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Court of Appeals
Division II
State of Washington
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NO. 51048-1-II

COURT OF APPEALS STATE OF WASHINGTON
DIVISION II

ROBERTA SINOPOLE,

Appellant,

v.

PATRICK SINOPOLE,

Respondent.

BRIEF OF RESPONDENT

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A. INTRODUCTION

Respondent Patrick Sinopole respectfully requests this Court affirm the trial court for the reasons described herein.

B. COUNTERSTATEMENT OF FACTS

Introduction. This appeal arises out of a family law case (first filed in January 2015), after a 22-day trial that took place between May 2, 2017 and June 23, 2017. The Petitioner Roberta Sinopole (hereinafter “Roberta” or "Ms. Sinopole") called 21 witnesses and the Respondent Patrick Sinopole (hereinafter “Patrick” or "Dr. Sinopole") called 8 witnesses. See CP 1646-47 (Parenting Plan Findings of Fact, attached hereto as **Exhibit A** and Respondent’s Designation of Clerk’s Papers). The vast majority of the trial, exhibits, and witness testimony was about Parenting, but the Petitioner has not appealed the trial court’s Parenting Plan, nor has she appealed the court’s separately-filed findings and conclusions on Parenting. As such, all of the trial court’s findings regarding Parenting are verities on appeal.

As for the issues on appeal here, the bulk of the evidence regarding finances came during the June 1, 2017 testimony of Christopher Frazier, the CPA who provided tax preparation services

for the parties, as well as the June 5, 2017 and June 6, 2017 testimony of Respondent Patrick Sinopole.

Background. Although this appeal is about finances rather than the parties' parenting plan, a brief history of the parties' relationship, difficulties with the children, and domestic violence on the part of Roberta is warranted to properly explain the trial court's credibility determinations about the parties. The following are from the trial court's undisputed Findings of Fact and are therefore verities on appeal.

Roberta and Patrick met in 1988 while stationed in the armed forces. Patrick in the Navy and Roberta in the Marines. See CP 1647 (8/29/17 Finding of Fact 2.2.1). At the time final orders were issued, Roberta was 54 years old and Patrick was 52 years old. Id. The parties married on November 24, 1989. Id., para. 2.2.2. Roberta attended and obtained her Juris Doctor degree from the University of Baltimore in 1993 and began working in a prestigious law firm. Id. Patrick pursued a medical degree, which he completed in 1997 and became an anesthesiologist. Id.

The parties' twin daughters, Kayleigh and Kelsey, were born in 1996. Id. Roberta left the law firm about a year later to become a full-time mother. Id. The parties' third child, Samantha, was born in 2000, and the parties' youngest, Amelia, was born in 2005. Id., para. 2.2.3. After Patrick left the Navy, the parties purchased their family home, which they called the "hobby farm" in Poulsbo in 2007. Id.

The parties had increasing marital difficulties, which are detailed in the trial court's findings of fact, but they came to a head on December 21, 2014 when Roberta was arrested for assaulting Patrick in front of the girls. See generally id., para. 2.4. She was charged with Assault in the Fourth Degree, domestic violence, and the court entered a no-contact order prohibiting her from contacting Patrick directly or indirectly, and from coming within 500 feet of the family home. Id., para. 2.4.5. On January 8, 2015, Roberta went to the house despite the no-contact order and was arrested. Id. para. 2.4.7.

In February 2015, Roberta entered a pre-trial diversion agreement stipulating that if she followed through with all conditions, the charge would be dismissed after two years. Id. para. 2.4.8. In March 2015, the parties' two oldest daughters, Kayleigh and Kelsey,

obtained one-year domestic violence protection orders against Roberta because she had slapped and spanked them, was verbally abusive, and stalked and threatened them. Id. para. 2.4.9.

Despite having entered a no contest plea and entering a diversion program, at the family law trial Roberta denied being violent toward Patrick and denied being abusive toward her daughters. She called her two oldest daughters to testify at trial to discredit their stories, but the trial court found that their testimony was “credible” (see id., para. 2.6.13), and that her “estrangement from her daughters is caused[d] by her refusal to take responsibility for her abusive treatment of the girls.” Id. para 2.6.11. The court also found: “Roberta has stated both of the twins are lying about her slapping and hitting them with a belt; however, the Court finds the twins’ depiction of events to be credible.” Id., para. 2.9.3.

