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NO. 67254-1-I

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

In re the Marriage of:

MARGARET MARY DAVID-OYTAN

Respondent,

v.

KUDRET DAVID OYTAN,

Appellant.

BRIEF OF RESPONDENT

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INTRODUCTION

Kudret Oytan's tremendous effort to paint himself as a mere visitor to Washington is telling – put simply, a man does not visit his wife and child in the family home. For three years before Margaret Oytan filed for dissolution, Washington was the only place the Oytans had a family home. They lived on the Eastside, looking for a home and investment properties in Seattle. They did all the things residents do – took their daughter to public school and activities, got their mail, went to the doctor, drove a car registered here, and socialized with friends. Kudret was even looking for a local job so that he would no longer have to leave for work.

Long-arm jurisdiction is a fact-driven inquiry. But Kudret ignores his many Washington contacts, asking this Court to reverse on one fact – that he worked outside the State. The question is not where Kudret worked, or even where he stayed most of the time, but where he was living in a marital relationship. That place is undeniably Washington – the place Kudret always returned to when he was not working.

This Court should affirm the trial court's long-arm jurisdiction, deny Kudret's fee request and award Margaret fees.

RESPONSE TO STATEMENT OF THE CASE

A. The Oytans moved to Washington in 2007, while their marriage was intact.

The primary issue on appeal is whether appellant Kudret Oytan was “[l]iving in a marital relationship within this state.” RCW 4.28.185(1)(f). Yet Kudret omits most of the facts detailing his many contacts with Washington, and his own representations that he lived in Washington with his family. CP 171, 251.¹ The following facts correct these omissions.

Margaret Oytan met Kudret while working in Turkey in 1993 and 1994. RP 10; Ex 46 at 8. At the time, Kudret could not marry Margaret, a “foreigner.” Ex. 46 at 8. In 1997, the Oytans married in Maryland, near Margaret’s family. CP 2, 167. They now both have dual citizenship. CP 167. For the first ten years of their marriage, they resided in Los Angeles, California. CP 167; RP 10, 13. Their daughter A.O. was born there in 1999. CP 8-9; RP 12. The Oytans moved to Washington in January 2007. CP 60, 167-68; RP 13.

During the parties’ marriage, Kudret worked as a diplomatic officer for the Turkish Foreign Service. CP 59. When they lived in California, Kudret was stationed in the Turkish Consulate in Los

¹ This brief uses the party’s first names for clarity. No disrespect is intended.

Angeles. CP 59. He worked there for three years and then earned a Master' degree before returning to diplomatic service in 2004, requiring him to spend most of his time in Turkey. RP 15-16. He worked in Belarus from 2007 to 2009, and worked in Montreal during the lower court proceedings. CP 60.

Kudret described the time he spent working abroad as "separations," explaining that these separations were "for business reasons." CP 169, 211. This did not, in Kudret's words, make his family any different than "many families that do not live together for a variety of reasons." CP 309. The Oytans remained a "family," keeping their marital relationship in-tact. CP 60, 309.

B. Kudret actively helped Margaret find a job and a family home in Washington.

Margaret began searching for a new job in 2006, eventually accepting a position as an immigration attorney at Microsoft's Redmond, Washington campus. CP 60, 167-68. Kudret acknowledges Margaret's sworn statement that it was a "joint" decision to move to Washington, but states that relocating to Washington was "entirely" Margaret's decision. BA 11; CP 60, 167-68, 309. Again, he omits most of the relevant facts.

Kudret did not just “encourage[]” Margaret to pursue a job in Washington, he sent her the job posting for her current Microsoft position, talked to the recruiter after her interview, and first learned that she had an offer. CP 167, 180. The parties “extensively discussed” Margaret’s offer and Kudret made suggestions regarding Margaret’s negotiations. CP 167.

The parties also extensively discussed what moving to Washington would mean for the family. *Id.* They both wanted to leave Los Angeles, agreeing that it was not a good place to raise a family. CP 167-68. They “jointly” agreed on Washington, deciding “as a couple” that they could make their marital relationship work:

When [Margaret] was offered the position at Microsoft, Kudret and [Margaret] decided as a couple to make the move to Washington. [They] were committed to making [their] relationship work, despite the distance.

CP 168.

Regarding the actual move, Kudret states that he “returned to the United States for approximately ten days when Margaret moved from California to Washington.” BA 12. In January 2007, Kudret, Margaret and A.O. drove from California to Washington, moving into Microsoft temporary housing in Redmond. CP 168, 170. The Oytans enrolled A.O. in public school together, and

Kudret took her to her first day of school. CP 168, 189. Kudret remained involved in A.O.'s schooling, taking her to various school activities and lessons. CP 168. The Oytans made generous donations at the school's fundraiser auction. *Id.* All school correspondence is addressed to both Margaret and Kudret. *Id.*

Although Kudret returned to work approximately two weeks after the Oytans settled in Washington, he returned to Washington for the month of June 2007. CP 168-69. In July, the Oytans flew together to Los Angeles to finish moving. CP 169. Margaret and A.O. returned to Washington on July 7, and Kudret stayed on in Los Angeles to rent out their home and oversee the movers. *Id.*

Kudret states that he "did not view Washington State as a permanent residence for the family." BA 13. But when their Microsoft temporary housing ended, Kudret found the parties' a rental home in Bellevue and personally worked with a Bellevue realtor, looking for a family home and investment properties in Seattle. CP 171, 243-47. Although they occasionally discussed leaving Seattle "in the future," the Oytans "never had any concrete plans to move." CP 171, 151. Kudret told Washington friends that they "decided to stay in the area," at least until the economy improved. *Id.*

C. Kudret also actively sought business opportunities in Washington, near the family home.

Despite his assertion that he did not view Washington as a permanent residence, Kudret was looking for a job in Washington. *Compare* Supp. CP ____ *with* BA 13. Kudret told his friend, Ben Yazici – a Washington resident – that he was seeking business opportunities in Washington “in order to quit his current job” to be with his family. Supp. CP _____. Kudret expressed “how difficult it was to be away from” Margaret and A.O., asking Yazici to help him find a Washington job and to enlist a mutual friend to assist in the job search. *Id.* Yazici “vividly” recalled a conversation at a mutual friend’s Washington home, in which Kudret – “visibly emotional that he could not be with Meg and [A.O.] all the time,” stated that he was ready to quit his job and that the parties were “leaning toward Kudret moving to Washington first,” and then moving again when the economy improved. *Id.*

Another Washington friend, Fatin Kara, talks about dinners and parties with Kudret, Margaret and mutual friends. Supp. CP _____. Kara also states that Kudret was “ready to quit his job and be with his family.” *Id.*

Kudret also held himself out as living in Washington with his family. CP 171-72. In a letter to a business associate, Kudret stated, “[w]e decided to stay in the area and not move until the economy gets better.” CP 171, 251. He went on to explain that a Redmond business he was contemplating purchasing was “close to where my family and I live.” *Id.*

D. Kudret received important correspondence in Washington, has personal property at the family home (including a car registered in Washington), and has insurance in Washington.

Kudret also received important correspondence at the Oytans’ Washington post-office box, including his cell-phone bills, insurance statements for his solely-owned policy, and credit card statements for cards solely in his name. CP 172, 256-60, 284. Kudret is on the Oytans’ Puget Sound Energy bill, used their Washington address when renting their Los Angeles home, and gave it to his alma mater, the University of Southern California. CP 172, 262-66.

