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STATE OF WASHINGTON  
12/11/2019 2:39 PM  
BY SUSAN L. CARLSON  
CLERK

Replaces petition filed on 11/21/19

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97877-8

## Review

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Court of Appeals Division 1

COURT OF APPEALS CASE NO:

79186-9

KING COUNTY SUPERIOR COURT CASE NO:

16-3-06176-5 SEA

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Sonia Boumiza Fradi

Appellant

Vs

Aniss Fradi

Appellee

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I. Introduction:

This review is to address what I firmly believe to be an error corresponding to a denied brief and reconsideration which I have previously filed. Brief after brief, after a reconsideration and my request has still been denied. I understand that this may be the result due to the deceiving ways of the appellee. But despite this, I believe that my evidence and thorough explanations of the case in my previous documents filed provide valid precedent for my case to be heard and reversed from the lower court's decision.

This is not just some child custody or child support case. This is a case of pure and continuous abandonment. I can not stress enough the extent of abandonment which my girls and I have faced from the appellee, Aniss Fradi. But that is not the important issue in this review. The issue which I would like to address is how the King County Superior Court has erred in taking the custody of my two girls (which I have been rightfully awarded in the legal separation case of 2016) from me and have given it to the appellee, Aniss Fradi. This was done despite the recurrent evidence which proves that he merely wants to be the custodian to escape his financial responsibilities to the girls and I. Those being in the form of child support, maintenance, and alimony. I truly feel like my case has not been addressed as it should, so I hope that the panel can take one more look at my case and see that there truly is an error in the decision taken for it.

II. Assignments of Error:

1. The lower court has erred in ruling on a parenting plan on the day of October 18<sup>th</sup>, 2018 which does not follow its objectives.
2. The Court has erred in denying the previous reconsideration and brief by affirming the lower court's decision.

### III. Statement of the Case:

I have filed a brief for an appeal on November 15<sup>th</sup>, 2018 based on the decision of the King County Superior Court on October 18<sup>th</sup>, 2018. This is due to the fact that what was ordered should not have been possible after the evidence presented. The ruling had taken away the custody of my girls from me and was given to Aniss Fradi. The ruling had also taken away the monthly child support, maintenance, and alimony which Aniss Fradi had an obligation to. This was done despite the fact that I had the custody of the girls from the legal separation case of November 7<sup>th</sup>, 2016. The opposing counsel had then filed a reply, with my replying brief coming afterwards. After my reply brief was filed the panel had ruled to affirm the decision of the lower court on September 16<sup>th</sup>, 2019. I had then filed for reconsideration, only for it to be denied once more. My appellate brief was done in the hope of overturning the decision of October 18<sup>th</sup>, 2018. Yet the Court of appeals had affirmed this decision and had denied my appeal.

### IV. Summary of arguments:

RCW 26.09.184(1) states that the objectives of a parenting plan are to:

- Provide for the child's physical care;
- Maintain the child's emotional stability;

- Provide for the child's changing needs as the child grows and matures, in a way that minimizes the need for future modifications to the permanent parenting plan;
- Set forth the authority and responsibilities of each parent with respect to the child, consistent with the criteria in RCW 26.09.187 and 26.09.191;
- Minimize the child's exposure to harmful parental conflict;
- Encourage the parents, where appropriate under RCW 26.09.187 and 26.09.191, to meet their responsibilities to their minor children through agreements in the permanent parenting plan, rather than by relying on judicial intervention; and
- To otherwise protect the best interests of the child consistent with RCW 26.09.002.

The lower court has erred in ruling on a parenting plan which adheres to these objectives.

I will go into detail as to how this is correct.

The appellee who was awarded custody does not provide for the childrens' physical care at the time of the October 18<sup>th</sup>, 2018 order or anytime before it for a year. Aniss Fradi has not been in contact with his daughters or has cared for their medical needs since the year of 2017. Me and the girls have been residing in Tunisia for the entirety of the year of 2017, 2018, and 2019 and the half of 2016. So how is it possible that Aniss Fradi, someone who is in Massachusetts can provide or care for the physical needs of his daughters when he wouldn't even contact them or see them?

As well as the fact that his youngest daughter, Selma Fradi has been diagnosed with Crohn's disease and requires consecutive appointments and Humira injections for

every two weeks. He does not provide her medication or be there for her in the least for these appointments or vital checks.

The appellee has not provided an emotionally stable environment for the girls, I have. They have flourished in their academics because I have provided them with an environment free of his constant abuse. I have also provided them with a positive environment that is far away from the legal matters between me and the appellee, Aniss Fradi, contrary to what he states.

The parenting plan has the priority of assuring a better future for the children. Ever since the appellee has abandoned the girls and I, I have cared for them. They are in school, and leading happy lives because I have provided them with a positive environment, care for their needs and am always there for them. The appellee is living in another state and does not contact the girls. How could the custody be taken away from me and be given to him? On what premise? This is why I believe that the King County Superior Court has erred in issuing a parenting plan such as that of October 18<sup>th</sup>, 2018. A parenting plan which does not do justice to the girls.

In the case of Garner vs Garner (2015), the Idaho Supreme Court had granted the plaintiff's request to reverse and remand the lower court's decision to refuse her request to provide the correct amount of child support.

On the other hand, DCS itself has also noticed the problem with the error which was presented by the October 18<sup>th</sup>, 2018 order. This proving that the order of October 18<sup>th</sup>, 2018 is riddled with consequential problems. Thus, I have filed a Notice of error presented by the opposing counsel in the King County Superior Court for the issue of the

custodian, as advised by DCS. They have stated that I must correct this error in order to receive child support. I have been going through many obstacles in order for the King County Superior Court to simply assess this motion which I have presented.

In short, I also believe that the Court of Appeals should look at the case once more and assess the decision to reverse and remand it.

V. Conclusion:

The future of children is what matters most. I love my daughters and care for them. I want only the best for them. And I can see that the parenting plan ruled on by the lower courts does not provide them the best. It actually hurts them. The appellee is not in contact with the girls, so I would like to emphasize the question of how the custody of the girls was taken away from me and given to him. I truly do hope that the court can take one more look at this case and deduce that it should truly be reversed and remanded in the lower court level. I truly do have faith in the court system and believe that it can provide my girls and I the best. In the forms of child support for them, maintenance, and alimony.

Thank you,

Sonia Boumiza Fradi

Immeuble Haddrumete apt #38, Sahloul, Sousse, Tunisia 4054

11/20/19

Sonia Boumiza Fradi

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SUPREME COURT  
STATE OF WASHINGTON  
12/11/2019 2:39 PM  
BY SUSAN L. CARLSON  
CLERK

FILED  
10/22/2019  
Court of Appeals  
Division I  
State of Washington

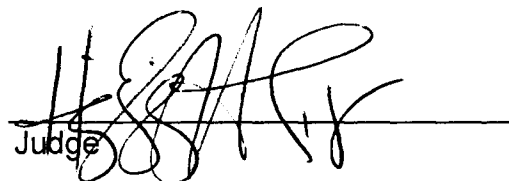
IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

In the Matter of the Marriage of:	)	No. 79186-9-I
	)	
SONIA BOUMIZA FRADI,	)	DIVISION ONE
	)	
Appellant,	)	ORDER DENYING MOTION
	)	FOR RECONSIDERATION
and	)	
	)	
ANISS FRADI,	)	
	)	
Respondent.	)	
_____	)	

The appellant, Sonia Boumiza Fradi, filed a motion for reconsideration for the opinion filed on September 16, 2019. A majority of the panel having determined that the motion should be denied; now, therefore, it is hereby

ORDERED that the motion for reconsideration be, and the same is, hereby denied.