Ms. Sinopole’s out-of-control behavior and emotional dysregulation was a large part of the trial. For example, the trial court found Roberta was unable to control her behavior during public, supervised visits with Samantha: “Roberta became so loud and emotional that other customers noticed. ... [The supervisor] Dr. Clay

asked Sam to leave and apologized to other customers.” Id., para. 2.8.4. The court also found Roberta became so upset at a parenting coaching meeting that the visit had to be terminated: “In their final meeting, Roberta was upset, tense, emotional and angry. ... Roberta became emotionally dysregulated and could not calm down. Dr. Clay terminated the visit.” Id. para. 2.8.6.

The reason these issues and findings are important is because they show the court’s opinion regarding the credibility of Roberta’s testimony. The court found:

Roberta was sobbing frequently throughout the trial and during part of her testimony, and she would often raise her voice, be argumentative, and fail to answer counsel’s questions. She claims she is not overly emotional, blames everyone else for the family’s issues, and refuses to take any responsibility.

Id., para. 2.12.4.

Property distribution, maintenance, and child support. The trial court issued a memorandum opinion order describing child support, maintenance, and property division on September 22, 2017. The court entered Findings and a Decree implementing this order on November 3, 2017. Ms. Sinopole appeals these orders, and Dr. Sinopole asks that this Court affirm the trial court.

C. RESPONSE ARGUMENT

1. Standard of review.

RCW 26.09.080 requires a trial court dividing property in a dissolution proceeding to make a “just and equitable” distribution of property. The trial court considers multiple factors in making this determination, including (1) the nature and extent of the community property, (2) the nature and extent of the separate property, (3) the duration of the marriage, and (4) the economic circumstances of the parties at the time of the property division. RCW 26.09.080.

All property, community and separate, is before the court for distribution. In re Marriage of Larson, 178 Wn. App. 133, 137, 313 P.3d 1228 (2013). The trial court has broad discretion to determine what is just and equitable based on the circumstances of each case. In re Marriage of Rockwell, 141 Wn. App. 235, 242, 170 P.3d 572 (2007). Because the trial court is in the best position to determine what is fair, this court will reverse its decision only if there has been a manifest abuse of discretion. Larson, 178 Wn. App. at 138.

2. **The trial court has broad discretion in determining an award of spousal maintenance, and contrary to Ms. Sinopole’s argument, the record does indeed show the court considered the statutory factors.**

Ms. Sinopole argues that the trial court's award of maintenance was unfair in that it was too small, and that the trial court failed to consider the statutory factors governing maintenance set forth in RCW 26.09.090. See Corrected Opening Brief at 28-33. This Court should reject Ms. Sinopole's arguments.

As a preliminary matter, it is simply incorrect that the trial court did not consider the factors listed in the maintenance statute. Indeed, in its September 22, 2017 Memorandum Opinion, the trial court specifically noted spousal maintenance is governed by RCW 26.09.090, and stated, "In making the decision, the court considers all relevant factors." CP 120. The trial court even provided in footnote 1 the entire list of non-exclusive factors set forth in the statute. Id.

The Court should also reject Ms. Sinopole's argument that the maintenance award was unfair. As is described above, RCW 26.09.090 provides the basic statutory authority for spousal maintenance, instructing the court to consider "all relevant" factors and including a non-exclusive list of factors. In re Marriage of Washburn, 101 Wn.2d 168, 181 (1984) ("The factors listed in the statute are not exclusive"). Although many trial courts typically focus

on subsections (1)(a) and (1)(f), which relate to the financial resources of each party, other factors include the age and physical condition of the parties and the time needed by the spouse seeking maintenance to acquire education necessary to obtain employment. In re Marriage of Luckey, 73 Wn. App. 201, 209, 868 P.2d 189 (1994) (citing RCW 26.09.090 and In re Marriage of Vander Veen, 62 Wn. App. 861, 867, 815 P.2d 843 (1991)).