The Oytans used their Washington address for their joint tax returns and for their mortgage documents. CP 172, 258-60. And they changed the address for their California business to their

Washington address. CP 172. Kudret applied for his U.S. passport in Bellevue and had it sent to the Oytan family home. *Id.*

Kudret is on the Washington registration for the family car, which he drives whenever he is home. CP 172, 268-74. On one occasion, he paid to have the car released after it was towed when he parked in downtown Seattle. CP 172, 276-78. On another, he took the car in for servicing in Bellevue. *Id.*

Kudret scheduled important medical appointments in Washington, received physical therapy here, and filled prescriptions here. CP 173. His Washington-based treatment included extensive treatment for a back problem in 2008. *Id.* He used his Premera Blue Cross insurance, provided through Margaret's Microsoft employment. *Id.*

E. Kudret returned to the Washington family home whenever he was not working.

Kudret attempts to portray himself as a mere visitor in Washington, disputing the amount of time he spent here. BA 12-13. Kudret claims he was never in Washington for more than 15 days consecutively, but he submitted a sworn declaration stating that he saw Margaret and Alexandra "a couple weeks a month" in the 2009-2010 school-year. *Compare* BA 13 with CP 430. He also

told the GAL that his employment allowed him to come to Washington one week each month. Ex 46 at 10.

In any event, the Oytans agree that their marriage was intact despite Kudret's business "separations." CP 61, 169, 170, 428. Kudret describes the family as "happy and close," the Oytans had sexual relations whenever Kudret returned to Washington, and Kudret claims that he was surprised when Margaret filed for dissolution. *Id.*

F. Kudret abused Margaret in Washington, greatly contributing to her decision to petition for dissolution.

Kudret also abused Margaret in Washington and throughout their marriage. CP 173-74; RP 24-26, 31-32; Ex 46 at 21-22. In a particularly violent episode – in their Washington family home – Kudret slapped Margaret hard across the face and kicked her on the leg and hip, bruising her. *Id.* On another occasion, Margaret had to call on her neighbors to intervene. Ex 46 at 18-19. Although Kudret tells a different story (BA 15), the domestic violence was corroborated by friends and family, and by Kudret's own admissions that he "hit" Margaret, called her names, and shoved and pushed her. Ex 46 at 21-22. The Commissioner and the court believed Margaret. CP 35-36, 505.

Kudret also takes issue with Margaret's statements regarding his alcohol abuse, stating that since 2007, he "only drinks socially." BA 16. But in August 2009, Kudret underwent a 15-day treatment program with inpatient and outpatient components. CP 175, 294. He told Margaret that he was "detoxing," that his liver was "not in good shape," and that his doctor was "surprised" that Kudret was not suffering from a more intense reaction to "alcohol remission." CP 294-95. Kudret also described his "treatment" as life-threatening, detailing the process of "[a]lcohol withdrawal." CP 298. Kudret has also been on prescription medications to help him stop drinking. Ex 46 at 23. And the Oytans' neighbor reported that Kudret yelled and screamed when he drank, causing A.O. to "close her ears and hide herself under the bed." *Id.* at 18-19.

G. Procedural History.

In June 2010, Margaret petitioned for dissolution in King County Superior Court, serving Kudret while he was visiting Virginia. CP 1, 61. Kudret states that he went to Virginia to arrange for the family to move there after Margaret and A.O. visited him in Montreal. BA 13-14. But Margaret's visit to Montreal was so bad that she checked herself and A.O. into a hotel and returned to Seattle earlier than planned. Supp. CP at ____ (Infante decl. at 3);

RP 35-36. Margaret was “afraid” that Kudret would return to their Washington family home “unannounced.” *Id.* She was also afraid that he would try to make good on his threats to obtain custody of A.O. in Turkey. RP 35-36.

Margaret sought a domestic violence protection order, a temporary child support order, a temporary parenting plan, and orders imposing financial restraints. CP 3, 61-62. Kudret moved to dismiss for lack of personal jurisdiction, asserting that he was not a Washington resident and did not have the requisite minimum contacts for long-arm jurisdiction. CP 66-74. But Kudret also submitted a declaration asking for specific provisions in the parenting plan. CP 428-30. And although Kudret claims that he did not authorize his attorney to sign the “[a]greed” temporary child support order on Kudret’s behalf, the attorney did so. CP 134, 141.

The Court Commissioner issued a domestic-violence protection order, finding that Kudret had kicked, slapped, and hit Margaret on several different occasions. CP 35-36, 90. The Commissioner (1) awarded Kudret supervised visitation; (2) ordered him to complete domestic-violence and alcohol/substance abuse assessments; (3) ordered him to account for the funds in his possession; and (4) restrained both parties from encumbering,

transferring, or withdrawing any funds from their Turkish bank accounts. CP 37-41. The temporary order provides, however, that the property provisions would be void if the trial court found that it did not have personal jurisdiction over Kudret. CP 41.

Kudret subsequently filed an amended motion to dismiss and a motion to vacate the agreed temporary support order. CP 7, 58. After twice granting Kudret's motions to continue, the trial court denied his motion to dismiss on October 14, 2010, finding sufficient minimum contacts under Washington's long-arm statute, RCW 4.28.185. CP 447-49. The court awarded Margaret \$5,000 in attorney fees. *Id.*

Days later, the Commissioner denied Kudret's motion to vacate the temporary support order, ruling that there was long-arm jurisdiction, and rejecting Kudret's claim that his attorney had signed the agreed order without Kudret's authority. CP 454-56. The trial court subsequently denied Kudret's motion for reconsideration. CP 450.

Commissioner Verellen denied Kudret's motion for discretionary review. The case was tried in May, 2011. CP 472. Kudret states that he was "unable to rebut" Margaret's evidence, claiming that his "presence" could have "undermine[d] his challenge

to Washington's personal jurisdiction." BA 21. Of course, this is untrue – a party may appear and participate in a litigation while maintaining a personal-jurisdiction defense. See *Negash v. Sawyer*, 131 Wn. App. 822, 827, 129 P.3d 824 (2006). In any event, Kudret fully participated in the GAL's evaluation. Ex 46 at 2.

Kudret claims that the dissolution court affirmed the earlier trial court orders, ruling that Washington has long-arm jurisdiction even though there was "no testimony . . . presented on the issue of personal jurisdiction." BA 21. But the dissolution court had before it all of the pleadings, including many declarations from both parties, that formed the bases of the earlier decisions on jurisdiction.

The trial court distributed the parties' assets 50/50. RP 107. The court found that Kudret has failed to account for nearly \$2 million he took from the parties' Turkish bank account. CP 95; 493-95, FF 2.8(1), (2), & (2)(E). The court awarded Margaret assets located in the United States and an \$808,000 equalizing judgment to be paid from the community funds Kudret took from the Turkish account. CP 483, 493-95, FF 2.8(1), (2) & 3.3(12).

The court ordered Kudret to pay \$30,000 of Margaret's attorney fees – less than 25% of her total fees – based on his

intransigence and his superior ability to pay. CP 500, FF 2.15. The court found that the only reason Kudret pursued a divorce in Turkey was to increase Margaret's legal fees and that his assets were more liquid than Margaret's. *Id.*

The court ordered Kudret to pay child support and back support for amounts owed under the temporary orders. CP 513, 516. The court imposed RCW 26.09.191 restrictions on Kudret for three reasons: (1) “[a] history of acts of domestic violence”; (2) “[n]eglect or substantial nonperformance of parenting functions”; and (3) “[a] long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions.” CP 505. The court ordered Kudret to complete domestic-violence and substance-abuse treatment, and limited visitation to Washington. CP 505, 508.

