

COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON
BY *Or*
DEPUTY

No. 41648-4-11

COURT OF APPEALS, DIVISION II
STATE OF WASHINGTON

DANIEL JONES; RESPONDANT

V.

VERONICA THOMPSON AKA BIEHNER, APPELLANT

Appeal from the Superior Court of Pierce County
The Honorable Judge Frederick Fleming

No. 10-3-00069-0

BRIEF OF APPELLANT

BY: *Doris M. Walkins*

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I. INTRODUCTION

Appellant Veronica Thompson, aka Biehner and Respondent have one minor child together, Mathias Jones; the parties were never married. In November 2009, following allegations of physical abuse by the mother’s eldest son, Zekiah Hurd, both Zekiah and Mathias were removed from the mother’s care. The State filed dependency petitions and placed the children in the care of Respondent’s parents. The State moved the court for summary judgment based on language in the protection order out of Superior Court that stated the mother was to have visitation with her son Zekiah, as would be allowed by CPS. The Respondent filed his Petition for Residential Schedule in January 2010, asking for primary residential placement of the child and alternating, unsupervised weekend visitations with the Appellant, CP 1-5. The Respondent later filed an amended proposed parenting plan asking that the mother’s visitation be supervised, CP 19-27.

The juvenile court subsequently dismissed the dependency petition as to Mathias, placing him in the care of the Respondent pending a February 23, 2010 hearing on Respondent’s motion for temporary orders, CP 37-38—the temporary orders hearing was subsequently continued to March 29, 2010—upon agreement of the parties.

Because the Appellant still had an open dependency as to her eldest son and pending felony charges out of Pierce County Superior Court, the court adopted the provisions of the temporary order and granted the Appellant supervised visitation and joint decision making. The Respondent was granted temporary primary residential custody of the child, CP 148-155.

The parties’ trial was scheduled for September 16, 2010. This was the original trial date on the issued trial schedule. The Appellant filed a Motion to Continue Trial and Appointment of Guardian ad Litem on September 8, 2010, CP 158-159 based on affect outcome of criminal trial would have on a long-term parenting plan, availability or expert witness and issues concerning

1 the Respondent's following of the temporary parenting plan and the Respondent's belief that a
2 Title 26 guardian ad litem was necessary to advocate on behalf of the child. RP Volume I, 6:11-
3 25 7:1-25 8:1-25 9:1-25 10:1-25 11:1-25 12:1-24.
4

5 The trial court denied the Appellant's motions for continuance of the trial and
6 appointment of a guardian ad litem, ruling the motion was "untimely" and without "good cause."
7 RP Volume I, 12:19-24. The trial proceeded and testimony was taken from the Appellant,
8 Respondent and witnesses on their behalf. The trial ended on Sept. 20, 2010 with the court ruling
9 that the father was to be named the primary residential parent of the child with the mother
10 receiving professionally supervised visitation at her expense, every other Saturday for 8 hours.
11 Additionally, the court ordered that the mother pay child support pursuant to the Washington
12 State Child Support Worksheets. RP Volume II-B 201:9-25 202:1-25 203:1-25 204:1-25 205:1-
13 25 206:1.
14

15 On December 10, 2010, the date set for presentation of final orders, the court was
16 informed that the Appellant's criminal charges were dismissed on November 3, 2010 and the
17 dependency court subsequently ordered return home of her eldest son, RP-Motion 12/10/2010,
18 3:2-25 4:1-25. The court, based on the representations of both counsel for Respondent and
19 Appellant, signed a parenting plan granting the mother alternating weekend, unsupervised
20 visitation. Counsel for Respondent argued for sole decision making and counsel for Appellant
21 argued for joint decision making, RP-Motion 12/10/2010, 7:1-25 8:1-25 9:1-25 10:1-10. The
22 Court ruled that decision making should be joint, RP-Motion 12/10/2010, 10:8-9, saying it was
23 "reasonable" based on the argument of counsel for Appellant.
24

25 On December 15, 2010 Appellant filed a Motion for Reconsideration of the final
parenting plan requesting a restoration of her previous status as primary residential parent, a
status she'd carried prior to the November 2009 allegations of abuse that lead to the criminal

1 charges and dependency case and final order of support, asking for a downward deviation
2 because she is supporting another child, CP 231-245. On December 14, 2010, the Respondent
3 filed a Motion for Reconsideration asking the court to grant him sole decision making, CP 226-
4 230.
5

6 On December 23, 2010, the Court heard both parties motions. The court ruled that the
7 Respondent should have sole decision making but did not make a finding of what provision of
8 RCW 26.09.187(2) he based his ruling of sole decision making on, RP-Motion, 12/23/2010,
9 11:16-25. The court did not rule on the Appellant's motion to reconsider the order of support and
10 grant her a downward deviation, RP-Motion 12/23/2010, 17:17-19, nor did the court make an
11 affirmative ruling as to the Appellant's motion to be named the primary residential parent of the
12 child, RP- Motion 12/23/2010, 10:20-21.

13 The Appellant appeals the trial court's Findings of Fact and Conclusions of Law on
14 Petition for Residential Schedule/Parenting Plan, CP 220-222, and the final parenting plan that
15 names the Respondent the primary residential parent and grants him sole decision making
16 authority as to religion, non-emergent medical and education CP 292-299. The Appellant also
17 appeals the trial court's failure to make a ruling on her motions for reconsideration as to the final
18 order of child support and final parenting plan RP-Motion 12/23/2010, 8:13-25 9:1-25 10:1-21.
19

20 There was never a Title 26 Guardian ad Litem involved in this case.

21 Appellant asks that the Court of Appeals vacate the trial court's rulings and that this
22 matter be remanded back to Pierce County Superior Court and be assigned to the family court.
23

24 II. ASSIGNMENTS OF ERROR

- 25 A. The trial court erred in not granting Appellant's Motion for Continuance of Trial
Date and Appointment of Guardian ad Litem (GAL hereafter).

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1. May a court find that the a motion for adjustment of trial date was untimely and without good cause without noting the reasons the court finds there was not good cause when the applicable court rule PCLR 40(g)(2)(B) creates a caveat allowing for motions to adjust trial dates to be made under “extraordinary circumstances where there is no alternative means of preventing a substantial injustice” after the deadline for making such a motion has passed?
2. Did the court abuse its discretion by not indicating why it did not find good cause to continue the trial and/or appoint a GAL on behalf of the minor child?

B. The trial court erred in granting the Respondent’s Motion to Reconsider the court’s December 10, 2010 decision to grant joint decision making and order that the final parenting plan grant him sole decision making as to education, non-emergent medical and religious decisions.

1. May a court grant sole decision making without outlining, in its decision, its reason for granting sole decision making pursuant to RCW 26.09.187(2)?