FOR THE COURT:

  
Judge



RICHARD D. JOHNSON,  
Court Administrator/Clerk

*The Court of Appeals  
of the  
State of Washington*

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CASE #: 79186-9-I  
Sonia Boumiza Fradi, Appellant v. Aniss Fradi, Respondent

Counsel:

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

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

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

Sincerely,



Richard D. Johnson  
Court Administrator/Clerk

SSD

Enclosure

c: The Reporter of Decisions.

COURT OF APPEALS: DIVISION I

COURT OF APPEALS CASE NO:

79186-9

KING COUNTY SUPERIOR COURT CASE NO:

16-3-06176-5 SEA

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SONIA BOUMIZA FRADI

PETITIONER: APPELLANT

ANISS FRADI

RESPONDENT: APPELLEE

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## **APPELLANT'S RESPONSE BRIEF**

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**Pro se**

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## II. Prelude:

This is a reply to the respondent's reply to my brief. I would like to be brief in this document due to the fact that I believe my original brief has explained thoroughly the situation regarding my case. In this reply I would like to address the key points which the counsel of the other party has presented in rebuttal to my arguments. This document is not only my final word; it is also a declaration of the current events which have transpired from the previous original brief which I have filed.

Put briefly, this case in its totality concerns a lengthy amount of events regarding a legal separation case which I, the appellant have filed back on October 7<sup>th</sup>, 2016. The appellee's counsel has presented several arguments in response to those which I have originally presented in my brief. The goal of this response is to show that the arguments which I have presented in my brief still hold their validity, despite his attempts at debunking them. Everything which I have previously stated and will continue to state will be the truth and nothing but the truth, that I can assure.

Another reason why I'm responding is to appeal to the court about how the other party is set on repeatedly attacking me without putting the wellbeing of the girls first. The appellee is concerned more with the action of detracting the very money

which his own flesh and blood uses to eat, go to school and for medication, than with caring about them as a father. Obligation and care wise. Since that fateful summer of 2016, I have been there for the girls. I have provided them an environment free of conflict contrary to what the counsel of the appellee has repeatedly stated. I only have one purpose in this world. A purpose which you the court can empathize with, once someone has children they start to put the kids before themselves. And that is what I have been doing for my girls from day one. They are my everything. But this is something which I cannot state as being the same for the appellee, as shown by his brutal abandonment of the family.

I am pleading with the court to find reason within this labyrinth of lies and realize the suffering which my daughters and I have went through and are going through as a result of the pure self-conceitedness and selfishness of the appellee. Because I, as a loving parent cannot believe in the slightest of the audacity of a parent who declares to love his daughters, but continues to deceive them time and time again. I don't know about the court, but I am sick of seeing my daughters cry due to the countless prospects and dreams which they have had broken by the selfishness of the appellee. I only want to see my daughters happy, is that too much to ask for? Again, I hope that I can convince you with this response of the validity of my words. This is also not to mention, the

amount of pain and betrayal that I have faced from the appellee, not only after his abandonment but for the entirety of the 21 years which we have been married. As well as the fact that there are no sides regarding the future of children but instead the court, which I wholeheartedly, believe in should decide on a ruling which will assure the validity of our dreams, me and the girls. Especially regarding the prominent future which we see as being our return to the U.S with our rights, our home and our place to be. These rights of shelter, child support, and maintenance which the appellee has tried for so long to take away from us. His constant threats still linger of the fact that we would never get a single penny from him, and the fact that we will never get our rights. The court is the location of justice, the only thing which I wish for. I believe that the court after reviewing all the details of this case will come to a conclusive decision that I am sure will assure the best for the girls and me.

### III. Response to Assignments of Error:

1. The trial court's ruling that the obligee/obligor for child support purposes should be determined by the locale of the children was based on substantial evidence and is supported by law.

### IV. Appellant's Assignment of Error:

1. With reference to the original Appellant's brief which I have previously stated under the section of the "Assignments of Error", all of which were found to be an abuse of discretion.

#### V. Statement of the Case:

The main aspect which I would like to address first and foremost is the appellee's abandonment of me and the girls. Because this event is what has set all of these events in motion. During the summer of 2016 which we spent as a vacation in Tunisia, the appellee, despite his multiple denials of this, had packed his suitcase one day suddenly and had left me and the girls after abusing us severely. As he left the house, he threatened me and the girls with the fact that we will never go back to the U.S ever again.

All of my and the girls' calls would immediately be hung up. His brutal abandonment left me and our daughters in a state of panic as they worried about going back to school. With the help of my family I managed to get the girls back to the U.S with me. This is of course with emphasis on the cause being the very unruly thing of taking away our tickets which the appellee has committed.

As soon as I reached the U.S, I knew that I and the girls needed to get help so I resorted to filing a legal separation as

suggested by a lawyer which I had consulted at the time. The legal separation is the only case which I have ever filed, and it is my case, which is a reason to why I am still fighting for it till now. But the primary reason is for the wellbeing of my daughters.

Additionally I would like to clarify two things.

First, I would like to say that I had chosen a legal separation as proof of the fact that I have never thought of the option of divorce due to the reason that I have always thought of the fact that I wanted the family to stay together. This is true despite the fact that I had suffered for 21 years during our marriage from the appellee's abusive and violent behavior. The reason that I didn't report this for so long was because he used to constantly threaten me with the fact that the police would take the girls and that I would never see them again if I ever told about his abuse to me.

After confiding in my lawyer and telling her about the suffering which I have faced with him she suggested that I file for a protection order which was granted immediately on October 21<sup>st</sup>, 2016. This was due to the concrete evidence of his abuse to me and the girls which I had provided to the judge at the time. My lawyer had suggested that I file for divorce instead but I refused. After some time, I found out to my shock that the appellee had filed a



divorce in Tunisia behind my back. This being without my knowledge or agreement at all. This was all the done while the appellee was in Tunisia. He constantly threatened me with the divorce case which he had filed in Tunisia as part of his plan to make us leave the U.S and go to Tunisia. Unfortunately, this is what had occurred as he flew back to the U.S after getting us stuck here in Tunisia without income or a sense of hope.

Second, I would like to reiterate the fact that my daughters are not as young as what the counsel of the appellee constantly states. My eldest daughter is 17 born on October 5<sup>th</sup>, 2001, and my youngest is practically 16, born on August 7<sup>th</sup>, 2003. I have cared for my daughters despite the claims of “abuse of conflict” which have been inflicted on me. I have given them an environment free of conflict, and one where they have not only flourished academically, but have also relaxed in. Especially after the abandonment of their father who has refused to see them for a long amount of time since December 2017. Additionally he has refused to answer their calls.