ARGUMENT

A. Kudret’s significant contacts with Washington are more than sufficient to satisfy long-arm jurisdiction. (BA 25-39).

Contrary to his claims, Kudret’s Washington contracts satisfy the long-arm statute.

1. Long-arm jurisdiction.

The parties agree that the trial court's personal jurisdiction over Kudret depends on Washington's long-arm statute, RCW 4.28.185. Long-arm jurisdiction must satisfy RCW 4.28.185 and 14th Amendment Due Process requirements. *In re Marriage of Yocum*, 73 Wn. App. 699, 703, 870 P.2d 1033 (1994). But "[t]he long-arm statute is intended to operate to the full extent permitted by due process," except where expressly limited. *Yocum*, 73 Wn. App. at 702 (citing *Werner v. Werner*, 84 Wn.2d 360, 364, 526 P.2d 370 (1974)). Put another way, the long-arm statute reflects the Legislature's "conscious purpose to assert jurisdiction over nonresident defendants to the extent permitted by the due-process clause." *Tyee Constr. Co. v. Dulien Steel Prods., Inc.*, 62 Wn.2d 106, 109, 381 P.2d 245 (1963). The moving party "need only demonstrate by prima facie evidence" that the opposing party committed acts that satisfy the long-arm statute. *Yocum*, 73 Wn. App. at 703.

Tyee provides the due process requirements for long-arm jurisdiction, distilling the *International Shoe* "minimum contacts" requirement:

(1) The nonresident . . . must purposefully do some act or consummate some transaction in the forum state; (2) the cause of action must arise from, or be connected with, such act or transaction; and (3) the assumption of jurisdiction by the forum state must not offend traditional notions of fair play and substantial justice

62 Wn.2d at 115-16 (footnotes omitted) (citing *International Shoe Co. v. Wash.*, 326 U.S. 310, 66 S. Ct. 154, 90 L. Ed. 95 (1945)); *Werner*, 84 Wn.2d at 365. The court must also consider the forum state's interest and the moving party's interest in proceeding in her forum of choice. *Kulko v. Superior Court of California In & For City & Cnty of San Francisco*, 436 U.S. 84, 92, 98 S. Ct. 1690, 56 L. Ed. 2d 132, *rehearing denied*, 438 U.S. 908 (1978).

Our courts must determine on a case-by-case basis whether a defendant's contacts with the forum state are sufficient for long-arm jurisdiction:

The amount and kind of activities which must be carried on . . . in the state of the forum so as to make it reasonable and just to subject . . . to the jurisdiction of that state are to be determined in each case.

Tyee, 62 Wn.2d at 115 (quoting *Perkins v. Benquet Consol. Mining Co.*, 342 U.S. 437, 445, 72 S. Ct. 413, 96 L. Ed. 485 (1952)); *see also Kulko*, 436 U.S. at 92. Whether contacts are sufficient depends on the "quality and nature of the defendant's activities . . . not the number of acts or mechanical standards."

Does 1-9 v. CompCare, Inc., 52 Wn. App. 688, 697, 763 P.2d 1237 (1988), *rev. denied*, 112 Wn.2d 1005 (1989) (citing **Nixon v. Cohn**, 62 Wn.2d 987, 994, 385 P.2d 305 (1963)). There is no black and white answer – “[t]he greys are dominant and even among them the shades are innumerable.” **Kulko**, 436 U.S. at 92 (quoting **Estin v. Estin**, 334 U.S. 541, 545, 68 S. Ct. 1213; 92 L. Ed. 1561 (1948)).

2. Kudret purposefully availed himself of the privilege of conducting activities in Washington and reasonably should have anticipated a Washington litigation.

Kudret argues that he was not living in a marital relationship in Washington because he was not permanently domiciled here. BA 27-31. As discussed below, Kudret reads RCW 4.28.185(1)(f) too narrowly. And although long-arm jurisdiction is necessarily a fact-driven inquiry, Kudret discusses this provision of the long-arm statute in a vacuum, ignoring his many Washington contacts. BA 27-31. Kudret is no mere visitor – Washington is the place Kudret called home with his wife and child, the place he performed the mundane tasks of everyday life, the place he built business relationships and socialized with friends. These and other acts are sufficient for long-arm jurisdiction. This Court should affirm.

Long-arm jurisdiction is determined by the following objective test: "Should [Kudret], based upon his contact with [Washington], reasonably anticipate being haled into court [here?]" **Does 1-9**, 52 Wn. App. at 696. Or did Kudret "purposefully avail [him]self of the privilege of conducting activities within [Washington], thereby invoking the benefits and protections of its laws." 52 Wn. App. at 696; **Kulko**, 436 U.S. at 93-94. The answer to both questions is undoubtedly "yes."

As discussed above, Kudret's Washington contacts include the following:

- ◆ His wife and daughter permanently reside in Washington;
- ◆ He resides here in the family home whenever he is not working abroad;
- ◆ He was looking for a job in Washington so that he would not have to leave for work;
- ◆ He helped his wife find a job here, and moved his family here;
- ◆ He holds himself out as living here with his family;
- ◆ He has friends here;
- ◆ He attends social gatherings here;
- ◆ He keeps his personal property, including a car registered in Washington, here;
- ◆ He has developed business contacts here;
- ◆ He sends his daughter to public school here;
- ◆ He receives important correspondence here;
- ◆ He receives medical care here;

- ◆ He avails himself of health insurance and other financial benefits provided by Margaret's Washington employer; and
- ◆ He abused his wife here.

Based on these significant contacts, any reasonable person would anticipate being haled into a Washington court. **Does 1-9**, 52 Wn. App. at 696. Margaret does not dispute that Kudret worked in Canada when she filed for dissolution, or that his job is such that he was in Canada a majority of the time. Kudret would have this Court resolve long-arm jurisdiction on that fact alone, ignoring his many Washington contacts.

For three years before Margaret filed for dissolution, Washington was the only place the Oytans had a family home. *Supra*, Statement of the Case §§ B-E. Like many couples moving to Washington from California, the Oytans came here after they found Margaret a job at Microsoft. *Id.* They decided to move here together, physically moved here together, and set up house here together. *Id.* When Kudret was not working, he always returned to Washington. *Id.*

When Kudret was in Washington, he did what any other husband and father did. He spent time with his wife and child, socialized with family friends, read his mail, took the family car to

the shop, went to the doctor, took their daughter to school, and so on. *Id.*

But it is perhaps Kudret's relationships with other Washington residents, and their insights about his life here, that speak the loudest about Kudret's contacts with this State. Kudret's friends – Washington residents – submitted declarations on his behalf detailing social gatherings the Oytans attended with family friends. Supp. CP _____. These declarations describe a loving, caring family, no different from any other Washington family, save for the fact that Kudret worked abroad. *Id.* But according to his friends, Kudret was trying to change that fact, seeking employment in Washington. *Id.*

Kudret claims that he was only visiting Margaret and A.O. for short time-periods. BA 12-13. Put simply, a husband does not visit his wife and child in the family home.

Kudret also claims Margaret's "unilateral relocation to Washington" cannot satisfy the long-arm statute. BA 31-34. As discussed in detail above, Margaret did not unilaterally move to Washington. *Supra*, Statement of the Case § B. The cases Kudret cites are inapposite in any event:

- ◆ ***In re Marriage of Tzarbopoulos***, 125 Wn. App. 273, 279, 286-87, 104 P.3d 692 (2004) – rejecting long-arm jurisdiction where the wife moved to Washington without the husband’s consent **after** separating from the husband. The husband never set foot in Washington. Jurisdiction was premised on his failure to support his children living here.
- ◆ ***In re Marriage of Markowski***, 50 Wn. App. 633, 634-35, 637 n.2, 749 P.2d 754 (1988) – stating in *dicta* that the husband did not have minimum contacts with Washington, where the wife moved to Washington **after** the parties separated, and the husband continued living in Oregon, coming to Washington only to visit his children.
- ◆ ***Kulko*** – finding insufficient contacts where the non-resident father’s only contact with the forum state (California) was that – **after** the parties divorced – he agreed to let his daughter spend more time there with her mother than the parenting plan required. ***Kulko***, 436 U.S. at 94; ***Yocum***, 73 Wn. App. at 703. The parties never lived in California during the marriage. ***Kulko***, 436 U.S. at 86-87.