C. The trial court erred in failing to make a decision as to the Appellant’s Motion to Reconsider the Order of Child Support and Final Parenting Plan entered on December 10, 2010.

1. May a court enter final orders absent a ruling on a motion for reconsideration of one of the parties?
2. May a court fail to rule on a motion for reconsideration of its own decision and instead direct the parties to seek relief through a modification action

1 before a Court Commissioner?

2
3 III. STATEMENT OF THE CASE

4 Appellant Veronica Thompson, aka Biehner and Respondent have one minor child
5 together, Mathias Jones; the parties were never married. In November 2009, following
6 allegations of physical abuse by the mother's eldest son, Zekiah Hurd, both Zekiah and Mathias
7 were removed from the mother's care. The State filed dependency petitions and placed the
8 children in the care of Respondent's parents. The State moved the court for summary judgment
9 based on language in the protection order out of Superior Court that stated the mother was to
10 have visitation with her son Zekiah, as would be allowed by CPS. The Respondent filed his
11 Petition for Residential Schedule in January 2010, asking for primary residential placement of
12 the child and alternating, unsupervised weekend visitations with the Appellant, CP 1-5. The
13 Respondent later filed an amended proposed parenting plan asking that the mother's visitation be
14 supervised, CP 19-27.

15
16 The juvenile court subsequently dismissed the dependency petition as to Mathias, placing
17 him in the care of the Respondent pending a February 23, 2010 hearing on Respondent's motion
18 for temporary orders, CP 37-38—the temporary orders hearing was subsequently continued to
19 March 29, 2010—upon agreement of the parties.

20 Because the Appellant still had an open dependency as to her eldest son and pending
21 felony charges out of Pierce County Superior Court, the court adopted the provisions of the
22 temporary order and granted the Appellant supervised visitation and joint decision making. The
23 Respondent was granted temporary primary residential custody of the child, CP 148-155.

24 The parties' trial was scheduled for September 16, 2010. This was the original trial date
25 on the issued trial schedule. The Appellant filed a Motion to Continue Trial and Appointment of
Guardian ad Litem on September 8, 2010, CP 158-159 based on affect outcome of criminal trial

1 would have on a long-term parenting plan, availability or expert witness and issues concerning
2 the Respondent's following of the temporary parenting plan and the Respondent's belief that a
3 Title 26 guardian ad litem was necessary to advocate on behalf of the child. RP Volume I, 6:11-
4 25 7:1-25 8:1-25 9:1-25 10:1-25, 11:1-25, 12:1-24.
5

6 The trial court denied the Appellant's motions for continuance of the trial and
7 appointment of a guardian ad litem, ruling the motion was "untimely" and without "good cause."
8 RP Volume I, 12: 19-21. The trial proceeded and testimony was taken from the Appellant,
9 Respondent and witnesses on their behalf. The trial ended on Sept. 20, 2010 with the court ruling
10 that the father was to be named the primary residential parent of the child with the mother
11 receiving professionally supervised visitation at her expense, every other Saturday for 8 hours.
12 Additionally, the court ordered that the mother pay child support pursuant to the Washington
13 State Child Support Worksheets. RP Volume II-B 201:9-25 202:1-25 203:1-25 204:1-25 205:1-
14 25 206:1.
15

16 On December 10, 2010, the date set for presentation of final orders, the court was
17 informed that the Appellant's criminal charges were dismissed on November 3, 2010 and the
18 dependency court subsequently ordered return home of her eldest son, RP-Motion 12/10/10,
19 3:20-25 4:1-25. The court, based on the representations of both counsel for Respondent and
20 Appellant, signed a parenting plan granting the mother alternating weekend, unsupervised
21 visitation. Counsel for Respondent argued for sole decision making and counsel for Appellant
22 argued for joint decision making, RP-Motion 12/10/2010, 6:1-25 7:1-25 8:1-25 9:1-25 10:1-10.
23 The Court ruled that decision making should be joint, RP-Motion 12/10/2010, 10:8, saying it was
24 "reasonable" based on the argument of counsel for Appellant.
25

On December 15, 2010 Appellant filed a Motion for Reconsideration of the final
parenting plan requesting a restoration of her previous status as primary residential parent, a

1 status she'd carried prior to the November 2009 allegations of abuse that lead to the criminal
2 charges and dependency case and final order of support, asking for a downward deviation
3 because she is supporting another child, CP 231-245. On December 14, 2010, the Respondent
4 filed a Motion for Reconsideration asking the court to grant him sole decision making, CP 226-
5 230.
6

7 On December 23, 2010, the Court heard both parties motions. The court ruled that the
8 Respondent should have sole decision making but did not make a finding of what provision of
9 RCW 26.09.187(2) he based his ruling of sole decision making on, RP-Motion, 12/23/2010,
10 11:23-25. The court did not rule on the Appellant's motion to reconsider the order of support and
11 grant her a downward deviation, RP-Motion 12/23/2010, 17, nor did the court make an
12 affirmative ruling as to the Appellant's motion to be named the primary residential parent of the
13 child, RP- Motion 12/23/2010, 8: 24-25 9:1-10.
14

15 The Appellant appeals the trial court's Findings of Fact and Conclusions of Law on
16 Petition for Residential Schedule/Parenting Plan, CP 220-222, and the final parenting plan that
17 names the Respondent the primary residential parent and grants him sole decision making
18 authority as to religion, non-emergent medical and education CP 292-299. The Appellant also
19 appeals the trial court's failure to make a ruling on her motions for reconsideration as to the final
20 order of child support and final parenting plan RP-Motion 12/23/2010, 9:11-25 10:1-21, saying
21 "I'm not going to argue anything."
22

23 There was never a Title 26 Guardian ad Litem involved in this case. A copy of the
24 Findings of Fact and Conclusions of Law and Final Parenting Plan and Final Order of Support
25 are attached hereto.

IV. ARGUMENT

Appellant's first argument is centered around Pierce County Local Rule 40(g)(2)(B). The

1 rule states, in relevant part, that “if a motion to change the trial date is made after the Deadline to
2 Adjust Trial Date, the motion will not be granted except under extraordinary circumstances
3 where there is no alternative means of preventing a substantial injustice.”
4

5 Petitioner’s argument was that the motion was untimely and there were no extraordinary
6 circumstances warranting granting of the continuance, RP Volume I 7:24-25, 8:1-17. Counsel for
7 Petitioner said Respondent knew of the psychological evaluation and should have subpoenaed
8 the expert witness and had not done so, RP Volume I 9:20-25. Counsel for petitioner went on to
9 say that the Respondent “basically banked on well, we’re just going to ask for a continuance and
10 it will be granted,” RP Volume I 9:25 10:1-2.

