by video
- Restrained Person's Lawyer in person by phone by video
- Other: _____ in person by phone by video

This hearing was held remotely (online or by phone). The court confirmed staff received no contact from any absent party before proceeding without them.

5. Basis and type of protection order

A. The restrained person and protected person/s are (check all that apply):

Intimate Partners

- current or former spouses or domestic partners
- parents of a child-in-common (unless child was conceived through sexual assault)
- current or former dating relationship (age 13 or older) who
 - never lived together live or have lived together

Family or household members

- parent and child stepparent and stepchild
- grandparent and grandchild parent's intimate partner and child
- current or former cohabitants as roommates
- person who is or has been a legal guardian
- related by blood or marriage (specify how) _____

Other (examples: coworkers, neighbors, acquaintances, strangers) _____

B. Based upon the petition, testimony, case record, and response, if any, the court finds by a preponderance of evidence that the protected person (or petitioner on their behalf) has proved the required criteria for the following protection order under Chapter 7.105 RCW. *Check only one!*

Domestic Violence Protection Order – The restrained person has subjected the protected person to domestic violence: physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking. *(For intimate partners or family or household members only)*

Sexual Assault Protection Order – The restrained person has subjected the protected person to nonconsensual sexual conduct or nonconsensual sexual penetration.

Stalking Protection Order – The restrained person has subjected the protected person to stalking.

Vulnerable Adult Protection Order – The restrained person has subjected the protected person to acts of abandonment, abuse, financial exploitation, or neglect. The protected person is a vulnerable adult as defined in Chapter 7.105 RCW because the protected person:

Is over 60 years old and does not have the functional, mental, or physical ability to care for himself or herself.

Is an individual subject to guardianship under RCW 11.130.265 or an individual subject to conservatorship under RCW 11.130.360.

Has a developmental disability as defined in RCW 71A.10.020.

Self-directs their own care and receives services from a personal aide under RCW 74.39.

Is receiving services from a home health, hospice, or home care agency licensed or required to be licensed under RCW 70.127.

Is receiving in-home services from an individual provider under contract with DSHS.

Has been admitted to an assisted living facility, nursing home, adult family home, soldiers' home, residential habilitation center or any other facility licensed by DSHS.

Vulnerable adult objects. The petition was filed by someone other than the vulnerable adult and the vulnerable adult objects to some or all of the order. The court finds by clear, cogent, and convincing evidence the petitioner established that there is abandonment, abuse, financial exploitation, or neglect of a vulnerable adult and the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect their person or estate in connection with the issues raised in the petition or order based on the following evidence:

Antiharassment Protection Order – The restrained person has subjected the protected person to unlawful harassment.

No fee required (stalking, hate crime, single act/threat of violence including malicious and intentional threat or presence of firearm/weapon causing substantial emotional distress, family or household member engaged in domestic violence, or nonconsensual sexual conduct or penetration or a sex offense. RCW 7.105.105(9).)

6. Jurisdiction

The court has jurisdiction over the parties and the subject matter.

Minors: Washington state has exclusive continuing jurisdiction; is the home state; has temporary emergency jurisdiction over the children.

Temporary Emergency Jurisdiction: The petitioner has until (date) _____ to return to (state/court with jurisdiction over the minors) _____ to seek any court orders about these minors:

The Washington order will terminate on that date for the minors. RCW 26.27.231.

The person who filed is not a parent of one or more children listed above. (*Important! Complete Protection Order Attachment A: Non-Parent (ICWA), PO 030A/PO 040A.*)

7. Other Findings

Credible Threat: The restrained person represents a credible threat to the physical safety of the protected person/s.

The restrained person is under 18 years of age. The court:

appointed (name) _____ as guardian ad litem to represent the restrained person in this proceeding.

did not appoint someone to represent the restrained person because:

Other: _____

Restraints (Check all that apply)

8. The court orders: To the restrained person:

General Restraints

A. **No Harm:** Do not cause any physical harm, bodily injury, assault, nonconsensual sexual conduct or nonconsensual sexual penetration, and do not harass, threaten, or stalk

the protected person the minors named in section 3 above
 these minors only: _____

B. **No Contact:** Do not attempt or have any contact, including nonphysical contact, directly, indirectly, or through third parties, regardless of whether those third parties know of the order, except for service of court documents with

the protected person the minors named in section 3 above

these minors only: _____
 these members of protected person's household: _____

Exception (if any): Only this type of contact is allowed: Contact allowed as noted in paragraph Z.

Exceptions about minors, if any, provided in **P** below.