These cases are plainly inapposite – the Oytans jointly agreed to move their family to Washington, spend their time as a family here, and have social and business ties here. *Supra*, Statement of the Case § B-E. This is where the parties performed the mundane routines of married life, getting the mail, taking the car to the shop, taking their daughter to public school. *Id.*

3. Kudert invoked the benefits and protections of Washington law.

Kudret also invoked the benefits and protections of Washington law. ***Does 1-9***, 52 Wn. App. at 699. Kudret asked the trial court to adjudicate parenting issues, requesting specific items

in the parenting plan. *Infra*, Argument § D. As discussed fully below, this request waived Kudret's jurisdiction defense. *Id.*

And Kudret has not waived his community property rights. CP 448. The parties brought community property into the state when they moved here from California, and accrued community property in Washington through Margaret's employment here. *Id.* He cannot simultaneously be protected by Washington law and deny jurisdiction. **Does 1-9**, 52 Wn. App. at 699.

Here too, Kudret argues that Margaret unilaterally accumulated the community property located in Washington, such that personal jurisdiction cannot follow. BA 35-36 (citing **Yocum**, 73 Wn. App. at 702-05 and **Mason v. Mason**, 321 S.W.3d 178, 183 (Tx. App. 2010)). Again, the Oytans' marriage was in tact. Kudret cannot and does not support the truly bizarre assertion that spouses unilaterally accumulate community property while married. BA 35.

The cases Kudret cites are inapposite. BA 35-36. **Yocum** is not based on marital property within the state – it holds that a unilateral move to Washington – **after** separation – does not confer jurisdiction on the other spouse. 73 Wn. App. at 701, 705-06. **Mason** is plainly inapposite, where (1) the community property

located in the state was moved there by one spouse after the parties separated; and (2) the parties agreed that the court lacked personal jurisdiction over the wife. 312 S.W.3d at 181.

In any event, Kudret does not deny that he owns personal property located in Washington, such as clothing and personal items, household furnishings, and a car. All of these items would come before the court in the dissolution. RCW 26.09.080. This gives rise to long-arm jurisdiction under RCW 4.28.185(1)(c), providing that “[t]he ownership, use, or possession of any property whether real or personal situated in this state.”

Kudret claims that RCW 4.28.185(1)(c) does not apply, arguing that the dissolution “does not arise from the ownership, use, or possession of property in Washington.” BA 36. But the only authority Kudret cites simply requires some connection between the property and the cause of action:

If a nonresident defendant happens to own property in Washington, but the plaintiff’s cause of action has nothing whatsoever to do with the property, and if the defendant has no other contacts with Washington, no jurisdiction will be found.

BA 36 (quoting 14 Karl B. Tegland, *Washington Practice; Civil Procedure* § 4:17 at 100 (2d Ed. 2009)). Kudret does not just “happen[] to own property in Washington” – and again, the property

comes before the court for distribution. *Supra. Wash. Prac.*; RCW 26.09.080. Nor could it possibly be said that Kudret has “no other contacts with Washington.” *Supra, Wash. Prac.*

4. Kudret also committed a tort in Washington.

Abusing Margaret in Washington also should have given Kudret reason to anticipate that he could be haled into a Washington court. ***Does 1-9***, 52 Wn. App. at 696. Domestic violence – plainly a tort – satisfies RCW 4.28.185(1)(b), providing for long-arm jurisdiction where the party over whom jurisdiction is asserted commits a tort in Washington. The dissolution action is “connected with” the domestic violence, playing a significant part in Margaret’s decision to petition for dissolution. ***Tyee***, 62 Wn.2d at 115-16. And it is beside the point that Kudret denied Margaret’s domestic violence allegations. BA 15. To establish long-arm jurisdiction, Margaret only has to prove a *prima facie* case, and the allegations in complaint are treated as established. ***Yocum***, 73 Wn. App. at 703. In any event, the court (and the GAL) believed Margaret, whose allegations were corroborated by consistent reports to doctors, photographs of her injuries, first-hand accounts from third persons, and Kudret’s own admissions. CP 419-20, 507-08; Ex 46 at 18-19, 21.

Finally, Kudret argues that the trial court erroneously found long-arm jurisdiction under RCW 4.28.185(1)(d) and (e), providing for jurisdiction where the party over whom jurisdiction is asserted contracts to ensure a person, property, or risk located in the State, or engages in sexual intercourse within the State with respect to which a child may have been conceived. BA 37-39. Margaret agrees that these acts are alone insufficient for long-arm jurisdiction, where the dissolution does not arise out of either act. But these acts are indicative of the Oytan's marital relationship in Washington.

In sum, Kudret invoked the benefits and protections on Washington law. His many Washington contacts are more than sufficient for him to have known he could be haled into court here. This Court should affirm.

5. Kudret was living in a marital relationship within Washington.

The parties agree that no Washington court has substantively addressed the meaning of RCW 4.28.185(1)(f), conferring long-arm jurisdiction over someone “[l]iving in a marital relationship within this state notwithstanding subsequent departure from this state. . . .” BA 27. Kudret reads the statute far too

narrowly, arguing that that this provision necessarily requires that he permanently resided in or was domiciled in Washington before the dissolution action. BA 27-31. The statute does not focus on where Kudret resided, but on where his marital relationship took place, undoubtedly Washington. This Court should affirm.

Agreeing that no Washington court has defined “living in a marital relationship within the State,” Kudret cites a Kansas case, *Perry v. Perry*, for the proposition that “lived in a marital relationship” requires the establishment of a “marital domicile” in the forum state. BA 28 (citing 5 Kan. App. 2d 636, 623 P.2d 513 (1981)). Kudret misunderstands Kansas law, but the Oytans no doubt established a Washington “marital domicile” in any event, satisfying the test Kudret proposes.

In *Perry*, the court held that the wife had not “lived in the marital relationship” in Kansas, where she was only in Kansas twice – once on a “brief sojourn” while the family moved from one military post to another, and the second time to visit her mother-in-law while her husband was at sea. 5 Kan. App.2d at 639. The court stated that “[t]he term ‘lived in the marital relationship’ is the equivalent of ‘established a marital domicile.’” *Id.* (quoting *Varney v. Varney*, 222 Kan. 700, 702, 567 P.2d 876 (1977) (“Establishing a marital

domicile within the state is sufficient minimum contact to confer *in personam* jurisdiction when the additional requirements of K.S.A. 60-308(b)(8) are met”).

But the Kansas Supreme Court subsequently clarified that living in a marital relationship in the forum state does not necessarily require a marital domicile in the forum state. *In re Marriage of Brown*, 247 Kan. 152, 162, 795 P.2d 375 (1990). There, the husband lived in Kansas for three years while in the military, but always maintained his Mississippi residence. *Brown*, 247 Kan. at 162-63. The court found sufficient minimum contacts, where the husband lived off base, drove on Kansas roads, and shopped at local stores. *Id.* at 163.