11 Counsel for Respondent made it clear to the court that the Respondent had three separate
12 attorneys, an attorney handling a related dependency proceeding for her eldest child, an attorney
13 handling her parentage action and an attorney handling her criminal case. RP Volume I 11:18-19.
14 Counsel for Respondent informed the court that she’d just been made privy to the existence of
15 the psychological evaluation by counsel handling the dependency and was not “sitting on the
16 information,” RP Volume I 11:24-25, as it had just been provided to me shortly before trial and
17 the provider was not available for trial. RP Volume I 12:1-6.
18

19 The court found that there was not good cause to grant the continuance, stating, “I don’t think
20 this is timely, Counsel. There’s not good cause...and under the circumstances, due process has
21 been satisfied in my mind,” RP Volume I 12:19-21.

22 ***A. The trial court erred in not granting Appellant’s Motion for Continuance of***
23 ***Trial Date and Appointment of Guardian ad Litem (GAL hereafter).***

24 The trial court's review of a matter concerning the rights of custody and visitation will not be
25 disturbed absent an abuse of discretion. *In re Marriage of Luckey*, 73 Wash.App. 201, 208, 868
P.2d 189 (1994). Discretion is abused if the court's decision is manifestly unreasonable or based

1 on untenable grounds or untenable reasons. *In re Marriage of Littlefield*, 133 Wash.2d 39, 46-47,
2 940 P.2d 1362 (1997). The Appellant argues that the court abused its discretion in not finding
3 “extraordinary circumstances” and instead relying solely on a timeliness argument regarding the
4 mother’s motion for continuance?
5

6 The court abused its discretion in not granting the mother’s motion for continuance because
7 this child resided primarily with the mother, with weekend visitation with the father, prior to the
8 children being removed from the mother, as is outlined above, because the pending criminal
9 charges were the reason for the removal of the children in the first place, conducting a trial to
10 determine the long term residential schedule of this child, with the criminal trial coming up less
11 than 2 months later, constituted extraordinary circumstances that would warrant a continuance of
12 the trial. Instead the court relied solely upon the timeliness argument without giving an
13 explanation for why he determined that there were no extraordinary circumstances warranting a
14 continuance, RP Volume I, 12:19-24.
15

16 Additionally the trial court abused its discretion in not granting the motion for continuance,
17 based on the caveat in PCLR (g)(2)(B) allowing for continuances after the deadline for
18 adjustment of the trial date under extraordinary circumstances where there is no alternative
19 means of preventing a substantial injustice.

20 The mother was facing felony and misdemeanor assault charges and was going to trial on
21 these charges on November 3, 2010. The mother was seeking to be restored as the primary
22 residential parent of the child in question. With the criminal case unresolved, her only means of
23 preventing the substantial injustice of not having the option of being able to be restored as the
24 primary parent at the end of the parentage trial, due to the pending felony charges, was to request
25 a continuance of the trial date until after the November 3, 2010 criminal trial. The only
alternative available, absent the court granting the continuance, would be for the mother to seek

1 modification of the final parenting plan after her criminal trial was resolved but the substantial
2 injustice of not having a meaningful trial, would have already been done.

3
4 Appellant argues that the court's decision to deny the motion for continuance as "untimely"
5 and without "good cause" was an abuse of discretion in that the reason for the decision was
6 untenable, analogous to the trial court's findings in *Littlefield. In re Marriage of Littlefield*, 133
7 Wash.2d 39, 46-47, 940 P.2d 1362 (1997). The court gave no reasoning for its decision,
8 specifically for why it believed there was not good cause, RP Volume I, 12:19-24. Additionally,
9 by not granting the continuance, the respondent was unable to call expert witness, Dr. Majovski
10 to testify as to the psychological evaluation that was filed by the Respondent and intended to be
11 used to support her argument of restoration as primary residential parent. The court did not
12 outline why there was not good cause to continue the trial to allow for this witness to be called,
13 along with allowing resolution of the criminal trial, RP Volume I, 12:19-24.

14
15 The Appellant's second argument centers around the issue of decision making. The trial
16 court's reversed its December 10, 2010 decision of joint decision making for both parties, RP
17 Motion 12/10/2010, 10:8-9, granting sole decision making to the Respondent on December 23,
18 2010 after Respondent's Motion for Reconsideration of the court's December 10, 2010 decision,
19 RP Motion 12/23/2010, 11:23-25. The Revised Code of Washington 26.09.187(2) states:

20 (b) The court shall order sole decision making authority to one parent when it
21 finds that:

22 (i) A limitation on the other parent's decision-making authority is
23 mandated by RCW 26.09.191; (ii) Both parents are opposed to mutual
24 decision making; (iii) One parent is opposed to mutual decision making,
25 and such opposition is reasonable based on the criteria in (c) of this
subsection.

(c) ... the court shall consider the following criteria in allocating decision-making
authority:

(i) The existence of a limitation under RCW 26.09.191;
(ii) The history of participation of each parent in decision making in each
of the areas in RCW 26.09. 184(5)(a);
(iii) Whether the parents have a demonstrated ability and desire to
cooperate with one another in decision making in each of the areas in

1 RCW26.09.184(5)(a); and
2 (iv) The parents' geographic proximity to one another, to the extent that it
3 affects their ability to make timely mutual decisions.

4 ***B. The trial court erred in granting the Respondent's Motion to Reconsider the***
5 ***court's December 10, 2010 decision to grant joint decision making and order***
6 ***that the final parenting plan grant him sole decision making as to education,***
7 ***non-emergent medical and religious decisions.***

8 For purposes of appellate review of a trial court's decision concerning a final parenting
9 plan, the trial court abuses its discretion when its decisions are based on untenable grounds or
10 reasons, that is, where its factual findings are unsupported by the record, it has used an incorrect
11 standard, or the facts do not meet the requirements of the correct standard. *Mansour v. Mansour*,
12 126 Wash.App. 1, 106 P.3d 768 (2004).

13 The ruling in *Mansour v Mansour, Id.* is analogous to the trial court's ruling in that the facts
14 presented to the court in the Respondent's Motion for Reconsideration, do not meet the
15 requirements of the correct standard with which to grant one party sole decision making. Further,
16 in *In re Marriage of Shryock*, 76 Wash.App. 848, 888 P.2d 750 (2001), also an analogous case,
17 cited by the court in *Mansour v. Mansour*, 126 Wash.App. 1, 106 P.3d 768 (2004), the court
18 ruled that a court's failure to make findings regarding application of each relevant statutory factor
19 in modifying a prior parenting plan is error. *In re Marriage of Shryock*, 76 Wash.App. 848, 888
20 P.2d 750 (2001). In this case, as was the case in *In re Marriage of Shryock, Id.*, the trial court
21 did not apply each relevant statutory factor listed in RCW 26.09.187(2), in vacating its previous
22 decision of joint decision making and instead adopting the provision of sole decision making for
23 the father, RP Motion 12/23/2010, 11:23-25, nor did the Respondent rely on any of the factors
24 listed in RCW 26.09.187(2) as a basis upon which the court should grant his motion, CP 231-
25

1 245.