C. Stalking Behavior: Do not harass, follow, monitor, keep under physical or electronic surveillance, cyber harass (as defined in RCW 9A.90.120), or use phone, video, audio or other electronic means to record, photograph, or track locations or communication, including digital, wire, or electronic communication, of
 the protected person the minors named in section 3 above
 these minors only: _____

these members of the protected person's household: _____

D. Exclude and Stay Away: Do not enter, return to, knowingly come within, or knowingly remain within 1,000 feet or other distance (*specify*) _____ of
 the protected person protected person's vehicle
 protected person's school protected person's workplace
 protected person's residence protected person's adult day program
 the shared residence
 the residence, daycare, or school of the minors named in section 3 above
 these minors only: _____

other: Contact allowed as noted in paragraph Z.

Address: The protected person chooses to (*check one*)

keep their address confidential list their address here: _____

E. Vacate shared residence: The protected person has exclusive right to the residence that the protected person and restrained person share (as listed in the Law Enforcement and Confidential Information form, PO 003). The restrained person must immediately vacate the residence.

F. Intimate Images: Do not possess or distribute intimate images of a protected person, as defined in RCW 9A.86.010. The restrained person must take down and delete all intimate images and recordings of a protected person in the restrained person's possession or control and cease any and all disclosure of those intimate images.

G. Electronic Monitoring: You must submit to electronic monitoring. (*Restrained person must be age 18 or older.*)

Monitoring by (*specify*): _____

Term (*if different from expiration of order*): _____

Restrained Person must pay cost of electronic monitoring.

H. **Evaluation:** The restrained person shall get an evaluation for: mental health
 chemical dependency (drugs) at: _____

The evaluation shall answer the following question/s:

As ordered in the parenting plan.

An evaluation is necessary because:

As ordered in the parenting plan.

I. **Treatment:** The restrained person shall participate in state-certified treatment as follows:

domestic violence perpetrator treatment program approved under RCW 43.20A.735 at any WA State Certified Treatment Provider. As ordered in the parenting plan. _____

sex offender treatment program approved under RCW 18.155.070 at: _____

other: _____

J. **Personal Belongings:** The protected person shall have possession of essential personal belongings, including the following:

K. **Assets:** Do not transfer jointly owned assets.

Finances: The following financial relief is ordered: _____

L. **Vehicle:** The protected person shall have use of the following vehicle:

Year, Make & Model _____ License No. _____

M. **Restrict Abusive Litigation:** Comply with the Order on Motion to Restrict Abusive Litigation (FL All Family 155), filed separately.

N. **Pay Fees and Costs:** The protected person is granted judgment against the restrained person as provided in the Judgment (PO 005), filed separately. The court finds that the restrained person is not under active duty in military or SCRA has been complied with. 50 U.S.C. § 3931.

Firearms and Other Dangerous Weapons

O. **Surrender Weapons:**

Important! Also use form Order to Surrender and Prohibit Weapons, WS 001.

Findings. The Court (*check all that apply*):

must issue the orders referred to above because:

the court ordered the **No Harm** restraints above (section **8.A.**) and the court finds that the restrained person had **actual notice** and an **opportunity to participate**. AND:

- the restrained person represents a **credible threat** to the physical safety of a protected person, OR
- This order explicitly prohibits the use, attempted use, or threatened use of **physical force** against any protected person.

Therefore, weapons restrictions are required by state law. RCW 9.41.800(2).

the court finds by a preponderance of the evidence that the restrained person:

has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or

is ineligible to possess a firearm under RCW 9.41.040.

may issue the orders referred to above because the court finds by a preponderance of the evidence that the restrained person presents a serious and imminent threat to public health or safety, or the health or safety of any individual by possessing a firearm or other dangerous weapon.

The restrained person must:

- Immediately surrender to law enforcement and not access, possess, have in their custody or control, purchase, receive, or attempt to purchase or receive firearms, other dangerous weapons, or concealed pistol licenses; and
- Comply with the *Order to Surrender and Prohibit Weapons* filed separately.

Minors

P. **Custody:** The protected person is granted temporary care, custody, and control of the minors named in section **3** above
 these minors only: _____

Exceptions for Visitation and Transportation, if any (including exchanges, meeting location, and pickup and dropoff): _____

Custody is given to Crystal Skov pursuant to the final parenting plan and this parenting plan is incorporated into this order.

Visitation listed here is an exception to any No Contact provision in **B** above.

(Only for children the protected and restrained person have in common.)

To comply with the Child Relocation Act, anyone with majority or substantially equal residential time (at least 45 percent) who wants to move with the child must notify every other person who has court-ordered time with the child. Specific exemptions from notification may be available if the court finds unreasonable risk to health or safety. Persons entitled to time with the child under a court order may object to the proposed relocation. See RCW 26.09.405 - .560 for more information.