Now, I will briefly explain the events which have led up to me and my daughters moving to Tunisia from the U.S. After the orders which I had filed with the help of my lawyer at the time for legal separation, on November 7<sup>th</sup>, 2016, several events had occurred. During the short period which we spent in the U.S, from

September 2016-November 2016, I had taken up a seasonal job at Macy's which had ended quickly. As a side note, as soon as I and the girls reached the U.S, they attended school. Thus, the small amount of income which I was making to get us by day to day as the appellee refused to pay the child support and spousal maintenance while his stay in Tunisia. Additional to this, the landlord continued to send notices of eviction for not paying rent. The appellee continued to not pay despite having a court order for child support and spousal maintenance.

Additionally, in Tunisia nothing was ruled on, and the case was at a stalemate, which the appellee wanted to accelerate especially after the orders were ruled on in the U.S on November 7<sup>th</sup>, 2016. The appellee has stated this as well in the transcript of the trial of October 18, 2018 during his direct examination, page 75;

“We have to attend three reconciliation hearings, you know with the--- try to bring us back. And they were scheduled late in September. And then the other one was in November -- in November 2016. And the other one was in last December.”

Here the appellee has stated that no orders did come out in Tunisia which were before those ruled on in the U.S. The bottom line is that the appellee wanted to speed up the process of the

Tunisian case so that he can get orders ruled on in Tunisia to rival and escape those from the U.S. The appellee as proven by his erratic actions is indeed the person who is using the two countries to his advantage to escape from his monetary and caring obligations towards the family which he has abandoned. In the form of where he states the false claim that he is fulfilling his financial obligation to each respective country in hopes of eradicating his obligation in both countries. In retrospect the case in Tunisia is still going on where nothing is finalized. In Tunisia he is claiming that I am receiving child support and spousal maintenance which he also does in the U.S. As a consequence I and the girls are suffering in the middle of his attacks by not receiving child support or maintenance in the manner which he boasts; which is ultimately his goal. To put in perspective, we are all alone in Tunisia, a foreign country. As he stays in the U.S living a normal life as if nothing had happened and that we've never existed in his life.

I would also like to mention the fact that the situation with the DSHS has been the same as to what I have previously stated in my original brief, (Appellant's brief).

To end, I would like to state, that my youngest daughter, Selma Fradi has been diagnosed with Crohn's disease since 2014. She has been taking a medication, called "Humira" which is a pen

that controls her chronic disease. The appellee had deliberately abandoned his responsibility to care for her medication which in Tunisia without insurance is highly expensive. I have and still do take over all of the responsibilities of a parent for my two daughters. I will not stop doing so or fighting for my girls. So, I'm waiting for a relief from shouldering the full responsibility of everything as the appellee sits relaxed after his abandonment of us. He does this with filing case after case to eradicate all of his obligations towards me and the girls.

This was a brief summary of the events which have led up to the respondent's arguments; my true statement of the case in detail lies in my original brief. (Appellant's brief).

## VI. Scope of Review

The counsel of the appellee has declared that my original Scope of Review in the appellant's brief is "incorrect". With the reasoning that the appellate court does not review the trial court's decisions and does not weigh evidence during a dissolution proceeding. But under no law or article does it state that the Court of Appeals does not consider rulings of de novo. To the contrary there have been multiple cases which have been ruled on in favor of de novo. I have provided substantial evidence in the Appellant's brief which explains and states my various valid claims of abuse of

discretion for the trial court. The appellant's brief more than accomplishes the goal of going into detail with substantial evidence backing it up.

## VII. Reply to Assignment of Errors

1. The trial court's ruling that the obligee/obligor for child support purposes should be determined by the locale of the children was based on substantial evidence and is supported by law in its entirety.

The trial court has ruled accordingly and correctly in the trial of November 7<sup>th</sup>, 2016 for legal separation where they have ruled the child support and parenting plan based on the fact that the kids were with me after the appellee's abandonment. The court did not necessarily rule on the child support and custody based on locale but instead based on the understanding of the situation that I am the parent who truly cares for the girls compared to the appellee. This is due to not only his abandonment but his abusive behavior as shown by his records of sex crimes, and domestic violence tendencies. Additional to his constant moving of me and the girls to different places multiple times when he is fired. As proof is the DVPO which was ruled on and granted permanently on October 21<sup>st</sup>, 2016. I have

explained this in detail in the original brief of the “Appellant’s brief”. Also, the appellee’s constant claims of “housing costs” and maintenance which he pays me in Tunisia are clearly false. There is not only no valid evidence to prove this, but also court proof evidence of this action.

The appellee has never felt obligated to paying child support or maintenance based on the court rulings of November 7<sup>th</sup>, 2016 in the past in the U.S, is now declaring that he follows the rulings of maintenance in Tunisia? Does it make sense for him to throw around these false claims? This further proves the fact that he is trying to take advantage of the two country situation to escape any of these obligations. He has assured this by bringing us to Tunisia and keeping us here. His brutal abandonment is still till this point in ignoring his daughters’ needs. He has chosen to hang up on their calls consistently. The appellee does not even know about their whereabouts, he doesn’t care or want to. As shown by him not coming to see his daughters ever in Tunisia since December of 2017.

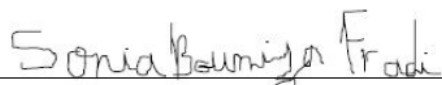
## VIII. Conclusion

The appellee Aniss Fradi, from the beginning of this case has done nothing but create more and more excuses for him to escape his obligations as a father to his girls. This is done either in the form of orders or in the form of completely continuing to be careless regarding the wellbeing of the girls.

Not only has he deceived the girls and I with his pure abandonment, he has also provided false accusations and evidence which has deceived the courts. On top of that he has done the impossible to take away and never allow us to have our justice, me and the girls. From the beginning of this case with the legal separation, I have only desired one thing and it is justice contrary to what the appellee and his counsel continue to state. I hope that the courts can see through his plan of wanting to take advantage of the U.S and Tunisian courts to escape his obligations as a father. Financially, and morally. After all, I have full faith in the court's decision to grant a decision which will assure the definition of justice to my girls and me after all the suffering which we have faced from the appellee. As well as return to our home: the U.S as soon as possible.

Dated: July 10, 2019

Respectfully Submitted

  
\_\_\_\_\_  
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COURT OF APPEALS: DIVISION I

COURT OF APPEALS CASE NO:

79186-9

KING COUNTY SUPERIOR COURT CASE NO:

16-3-06176-5 SEA

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Sonia Boumiza Fradi

PETITIONER: APPELLANT

Aniss Fradi

RESPONDENT: APPELLEE

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## **APPELLANT'S BRIEF**

THIS CONCERNS THE INJUSTICE FACED IN A CONSOLIDATED  
CASE (LEGAL SEPARATION+DISSOLUTION)

---

**Pro se**

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## **Prelude:**

This brief encompasses the multitudinous array of issues which surround the final orders ruled on consecutively during the duration of the case originally filed in King County Superior Court on October 7<sup>th</sup>, 2016. To note, this is a case which has initially been a legal separation case with the number of 16-3-06176-5 SEA. The focus of this brief though shall address primarily the events succeeding the trial of October 15<sup>th</sup>, 2018 and the final orders which have been entered and enforced.

It is safe to conclude that this is both an analysis and a declaration of injustice which has occurred concerning the neglect and abandonment of a mom and her two daughters by her husband.

## **ASSIGNMENTS OF ERROR:**

1. The case has initially been filed as a legal separation with temporary orders enacted which have as of the date of November 7<sup>th</sup>, 2016 become permanent orders. These orders covering the subjects of the custody of the two daughters, Sara (17) and Selma (15) Fradi, the parenting plan, the child support, and spousal maintenance/alimony.