2
3 The court, in its ruling upon entry of the final parenting plan, on the date of presentation of
4 final orders, found that there was no reason that the mother should not have joint decision
5 making, RP Motion 12/10/2010, 10:8-9. Subsequently, at the hearing for motions for
6 reconsideration the court granted the father sole decision making, basing his decision on nothing
7 more than his feeling that the “mother has been less nurturing than she should be,” RP Motion
8 12/23/2010,10:11-15.

9 The court did not outline in its findings its basis for modifying its ruling from joint to sole
10 decision making pursuant to the guidelines listed in RCW 26.09.187(2). Appellant therefore
11 believes the court abused its discretion in making a decision that was untenable and caused the
12 Appellant a substantial injustice.

13 Appellant’s final argument is regarding the trial court’s failure to make affirmative rulings as
14 to Appellant’s motions to reconsider the final parenting plan’s residential provisions and the
15 order of support’s deviations provisions.
16

17 ***C. The trial court erred in failing to make a decision as to the Appellant’s Motion***
18 ***to Reconsider the Order of Child Support and Final Parenting Plan entered on***
19 ***December 10, 2010.***

20 May a court enter final orders absent a ruling on a motion for reconsideration of one of
21 the parties? The Appellant, in her Motion for Reconsideration, RP Motion 12/23/2010, 9:4-25
22 10:1-25 11:1-25, through counsel, began to raise argument based on the written motion. The
23 court interrupted counsel asking if he’d already denied the request. Counsel for Appellant noted
24 that this was a motion for reconsideration and without affirmatively ruling on the motion, RP
25 Motion 12/23/2010, 10:20-21, the Court moved on to the Respondent’s Motion for
Reconsideration of joint decision making, and failed to make any affirmative ruling as to the

1 Appellant's motion, nor did the court outline its reasons, pursuant to statute, for vacating its joint
2 decision making ruling and adopting the Respondent's motion for sole decision making, RP
3 Motion 12/23/2010, 11:23-25.
4

5 Additionally, may a court fail to rule on a motion for reconsideration of its own decision
6 and instead direct the parties to seek relief through a modification action before a Court
7 Commissioner? The court failed to make a ruling on the respondent's motion for reconsideration
8 as to a downward deviation on the child support for the child. The court instead directed the
9 mother to seek relief by setting a motion for modification before a Commissioner, RP Motion,
10 12/23/2010, 15:12-25 16:1-25 17:1-19.

11 Pursuant to PCLR 7(c)(1) Motions for Reconsideration are to be heard before the Judge
12 or Commissioner who initially ruled on the motion or to the Presiding Judge or his/her designee
13 upon a showing of good cause. Again in accordance with the Court's ruling in *In re Marriage of*
14 *Littlefield*, 133 Wash.2d 39, 46-47, 940 P.2d 1362 (1997), the court abused its discretion in that
15 its decision was untenable—the court made no decision and instead directed the Respondent to
16 seek relief through petition for modification before a court commissioner when Respondent
17 moved the court for reconsideration of its decision made on Dec 10, 2010. This was not a Motion
18 for Revision of a decision made by a Commissioner but a motion for the court to reconsider its
19 on decision. The court clearly erred in directing the Respondent to seek relief by filing a new
20 action and abused its discretion by directing the Appellant to seek relief based on an incorrect
21 standard, RP Motion 12/23/2010, 15:12-25 16:1-25 17:1-19.
22

23 V. CONCLUSION

24 For the foregoing reasons the court should vacate the Findings of Facts and Conclusion of
25 Law and Final Parenting Plan entered in Pierce County Superior Court on December 10, 2010
and December 23, 2010 and remand this matter back to the Pierce County Superior Court, family

1 court and/or trial court.

FILED
COURT OF APPEALS
DIVISION II

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4 Dated this 20th day of April 2011

STATE OF WASHINGTON
BY _____
DEPUTY

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7 Doris M. Walkins, WSBA 38424
Attorney for Appellant

8
9 VI. APPENDIX

10 Attached hereto is a copy of the Findings of Fact and Conclusion of Law and Final
11 Parenting Plan entered with Pierce County Superior Court on December 10, 2010 and the
12 Amended Final Parenting Plan entered on December 23, 2010.

13
14 VII. CERTIFICATION OF SERVICE

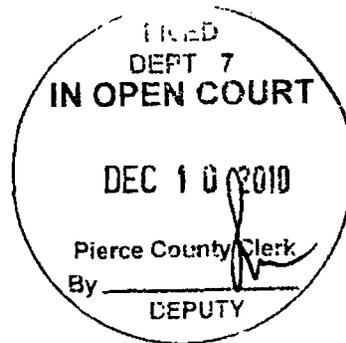
15 This is to certify that on April 21, 2011, I, Doris M. Walkins, delivered a copy of this
16 brief along with the original Verbatim Report of Proceedings via hand-delivery, upon
17 Respondent's attorney, Clayton R. Dickinson.

18
19 

20 Doris M. Walkins, WSBA 38424
21 Attorney for Appellant



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Superior Court of Washington
County of Pierce

In re the Parentage of:

No. 10-3-00069-0

MATHIAS JONES

Child(ren),

Findings of Fact and Conclusions
of Law on Petition for Residential
Schedule/Parenting Plan or Child
Support
(FNFCL)

DANIEL JONES

Petitioner,

and

VERONICA BIEHNER (AKA THOMPSON)

Respondent

I. Basis for Findings

The findings are based upon a hearing held on 9/16/10 through 9/20/10 The following people attended

- Mother
- Mother's Attorney
- Acknowledged Father
- Acknowledged Father's Attorney

II. Findings of Fact

Upon the basis of the court record, the court *finds*

2.1 Notice and Basis of Personal Jurisdiction Over the Parties

All parties necessary to adjudicate the issues were served with a copy of the summons and petition and are subject to the jurisdiction of this court The facts below establish

1 personal jurisdiction over the parties:

2 The mother and acknowledged father engaged in sexual intercourse in the state
3 of Washington as a result of which the child was conceived
4 Respondent was personally served with summons and petition within this state.

5 **2.2 Period for Challenge to the Acknowledgement or Denial of Paternity**

6 Daniel Jones, the child's acknowledged father and Veronica Thompson, the child's
7 mother signed the Acknowledgment of Paternity, which was filed with the Washington
8 State Registrar of Vital Statistics on 10/25/04

9 This proceeding was begun more than 60 days from the effective date of the
10 Acknowledgement of Paternity and a period of two years or more has passed since the
11 date the acknowledgment was filed with the Washington State Registrar of Vital
12 Statistics.

