

49497-3
No: 49497-3II

FILED
COURT OF APPEALS
DIVISION II
2016 SEP 30 PM 12:00
STATE OF WASHINGTON
DEPUTY

COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON

Kenneth Patarozzi: Petitioner

V.

Donald Edward Baxter,
Laura Lee Baxter
Saun-Michelle Gaylor, Respondents

Response to MOTION FOR DISCRETIONARY REVIEW

In response to the issues raised by the counsel for Kenneth Patarozzi, Petitioner.

1. Twice we went to court for the motion of indigent and twice the court said that the petitioner make over \$2500 a month before withholdings. He also claimed the children on his income tax, received almost \$5000 and spent all the money on himself, none of the money went to the children. However, we had the children since August of 2015. He also didn't work during the year before and contributed nothing to the well being of his children. He was not entitled to this money because he didn't support his children.

1. Point one, the poverty status that was a given the petitioner was based on a family of 4 with the parent supporting 100% of the children's sustainability. Therefore, the 98% was just 2 points below the non poverty level of \$24,300. Based on 2016 Federal Poverty Guidelines. However, the petitioner is not supporting his children with 100% of their needs, He was only pay half of the support a child needs. A single person living alone is above the poverty level at \$11,880. So we need to know what is the equation of a parent living alone, supporting 3 children. If we take all the money the petitioner pays for child support per year which is \$8,124.00 and deduct that from his yearly pay of about

\$23,000, he makes after deductions \$14,876, which is above the poverty level. Thus the petitioner is not an indigent, he just makes poor financial choices.

2. If the petitioner moved in his apartment January 13, 2016, how did he get his income tax back so fast that he spent it all on moving. I would like a photo copy of the check to see when it was issued, and when he file his taxes. These documents are easy for the petitioner to supply.

2. If the petitioner lost his paperwork, he can simply go to the source and ask for a copy.

3. We believe that the petitioner is not needy or poor; he has just made poor judgements in his life, including his finances.

4. 1. If the court didn't appoint an attorney it was due to the fact that Patarozzi couldn't be bothered with taking an effort to get his children back. He was not evicted from his Palmer Lake house until February 1, 2016. We served the petitioner in September and he took no action until we filed a motion of default. That was 6 months after the children were removed from his custody.

2, 3. As for Mr Taubs fantasy about there only being hearsay at the adequate cause hearing. This was not true. The Commissioner made it clear that only facts could be presented. The petitioner was questioned and his answers along gave the court adequate cause to proceed to trial. The documents and testimony were not just friends of the family. We had been living here less than a year before we agreed to care for the children with CPS and the Pierce County Sheriff. Two statements were from the therapist and one from a retired social worker that we had not heard of or ever met until the children were living with us. Taub was not there, we were. As for the guardian ad litem, we have no problem with one, but since we are supporting the children, on our retirement with only \$420 a month extra, we don't feel we should foot that bill. If the courts don't respect the opinion of a retired social worker and a therapist, then the petitioner can foot the bill,

since he no longer has to pay rent. Peanut, jelly and bread don't have to be refrigerated and is quite nutritional, as well as affordable. Dried fruits and trail mix, protein bars and canned goods are another choice. A hot plate that can use the cigarette lighter outlet can heat canned pasta and is another source of affordable food. If the petitioner chooses to eat out instead of being economical that is his choice. The Petitioner once told me he had 190 IQ, he should be able to figure this out.

4. As for the problems experienced by the girls Mr. Taub has once again visited Fantasy Land once to often. Judge Arend pointed out that poverty alone will not break the bond between and child and parent, but if that parent will not and cannot keep the children safe, that is the first crack in the parent child bond. As for the word molestation that Taub uses, that word is too mild. The brother has been charged with four counts of rape (vaginally and anally) of a child and has pled guilty. The petitioner was aware of the activity of the brother and would call his daughters "sluts, whores and bitches". The girls were raised to think rape was not that bad and they had to perform when ordered by any and all boys and men to keep from being hurt worse. One time when a neighborhood boy forced the youngest girl to give him oral sex and was caught the petitioner went on a rage of how bad of a person she was, calling her the above mentioned names. It was not the poverty, it was living in an environment that was not safe, the girls didn't have a safe parent to go to and had to endure years of constant rape by not only their brother, but 5 other boys were involved. 2 boys have already been charged with the rape of another girl in Palmer Lake. We would more than welcome a guardian ad litem. But we shouldn't have to pay for it. We didn't commit the crimes against the children, the petitioner did.