Importantly, however, spousal maintenance “is not awarded as a matter of right.” Luckey, 73 Wn. App. at 209 (citing Friedlander v. Friedlander, 80 Wn.2d 293, 297, 494 P.2d 208 (1972) and In re Marriage of Irwin, 64 Wn. App. 38, 55, 822 P.2d 797, review denied, 119 Wn.2d 1009, 833 P.2d 387 (1992)). Rather, the purpose of spousal maintenance is to support a spouse until that spouse “is able to earn [his or her] own living or otherwise becomes self-supporting.” Luckey, 73 Wn. App. at 209 (citing Irwin, 64 Wn. App. at 55)).

Here, the trial court recognized this is a long-term marriage and an award of spousal maintenance is warranted. The trial court also found, however, that Ms. Sinopole is an educated attorney with a good resume: “Roberta attended and obtained her Juris Doctor degree from

the University of Baltimore in 1993 and began working in a prestigious law firm.” CP 1647 (Parenting Plan Findings, para. 2.2.2). This is not in dispute; Ms. Sinopole describes her impressive credentials right in her Opening Brief:

Robbie earned a Bachelor of Journalism degree from the University of Texas in 1985. Robbie was active duty in the United States Marine Corps from 1986 to 1990 then was in the USMC reserves until 1996 ultimately achieving the rank of Captain. Robbie earned a Juris Doctor degree from the University of Baltimore School of Law in 1993.

Robbie subsequently was employed as a litigation associate attorney at one of Maryland’s oldest and most prestigious law firms from 1993 to 1996.

See Opening Brief at 11-12 (citations omitted). Additionally, Ms. Sinopole testified that she has maintained her law license with the Maryland State and D.C. Bar Associations, see May 23, 2017 VRP at 77, and that she “would be able to work and still be able to get Amelia.” Id. at 78. Further, the trial court made it clear the unusually long length of temporary maintenance (2.5 years at \$7,500 per month) was a factor: “Roberta has been receiving monthly maintenance of \$7,500 for nearly 2.5 years.” CP 121. Roberta thus received 8.5 years’

worth of spousal maintenance, the first two and a half of which were at a higher monthly rate.

Moreover, the trial court also properly considered not only Roberta's need, but also Patrick's ability to pay. Ms. Sinopole, in her argument sections and her statement of facts, simply repeats the inaccurate arguments about Dr. Sinopole's income that were rejected by the trial court. For example, on page 16 of her Brief, she includes a table purporting to summarize Dr. Sinopole's income. This table, however, is of little value given it does not account for pass-through income, business expenses, or other one-time sources of funds. In the June 1, 2017 testimony of Christopher Frazier, the CPA who provided tax preparation services for the parties, he walked the Court through the parties' tax returns, including all of the sources of income listed on those returns. See generally 6/1/2017 VRP at 6-12.

Mr. Frazier noted, for example, that Dr. Sinopole's 2015 income included W-2 salary from being a self-employed anesthesiologist, some taxable interest, dividend pay, capital gains, rental property income, as well as IRA distributions. Id. at 6. He then explained how the gross income listed on those returns cannot be used

as take-home pay for these various incomes. For example, with regard to rental income:

Q: So there is a difference ... between a rent check hitting somebody's bank account and their net income on that property, is that correct?

A: Correct. Yes. There is definitely expenses; repairs, taxes, utilities, management fees.

Id. at 7. He also pointed out that the returns include one-time payouts (e.g., the IRA) that are not wages. Id. at 8. He then explained how S-corporation “pass through” income worked. Id. at 8-14. Mr. Frazier testified that Dr. Sinopole's actual income for 2016 was “about \$300,000”, see id. at 42, which comes out to about \$25,000 per month. This comports with Dr. Sinopole's testimony, where he stated he earned “[a]bout \$300,000” per year. See 6/5/2017 VRP at 66. It is also (contrary to Ms. Sinopole's claim that Dr. Sinopole committed “perjury”) approximately the same number on his Financial Declaration, which can be found at Exhibit 501. And again, all of these numbers come from the tax returns, which were admitted as exhibits during Mr. Frazier's testimony.