13 **2.3 The Child Affected in This Action**

14 This action affects.

15 Mathias, Jones.

16 **2.4 Basis for Jurisdiction Over the Child**

17 This court has jurisdiction over the child for the reasons below

18 This state is the home state of the child because the child lived in Washington with a
19 parent or a person acting as a parent for at least six consecutive months immediately
20 preceding the commencement of this proceeding.

21 **2.5 Child Support**

22 The child is in need of support and child support should be set pursuant to the
23 Washington State Child Support Schedule The Order of Child Support signed by the
24 court this date and the child support worksheet which has been approved by the court
25 are incorporated by reference in these findings

2.6 Residential Schedule/Parenting Plan

The residential schedule/parenting plan signed by the court this date is approved and
incorporated as part of these findings.

2.7 Reimbursement

Does not apply.

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2.8 Continuing Restraining Order

Does not apply

2.9 Protection Order

Does not apply

2.10 Other

Does not apply.

III. Conclusions of Law

3.1 Jurisdiction

The court has jurisdiction to enter an order in this matter

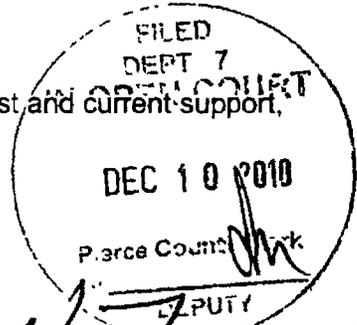
3.2 Disposition

The court shall enter an order that

Declares this proceeding was properly begun.
Makes provision for a residential schedule/parenting plan, or past and current support,
and health insurance coverage for the child

3.3 Other

Does not apply



Dated 12-10-10

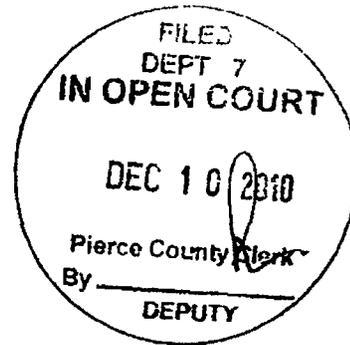
[Signature]
Judge/Commissioner

Presented by:

Approved for entry:
Notice of presentation waived

[Signature]
Clayton R Dickinson Date 12/7/10
WSBA No 13723
Signature of Party or Lawyer

[Signature] 12/10/10
Doris Walkins Date
WSBA No 38424
Signature of Party or Lawyer



SUPERIOR COURT OF WASHINGTON
COUNTY OF PIERCE

In re the Parentage of:

MATHIAS JONES
Child(ren),

DANIEL JONES
Petitioner,

and

VERONICA BIEHNER (AKA THOMPSON)

Respondent.

No. 10-3-00069-0

Parenting Plan
Final Order (PP)

This parenting plan is the final parenting plan signed by the court pursuant to an order determining parentage signed by the court of this date.

It Is Ordered, Adjudged and Decreed:

I. General Information

This parenting plan applies to the following parents Daniel Jones and Veronica Biehner (aka Thompson), and to the following child:

<u>Name</u>	<u>Age</u>
Mathias Jones	5

II. Basis for Restrictions

Under certain circumstances, as outlined below, the court may limit or prohibit a parent's contact with the child and the right to make decisions for the child

2.1 Parental Conduct (RCW 26.09.191(1), (2))

Does not apply

2.2 Other Factors (RCW 26.09.191(3))

Does not apply.

III. Residential Schedule

The residential schedule must set forth where the child shall reside each day of the year, including provisions for holidays, birthdays of family members, vacations, and other special occasions, and what contact the child shall have with each parent. Parents are encouraged to create a residential schedule that meets the developmental needs of the child and individual needs of their family. Paragraphs 3.1 through 3.9 are one way to write your residential schedule. If you do not use these paragraphs, write in your own schedule in Paragraph 3.13

3.1 Schedule for Children Under School Age

There are no children under school age.

3.2 School Schedule

Upon enrollment in school, the child shall reside with Daniel Jones, except for the following days and times when the child will reside with or be with the other parent

from Friday 5.00 p.m. to Sunday 8 00 p m. every other week.

3.3 Schedule for Winter Vacation

The child shall reside with Daniel Jones during winter vacation, except for the following days and times when the child will reside with or be with the other parent

Same as 3.2.

3.4 Schedule for Other School Breaks

The child shall reside with Daniel Jones during other school breaks, except for the following days and times when the child will reside with or be with the other parent

Same as 3.2.

3.5 Summer Schedule

Upon completion of the school year, the child shall reside with Daniel Jones, except for the following days and times when the child will reside with or be with the other parent:

1 The mother may have the child for two separate two-week periods during the summer
 2 break. The mother must give the father advance notice of when she plans on exercising
 3 these visitations at least one month prior to the visit beginning

4 3.6 Vacation With Parents

5 Does not apply.

6 3.7 Schedule for Holidays

7 The residential schedule for the child for the holidays listed below is as follows

	With Veronica Biehner	With Daniel Jones
	(Specify Year <u>Odd/Even/Every</u>)	(Specify Year <u>Odd/Even/Every</u>)
10 New Year's Day	Even	Odd
11 Martin Luther King Day	Odd	Even
12 Presidents' Day	Even	Odd
13 Memorial Day	Odd	Even
14 July 4th	Even	Odd
15 Labor Day	Odd	Even
16 Veterans' Day	Even	Odd
17 Thanksgiving Day	Odd	Even
18 Christmas Eve	Even	Odd
19 Christmas Day	Odd	Even

20 For purposes of this parenting plan, a holiday shall begin and end as follows (set forth
 21 times).

22 From 8:00 a.m. the day of the holiday until 8:00 a.m. the following morning. If the day
 23 following the holiday is a school day, the parent that has the child is responsible for bring
 24 the child to school

25 3.8 Schedule for Special Occasions

The residential schedule for the child for the following special occasions (for example,
 birthdays) is as follows:

	With Daniel Jones	With Veronica Biehner
	(Specify Year <u>Odd/Even/Every</u>)	(Specify Year <u>Odd/Even/Every</u>)
26 Mother's Day		Every
27 Father's Day	Every	

1 Mother's Day and Father's Day visits shall consist of a dinner visit from 4 00 p.m. until
2 8 00 p.m.

3 3.9 Priorities Under the Residential Schedule

4 If the residential schedule, paragraphs 3.3 - 3.8, have priority over paragraphs 3.1 and
5 3.2, in the following order

6 Rank the order of priority, with 1 being given the highest priority:

- 7 4 winter vacation (3.3)
- 8 5 school breaks (3.4)
- 9 2 summer schedule (3.5)
- 6 vacation with parents (3.6)
- 1 1 holidays (3.7)
- 3 3 special occasions (3.8)

10 3.10 Restrictions

11 Does not apply because there are no limiting factors in paragraphs 2.1 or 2.2.

12 3.11 Transportation Arrangements

13 Transportation costs are included in the Child Support Worksheets and/or the Order for
14 Child Support and should not be included here.