Why has the court (Honorary Judge Tanya L. Thorp) following the trial of October 15<sup>th</sup>, 2018 throw out these orders and replace them by motions filled with unreasonable rulings?

2. My protection order was granted on October 21<sup>st</sup>, 2016 at King County Superior Court against the Aniss Fradi. This was due to the valid evidence presented of his domestic violence towards the appellant and their two daughters. As well as his questionable past with the presence of a prostitution case in his records.

How could the court following the trial of October 15<sup>th</sup>, 2018 possibly grant the appellee, Aniss Fradi, the official name of custodian of the two daughters despite his tendencies and behavior? Additionally, the two girls in question have spent most of their time during the duration of all of this with me, the appellant, due to the court granting me custody in the legal separation case of October 7<sup>th</sup>, 2016. So why is it

that the custody of my two precious daughters has been stripped from me and instead given to a violent and unsuitable person such as Aniss Fradi? Why has the parenting plan been changed to such a degree that the girls are going to be deprived of the stability which they have been always living in with me, the appellant?

3. Prior to the October 15<sup>th</sup>, 2018 trial I was the recipient of the child support for the two daughters and Aniss Fradi was put responsible to pay the child support due to him having the superior salary and his record of prolonged abandonment and neglect of me and the two daughters. They have been permanently residing with the appellant following his neglect. Furthermore, following the legal separation order, I was awarded respective spousal maintenance/alimony of \$3000 per month after the conclusive evidence which I have presented to the court.

Why has the court indeed reciprocated the previous legal separation child support order? Why has it ordered the appellant to pay Aniss Fradi child support in the U.S, despite his noninvolvement in the two girls' lives?

4. I have provided a joint statement of evidence with proof of my need for maintenance to care for our two daughters.

Why has the court deduced the fact that I should not be granted maintenance/alimony despite my apparent monetary need after my 21 years of suffrage in this marriage? What has been the viable evidence with which this conclusion has come to be?

### **SCOPE OF REVIEW:**

The issues 1-4 noted above present issues of law which require *de novo* review. *McLane CO. v. EEOC*, 804 F. 3d 1051 (9<sup>th</sup> Cir.2017).



## **STATEMENT OF THE CASE:**

This brief is hereby an appeal of the final orders which the King County Superior Court has issued subsequent to the October 15<sup>th</sup>, 2018 trial. Especially concerning the child support order, the Findings and Conclusions about a marriage, and the parenting plan entered on October 18<sup>th</sup>, 2018. The appellant, I, Sonia Boumiza Fradi have filed this legal separation case of the cause number of 16-3-06176-5 SEA in October 7<sup>th</sup>, 2016. Primarily as a way of grasping the rights which pertain to me and my daughters of which the appellee Aniss Fradi has so desperately fought to take away.

This has all started during July, 2016 while a summer vacation in Tunisia, the country which I currently reside for reasons which will be explained momentarily. During that vacation the appellee my ex-husband, Aniss Fradi, grew distant and more violent, hitting us daily and verbally abusing us to no limits. Then came the day when he had abused us to an unbearable amount, he does usually abuse us but not to the extent which he had expelled at that day. Subsequent to this, he immediately packed his clothes and just as he was about to leave the house he threatened us with the fact that we will never go to the U.S ever again. After this he had abandoned us completely to the point of cutting all ties with us.

The girls constantly, and desperately, called him, texted him but to no avail. He had left us in a foreign country with no money, or means of return to

the U.S. With this particularly happening in early August. This had caused hysteria among the girls who had freaked out about their schooling back in the States. So I had to do the only logical thing at the time. I had to do everything in my power to go back to the U.S. At that time I was forced to sell all of my personal jewelry to get the money needed for the tickets to return to the U.S, along with the help of my brothers and sister money wise. During this whole time Aniss Fradi did not even call his daughters once, even to simply ask about how they were doing. After this, I and the girls had managed to go back to the U.S where we had faced more difficulties as well. And on top of all of this, he had filed for divorce in Tunisia behind my back, with me being notified only after I had returned to the U.S with the girls.

Case wise a lot of developments had begun at that point of time. The legal separation (See document titled: *Petition for Legal Separation* issued on October 7<sup>th</sup>, 2016) was filed with my representation being Christina Kefalas, that was until she has withdrew from the case due to the fact that I did not have the monetary means possible to pay her any longer. Prior to the legal separation, there was the protection order (See document titled: *Order for Protection* issued on October 21<sup>st</sup>, 2016) which I have filed against Aniss for several reasons. The main reason being the fact that my daughters and I have lived for too long in constant fear of his abuse, both verbally, and physically. I hadn't filed it sooner due to him constantly threatening me with the fact that

the Police would come and take the girls if I tell them about the abuse that he does to me. That is why I have stayed silent for so long.

After the protection order I then filed the Petition for legal separation order and the temporary orders to go along with it. These temporary orders consisted of the Child Support Order, and the Parenting Plan, along with my financial declaration.

The final orders were then granted on November 7<sup>th</sup>, 2016. In the Parenting Plan I was given the custody of my daughters Sara and Selma, due to the court finding it conclusive at the time that the girls spend a majority of the time with me. As well as the fact that their dad, the appellee at that time was in Tunisia after completely abandoning them. The only thing that they have received from him was an email on September 9<sup>th</sup>, 2016 at 2:45 p.m., stating, “As a matter of fact, I had a great interview with a local company in Tunis, and I am SERIOUSLY thinking about accepting this job in Tunis and stay here and NOT go back to Redmond/US for at least 1 year to see how I would fit back in the workforce and life back in Tunis,”.

Concerning the Child support order, the appellee, Aniss Fradi was ordered to pay child support of the amount of \$1201.77 for the both of the girls to me each month along with \$3000 of maintenance/alimony per month. Thus totaling to the amount of \$4201.77 per month. These were awarded to me the appellant due to the reason of my involuntary unemployment and my

lack of monetary sources at the time. I am a certified midwife in Tunisia and in order to work as a midwife in the U.S I am obliged to do its equivalence through some courses and training which of course cost money. Aniss Fradi has always denied my requests for the money to do these things stating that they are unnecessary and that I am not capable of working and that I am not allowed to work. But luckily in October 2016 after Aniss Fradi's abandonment, I worked for two months as a seasonal sales associate in Macy's that was until I moved with the girls to Tunisia.

Another part of the child support order concerns its enforcement. I have chosen the route of enforcement through DSHS yet we have never received it.

“So for the last case when they ordered child support, they started like sometimes in like October, all the way to January, even before, you know, because we went back in February and then we stopped it. That's when they stopped.” (FTR Gold Report of Proceedings 130, October 15<sup>th</sup>, 2018.)

This excerpt of the transcript of the trial of October 15<sup>th</sup>, 2018 shows that DSHS has calculated the child support of the months noted by Aniss Fradi as debt which he has to pay back/ arrears. This also shows his insistence on the fact that DSHS has stopped accumulating arrears for child support at around February 2017. But in reality child support has never actually stopped as shown by a recent letter sent to me by the DSHS of an official document.