- Q. **Interference:** Do not interfere with the protected person's physical or legal custody of
 the minors named in section 3 above
 these minors only: _____
- R. **Removal from State:** Do not remove from the state:
 the minors named in section 3 above
 these minors only: _____
- S. **School Enrollment:** Do not enroll or continue attending the elementary, middle, or high school that a protected person attends: *(name of school)* _____
(Only if both the restrained person and a protected person are students at the same school. Can apply to students 18 or older. Includes public and private schools. Complete form PO 040B Attachment B School Transfer.)

Pets

- T. **Custody:** The protected person shall have exclusive custody and control of the following pet/s owned, possessed, leased, kept, or held by the protected person, restrained person, or a minor child who lives with either the protected or restrained person. *(Specify name of pet and type of animal.):*

- U. **Interference:** Do not interfere with the protected person's efforts to get the pet/s named above.
- V. **Stay Away:** Do not knowingly come within, or knowingly remain within *(distance)* _____ of the following locations where the pet/s are regularly found:
 Protected person's residence *(home address may be kept confidential)*
 Other *(specify):* _____

Vulnerable Adult

- W. **Safety:** Do not commit or threaten to commit acts of abandonment, neglect, financial exploitation, or abuse, including sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraints, against the vulnerable adult.
- X. **Accounting:** You must provide an accounting of the disposition of the vulnerable adult's income or other resources by *(date)* _____
- Y. **Property Transfer:** Do not transfer the property of:
 the vulnerable adult the restrained person
 This restraint is valid until *(specify date, not to exceed 90 days)* _____

Other

- Z. All provisions of this protection order are subject to the parties' final parenting plan and subsequent written decisions as authored by the parenting coordinator or judicial officer. *Contact as allowed by the final parenting plan and subsequent written decisions as authored by the parenting coordinator and/or court rulings shall not be a violation of this order.

*Non-hostile written communication between the parents shall be allowed for purposes of communication regarding the children only when there is an emergency. Non-emergency communications shall be raised with the parenting coordinator.

Other Orders (*Check all that apply*)

9. **Law enforcement must help the protected person with** (RCW 7.105.320(1))
- Possession of the protected person's residence.
 - Possession of the vehicle listed in section L above.
 - Possession of the protected person's essential personal belongings located at
 - the shared residence the restrained person's residence
 - other location _____
 - Custody of the minors named in section 3 above
 - these minors only _____
 - Other: _____
- Law enforcement must be present while the restrained person collects** personal clothing, personal items needed during the duration of this order, and these other items (*specify*) _____ from the shared residence that restrained person has been ordered to vacate in D above (RCW 7.105.320(3)).

10. **Washington Crime Information Center (WACIC) and Other Data Entry**
- Clerk's Action.** The court clerk shall forward a copy of this order immediately to the following law enforcement agency (*county or city*) Issaquah Police Department (*check only one*): Sheriff's Office or Police Department
(*List the same agency that entered the temporary order, if any*)
- This agency shall enter this order into WACIC and National Crime Info. Center (NCIC).

11. **Service on the Restrained Person**
- Required.** The restrained person must be served with a copy of this order and any order to surrender and prohibit weapons.
- The **law enforcement agency** where the restrained person lives or can be served shall serve the restrained person with a copy of this order and shall promptly complete and return proof of service to this court.
Law enforcement agency: (*county or city*) _____
(*check only one*): Sheriff's Office or Police Department
 - The **protected person** (or person filing on their behalf) shall make private arrangements for service and have proof of service returned to this court.
(*This is not an option if this order requires: weapon surrender, vacating a shared residence, transfer of child custody, or if the restrained person is incarcerated. In these circumstances, law enforcement must serve, unless the court allows alternative service.*)

Clerk's Action. The court clerk shall forward a copy of this order and any order to surrender and prohibit weapons on or before the next judicial day to the agency

and/or party checked above. The court clerk shall also provide a copy of these orders to the protected person.

Alternative Service Allowed. The court authorizes alternative service by separate order (specify): _____

Not required. See section 4 above for appearances.

The restrained person appeared at the hearing, in person or remotely, and received notice of the order. No further service is required. (May apply even if the restrained person left before a final ruling is issued or signed.)

The restrained person did **not** appear at the hearing. However, the material terms of this order have not changed from the Temporary Protection Order that was served on the restrained person. No further service is required.

12. Service on Others (Vulnerable Adult or Restrained Person under age 18)

Service on the vulnerable adult adult's guardian/conservator restrained person's parent/s or legal guardian/s (name/s) _____ is:

Required.