15 *Transportation arrangements for the child between parents shall be as follows:*

16 The parent that is receiving the child is responsible for the transportation of the child

17 3.12 Designation of Custodian

18 The child named in this parenting plan are scheduled to reside the majority of the time
19 with Daniel Jones. This parent is designated the custodian of the child solely for
20 purposes of all other state and federal statutes which require a designation or
determination of custody. This designation shall not affect either parent's rights and
responsibilities under this parenting plan.

21 3.13 Other

22 Does not apply.

23 3.14 Summary of RCW 26.09.430 - .480, Regarding Relocation of a Child

24 This is a summary only. For the full text, please see RCW 26.09.430 through 26.09.480

25 //

1 If the person with whom the child resides a majority of the time plans to move, that
2 person shall give notice to every person entitled to court ordered time with the child.

3 If the move is outside the child's school district, the relocating person must give notice by
4 personal service or by mail requiring a return receipt. This notice must be at least 60
5 days before the intended move. If the relocating person could not have known about the
6 move in time to give 60 days' notice, that person must give notice within five days after
7 learning of the move. The notice must contain the information required in RCW
8 26.09.440. See also form DRPSCU 07 0500, (Notice of Intended Relocation of A Child)

9 If the move is within the same school district, the relocating person must provide actual
10 notice by any reasonable means. A person entitled to time with the child may not object
11 to the move but may ask for modification under RCW 26.09.260

12 Notice may be delayed for 21 days if the relocating person is entering a domestic
13 violence shelter or is moving to avoid a clear, immediate and unreasonable risk to health
14 and safety

15 If information is protected under a court order or the address confidentiality program, it
16 may be withheld from the notice

17 A relocating person may ask the court to waive any notice requirements that may put the
18 health and safety of a person or a child at risk

19 Failure to give the required notice may be grounds for sanctions, including contempt

20 **If no objection is filed within 30 days after service of the notice of intended
21 relocation, the relocation will be permitted and the proposed revised residential
22 schedule may be confirmed.**

23 A person entitled to time with a child under a court order can file an objection to the
24 child's relocation whether or not he or she received proper notice.

25 An objection may be filed by using the mandatory pattern form WPF DRPSCU 07 0700,
(Objection to Relocation/Petition for Modification of Custody Decree/Parenting

Plan/Residential Schedule). The objection must be served on all persons entitled to time
with the child.

The relocating person shall not move the child during the time for objection unless: (a)
the delayed notice provisions apply; or (b) a court order allows the move.

If the objecting person schedules a hearing for a date within 15 days of timely service of
the objection, the relocating person shall not move the child before the hearing unless
there is a clear, immediate and unreasonable risk to the health or safety of a person or a
child

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IV. Decision Making

4.1 Day to Day Decisions

Each parent shall make decisions regarding the day-to-day care and control of each child while the child is residing with that parent. Regardless of the allocation of decision making in this parenting plan, either parent may make emergency decisions affecting the health or safety of the child

4.2 Major Decisions

Major decisions regarding each child shall be made as follows.

	Daniel Jones has sole decision making for	Veronica Thompson has sole decision making for	Both parents have joint decision making for
Education decisions	X		X
Non-emergency health care	X		X
Religious upbringing	X		X

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CRD

[Handwritten initials]

4.3 Restrictions in Decision Making

Sole decision making shall be ordered for the following reasons.

One parent is opposed to mutual decision making, and such opposition is reasonably based on the following criteria:

- (a) The existence of a limitation under RCW 26 09.191,
- (b) The history of participation of each parent in decision making in each of the areas in RCW 26 09 184(4)(a);
- (c) Whether the parents have demonstrated ability and desire to cooperate with one another in decision making in each of the areas in RCW 26 09 184(4)(a), and
- (d) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

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CRD

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V. Dispute Resolution

The purpose of this dispute resolution process is to resolve disagreements about carrying out this parenting plan. This dispute resolution process may, and under some local court rules or

1 *the provisions of this plan must, be used before filing a petition to modify the plan or a motion for*
 2 *contempt for failing to follow the plan.*

3 Disputes between the parties, other than child support disputes, shall be submitted to (list
 4 person or agency)

5 mediation by King County Dispute Resolution Center, if this box is checked and issues
 6 of domestic violence or child abuse are present, then the court finds that the victim
 7 requested mediation, that mediation is appropriate and that the victim is permitted to
 8 have a supporting person present during the mediation proceedings, or

9 The cost of this process shall be allocated between the parties as follows

10 50% Daniel Jones, and 50% Veronica Thompson

11 The dispute resolution process shall be commenced by notifying the other party by

12 In the dispute resolution process.

- 13 (a) Preference shall be given to carrying out this Parenting Plan
- 14 (b) Unless an emergency exists, the parents shall use the designated process to resolve
 15 disputes relating to implementation of the plan, except those related to financial support
- 16 (c) A written record shall be prepared of any agreement reached in counseling or
 17 mediation and of each arbitration award and shall be provided to each party
- 18 (d) If the court finds that a parent has used or frustrated the dispute resolution process
 19 without good reason, the court shall award attorney's fees and financial sanctions to the
 20 other parent
- 21 (e) The parties have the right of review from the dispute resolution process to the superior
 22 court

23 VI. Other Provisions

24 There are the following other provisions.

25 1 The father shall provide mother via e-mail with information regarding the child's
 school (i.e., name of school and contact information) parent/teacher conferences,
 26 academic incidents, and report cards/performance issues. The mother shall be
 27 allowed equal access to the child's school information directly from the school

28 2 The father shall provide mother with information regarding daycare
 29 arrangements

30 3. The mother shall have phone contact with the child every Wednesday between 5
 31 PM and 6 PM and every Saturday and Sunday the mother does not have visitation.

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These phone calls may be up to 15 minutes in length. If for some reason the child will not be available for contact using the normal phone number, the father shall provide the mother, in advance, by e-mail, of an alternative number to use to contact the child. In the event that the child is not available for the phone contact at the time specified above, the father shall notify the mother in advance of an alternative time for the phone contact to occur on the same day.

- 4. The father shall provide the mother with e-mail notification of major medical issues relating to the child.
- 5. Both parties shall provide the other with a working e-mail address to allow for the above-mentioned communication.

VII. Declaration for Proposed Parenting Plan

Does not apply

VIII. Order by the Court

It is ordered, adjudged and decreed that the parenting plan set forth above is adopted and approved as an order of this court.

WARNING: Violation of residential provisions of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under RCW 9A.040.060(2) or RCW 9A 40.070(2). Violation of this order may subject a violator to arrest.

When mutual decision making is designated but cannot be achieved, the parties shall make a good faith effort to resolve the issue through the dispute resolution process.