In other words, the trial court's finding regarding Dr. Sinopole's income: “Patrick's income is calculated by adding his W-

2 wages of \$294,986.48, or \$24,582.06 / month, plus his half of his Navy pension, \$2,381.08 / month ...” (see CP 120) is wholly supported by the evidence in the record. After income taxes, FICA, and mandatory dues, Dr. Sinopole’s net monthly income was about \$13,364.29. See Exhibit 501 and 6/5/2017 VRP at 70. Add to this the fact that Dr. Sinopole was ordered to maintain the mortgage, utilities, and other costs associated with housing, and there certainly is no error whatsoever with the trial court concluding Dr. Sinopole did not have the ability to pay more than \$5,000 per month in spousal maintenance.

It is also worth noting the cases cited by Ms. Sinopole in support of her argument that the maintenance award was not fair differ factually from this case on many counts, including in every single case the need of one party and the ability of the other party to pay. Moreover, her reliance on the Rockwell case is misplaced. Rockwell did not set forth a mandatory rule about spousal maintenance or property distribution in long term marriages. Indeed, a property distribution and award of maintenance does not need to be mathematically precise. In re Marriage of Doneen, 197 Wn. App. 941, 949, 391 P.3d 594 (2017) (citing Larson, 178 Wn. App. at 138).

“Rather, it simply needs to be fair, which the trial court attains by considering all circumstances of the marriage and by exercising its discretion—not by utilizing inflexible rules.” Id. For this reason, the Court of Appeals in Doneen explained Rockwell was not intended to set forth a mandatory rule: “Ellen’s reliance on Rockwell is misplaced. The Rockwell court affirmed the trial court; its holding was permissive in nature, not mandatory.” Id. at 950.

For the above reasons, the Court should reject Ms. Sinopole’s arguments.

3. The trial court’s determination of Dr. Sinopole’s income was well within the range of evidence presented at trial and is supported by the record.

Ms. Sinopole next argues that the trial court’s determination of Dr. Sinopole’s income for purposes of the Order of Child Support was erroneous. The Court should reject this argument for the reasons described above.

Findings of fact will not be disturbed on appeal if they are supported by substantial evidence. In re the Marriage of Stern, 57 Wn. App. 707, 717, 789 P.2d 807, review denied, 115 Wn.2d 1013, 797 P.2d 513 (1990). Moreover, if a trial court's finding is within the range

of the evidence presented at trial, the appellate court defers to the trial court's broad discretion. Rockwell, 141 Wn. App. at 248 (citing In re Marriage of Sedlock, 69 Wn. App. 484, 491, 849 P.2d 1243 (1993)).

Again, Mr. Frazier testified that Dr. Sinopole's actual income for 2016 was "about \$300,000", see id. at 42, which comes out to about \$25,000 per month. This comports with Dr. Sinopole's testimony, where he stated he earned "[a]bout \$300,000" per year. See 6/5/2017 VRP at 66. It is also approximately the same number on his Financial Declaration, which can be found at Exhibit 501. And again, all of these numbers come from the tax returns, which were admitted as exhibits during Mr. Frazier's testimony. The trial court's determination of Dr. Sinopole's income was well within the range of evidence presented at trial, and as such there was no error. The Court should reject Ms. Sinopole's arguments regarding Child Support.

4. The Vanguard Roth IRA is not an omitted asset.

Ms. Sinopole next claims that a Vanguard Roth IRA is an "omitted" asset. This argument is difficult to follow and should be rejected. It is unclear why Ms. Sinopole believes this is an "omitted" asset that remains to be distributed, given it is actually listed on the

asset and liability spreadsheet the trial court adopted for the property distribution. See CP 124 (which is Exhibit 821). Ms. Sinopole takes issue with Dr. Sinopole using funds from the account, but the fact of the matter is these funds were used in February 2015, more than two full years before trial. Indeed, Ms. Sinopole cites to a contempt motion from 2015 where she actually raised this issue. It certainly was not “omitted”; rather, it was already litigated. Moreover, both parties over the course of this multi-year litigation drained down community assets on various bills, including attorney fees. This argument makes no sense and should be rejected.