5. No the courts didn't find he had a mental illness of hoarding. Hoarding is in the DMS V, it is a mental illness and the judge read from the DMS V at the time of sentencing. She also read what an unfit parent is and the petitioner more than qualifies. That is why he was told to get a evaluation, which he can afford easily. Most mental

health facilities have a sliding scale payment plan and he also has insurance.. If he comes back ok, then all he has to do is have a drug evaluation. And then the girls, if they want reunification, can have contact with him.

To this point, the son will not speak to the petitioner, the youngest has told him she doesn't want to live with him and it upset her so much at the only visitation to see him that she cried for 45 minutes, remembering all the bad things he did to her and let happen to her. The older girl will not speak to her father either. Track record, there are three Patarozzi children and none of them want to ever see or speak to Kenneth Patarozzi again.

6. The court had enough evidence to make its judgement, We now have the CPS report on its way. And the Son will be 18 and he would love to testify against his father for all the bad things that happened to him, the bad things that he was allowed to do to the girls and all the drug and illegal activities he was exposed to and the collection of Child Porn the petitioner had in their family home. This included when his daughters were witness the Petitioner showing his son a video, on his phone, of a man raping a young girl.

D. Correction, the mother left in Dec of 2008, would call and send gifts, but it wasn't until 2012 that she dropped off the radar. The girls also suffer with separation anxiety as well as PTSD, and the father never sought help. Affordability it is not an argument, being the the therapy would have been fee free and a shuttle would transport them to and from appointments. Leads to the question of if the petitioner was hiding anything. This doesn't excuse the mother.

I have issue with the phrase "cared for" This implies that the children's needs were put first. Their needs were not met, even though the petitioner had the means, food banks, clothing banks and other services. There are agencies that will take a child to and from

medical appointments. The petitioner never took the children to the dentist in 7 years. He didn't take them to the doctor unless strongly urged to by school officials.

Even though we agreed to take the girls until the father got his act together, the petitioner didn't place the children with us. This was a CPS removal. I worked as a Vocational and Rehabilitation Counselor, which is why I suspected that Patarozzi not working for 6 years with a history of truck driving was not a cogent excuse.

- E. While it is the right to parent one's children, the optimum word being "Parent" to care for was not met by the petitioner. While a parent has the autonomy in child rearing, again the work "rearing" is another optimum word. Allowing your son and other neighborhood boys, or your girlfriend's sons to molest and rape your young daughters when ever they wanted to, is not rearing. It's exploitation. And is a gross abuse by the petitioner.

As for the cost, as mentioned above, sliding scale.

The courts cannot fix the damage that has been done by the father, it's to devastating. If the father doesn't want to pay child support he has a simple option that will release him of all responsibilities, and that is to sign over his parental right and allow the girls to be adopted. Since his children will not be in the same room with him, it's the logical thing to do. The girls do have contact with the petitioners mother and I will not deny a grandmother her right to know her grandchildren.

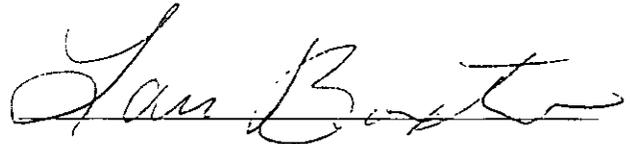
Again if the children were so important to the petitioner, he would have taken action much sooner than waiting six months. There were many people at his church who tried to help the petitioner, but he refused all help. He only wanted money.

As for contact with the girls, the petitioner did have visitation, but only exercised it once. And at that it took 4 months after it was granted. He begged for just a few minutes, and he got it. Te girls turned their backs on him and walked away. Something an 11 and 13 year child should not have to do.

The rest of the motion I'm responding to is redundant and already discussed. If it indeed cost the petitioner almost \$5000 to move, I would like to see a copy of the invoices, if he lost the invoices, he can easily go back to those sources and secure a copy of them.

We can go to court again and have the CPS report, the Sheriff's report and the testimony of the son. Or the petitioner can simply terminate his parental rights. This nightmare will be over and the girls can continue to heal.