If a parent fails to comply with a provision of this plan, the other parent's obligations under the plan are not affected.

Dated 12-10-10

[Handwritten Signature]

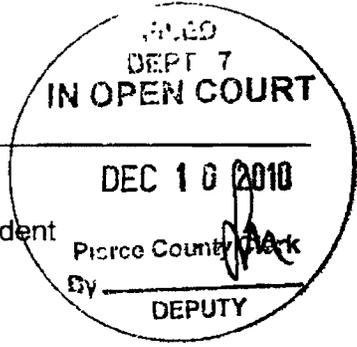
Judge/Commissioner

Presented by
[Handwritten Signature]

Clayton R. Dickinson
WSBA No. 13723
Attorney for Petitioner

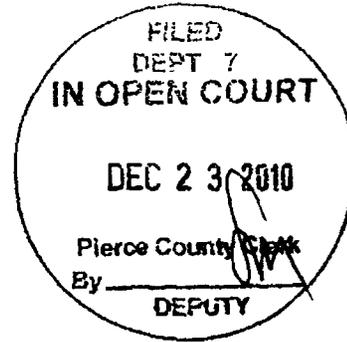
Approved for entry:
[Handwritten Signature]

Doris Watkins
WSBA No 38424
Attorney for Respondent





10-3-00069-0 35601329 PP 12-27-10



SUPERIOR COURT OF WASHINGTON
COUNTY OF PIERCE

In re the Parentage of:

MATHIAS JONES

Child(ren),

DANIEL JONES

Petitioner,

and

VERONICA BIEHNER (AKA THOMPSON)

Respondent.

No. 10-3-00069-0

Amended Parenting Plan
Final Order (PP)

This parenting plan is the final parenting plan signed by the court pursuant to an order determining parentage signed by the court of this date.

It Is Ordered, Adjudged and Decreed:

I. General Information

This parenting plan applies to the following parents: Daniel Jones and Veronica Biehner (aka Thompson), and to the following child:

<u>Name</u>	<u>Age</u>
Mathias Jones	5

II. Basis for Restrictions

Under certain circumstances, as outlined below, the court may limit or prohibit a parent's contact with the child and the right to make decisions for the child.

2.1 Parental Conduct (RCW 26.09.191(1), (2))

Does not apply.

2.2 Other Factors (RCW 26.09.191(3))

Does not apply.

III. Residential Schedule

The residential schedule must set forth where the child shall reside each day of the year, including provisions for holidays, birthdays of family members, vacations, and other special occasions, and what contact the child shall have with each parent. Parents are encouraged to create a residential schedule that meets the developmental needs of the child and individual needs of their family. Paragraphs 3.1 through 3.9 are one way to write your residential schedule. If you do not use these paragraphs, write in your own schedule in Paragraph 3.13.

3.1 Schedule for Children Under School Age

There are no children under school age.

3.2 School Schedule

Upon enrollment in school, the child shall reside with Daniel Jones, except for the following days and times when the child will reside with or be with the other parent:

from Friday 5:00 p.m. to Sunday 8:00 p.m. every other week.

3.3 Schedule for Winter Vacation

The child shall reside with Daniel Jones during winter vacation, except for the following days and times when the child will reside with or be with the other parent:

Same as 3.2.

3.4 Schedule for Other School Breaks

The child shall reside with Daniel Jones during other school breaks, except for the following days and times when the child will reside with or be with the other parent:

Same as 3.2.

3.5 Summer Schedule

Upon completion of the school year, the child shall reside with Daniel Jones, except for the following days and times when the child will reside with or be with the other parent:

1 The mother may have the child for two separate two-week periods during the summer
 2 break. The mother must give the father advance notice of when she plans on exercising
 3 these visitations at least one month prior to the visit beginning.

3.6 Vacation With Parents

4 Does not apply.

3.7 Schedule for Holidays

6 The residential schedule for the child for the holidays listed below is as follows:

	With Veronica Biehner	With Daniel Jones
	(Specify Year <u>Odd/Even/Every</u>)	(Specify Year <u>Odd/Even/Every</u>)
10 New Year's Day	Even	Odd
11 Martin Luther King Day	Odd	Even
12 Presidents' Day	Even	Odd
13 Memorial Day	Odd	Even
14 July 4th	Even	Odd
15 Labor Day	Odd	Even
16 Veterans' Day	Even	Odd
17 Thanksgiving Day	Odd	Even
18 Christmas Eve	Even	Odd
19 Christmas Day	Odd	Even

20 For purposes of this parenting plan, a holiday shall begin and end as follows (set forth
 21 times):

22 From 8:00 a.m. the day of the holiday until 8:00 a.m. the following morning. If the day
 23 following the holiday is a school day, the parent that has the child is responsible for bring
 24 the child to school.

3.8 Schedule for Special Occasions

25 The residential schedule for the child for the following special occasions (for example,
 birthdays) is as follows:

	With Daniel Jones	With Veronica Biehner
	(Specify Year <u>Odd/Even/Every</u>)	(Specify Year <u>Odd/Even/Every</u>)
26 Mother's Day		Every
27 Father's Day	Every	

1 Mother's Day and Father's Day visits shall consist of a dinner visit from 4:00 p.m. until
2 8:00 p.m.

3 3.9 Priorities Under the Residential Schedule

4 If the residential schedule, paragraphs 3.3 - 3.8, have priority over paragraphs 3.1 and
5 3.2, in the following order:

6 Rank the order of priority, with 1 being given the highest priority:

- 7 4 winter vacation (3.3)
- 8 5 school breaks (3.4)
- 9 2 summer schedule (3.5)
- 6 vacation with parents (3.6)
- 1 1 holidays (3.7)
- 3 special occasions (3.8)

10 3.10 Restrictions

11 Does not apply because there are no limiting factors in paragraphs 2.1 or 2.2.

12 3.11 Transportation Arrangements

13 Transportation costs are included in the Child Support Worksheets and/or the Order for
14 Child Support and should not be included here.

15 Transportation arrangements for the child between parents shall be as follows:

16 The parent that is receiving the child is responsible for the transportation of the child.

17 3.12 Designation of Custodian

18 The child named in this parenting plan are scheduled to reside the majority of the time
19 with Daniel Jones. This parent is designated the custodian of the child solely for
20 purposes of all other state and federal statutes which require a designation or
21 determination of custody. This designation shall not affect either parent's rights and
22 responsibilities under this parenting plan.

21 3.13 Other

22 Does not apply.

23 3.14 Summary of RCW 26.09.430 - .480, Regarding Relocation of a Child

24 This is a summary only. For the full text, please see RCW 26.09.430 through 26.09.480.

25 //

1 If the person with whom the child resides a majority of the time plans to move, that
2 person shall give notice to every person entitled to court ordered time with the child.