This document presenting child support past due anew which Aniss Fradi has not paid from July 2017-October 18<sup>th</sup>, 2018, the date of the filing of the orders ruled on by Judge Tanya L. Thorp. They are still trying to reason with him concerning his payments of the child support arrears that he owes.

Around this time, the landlord of the house which we had rented under the name of the appellee Aniss Fradi came to warn us of eviction. After the legal separation orders of child support and maintenance were ruled on, Aniss Fradi ran away to Tunisia. Subsequent to this money had started to dwindle due to my job in Macy's coming to an end. With the landlord repeatedly calling me with threats of eviction. These situations have caused me to go with the girls to Tunisia.

As soon as we reached Tunisia I frantically ran to ensure the wellbeing and stability of my girls' lives without the initial contribution of Aniss Fradi. On a side note my youngest daughter Selma Fradi, has Crohn's disease, an autoimmune disease which needs two Humira injections per month to keep it under control. These injections cost about \$1800 per pen without insurance. Even since the neglect of her father, I have been the one to take care of her medical fees and affairs in their entirety. Apart from the medical side of finances, I have also taken the liberty of enrolling them in schools here in Tunisia and caring for all of their needs.

After the legal separation order, as my daughters and I have begun to settle in Tunisia. At this time Aniss Fradi flew back to the U.S. I have always kept up with the case by calling the clerk's office for any new updates but they never give me viable information. This was until mid-December, 2017 when they told me about a divorce by default which Aniss Fradi has filed. I was never served or notified of a motion being filed for divorce in any case. I then resorted to filing a vacate to this order on December 26<sup>th</sup>, 2017, with Aniss Fradi being in Tunisia so I served him. This vacate was approved by the court. So why is it that after the October 15<sup>th</sup>, 2018 trial it was claimed in the findings and conclusions about a marriage that a dissolution decree has been instated for a period of over a year?

Pursuant to this the appellee's counsel then filed once more another motion to show cause of where he has requested a consolidation of two cases under the cause number of 16-3-06176-5 SEA with insistence on the case be transferred to Judge Tanya L. Thorp. The legal separation case of 16-3-06176-5 SEA and the divorce case which he has previously filed by default with the cause number of 17-3-04333-1 SEA. This matter was ruled on and approved by the Unified Chief Judge Honorary Jean Rietschel on April 17th, 2018.

As a side note, all of the declarations and documents which I have filed subsequent to the legal separation motions were all Pro Se due to the fact

that I did not have the monetary means to hire a lawyer to represent me and the fact that I'm in Tunisia.

Subsequently, the court, (Honorary Judge Tanya L. Thorp) ordered a pretrial conference on September 14<sup>th</sup>, 2018. The goal of this pretrial conference was for discussing the next actions to be taken for the consolidated case. But in truth there were various matters which were not mentioned it was mostly done to validate the dissolution decree filed on December 13<sup>th</sup>, 2017.

Over a month later was the trial which has produced orders from the consolidation case under the cause number of 16-3-06176-5 SEA which this brief is to address in its entirety. These orders are to what this brief is requesting relief for.

The trial took place on October 15<sup>th</sup>, 2018 for the purpose of addressing the condition of the case and the course that it should take going forward. This trial was one of much reciprocation not only of facts but of conclusions as well. This trial consisted to testimonies presented by me, the appellant Sonia Boumiza Fradi and the appellee, Aniss Fradi. The cross examination was done by the counsel of the appellee, Cameron J. Pearson of me and of the appellee, Aniss Fradi. The judge assigned to this case, the Honorary Tanya L. Thorp claimed that she would be producing orders based on the testimonies and evidence presented. I was present in the trial by phone due to me not being able to pay the fee for a plane ticket and not having

enough time to gather the money needed to go to the states. In the trial the judge has declared that I did not present evidence for her to judge on because she has only received one trial notebook that being of Aniss Fradi. This done even though I do have proof of the multitudinous working copies which I have sent to her for the joint statement of evidence and the trial notebook requested. With this in mind, the orders which were entered on October 18<sup>th</sup>, 2018, were far from what was expected.

The previous legal separation orders were completely reciprocated in the way that the custodian was named as him and that I would have to pay child support to him. But there was a note stating that if the children were to reside with me then he would still continue to pay child support to me. The spousal maintenance in itself was eradicated with the court stating in the Findings and Conclusions of a marriage that I had not even requested spousal maintenance/alimony though I have. Thus though the court has stated to make these rulings based on the testimonies and evidence presented. But the testimony and evidence which I have presented does not wholly extend to the orders contents.



**Argument:**

**I. The trial court has erred in rerouting the course of the legal separation case with the cause number of 16-3-06176-5 SEA to that of a divorce case with its reciprocation of the many orders therein through the form of a consolidation.**

**A. The court has erred in concluding that the custodian should be Aniss fradi and in approving the parenting plan presented by him for reasons which are not backed by viable evidence.**

**RCW 26.09.191 provides that if a parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan if any of the following factors exist:**

(a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW [26.50.010](#)(3) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm or that results in a pregnancy.

- (1) (a) A parent's neglect or substantial nonperformance of parenting functions;
- (2) (b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW [26.09.004](#);
- (3) (c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;
- (4) (d) The absence or substantial impairment of emotional ties between the parent and the child;
- (5) (e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;
- (6) (f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or
- (7) (g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

Based on these statutory factors the court should have concluded that Aniss Fradi is unsuitable for the official status of custodian due to his prolonged neglect of the girls, as well as his abusive behavior as shown by the protection order of October 21<sup>st</sup>, 2016. As well as the history of instability in the way of life that Aniss Fradi has led with me and the girls with the constant moves from state to state, and from job to job. He still does live this way until now. This is shown by the transcript of the October 15<sup>th</sup> trial:

“MR. FRADI: Yes. And I'm sorry. So all the way 2000 Minnesota. From 2000-2001, Indiana. Indianapolis, Indiana.

THE COURT: After Indiana in 2001, where did you live?

MR. FRADI: Okay. So short stay, I took on another job. We went –

THE COURT: Okay, where? Just where?

MR. FRADI: Charlotte, North Carolina.

THE COURT: How long did you stay in Charlotte, North Carolina?

MR. FRADI: I would say for about one week.

THE COURT: Where did you go after Charlotte, North Carolina?

MR. FRADI: We came here.

THE COURT: Where is here?

MR. FRADI: To Bellevue, Washington for about six months.

THE COURT: Where did you go after Bellevue, Washington towards the end of 2001?

MR. FRADI: So the end of 2001, we went back to Charlotte for about six months.

THE COURT: Where did you live after Charlotte, North Carolina the second time?

MR. FRADI: So after Charlotte in about 2002 or so, we moved to Pennsylvania.

THE COURT: How long did you live in Pennsylvania?

MR. FRADI: Five years, all the way to 2007.

THE COURT: Where did you go after Pennsylvania in 2007?

MR. FRADI: From 2007-2008, we moved to San Diego, California.

THE COURT: Where did you go after San Diego?

MR. FRADI: From 2008, we moved to here, Redmond, Washington in 2008 all the way whatever until the separation.” (FTR Gold Report of Proceedings 140-142, October 15<sup>th</sup>, 2018.)

With his current move being from Seattle to Massachusetts in 2018 based on the transcript of the October 15<sup>th</sup>, 2018 trial:

“Cameron J. Pearson: Q: And your current address?