5. Funds relating to a van and insurance proceeds for another vehicle the parties’ daughter wrecked are not omitted assets.

Ms. Sinopole again claims without citation to authority that funds relating to a van and insurance proceeds received after Samantha wrecked a vehicle are “omitted assets.” The funds for insurance proceeds were used to purchase the 2017 Volkswagen GTI, which replaced the vehicle Samantha wrecked. Regarding the funds from the van being used to purchase a Toyota Tundra, to the extent Ms. Sinopole is claiming this is separate, the Court should reject the

argument, given it was purchased using funds from the sale of a community asset. More importantly, however, it is unclear how this amounts to error. To the extent this is not actually community but was included on Dr. Sinopole's side of the spreadsheet, this would mean he actually received a smaller percentage of the community. These arguments should be rejected.

6. Funds from the sale of a tractor in January 2016 and various personal property are not omitted assets.

Ms. Sinopole makes other "omitted asset" claims, including one regarding funds from the sale of a tractor in January 2016. She also claims the trial court improperly valued some personal property, including photo albums. Regarding the sale of the tractor, it is simply strange and wrong. As Dr. Sinopole testified, the parties through their previous attorneys (Mark Yelish and Rob Beattie) jointly agreed to sell the tractor (and several other large ticket items, such as cows and a boat). The funds were placed into the parties' accounts after which they were used to pay down marital debt. See 6/5/2017 VRP at 110-11.

Regarding the personal property, the story that is in the brief does not reflect at all the testimony as it unfolded at trial. Indeed, these photo albums and other personal property items were kept in a storage locker, which was the subject of dispute throughout trial. During trial, the court and counsel for Dr. Sinopole spent a significant amount of time when Ms. Sinopole was testifying attempting to understand exactly what it was she claimed was missing. See 6/22/2017 VRP at 46-60. Ms. Sinopole did not indicate at any time during counsel and the court's exceedingly lengthy questioning that the handful of items she had yet to receive were worth "\$33,320" as she now writes in her brief. It is utterly common in all dissolution cases to value personal property such as photo albums and broken furniture as "junk" value and simply allocate them, as the court did here. There is no error, and this Court should reject Ms. Sinopole's argument.

7. Valuation of Dr. Sinopole's TSP was well within the range of evidence presented at trial.

Ms. Sinopole next claims the trial court erred in dividing Dr. Sinopole's TSP as of the date of separation rather than at a later time. But again, if a trial court's finding or valuation is within the range of

the evidence presented at trial, the appellate court defers to the trial court's broad discretion. Rockwell, 141 Wn. App. at 248 (citing In re Marriage of Sedlock, 69 Wn. App. 484, 491, 849 P.2d 1243 (1993)). First, Ms. Sinopole is incorrect; the trial court did not value the account as of the date of separation in 2014. Rather, from the spreadsheet adopted by the court, the valuation was as of July 2015. Second, Ms. Sinopole's number alleging a loss of more than \$33,363 is speculative and not in the record. Indeed, Ms. Sinopole appears not to take into account the fact there would be separate growth in that account post-separation. Although there are many ways to value and divide investment accounts, Ms. Sinopole chose not to hire an expert to attempt to trace out specific community vs. separate growth post-separation. Having failed to present this evidence to the trial court, she cannot complain of it on appeal when the trial court selected a value within the range of evidence presented at trial. This argument should be rejected.

8. The trial court's overall property distribution, which included allocated tax liabilities to both parties per the suggestion of the CPA, was well within the range of evidence presented.

Ms. Sinopole next argues that the way in which the trial court awarded her assets and divided tax liabilities among the parties was unfair. The Court should reject her argument. The problem with Ms. Sinopole's argument on this issue, is that it is convoluted and focuses exclusively on what she claims will remain of funds from the sale of the parties' home.