The *Brown* court declined to determine where the husband was domiciled, holding that the minimum-contacts question does not turn on domicile, but on where the parties lived in a marital relationship:

The scope of in personam jurisdiction for issues arising out of the marital relationship for those obligations covered by 60-308(b)(8) is to be determined by constitutional limitations and does not contain an additional requirement to establish a marital domicile. . . . the question in determining whether in personam jurisdiction is appropriate in these cases should be whether the absent defendant lived in a marital relationship within the state to an extent sufficient to meet

the constitutional minimum contacts requirements of ***Internat. Shoe Co. v. Washington***, 326 U.S. 310.

Id. at 162. In so holding, the court noted the forum state's legitimate interest in deciding marital disputes for those persons only "temporarily physically residing within its borders" (*id.* at 163):

Kansas has a legitimate interest in providing a convenient forum for resolution of marital disputes arising between transients temporarily physically residing within its borders pursuant to military orders.

Other courts agree. For instance, the Ohio Supreme Court relied on ***Brown*** in ***Fraiberg v. Cuyahoga County Court of Common Pleas***, rejecting the husband's argument that he was not "living in the marital relationship within the state", where the trial court found that the marital domicile was Florida. 76 Ohio St. 3d 374, 377-78, 667 N.E.2d 1189 (1996). Like ***Brown***, ***Fraiberg*** holds that a party need not have a marital domicile in the forum state to have lived in a marital relationship in the state.

Similarly, in ***Scoggings v. Scoggins***, Pennsylvania's highest appellate court examined "whether the prior establishment of a marital domicile in the forum state, by itself, is a sufficient contact to permit the forum state to exercise *in personam* jurisdiction over a nonresident, nondomiciliary defendant with respect to claims arising from the marital relationship." 382 Pa.

Super. 507, 518, 555 A.2d 1314 (1989). Pennsylvania's long-arm statute does not have a provision like RCW 4.28.185(1)(f), and the court examined this issue under the state's long-arm catchall provision. 382 Pa. Super. at 515-16. The court turned to its "sister states" for guidance, discerning the following different approaches:

- ◆ "'Marital domicile' has been used by our sister states both as a sufficient basis to permit the exercise of *in personam* jurisdiction, and as a significant factor to consider in determining whether *in personam* jurisdiction should be exercised under a long-arm jurisdiction statute." 382 Pa. Super. at 523.
- ◆ Marital domicile can alone be a sufficient minimum contact, so long as the forum state is the last state of marital domicile. 28 Pa. Super at 521 (citing ***Nickerson v. Nickerson***, 25 Ariz.App. 251, 542 P.2d 1131 (1975), holding that the husband had insufficient contacts where the parties left their marital domicile in the forum state and established a new marital domicile elsewhere, after which the wife returned to the forum state).
- ◆ "[T]he mere fact of prior residence without establishing domicile may provide minimum contacts sufficient to justify the exercise of long-arm jurisdiction." 28 Pa. Super at 522 (citing ***Brislawn v. Brislawn***, 443 So.2d 32 (Ala. 1983), holding that Alabama had long-arm jurisdiction over the husband who had lived with his wife in the forum state for only 10 days, where Alabama was the only place in the United States the parties had lived together as husband and wife except for their wedding night).

In short, cases examining this question under similar long-arm provisions and under catchall provisions collectively provide that marital domicile may alone be sufficient, but is not necessary,

for long-arm jurisdiction. These cases do not mechanically define marital domicile, or make black-and white distinctions as to where the parties are domiciled, but focus on the contacts of the person over whom jurisdiction is asserted.

The trial court's ruling that Kudret was living in a marital relationship in Washington is completely consistent with this approach. Washington is the only place that the Oytans had a family home – the place where they ate their meals, helped with homework, planted a garden, and socialized with friends. *Supra*, Statement of the Case § B-E; CP 173. Kudret attempts to paint himself as a visitor, but told business associates that he “live[d]” here with his family. CP 171, 251. He denies that he ever intended to remain in Washington, but told friends and business associates that he was looking for work here and intended to remain here for the foreseeable future. *Id.*; *Supra*, Statement of the Case § C & D. And Kudret has personal property in Washington, availed himself of the benefits and protections of Washington law, and committed a tort here. *Id.* § E & F.

Kudret asks this Court to ignore all of these significant contacts and others just because his job requires him to be out-of-state most of the time. This single fact cannot carry the day.

Kudret's argument that he must have been domiciled in Washington to have lived in a marital relationship here is based on his misunderstanding *Perry* and other inapposite cases:

- ◆ ***Freund v. Hastie***: interpreted the Washington Constitution Article 6, § 1, providing that electors must have “lived in the state, county, and precinct thirty days immediately preceding the election at which they offer to vote” 13 Wn. App. 731, 733-34, 537 P.2d 804 (1975). The Court unsurprisingly held that “lived in” the state means “residence, domicile and place of abode.” 13 Wn. App. at 734.
- ◆ ***In re Marriage of Corrie***: after the parties' Washington dissolution, the father moved to Virginia. 32 Wn. App. 592, 593, 648 P.2d 501 (1982). When he failed to return the parties' daughter to Washington after visitation, the mother obtained an order to enforce the dissolution decree requiring her daughter's return. 32 Wn. App. at 593-94. RCW 4.28.185(1)(f) was raised in passing, but the court did not interpret the statute or address whether it applies to facts like these, holding that “for purposes of enforcing the dissolution decree, personal jurisdiction was obtained.” *Id.* at 597.
- ◆ ***In re Marriage of Myers***: the parties were married in Washington, had two children born in the State, and lived here together for three-and-one-half years before the father removed the children to Kentucky without the mother's consent. 92 Wn.2d 113, 114, 594 P.2d 902 (1979)). The Court rejected the “domicile rule,” under which Kentucky would have had jurisdiction to determine custody since the children lived with their father, who had apparently newly established a Kentucky domicile. 92 Wn.2d at 116. The Court found long-arm jurisdiction over the father under sections (e) and (f) without any discussion. *Id.* at 117.

BA 28-29. In short, these inapposite cases provide no authority for Kudret's argument that living in a marital relationship within the State really means domiciled in the State.

Finally, Kudret argues that RCW 4.28.185(1)(f) must include a requirement that he was permanently domiciled in Washington or the "subsequent departure" language would be superfluous. BA 29-30. Kudret improperly focuses on the duration of his stays in Washington, ignoring why he was here. In his own words, he left only for "business reasons." CP 211.

In short, Kudret has many Washington contacts and should not be permitted to avoid jurisdiction just because he works abroad, so must live abroad much of the time. By that logic, our courts would lose jurisdiction over pilots and flight attendants, truck drivers, traveling sales people, and other professional people whose employment often places them in different locations, such as college professors, musicians, athletes, and lobbyists. This is contrary to the purpose of our long-arm statute – "to operate to the full extent permitted by due process." *Yocum*, 73 Wn. App. at 703.

B. Margaret substantially complied with RCW 4.28.185(4). (BA 39).

Margaret substantially complied with RCW 4.28.185(4), providing that “[p]ersonal service outside the state shall be valid only when an affidavit is made and filed to the effect that service cannot be made within the state.” Kudret argues that the trial court’s orders are void under RCW 4.28.185(4), but provides no relevant facts and nearly no argument, stating only that RCW 4.28.185(4) must be “strictly pursued.” BA 39 (quoting *Morris v. Palouse River & Coulee City R.R., Inc.*, 149 Wn. App. 366, 372, ¶ 11, 203 P.3d 1069, *rev. denied*, 166 Wn.2d 1033 (2009)). Substantial compliance is all that is required. *Ryland v. Universal Oil Co., Goodman Div.*, 8 Wn. App. 43, 45, 504 P.2d 1171 (1972). This Court should affirm.