Dated September 29, 2015

A handwritten signature in cursive script, appearing to read "Laura Lee Baxter", written over a horizontal line.

Laura Lee Baxter

2016 SEP 30 PM 12:00

STATE OF WASHINGTON

BY E DEPUTY

Superior Court of Washington, County of Pierce _____

In re:

Petitioner/s (person/s who started this case):

Kenneth J. Pataraozzi

And Respondent/s (other party/parties):

Donald and Laura Baxter

No. 49397-7-II /49497-3-II _____

Proof of Mailing or Hand Delivery
(for documents after Summons and Petition)
(AFSR)

Proof of Mailing or Hand Delivery
(for documents after Summons and Petition)

Warning! Do **not** use this form to prove you mailed or delivered a Summons, Petition, Order to Go to Court, or any kind of Restraining Order. For those documents, use Proof of Personal Service (FL All Family 101), or if you have court permission to serve by mail, use Proof of Service by Mail (FL All Family 107).

I declare.

1. I am (check one): the Petitioner the Respondent (name): _____
and am competent to be a witness in this case.

2. On (date). September 30 2016____, I served copies of the documents listed in **3** below to
(name of party or lawyer served): Saun-Michelle Gaylor _____ by.

mail (check all that apply): first class certified other _____

mailing address city state zip

email to (address). babybirdsall@gmail com
(only if allowed by agreement, order, or your county's Local Court Rule)

fax to (number): _____
(only if allowed by agreement, order, or your county's Local Court Rule)

Hand delivery at (time): _____ a.m p.m. to this address:

street address city state zip.

I left the documents (check one):

- with the party or lawyer named above.
- at his/her office with the clerk or other person in charge.
- at his/her office in a conspicuous place because no one was in charge.
- with (name): _____, at the address listed in court documents where the party agreed to receive legal papers for this case.
- (For a party or lawyer who has no office or whose office is closed) at his/her home with (name): _____, a person of suitable age and discretion who lives in the same home.

3. List all documents you served (check all that apply):

(The most common documents are listed below. Check only those documents that were served. Use the "Other" boxes to write in the title of each document you served that is not already listed.)

<input type="checkbox"/> Notice of Hearing _____	<input type="checkbox"/> Notice Re Military Dependent
<input type="checkbox"/> Motion for Temporary Family Law Order <input type="checkbox"/> and Restraining Order	<input type="checkbox"/> Sealed Financial Documents
<input type="checkbox"/> Proposed Temporary Family Law Order	<input type="checkbox"/> Financial Declaration
<input type="checkbox"/> Proposed Parenting Plan	<input type="checkbox"/> Declaration of: _____
<input type="checkbox"/> Proposed Child Support Order	<input checked="" type="checkbox"/> Declaration of: Donald and Laura Baxter _____
<input type="checkbox"/> Proposed Child Support Worksheets	<input type="checkbox"/> Declaration of: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

4. Other: _____

I declare under penalty of perjury under the laws of the state of Washington that the statements on this form are true.

Signed at (city and state): _____ Date: 9/30-2016 _____

Signature of server

Laura Baxter _____
Print or type name of server

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DIVISION I
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BY E
DEPUTY

Superior Court of Washington, County of Pierce _____

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And Respondent/s (other party/parties):

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I declare:

1. I am (check one): the Petitioner the Respondent (name): _____
and am competent to be a witness in this case.

2. On (date): September 30 2016 ____, I served copies of the documents listed in **3** below to
(name of party or lawyer served): Robert Taub, Esq. by:

mail (check all that apply): first class certified other _____

mailing address city state zip

email to (address): TAUBFAMILYLAWYERS@msn.com
(only if allowed by agreement, order, or your county's Local Court Rule)

fax to (number) _____
(only if allowed by agreement, order, or your county's Local Court Rule)

Hand delivery at (time): _____ a.m. p.m. to this address:

street address city state zip

I left the documents (check one):

- with the party or lawyer named above.
- at his/her office with the clerk or other person in charge.
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<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

4. Other: _____

I declare under penalty of perjury under the laws of the state of Washington that the statements on this form are true.

Signed at (city and state): Shelton, WA Date: 9/30-2016


Signature of server

Laura Baxter
Print or type name of server