MR.FRADI: A: It’s 342 Southwick Road, Apartment 117, Westfield, Massachusetts.” (FTR Gold Report of Proceedings 72, October 15<sup>th</sup>, 2018.)

This is the main argument regarding the custody and parenting plan which were ordered subsequent to the October 15<sup>th</sup>, 2018 trial.

- 1. The appellee has presented unreasonable arguments concerning the reality of the situation which has occurred with my girls’ and I’s move to Tunisia.**

To further annotate on this argument I would like to start by clarifying the situation which encompasses the move that my daughters and I have done to Tunisia. The appellee, Aniss Fradi before the move was in Tunisia where he regularly pressurized us by saying that he will never come back to the U.S. As well as the fact that he will not follow a single order ruled on in the U.S and that we would never see a single penny from him. At this point the landlord as stated in the Statement of the Case started to visit us regularly with threats of eviction. As proof of his presence in Tunisia at this time, Aniss Fradi has stated in the trial of October 15<sup>th</sup>, 2018,

“We have to attend three reconciliation hearings, you know, with the -- try to bring us back. And they were scheduled late in September. And then the other one was in November -- in November 2016. And the other one was in last December.” (FTR Gold Report of Proceedings 74-75, October 15<sup>th</sup>, 2018.)

This excerpt of the transcript of the October 15<sup>th</sup>, 2018 provides proof of the fact that Aniss Fradi was in

Tunisia during the time of when we moved. Due to reasons of the threats of eviction, monetary sources dwindling and the constant pressure put on us by Aniss Fradi as he refused to pay and fulfill the court orders, the girls and I resorted to moving to Tunisia.

**2. The court has erred in assuming based on Aniss Fradi's testimony the fact that I am trying to alienate the girls from their father**

This conclusion provided by the court is an abuse of discretion. Despite the evidence provided of the appellee, Aniss Fradi's questionable behavior (Prostitution case noted as exhibit list in the designation of clerk's papers) and the protection order, as well as his abandonment and neglect, the court had deduced in the Findings and Conclusions about a Marriage that I am doing the impossible to alienate the girls from their father.

Apart from this, I have done nothing but the opposite. As the girls come to me crying after the fact that Aniss Fradi insults them over the phone, I tell them to call him once more and convince them to regain their bond

which *he* has broken by his neglect. I have done nothing but the impossible to create a stable and suitable environment for the girls especially after the dire circumstance which Aniss Fradi has left us in. I was the one who upheld the responsibility of the youngest daughter Selma Fradi's medical situation which he has completely and utterly ignored.

Aniss Fradi has even admitted in the trial of October 15<sup>th</sup>, 2018:

“And then I waited for the girls in the morning. I took them to school. They were so afraid of me. And I told them, I'm back here, you know , we have the divorce going on in Tunisia.” (FTR Gold Report of Proceedings 77, October 15<sup>th</sup>, 2018.)

This states that he wasn't in the presence of the girls due to his abandonment of them, and that he has then informed them first of the divorce which he had filed first in Tunisia while me and the girls were in the U.S behind my back.



**3. The court has erred in assuming that I involve the girls in the conflicts between me and the appellee where they are in the center of the conflict.**

In retrospect I have worked so hard to let the girls live in an environment which is far away from all of this. Especially the conflict, my main goal is to give my daughters the best life that I can. That being in the form of a stable and joyous atmosphere. There is no viable evidence as to which the appellee Aniss Fradi and his counsel can attest to this. They must have produced this argument to just justify Aniss Fradi's questionable past and current behavior.

**4. The court has instituted the statute of child support on the basis of evidence which is inconclusive solely of the counsel of Aniss Fradi under the claim that they have not received evidence by me.**

Pursuant to the evidence which I have presented for the arguments above regarding the parenting plan that should be with me as the custodian. With the fact that the girls reside with me in stability, the court should have concluded

that I should be the parent receiving the child support from Aniss Fradi not the other way around.

With this in mind this has provided proof of Aniss Fradi's negligence of his responsibilities such as the child support which he has never paid.

**5. The court has erred in refusing my request of spousal maintenance despite the presentation of the large monetary difference between me and the appellee income wise. In particular with the fact that Aniss fradi has the far superior income of \$10,750 a month.**

**RCW 26.09.090**

1) In a proceeding for dissolution of marriage or domestic partnership, legal separation, declaration of invalidity, or in a proceeding for maintenance following dissolution of the marriage or domestic partnership by a court which lacked personal jurisdiction over the absent spouse or absent domestic partner, the court may grant a maintenance order for either spouse or either domestic partner. The maintenance order shall be in such amounts and for such periods of time as the court deems just, without regard to

misconduct, after considering all relevant factors including but not limited to:

- (a) The financial resources of the party seeking maintenance, including separate or community property apportioned to him or her, and his or her ability to meet his or her needs independently, including the extent to which a provision for support of a child living with the party includes a sum for that party;
- (b) The time necessary to acquire sufficient education or training to enable the party seeking maintenance to find employment appropriate to his or her skill, interests, style of life, and other attendant circumstances;
- (c) The standard of living established during the marriage or domestic partnership;
- (d) The duration of the marriage or domestic partnership;
- (e) The age, physical and emotional condition, and financial obligations of the spouse or domestic partner seeking maintenance; and
- (f) The ability of the spouse or domestic partner from whom maintenance is sought to meet his or her needs and financial obligations while meeting those of the spouse or domestic partner seeking maintenance.

(eg. **1973 1st ex.s. c 157 § 9.**)

Regarding these statutory factors to be put into perspective subsequent to my statement of the case, I do not have the monetary funds which the appellee has to say the least. I have no income while Aniss Fradi has an income of about \$10,750 per month in his job of ISO New England. I am currently undergoing training to be a medical assistant here in Tunisia to begin employment, due to me not being employed in the medical field for over 21 years. This being the duration of my marriage to the Aniss Fradi. As a side note, the country of Tunisia in itself has a large problem concerning employment it is struggling to provide jobs for newly graduated students let alone someone like me. But if I were to return to the U.S there would probably be more opportunities.

The nature of our marriage is that it was long term of 21 years. These years I have spent as a victim to constant abuse both verbal and physical. Additionally to the neglect which Aniss Fradi has done of me and the girls' leaving us in the middle of the road. After all this situation of starting from the beginning isn't easy in itself, especially with the time that it takes to do so and move on.

Thus the court has erred in assuming that I am voluntarily unemployed despite the concurrent evidence which I have provided to prove otherwise. As well as the fact that I was already granted maintenance of \$3000 per month in the legal separation case which has stopped. Additionally the court has erred in assuming that I receive maintenance in Tunisia of an amount of \$1400 based on the false evidence which the appellee Aniss Fradi has presented. \$200 of this monthly amount comes from the payment Aniss Fradi makes to DSHS for arrears of child support which he has not paid. There are no orders in Tunisia regarding maintenance of the amount of \$1200 per month as Aniss Fradi has mentioned so this statement was made on no basis of presentable evidence.

Thus I should be awarded spousal maintenance pursuant to the validity of the statutory factors listed above.

**B. The court has erred in claiming the absence of assets in this case and the situation concerning the card debts.**

1. Contradictive to what Aniss Fradi and his counsel has stated regarding the assets and debts I have never had

the chance or occasion to negotiate with him about them. Due to the fact that I am in Tunisia since November 2016, I have no idea what has happened with the assets, despite them claiming that there are no assets.