A party need only substantially comply with RCW 4.28.185(4), “where *personal* service is made and no injury results to the defendant.” *Ryland*, 8 Wn. App. at 45-46 (italics original) (citing *Golden Gate Hop Ranch, Inc. v. Velsicol Chem. Corp.*, 66 Wn.2d 469, 403 P.2d 351 (1965)); *Mu-Petco Shipping Co. v. Divesco, Inc.*, 101 F.R.D. 753, 757 (S.D. Miss. 1984) (“The law of the State of Washington is clear that substantial compliance is all

that is necessary with this provision of the long-arm statute”) (citing ***Barr v. Interbay Citizens Bank of Tampa, Florida***, 96 Wn.2d 692, 649 P.2d 827 (1982)). The affidavit concerning impossibility may be filed any time before the statute of limitations expires (***Ryland***, 8 Wn. App. at 45) and it need not be filed by the petitioner – an affidavit filed by the party over whom jurisdiction is sought may suffice. ***Barr***, 96 Wn.2d at 696.

The trial court correctly ruled that RCW 4.28.185(4) was satisfied, where the parties’ declarations and other evidence established that Margaret could not serve Kudret in Washington. CP 456. Kudret filed declarations stating that he does not and never has lived in Washington, that he had no intention of making Washington his home, and that he has resided out of the Country since 2003. CP 58-61. More importantly, however, Margaret did not have to wait for an opportunity to serve Kudret in the family home, putting herself at risk of further acts of domestic violence. And Kudret was not “injur[ed]” – he agrees that he was served in Virginia without incident. ***Ryland***, 8 Wn. App. at 45; CP 61. This Court should affirm.

C. Washington jurisdiction is consistent with traditional notions of fair play and substantial injustice. (BA 40-46).

Equity demands that this matter should be resolved in Washington, not in Turkey, where Margaret has not lived since 1994, and where the parties never lived in a marital relationship. While Kudret has significant contacts with Washington, Margaret has almost no contacts with Turkey. And it is phenomenally inconvenient for Margaret to litigate in Turkey, but comparatively convenient for Kudret to litigate here. This Court should affirm.

Kudret argues that even if the long-arm statute is satisfied, the trial court nonetheless should have declined jurisdiction under the third prong of the 14th Amendment due-process test articulated in *Tyee Construction*, *supra*, providing that long-arm jurisdiction “cannot offend traditional notions of fair play and substantial justice.” BA 40 (citing *Yocum*, 73 Wn. App. at 703 (quoting *Tyee*, 62 Wn.2d at 115-16)). This prong of the *Tyee* test requires the court to consider (1) Kudret’s activities in Washington; (2) the convenience of the parties; (3) the benefits and protections Washington’s laws afforded the parties; and (4) the basic equities. *Tyee*, 62 Wn.2d at 116.

Kudret's many Washington activities are discussed at length above and need not be repeated in any detail. *Supra*, Argument § A.2. Kudret's repeated assertion that he is a mere visitor here is simply false. *Compare id. with* BA 41, 42. This is the only place the Oytans had a family home. *Supra*, Argument § A.2. Kudret had personal property here, received important mail here, visited the doctor here, developed business contacts here, and availed himself of the roadways and public school system. *Id.*

And Kudret's own actions belie his argument that he was unable to participate in the litigation for fear of waiving his jurisdiction defense (BA 42-43):

- ◆ Kudret filed numerous declarations specifically contesting the domestic violence and alcohol abuse allegations, and attacking Margaret's character. CP 312-14, 427-29; Ex 10.
- ◆ He fully participated in the GAL evaluation, participating in two webcam interviews and multiple phone conversations and email exchanges; providing collateral contacts; and providing written materials. Ex 46 at 2.
- ◆ He had counsel appear on his behalf. CP 11; Ex 46 at 2.
- ◆ He sought affirmative relief from the court, asking for a parenting evaluation, asking the court to designate him the primary residential parent, and requesting a "review hearing" to determine a parenting schedule for the 2010-2011 school year. CP 429-30.

In short, Kudret participated when he wanted to.

Washington is plainly the most convenient forum for Margaret, and far less inconvenient for Kudret than Turkey is for Margaret. Neither party has pursued litigation in Canada, where Kudret was posted when Margaret petitioned for dissolution, and where Kudret enjoys diplomatic immunity. CP 12. Kudret is pursuing dissolution proceeding in Turkey, where he is represented by his father. CP 12; RP 51, 53.

Margaret worked in Turkey in 1993 and 1994 and has not lived there since. RP 10-11; Ex 46 at 8. The parties were married in Maryland in 1997, near Margaret's family. CP 59; RP 10. Kudret has lived all over the world, but lived in Los Angeles with Margaret from 1997 until 2003. *Id.* The Oytan's daughter was born in Los Angeles in 1999. CP 8-9; RP 12.

The Oytans moved to Washington in 2007. RP 13. As discussed above, it was a family decision to move to Washington, Washington is the only place the parties had a family home, and Kudret expressed the Oytans' intent to remain in Washington at least for the foreseeable future. *Supra*, Statement of the Case § D & E; Argument § A.2.

Margaret works in Washington, A.O. is enrolled in public schools here, and Margaret is A.O.'s sole caretaker. RP 13-14, 18-

19. Margaret is also solely financially responsible for A.O., since Kudret has failed to pay any child support. CP 401, 455; Ex 46 at 10.²

Kudret, on the other hand, was “unemployed” as of January 2011, and it is unknown if he is currently working. CP 432. He is apparently living in Turkey. RP 53. In short, it is far less burdensome for Kudret to participate in a Washington litigation, than it is for Margaret to participate in a Turkish litigation.

Kudret does not address the third consideration – the benefits and protections Washington law affords the parties. *Tyee*, 62 Wn.2d at 116. Our courts are plainly capable of providing a just and equitable distribution of assets and entering a just and fair parenting plan. They did so here.

Pertaining to the “basic inequities” consideration, Kudret argues that he could not have anticipated being haled into Washington simply by “visiting” his family here. BA 41. Again, Kudret is no mere Washington visitor and his many Washington contacts are more than sufficient to tip off a reasonable person that

² The State was able to locate and garnish a United States Bank account, but it contained only a few thousand dollars. RP 44.

they could face litigation in Washington. *Supra*, Argument § A.2. Equity demands that this matter is resolved in Washington.

Kudret's remaining argument is essentially that the parenting plan unfairly deprives him of contact with A.O.. BA 43-44. Specifically, he argues that the .191 limitations requiring him to complete domestic-violence and alcohol-abuse treatment are unfair, as there was no evidence that a treatment program in Turkey would “meet all requirements for state-certified [] treatment in Washington State.” BA 44-45 (quoting CP 508).

Kudret neglects to mention that he fully participated with the GAL's evaluation and that the court adopted the GAL's recommendations. Ex 46 at 2, 8-13, 21-28; CP 505-09.³ The GAL recommended treatment for domestic violence and alcohol abuse, and .191 restrictions. Ex 46 at 24-28. These recommendations are based on Kudret's failure to comply with previous court orders requiring alcohol and domestic-violence treatment, on Margaret's consistent allegations, on corroborating evidence from family and

³ Kudret's citation to *Parentage of Schroeder* is misleading. BA 45 (citing 106 Wn. App. 343, 352-53, 22 P.3d 1280 (2001) (holding that a court must conduct an independent inquiry to modify a parenting plan)). The parenting plan does not permit the case manager to modify the parenting plan – it requires the case manager to monitor Kudret's contact with A.O. and provides that visitation may be reviewed when Kudret successfully completes domestic-violence and alcohol-abuse treatment. CP 507-08.

friends, on photographs, and on Kudret's own admissions that he "hit" Margaret, pushed and shoved her inappropriately, drank too much while posted in Belarus for two years, and took prescription medications to stop drinking. Ex 46 at 21-23. As to Kudret's ability to complete appropriate treatment in Turkey, the report specifically provides that the GAL or case manager could approve the program. *Id.* at 22.