But focusing on one asset is not the analysis the trial court or this Court must undertake. Rather, RCW 26.09.080 requires a trial court dividing property to make a "just and equitable" distribution of all assets and liabilities. This is not done in parts; the court considers the asset and liability distribution, along with the award of spousal maintenance, as a whole in determining whether the outcome is just and equitable. RCW 26.09.080. All property, community and separate, is before the court for distribution. In re Marriage of Larson, 178 Wn. App. 133, 137, 313 P.3d 1228 (2013). Here, Ms. Sinopole talks about her tax liability, but ignores the fact that Dr. Sinopole is

absorbing around \$289,502 in debt under the trial court's division. She also ignores the fact he is paying spousal maintenance. Again, the trial court has broad discretion to determine what is just and equitable based on the circumstances of each case. Rockwell, 141 Wn. App. at 242. Here, the court's division was well within the evidence presented at trial, and there was no error.

9. The trial court did indeed value the parties' assets and liabilities.

Strangely, after complaining of the numbers on the spreadsheet adopted by the trial court in its September 22, 2017 memorandum ruling, Ms. Sinopole contends the trial court failed to value anything. This argument should be rejected given the trial court adopted in its September 22, 2017 order the spreadsheet that was originally admitted as Exhibit 821.

10. Navy Federal loan of \$10,014 was not allocated to Ms. Sinopole.

Ms. Sinopole appears to be worried she may be obligated to pay the \$10,014 Navy Federal loan. This argument should be rejected, because the trial court clearly allocated it to Dr. Sinopole on the spreadsheet.

11. No attorney fees were warranted.

Ms. Sinopole's argument that she was entitled to attorney fees relies on the same line of reasoning as her challenge to the maintenance award, and it should be rejected for the reasons described above.

12. Ms. Sinopole cannot demonstrate any bias, let alone actual bias, on the part of Judge Olson.

Ms. Sinopole also argues she needs a new judge because, according to her, Judge Olson is biased against her. The fact of the matter is, it was Ms. Sinopole's own behavior, including assaulting her husband, assaulting her daughters, acting out of control with almost every single expert involved in the case, and having repeated outbursts in the courtroom during trial in front of the judge that caused the Court to find she lacked credibility. Ms. Sinopole cannot support this argument other than to indicate she does not like the outcome. This argument should be rejected.

13. Fees on appeal.

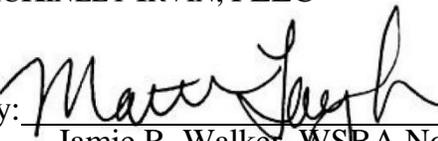
Dr. Sinopole requests under RAP 18.1(a) an award of attorney fees and costs on appeal to the extent provided by law.

D. CONCLUSION

For the reasons stated herein, Dr. Sinopole respectfully requests the Court affirm the trial court. The trial court has broad discretion to award spousal maintenance and divide parties' assets. The court did not err and made determinations well within the evidence presented at trial. Contrary to Ms. Sinopole's assertions, assets were not omitted, and the court did not demonstrate bias toward Ms. Sinopole. As such, Respondent respectfully requests to Court reject Ms. Sinopole's arguments and affirm the trial court.

RESPECTFULLY SUBMITTED this 13th day of December, 2018.

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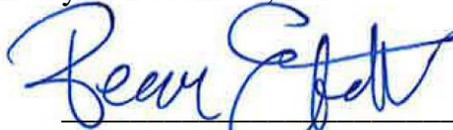
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CERTIFICATE OF SERVICE

I certify that on December 13, 2018, I caused to be served a true and correct copy of the foregoing Response Brief to Division II of the Court of Appeals on the following parties via electronic service:

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DATED this 13th day of December, 2018.



REBECCA EBERT



McKINLEY IRVIN

EXHIBIT A

RECEIVED FOR FILING
KITSAP COUNTY CLERK

AUG 29 2017

ALISON H. SONNTAG

SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KITSAP COUNTY

In re the Marriage of:

ROBERTA SINOPOLE,

and

PATRICK SINOPOLE,

Respondent.