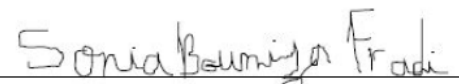
2. In regards to the debts, Aniss Fradi has presented a large number of debts ranging in credit cards which I have never known about while we were living together. But the most prominent issue is that there are three credit cards of Macy's, Nordstrom, and JCPenny which when I was convinced by Aniss Fradi were opened under my name and buy with them everything for years now. This is especially true with him, under the reason that he would be the "primary payer" because of his terrible credit score. Now Aniss Fradi and his counsel Cameron J. Pearson have entrusted me with paying off these cards.

## **Conclusion:**

The trial court's decision of granting custody of the girls to Aniss Fradi, the eradication of my maintenance/alimony, and giving child support to Aniss Fradi should be dismissed and instead reversed and reprimanded to fit the situation of the orders which were ruled on initially in the legal separation case. Thus with the new orders having augmentation of the amount of child support.

Dated: March 22<sup>nd</sup>, 2019

Respectfully Submitted



Sonia Boumiza Fradi-Pro-se

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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

In the Matter of the Marriage of:	)	No. 79186-9-I
	)	
SONIA BOUMIZA FRADI,	)	DIVISION ONE
	)	
Appellant,	)	UNPUBLISHED OPINION
	)	
and	)	
	)	
ANISS FRADI,	)	
	)	
Respondent.	)	
_____	)	FILED: September 16, 2019

HAZELRIGG-HERNANDEZ, J. — Sonia Fradi seeks reversal of a final parenting plan, a child support order, and an order denying spousal maintenance, arguing that the trial court abused its discretion. Aniss Fradi challenges the trial court’s order designating the child support obligee and obligor based on the residential location of the children. Because the trial court acted well within its broad discretion in applying the relevant statutes to the unique facts adduced at trial, we affirm.

FACTS

Sonia Fradi and Aniss Fradi married in Tunisia August 1997.<sup>1</sup> They have two children together. The couple lived in the United States for the majority of their

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<sup>1</sup> For clarity, the parties will be referred to by their first names. We intend no disrespect.

marriage. While on vacation in Tunisia, their marriage came to a breaking point. Aniss filed for divorce in Tunisia in the summer of 2016.

After Sonia returned to the United States, she filed a petition for legal separation in King County Superior Court in October 2016. She also filed a motion for temporary family law orders and a restraining order. The court granted a temporary parenting plan and support order, a restraining order, and spousal maintenance order in November 2016. The temporary parenting plan designated Sonia as the residential parent and provided a visitation schedule for Aniss.

Following entry of these orders Sonia unilaterally moved to Tunisia with the two children and remained there. She did not notify Aniss or the court of the move. In February 2017, the court suspended all of Aniss's support obligations and ordered that Sonia return with the children to the United States. The separation action was administratively dismissed in July 2017 by the court due to Sonia's failure to follow the case schedule.

Shortly after the dismissal, Aniss filed his own dissolution action. Default orders were entered in December 2017 due to Sonia's failure to respond. Sonia later moved to vacate the default orders which the trial court granted in part. The court maintained the legal dissolution of the marriage. The court further found that when Aniss filed his dissolution petition, the original legal separation should have been converted to a dissolution under the original case number. The court addressed this by consolidating the two cases. After the partial vacation of the default orders, a trial was set to determine asset and debt distribution, spousal maintenance, child support, and parenting plan.

The trial commenced in October 2018 and Aniss travelled across the country to appear with counsel. Despite the court's earlier admonition that she must appear in person, Sonia phoned in from Tunisia the morning of trial and moved to appear telephonically. Give the unique circumstances, the judge granted Sonia's request with conditions. There was a concern by both Aniss and the court that Sonia would be exposing the children to the trial due to her prior involvement of the children in court proceedings. Sonia represented herself at trial.

At trial Sonia offered no exhibits and her testimony was brief and offered minimal relevant support for her position. Aniss provided financial documentation via exhibits regarding maintenance and child support. Aniss testified about how Sonia's involvement of their daughters in the proceedings negatively impacted his relationship with them. Both parties testified that Aniss is currently paying Sonia support pursuant to a Tunisian court order, as well as providing for housing in Tunisia for Sonia and their daughters.

Twice during the trial another person's voice could be heard over the phone. Sonia denied there was anyone else present, stating that she was talking to herself. Despite the court's warning that Sonia's telephonic appearance was conditioned upon her promise that the children would not be present, both the judge and counsel for Aniss believed that the other person they heard was one of the daughters.

The trial court entered orders establishing Aniss as the residential parent and requiring no further spousal maintenance for Sonia. Child support payments were to be made based on locale of the child, with the parent who is not residing

with the children to provide child support to the parent with whom the children reside. Sonia timely appealed the parenting plan, maintenance order, and child support order. Aniss assigned error to the residential aspect of the child support order, arguing it was manifestly unreasonable to base the obligor/obligee designations on the locale of the children. Aniss alleged that the practical result of the support order is that it encourages Sonia to continue to violate the parenting plan for financial gain.

## DISCUSSION

- I. The temporary orders regarding maintenance and child support were terminated by operation of law.

Sonia asserts that it was improper for the temporary orders issued in October of 2016 to have been terminated and replaced with the final orders issued in conclusion of the trial in October 2018. RCW 26.09.060(10)(c) explicitly states that temporary orders will terminate “when the final decree is entered, except as provided under subsection (11) of this section, or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed.” The final orders of the trial court properly terminated and superseded all prior orders issued in this case.

- II. The trial court did not abuse its discretion in the designation of Mr. Fradi as the residential parent.

A trial court's parenting plan is reviewed for abuse of discretion. In re Marriage of Littlefield, 133 Wn.2d 39, 46, 940 P.2d 1362 (1997). Abuse of direction

occurs when a trial court's decision is manifestly unreasonable or based on untenable grounds or reasons. Id. at 46—47. Findings of fact will be accepted as true by the reviewing court as long as they are supported by substantial evidence. Ferree v. Doric Co., 62 Wn.2d 561, 568, 383 P.2d 900 (1963). Substantial evidence is that which is sufficient to persuade a fair-minded person of the truth of the matter asserted. King County v. Cent. Puget Sound Growth Mgmt. Hr'gs Bd., 142 Wn.2d 543, 553, 14 P.3d 133 (2000). Orders in dissolution actions will rarely be changed due to the high burden on the spouse seeking appeal to show a manifest abuse of discretion by the trial court. In re Marriage of Bowen, 168 Wn. App. 581, 586, 279 P.3d 885 (2012).

The trial court record adequately supports its order limiting Sonia's parental involvement under RCW 26.09.191. In the extensive findings of facts and conclusions of law entered after trial, the court specifically identified the two subsections that it relied on in limiting Sonia's contact with her two children. The court noted its finding of abusive use of conflict and withholding the children. Both of these findings by the court are supported by the evidence admitted at trial.