Kudret complains that he was not awarded visitation in Turkey even though A.O. expressed a desire for short visits. BA 44 (citing Ex 46 at 14). On this point, the GAL expressly found that A.O. is too young to appreciate the ramifications of the Turkish litigation – that Kudret could attempt to keep A.O. in Turkey indefinitely. Ex 46 at 26. The GAL recommended against visitation in Turkey, concerned that Kudret would seek custody of A.O. in his Turkish dissolution proceeding, as he had previously threatened. Ex 46 at 26-27; RP 35-36. It was particularly concerning to the GAL that Kudret had already obtained a visitation order from the Turkish court that is inconsistent with the Washington parenting plan. *Id.* at 26. And given Kudret's claims that Turkish law would be less favorable to him on the asset distribution, the only explanation for his Turkish litigation was to increase Margaret's

expenses, or to attempt to get custody of A.O., contrary to the Washington orders. *Id.* at 26-27.

Kudret concludes his argument on this point with a single sentence asking this Court to remand for a do-over on the parenting plan if the Court affirms the lower court's jurisdiction. BA 45-46. This Court should decline to consider this assertion unsupported by any argument or authority. ***Norcon Builders, LLC v. GMP Homes VG, LLC.***, 161 Wn. App. 474, ¶ 18, 254 P.3d 835 (2011) ("We will not consider an inadequately briefed argument"). And a do-over would be completely inequitable and unjustified – Kudret had the opportunity to participate and for the most part, he did.

In sum, the parenting plan is the result of Kudret's behavior, not his failure to participate. Justice demands that this matter is resolved in Washington. This Court should affirm.

D. Kudret waived his personal-jurisdiction defense. (BA 46-48).

Kudret argues that his counsel did not have authority to enter an agreed child support order, thereby waiving Kudret's objection to personal jurisdiction. BA 46. But Kudret largely ignores that submitting a declaration seeking affirmative relief on

parenting issues waived his jurisdiction argument. This declaration formed the basis of the court's finding that Kudret authorized his counsel to enter the agreed support order. CP 455. The trial court correctly found that Kudret waived his objection, whether through counsel, or by his own actions.

In response to Margaret's motion for temporary child support, Kudret's attorney filed a declaration on Kudret's behalf, signing it "per . . . electronic approval." CP 430. Kudret stipulated to Margaret's support calculation, but opposed her proposed parenting plan, asking the court to award him the majority of the residential time for summer 2010. CP 429-30. Kudret sought an order requiring the parties to complete a parenting evaluation by August 2010, including psychological testing, stating that the attorneys had agreed on a few possible parenting evaluators. CP 428-29. He sought a "review hearing" to determine a parenting schedule for the 2010-11 school year. CP 430.

Kudret "[r]eserved" on financial matters, pending the court's ruling on his motion to dismiss, stating that his pleading should not be viewed as a waiver. CP 430. Thus, Kudret apparently wanted the trial court to resolve parenting issues, but not financial issues.

Id. Consistent with Kudret's declaration, his attorney signed an agreed temporary support order on Kudret's behalf. CP 44-51.

The trial court correctly found as follows:

- ◆ Kudret failed to show that his attorney lacked authority to enter the temporary order;⁴
- ◆ Explicit authority was unnecessary in any event, where agreeing to a temporary order did not affect a substantial right; and
- ◆ Even if a substantial right were involved, Kudret's declaration stipulating to the child-support calculation was sufficient authorization.

CP 455. This Court should affirm the trial court's order on either of the following two grounds: Kudret authorized counsel to sign on his behalf; or the temporary support order did not affect a substantial right. This Court should also affirm on the alternate ground that Kudret waived his objection to personal jurisdiction by seeking affirmative relief on parenting issues.

The trial court simply did not believe that Kudret did not consent to the support order. CP 455. The agreed support order is completely consistent with Kudret's declaration, in which he also "stipulate[d]" to Margaret's support calculation. CP 430, 455. And the support amount was favorable to Kudret – he failed to report his

⁴ Kudret had the burden of proof on this issue. *Nguyen v. Sacred Heart Med. Ctr.*, 97 Wn. App. 728, 735, 987 P.2d 634 (1999).

income, which was more than the amount used to calculate child support. CP 455.

Kudret just assumes – without any argument or authority – that signing the agreed temporary support order waived a substantial right. BA 47-48. The court’s finding that agreeing to the temporary order did not affect a substantial right is a verity, and this Court should decline to review his unsupported argument. **Norcon Builders, LLC**, 161 Wn. App. at 488 ¶ 18; **Sherwood v. Bellevue Dodge, Inc.**, 35 Wn. App. 741, 746-47, 669 P.2d 1258 (1983).

In any event, the purpose of the rule that a client must authorize his attorney to waive a substantial right is to prevent misunderstandings between client and counsel. **Graves v. P. J. Taggares Co.**, 94 Wn.2d 298, 304, 616 P.2d 1223 (1980). There was no misunderstanding here – the agreed temporary support order is completely consistent with Kudret’s declaration stipulating to Margaret’s support calculation. CP 44-51, 430. And again, the agreed order benefited Kudret, who never paid child support anyway. CP 401, 455; Ex 46 at 10.

If this Court concludes that counsel waived a substantial right without adequate authorization, then the Court should affirm

on the alternative ground that Kudret waived his jurisdiction defense by seeking affirmative relief:

Even where the defendant has properly contested jurisdiction and preserved the objection under CR 12, the defendant may waive the defense of lack of personal jurisdiction by seeking affirmative relief and thereby invoking the jurisdiction of the court.

In re Support of Livingston, 43 Wn. App. 669, 671, 719 P.2d 166, *rev. denied*, 107 Wn.2d 1005 (1986); *Negash*, 131 Wn. App. at 827). Affirmative relief is “[r]elief for which defendant might maintain an action independently of plaintiff’s claim and on which he might proceed to recovery, although plaintiff abandoned his cause of action or failed to establish it.” *Negash*, 131 Wn. App. at 827 (citing *Grange Ins. Ass’n v. State*, 110 Wn.2d 752, 765-66, 757 P.2d 933 (1988) (quoting *Black’s Law Dictionary* 56 (5th ed.1979))). A party seeks affirmative relief by asking a court to adjudicate visitation. *Livingston*, 43 Wn. App. at 671.

In *Livingston*, the parties’ New York divorce decree gave the father the children, gave the mother visitation, and declined to award child support. 43 Wn. App. at 670. The father moved for support in Washington, and the mother contested the court’s personal jurisdiction, but asked the court to enforce the visitation provision in the New York decree. *Id.* at 670-71. The appellate

court held that the mother sought affirmative relief, where she not only sought to enforce the New York decree, but also submitted an affidavit relevant to visitation, and failed to object to affidavits from the husband and a mental health professional. *Id.* at 672. In doing so, the mother waived her personal-jurisdiction defense. *Id.* at 671-72.