The **law enforcement agency** where the person to be served lives or can be served shall serve a copy of this order and shall promptly complete and return proof of service to this court.

Law enforcement agency: (county or city) _____
(check only one): Sheriff's Office or Police Department

The **protected person** or person filing on their behalf shall make private arrangements for service and have proof of service returned to this court.

Clerk's Action. The court clerk shall forward a copy of this order on or before the next judicial day to the agency and/or party checked above.

Not required. They appeared at the hearing where this order was issued and received a copy.

13. Other Orders (if any):

14. Review Hearing

No review hearing is scheduled.

The court schedules a review hearing on (date): _____ at (time): _____

For (purpose): _____

Ordered.

Dated: 9/6/2023 at 11:58 (a.m./p.m.)

Judge/Court Commissioner **Judge Haydee Vargas**

Judge Haydee Vargas

Court Phone: 206-477-1397

Print Judge/Court Commissioner Name

Court Address: 1211 East Alder St., Seattle, WA 98122

I received a copy of this Order:

Karna Zaika **Appeared via Zoom**
Signature of Respondent/Lawyer WSBA No.

Respondent Appeared via Zoom - David Michael Thacker
Print Name Date

Emily Tsai **Appeared via Zoom**
Signature of Petitioner/Lawyer WSBA No.

Petitioner Appeared via Zoom - Crystal Skov
Print Name Date

Important! Protected Person, if you ask for it, you have the right to be notified if the restrained person gets their surrendered firearms back. You must contact the law enforcement agency that has the firearms to ask for this notice. The *Proof of Surrender* in the court file should say which agency has the firearms. RCW 9.41.340.

Certificate of Compliance With VAWA. This protection order meets all "full faith and credit" requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice to the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be given notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is enforceable in all 50 states, Indian tribal lands, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, the Northern Mariana Islands, and Guam, as if it were an order of that jurisdiction.

Case Number: 17-3-04206-8
Date: September 21, 2023
Serial ID: 23-152831-3584647R9B
Certified By: Catherine Cornwall
King County Clerk, Washington

I, CATHERINE CORNWALL, Clerk of the Superior Court of the State of Washington for King County, do hereby certify that this copy is a true and perfect transcript of said original as it appears on file and of record in my office and of the whole thereof. IN TESTIMONY WHEREOF, I have affixed this Seal of said Superior Court at my office at Seattle.



Catherine Cornwall, King County Clerk



Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Clerk, you must create and/or sign-in to your KC Script Portal account. Only e-certified documents that were directly ordered through the KC Script Portal can be verified through this tool.

Sign in to KC Script Portal:

<https://dja-prd-ecexap1.kingcounty.gov/>

After you login to your account, click Certified Copy Verification from the black ribbon menu at the top of the screen. There you will enter the following Serial ID.

Serial ID: **23-152831-3584647R9B**

This document contains 12 page plus this sheet, and is a true and correct copy of the original that is of record in the King County Clerk's Office. The copy associated with Serial ID will be displayed by the Clerk.

Certificate of Service

I certify, under penalty of perjury under the laws of the State of Washington, that on February 29, 2024, I caused the foregoing document to be filed with the Court and served on counsel listed below by way of the Washington State Appellate Courts' Portal.

Sharon J. Blackford
Washington Appellate Law
sharon@washingtonappellatelaw.com

SIGNED at Lacey, Washington, this 29th day of February, 2024.

/s/ Rhonda Davidson
Rhonda Davidson, Paralegal
rhonda@olympicappeals.com
Olympic Appeals PLLC
4570 Avery Ln SE #C-217
Lacey, WA 98503
360-763-8008

OLYMPIC APPEALS PLLC

February 29, 2024 - 10:03 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 102,607-2
Appellate Court Case Title: David Thacker v. Crystal Skov

The following documents have been uploaded:

- 1026072_Answer_Reply_20240229100040SC128897_5873.pdf
This File Contains:
Answer/Reply - Answer to Petition for Review
The Original File Name was Petition for Review - Answer 2024-02-29.pdf

A copy of the uploaded files will be sent to:

- sharon@washingtonappellatelaw.com
- sharonblackford@gmail.com

Comments:

Sender Name: Rhonda Davidson - Email: rhonda@olympicappeals.com

Filing on Behalf of: Kevin Hochhalter - Email: kevin@olympicappeals.com (Alternate Email: rhonda@olympicappeals.com)

Address:
4570 Avery Ln SE #C-217
Lacey, WA, 98503
Phone: (360) 763-8008

Note: The Filing Id is 20240229100040SC128897