At trial it was undisputed that Sonia had unilaterally moved the children to Tunisia without any discussion with Aniss or the court. Unrefuted testimony was provided by Aniss regarding how his daughters had become fearful of him due to Sonia's communication with them about the divorce. Additionally, there were moments during the trial, despite the court's order that Sonia not be near the children during the trial, when another individual's voice was heard over the phone. This was observed by both the judge and opposing counsel and the court was

unconvinced by Sonia's explanation that she was speaking to herself. Sonia also testified that she had previously brought the children to the first domestic violence protection order hearing. At the conclusion of trial, the court explicitly provided a review of RCW 26.09.187 and RCW 26.09.191 in order to make clear to the parties what factors the court relied on in issuing the final parenting plan.

In reviewing the trial court's decision for abuse of discretion this court looks to the factual findings and upholds them if they are supported by substantial evidence. Katare v. Katare, 175 Wn.2d 23, 35, 283 P.3d 546 (2012). Given the unrefuted evidence presented at trial, we find that the court did not abuse its discretion in entering an order designating Aniss as the residential parent due to Sonia's abusive use of conflict and unilateral withholding of the children by moving them to Tunisia.

III. The trial court did not abuse its discretion in its determination that no spousal maintenance be awarded.

We review the trial court order on spousal maintenance for abuse of discretion. The trial court's determination that no spousal maintenance be awarded to Sonia was adequately supported by the record. Spousal maintenance is within the sound discretion of the trial court and is not an inherent right. In re Marriage of Mueller, 140 Wn. App. 498, 510, 167 P.3d 568 (2007). The trial court properly utilized the statutory provisions provided in RCW 26.09.090. The findings of the trial court were supported by substantial evidence and do not constitute an abuse of discretion.

The trial court found that Aniss is already ordered to make monthly support payments to Sonia pursuant to a Tunisian court order, in addition to providing for Sonia's housing in Tunisia. This finding was supported by Aniss's testimony at trial. The court properly rejected Sonia's argument that the court should consider Aniss's decision to leave the marriage in evaluating whether to order spousal maintenance. Sonia testified that she was not currently working and the last job she had was a seasonal position at Macy's when she was residing in Washington. She offered no persuasive explanation for why she had not sought work since relocating to Tunisia. The trial court's finding that Sonia is voluntarily unemployed is supported by testimony of the parties at trial and the court properly applied the evidence to the statutory factors.

IV. The trial court did not abuse its discretion in structuring the child support order.

A. The order of child support.

Child support orders are reviewed for an abuse of discretion. In re Marriage of Schnurman, 178 Wn. App. 634, 638, 316 P.3d 514 (2013). The legislative intent of enacting statutes to govern child support is "to insure that child support orders are adequate to meet a child's basic needs and to provide additional child support commensurate with the parents' income, resources, and standard of living." RCW 26.19.001. Child support obligations are determined based on a standard calculation formula. State ex re. M.M.G. v. Graham, 159 Wn.2d 623, 627, 152 P.3d 1005 (2007). After the calculation is determined, the court will order a support

transfer payment, which is “the amount of money the court orders one parent to pay to another parent or custodian for child support after determination of the standard calculations and deviations.” RCW 26.19.011(9).

In the present case, the judge followed the statutory procedure and exercised discretion as to how the payments would be ordered given the factual findings. No abuse of discretion occurred in the court’s order of child support transfer payment’s being required of Sonia to Aniss. The support order properly reflected the residential schedule that was ordered in conjunction.

B. Use of locale of the children to determine the obligee/obligor of child support

In his response brief, Aniss assigns error to the trial court’s order that the obligee/obligor of child support is dependent upon where the children reside. Specifically, Aniss argues that this language in the order encourages Sonia to continue to withhold the children from him, in violation of the parenting plan, in order to reap financial gain through child support payments. Aniss recognized that the intentions of the trial court are sound, but challenges the practical effect. We hold that the trial court did not abuse its discretion when structuring the support order in this manner as the court clearly recognized the difficult factual scenario of this case.

The court’s findings demonstrate that the parenting plan is structured in the best interest of the children, but the findings and conclusions about the marriage specifically states “[b]ecause the children are with the mother and child support is



designed to support the children, the father will pay the mother for support of the children pursuant to the separate child support order entered herein.” The legislative intent of providing for child support payments is to “adequate[ly] . . . meet a child’s basic needs.” RCW 26.19.001. In establishing a mechanism for enforcement of child support orders, the legislature expressly stated “[t]his chapter shall be liberally construed to assure that all dependent children are adequately supported.” RCW 26.18.030(3). This language regarding enforcement of support orders provides that the court’s practical imposition of support payments based on where the children actually reside is within the court’s discretion.

#### V. Attorney’s Fees

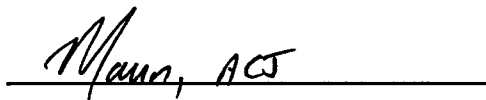
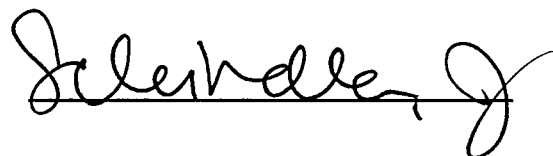
In response to Sonia’s filings, Aniss argues this appeal is frivolous and he should be awarded attorney’s fees. Under RAP 18.9(a), we may award attorney’s fees incurred by a prevailing party in responding to a frivolous appeal. Stiles v. Kearney, 168 Wn. App. 250, 267–68, 277 P.3d 9 (2012) (awarding fees where the arguments “fail because they either lack merit, rely on a misunderstanding of the record, require a consideration of evidence outside the record, or are not adequately briefed.”). An appeal is frivolous if it presents no debatable issues on which reasonable minds could differ and is so lacking in merit that there is no reasonable possibility of reversal. In re Marriage of Foley, 84 Wn. App. 839, 847, 930 P.2d 929 (1997). Any doubts as to whether the appeal is frivolous should be resolved in favor of the appellant. Pub. Emps. Mut. Ins. Co. v. Rash, 48 Wn. App. 701, 706, 740 P.2d 370 (1987).

Sonia's appeal asserts that the court abused its discretion in issuing the final orders after trial and that the temporary orders should still be effective. This claim is has no merit as the temporary orders terminated by operation of law. Temporary orders are just that, temporary. Orders entered after trial may or may not mirror the terms of the earlier temporary orders, but that is wholly dependent on the facts determined at trial. The final orders here differ from the earlier temporary orders because Sonia failed to present adequate evidence at trial to support her desired outcome with regard to residential placement of the children, child support and spousal maintenance, but this does not render them invalid.

Sonia was provided ample opportunity to be heard in the trial court, despite her repeated disregard for the court's orders. The court clearly recited the precise statutes it relied upon and the specific findings on which the orders were based. There was no reasonable basis to claim that the court abused its discretion in issuing any of its final orders. Even viewing the assignments of error in the light most favorable to the appellant there was no reasonable chance of reversal. The appeal is frivolous and attorney's fees are awarded to Aniss.

Affirmed.

WE CONCUR:

A handwritten signature in black ink, appearing to be "H. G. A. J.", written over a horizontal line.A handwritten signature in black ink, appearing to be "Mann, ACS", written over a horizontal line.A handwritten signature in black ink, appearing to be "Schneider J", written over a horizontal line.

**SONIA BOUMIZA FRADI - FILING PRO SE**

**December 11, 2019 - 2:39 PM**

**Filing Petition for Review**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** Case Initiation  
**Appellate Court Case Title:** Sonia Boumiza Fradi, Appellant v. Aniss Fradi, Respondent (791869)

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