Kudret did not just agree that Margaret correctly calculated child support. BA 46-47 (citing *In re Marriage of Peck*, 82 Wn. App. 809, 815, 920 P.2d 236 (1996)). Again, he asked for specific parenting-plan provisions, sought an order requiring the parties to complete a parenting evaluation, and sought a “review hearing” to determine a parenting schedule for the 2010-2011 school year. CP 428-30. Kudret sought affirmative relief as defined by this Court in *Negash*, where he undoubtedly could have independently maintained an action to establish a parenting plan. 131 Wn. App. at 827. And Kudret sought affirmative relief under *Livingston*, asking the trial court to adjudicate visitation. 43 Wn. App. at 671-72. As such, Kudret waived his jurisdiction defense. *Id.*

In sum, Kudret waived his jurisdiction defense through his declaration and agreed order, or by seeking affirmative relief from the trial court. This Court should affirm.

E. The Court should deny Kudret's fee request and award Margaret fees. (BA 48-49).

This Court should deny Kudret's fee request and award Margaret fees. On three different occasions, the trial court awarded Margaret attorney fees, totaling nearly \$40,000, based on Kudret's intransigence and his greater ability to pay. CP 449, 454, 456, 465, 499-500, 503. The court found that Kudret's intransigence increased Margaret's Washington litigation expenses and that he filed the dissolution proceeding in Turkey solely to increase Margaret's fees and costs. CP 456, 500. The court also found that Kudret had the greater ability to pay, in part because the assets he was awarded were more liquid than Margaret's assets. CP 455-56, 500.

Kudret has not paid any of the court-ordered attorney fees. RP 46. He has not paid child support (except the few thousand dollars garnished from his U.S. bank account). RP 44. He has failed to account for the nearly \$2 million he took from the parties' Turkish bank account. RP 41. This Court should award Margaret fees based on Kudret's continued intransigence and his greater ability to pay. RCW 26.09.140.

Kudret asks this Court to award him fees under RCW 4.28.185(5) if he prevails on appeal. BA 48-49. Kudret agrees that the long-arm statute fee provision is permissive, not mandatory, but provides no argument as to why fees are appropriate here. Even if Kudret were to convince this Court to reverse, a fee award would be grossly inequitable in light of Kudret's continued intransigence, including his failure to pay amounts already ordered by the trial court that he does not challenge on appeal.

CONCLUSION

The trial court properly exercised long-arm jurisdiction based on Kudret's significant Washington contacts. Kudret also waived his jurisdiction defense. In his conclusion, Kudret repeats his single-sentence request for a do-over on "parenting issues." BA 49. This Court should decline to consider this inadequately-briefed and unsupported issue.

This Court should affirm on all grounds, deny Kudret's fee request, and award Margaret fees.

RESPECTFULLY SUBMITTED this 3rd day of January,
2012.

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CERTIFICATE OF SERVICE BY MAIL

I certify that I caused to be mailed, a copy of the foregoing
BRIEF OF RESPONDENT postage prepaid, via U.S. mail on the
3rd day of January 2012, to the following counsel of record at the
following addresses:

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Attorney for Respondent

RCW 4.28.185

Personal service out-of-state — Acts submitting person to jurisdiction of courts — Saving.

(1) Any person, whether or not a citizen or resident of this state, who in person or through an agent does any of the acts in this section enumerated, thereby submits said person, and, if an individual, his or her personal representative, to the jurisdiction of the courts of this state as to any cause of action arising from the doing of any of said acts:

- (a) The transaction of any business within this state;
- (b) The commission of a tortious act within this state;
- (c) The ownership, use, or possession of any property whether real or personal situated in this state;
- (d) Contracting to insure any person, property, or risk located within this state at the time of contracting;
- (e) The act of sexual intercourse within this state with respect to which a child may have been conceived;
- (f) Living in a marital relationship within this state notwithstanding subsequent departure from this state, as to all proceedings authorized by chapter 26.09 RCW, so long as the petitioning party has continued to reside in this state or has continued to be a member of the armed forces stationed in this state.

(2) Service of process upon any person who is subject to the jurisdiction of the courts of this state, as provided in this section, may be made by personally serving the defendant outside this state, as provided in RCW 4.28.180, with the same force and effect as though personally served within this state.

(3) Only causes of action arising from acts enumerated herein may be asserted against a defendant in an action in which jurisdiction over him or her is based upon this section.

(4) Personal service outside the state shall be valid only when an affidavit is made and filed to the effect that service cannot be made within the state.

(5) In the event the defendant is personally served outside the state on causes of action enumerated in this section, and prevails in the action, there may be taxed and allowed to the defendant as part of the costs of defending the action a reasonable amount to be fixed by the court as attorneys' fees.

(6) Nothing herein contained limits or affects the right to serve any process in any other manner now or hereafter provided by law.

RCW 26.09.080

Disposition of property and liabilities — Factors.

In a proceeding for dissolution of the marriage or domestic partnership, legal separation, declaration of invalidity, or in a proceeding for disposition of property following dissolution of the marriage or the domestic partnership by a court which lacked personal jurisdiction over the absent spouse or absent domestic partner or lacked jurisdiction to dispose of the property, the court shall, without regard to misconduct, make such disposition of the property and the liabilities of the parties, either community or separate, as shall appear just and equitable after considering all relevant factors including, but not limited to:

- (1) The nature and extent of the community property;
- (2) The nature and extent of the separate property;
- (3) The duration of the marriage or domestic partnership; and
- (4) The economic circumstances of each spouse or domestic partner at the time the division of property is to become effective, including the desirability of awarding the family home or the right to live therein for reasonable periods to a spouse or domestic partner with whom the children reside the majority of the time.

[2008 c 6 § 1011; 1989 c 375 § 5; 1973 1st ex.s. c 157 § 8.]

Notes:

Part headings not law -- Severability -- 2008 c 6: See RCW [26.60.900](#) and [26.60.901](#).

RCW 26.09.140

Payment of costs, attorneys' fees, etc.

The court from time to time after considering the financial resources of both parties may order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding under this chapter and for reasonable attorneys' fees or other professional fees in connection therewith, including sums for legal services rendered and costs incurred prior to the commencement of the proceeding or enforcement or modification proceedings after entry of judgment.

Upon any appeal, the appellate court may, in its discretion, order a party to pay for the cost to the other party of maintaining the appeal and attorneys' fees in addition to statutory costs.

The court may order that the attorneys' fees be paid directly to the attorney who may enforce the order in his or her name.

[2011 c 336 § 690; 1973 1st ex.s. c 157 § 14.]

RCW 26.09.191

Restrictions in temporary or permanent parenting plans. (Effective until January 1, 2012.)

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

(2)(a) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm; or (iv) the parent has been convicted as an adult of a sex offense under:

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

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

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

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

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

(H) Chapter 9.68A RCW;

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

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

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

(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

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

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

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

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

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

(H) Chapter 9.68A RCW;

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

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

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

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

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

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

(ii) RCW 9A.44.073;

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

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

(v) RCW 9A.44.083;

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

(vii) RCW 9A.44.100;

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

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

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

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

(ii) RCW 9A.44.073;

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

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

than the victim;

(v) RCW 9A.44.083;

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

(vii) RCW 9A.44.100;

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

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

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that:

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

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

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that:

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

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

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

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

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

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

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

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential

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

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

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

(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

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

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

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

(5) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

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

(7) For the purposes of this section, a parent's child means that parent's natural child, adopted child, or stepchild.

[2007 c 496 § 303; 2004 c 38 § 12; 1996 c 303 § 1; 1994 c 267 § 1. Prior: 1989 c 375 § 11; 1989 c 326 § 1; 1987 c 460 § 10.]

Notes:

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

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

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

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