3 If the move is outside the child's school district, the relocating person must give notice by
4 personal service or by mail requiring a return receipt. This notice must be at least 60
5 days before the intended move. If the relocating person could not have known about the
6 move in time to give 60 days' notice, that person must give notice within five days after
7 learning of the move. The notice must contain the information required in RCW
8 26.09.440. See also form DRPSCU 07.0500, (Notice of Intended Relocation of A Child).

9 If the move is within the same school district, the relocating person must provide actual
10 notice by any reasonable means. A person entitled to time with the child may not object
11 to the move but may ask for modification under RCW 26.09.260.

12 Notice may be delayed for 21 days if the relocating person is entering a domestic
13 violence shelter or is moving to avoid a clear, immediate and unreasonable risk to health
14 and safety.

15 If information is protected under a court order or the address confidentiality program, it
16 may be withheld from the notice.

17 A relocating person may ask the court to waive any notice requirements that may put the
18 health and safety of a person or a child at risk.

19 Failure to give the required notice may be grounds for sanctions, including contempt.

20 **If no objection is filed within 30 days after service of the notice of intended
21 relocation, the relocation will be permitted and the proposed revised residential
22 schedule may be confirmed.**

23 A person entitled to time with a child under a court order can file an objection to the
24 child's relocation whether or not he or she received proper notice.

25 An objection may be filed by using the mandatory pattern form WPF DRPSCU 07.0700,
(Objection to Relocation/Petition for Modification of Custody Decree/Parenting
Plan/Residential Schedule). The objection must be served on all persons entitled to time
with the child.

The relocating person shall not move the child during the time for objection unless: (a)
the delayed notice provisions apply; or (b) a court order allows the move.

If the objecting person schedules a hearing for a date within 15 days of timely service of
the objection, the relocating person shall not move the child before the hearing unless
there is a clear, immediate and unreasonable risk to the health or safety of a person or a
child.

IV. Decision Making

4.1 Day to Day Decisions

Each parent shall make decisions regarding the day-to-day care and control of each child while the child is residing with that parent. Regardless of the allocation of decision making in this parenting plan, either parent may make emergency decisions affecting the health or safety of the child.

4.2 Major Decisions

Major decisions regarding each child shall be made as follows:

	Daniel Jones has sole decision making for:	Veronica Thompson has sole decision making for:	Both parents have joint decision making for:
Education decisions	X		
Non-emergency health care	X		
Religious upbringing	X		

4.3 Restrictions in Decision Making

Sole decision making shall be ordered for the following reasons:

One parent is opposed to mutual decision making, and such opposition is reasonably based on the following criteria:

- (a) The existence of a limitation under RCW 26.09.191;
- (b) The history of participation of each parent in decision making in each of the areas in RCW 26.09.184(4)(a);
- (c) Whether the parents have demonstrated ability and desire to cooperate with one another in decision making in each of the areas in RCW 26.09.184(4)(a); and
- (d) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

V. Dispute Resolution

The purpose of this dispute resolution process is to resolve disagreements about carrying out this parenting plan. This dispute resolution process may, and under some local court rules or

1 *the provisions of this plan must, be used before filing a petition to modify the plan or a motion for*
 2 *contempt for failing to follow the plan.*

3 Disputes between the parties, other than child support disputes, shall be submitted to (list
 4 person or agency):

5 mediation by King County Dispute Resolution Center, if this box is checked and issues
 6 of domestic violence or child abuse are present, then the court finds that the victim
 7 requested mediation, that mediation is appropriate and that the victim is permitted to
 8 have a supporting person present during the mediation proceedings, or

9 The cost of this process shall be allocated between the parties as follows:

10 50% Daniel Jones, and 50% Veronica Thompson.

11 The dispute resolution process shall be commenced by notifying the other party by

12 *In the dispute resolution process:*

- 13 (a) Preference shall be given to carrying out this Parenting Plan.
- 14 (b) Unless an emergency exists, the parents shall use the designated process to resolve
 15 disputes relating to implementation of the plan, except those related to financial support.
- 16 (c) A written record shall be prepared of any agreement reached in counseling or
 17 mediation and of each arbitration award and shall be provided to each party.
- 18 (d) If the court finds that a parent has used or frustrated the dispute resolution process
 19 without good reason, the court shall award attorney's fees and financial sanctions to the
 20 other parent.
- 21 (e) The parties have the right of review from the dispute resolution process to the superior
 22 court.

23 VI. Other Provisions

24 There are the following other provisions:

- 25 1. The father shall provide mother via e-mail with information regarding the child's
 school (i.e., name of school and contact information) parent/teacher conferences,
 26 academic incidents , and report cards/performance issues. The mother shall be
 27 allowed equal access to the child's school information directly from the school.
- 28 2. The father shall provide mother with information regarding daycare
 29 arrangements.
- 30 3. The mother shall have phone contact with the child every Wednesday between 5
 31 PM and 6 PM and every Saturday and Sunday the mother does not have visitation.

1 These phone calls may be up to 15 minutes in length. If for some reason the child
2 will not be available for contact using the normal phone number, the father shall
3 provide the mother, in advance, by e-mail, of an alternative number to use to contact
4 the child. In the event that the child is not available for the phone contact at the time
5 specified above, the father shall notify the mother in advance of an alternative time
6 for the phone contact to occur on the same day.

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- 4. The father shall provide the mother with e-mail notification of major medical issues relating to the child.
 - 5. Both parties shall provide the other with a working e-mail address to allow for the above-mentioned communication.

VII. Declaration for Proposed Parenting Plan

Does not apply.

VIII. Order by the Court

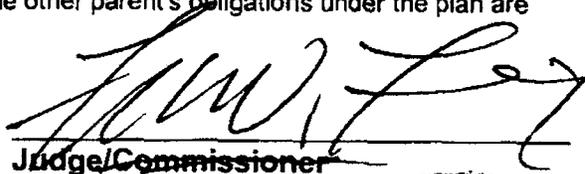
It is ordered, adjudged and decreed that the parenting plan set forth above is adopted and approved as an order of this court.

WARNING: Violation of residential provisions of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under RCW 9A.040.060(2) or RCW 9A.40.070(2). Violation of this order may subject a violator to arrest.

When mutual decision making is designated but cannot be achieved, the parties shall make a good faith effort to resolve the issue through the dispute resolution process.

If a parent fails to comply with a provision of this plan, the other parent's obligations under the plan are not affected.

Dated: 12-23-10



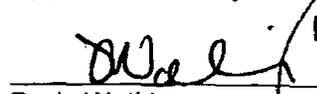
Judge/Commissioner

Presented by:



Clayton R. Dickinson
WSBA No. 13723
Attorney for Petitioner

Approved for entry:



Doris Watkins
WSBA No. 38424
Attorney for Respondent