No. 15-3-00125-1

FINDINGS OF FACT AND
CONCLUSIONS OF LAW RE
PARENTING PLAN

I. Basis for Findings

The findings are based on trial before the undersigned court between May 2, 2017 and June 23, 2017, over the course of approximately twenty-two days. Petitioner Roberta Sinopole was represented by her attorney Jason Benjamin and Respondent Patrick Sinopole was represented by his attorneys Jamie Walker and Matthew Taylor. The following people attended and testified, in addition to the parties:

Witnesses called by the Petitioner:

Pastor Paul R. Schmidtbleicher
Stacey Bryan
Isabel Cavin
Trina Pyke
Patricia Evenson
Scott Moren
Julie Elkinton
Vince Norberg
Robert Supino
Diane Supino
Margo Waldroup
Patricia Jenkins
Officer Will Sapp
Shasta Schaber

1 Carolyn Sanders
2 Roberta Sinopole
3 Robin Frey
4 Kenneth Wilson
5 Dr. Demosthenes Lorandos, PhD
6 Kelsey Sinopole
7 Kayleigh Sinopole

8 Witnesses called by the Respondent:

9 Patrick Sinopole
10 Roberta Sinopole
11 Dr. Mark Whitehill
12 Dr. Kristine Clay
13 Dr. Gary Wieder
14 Dr. Teresa Collett
15 Chris Fraizer
16 Margo Waldroup

17 **II. Findings of Fact**

18 Upon the basis of the court records, exhibits, and the testimony of the witnesses, the Court
19 finds:

20 **2.1 Jurisdiction Over the Children**

21 Washington is the home state of Samantha and Amelia. They have lived in Washington
22 with a parent for at least six consecutive months immediately prior to the commencement
23 of this proceeding.

24 **2.2 Relevant findings of fact regarding Family History**

- 25 1. Roberta and Patrick met in 1988 while stationed in the armed forces. Patrick in the
26 Navy and Roberta in the Marines. They attended the same officer's course on
27 cryptology. Roberta is 54 years old; Patrick is 52 years old.
- 28 2. The parties married on November 24, 1989. They waited seven years before having
29 children. Roberta attended and obtained her Juris Doctor degree from the University
30 of Baltimore in 1993 and began working in a prestigious law firm. Patrick pursued a
medical degree which he completed in 1997 and became an anesthesiologist. The
twins, Kayleigh and Kelsey (herein after collectively referred to as the "twins"),
were born in 1996. Roberta left the law firm about a year later to become a full time
mother.
3. After residing in Maryland, the family was transferred to Iceland and then to Italy,
and finally to Bremerton, WA. Samantha (hereinafter "Sam") was born in 2000 and

1 Amelia was born in 2005. After Patrick left the Navy, in 2007 they bought a “hobby
2 farm” in Poulsbo, where Patrick currently resides.

- 3 4. Roberta homeschooled the girls with Patrick’s consent and did not work outside the
4 home. Roberta is very religious and wanted to homeschool her daughters to instill
5 her values and to control what they were exposed to. Roberta was a very involved
6 parent and enrolled the girls in numerous activities, including music lessons (piano,
7 violin, cello, and guitar), 4-H, Awana (a weekly Christian based bible study),
8 swimming, and horseback riding. She also cleaned the house, performed
9 landscaping, and the majority of the parenting functions for the girls. Patrick did
10 maintenance chores around the house and barn and helped the girls with their
11 school work, especially in math and science.
- 12 5. Roberta’s friends Isabel Cavin, Patricia Evenson, Scott Moren, Diane Supino, and
13 Carolyn Sanders testified that she was an involved, loving, supportive, creative, and
14 fun parent.
- 15 6. Patrick worked at a hospital in Everett until 2016. He typically left the home around
16 5:00 AM and returning around 7:00 PM. He also worked at least one weekend a
17 month, and due to the ferry commute, often stayed overnight during the week at a
18 cabin Roberta purchased for him. When he worked an all-night shift, he would be
19 home the next day and have time to spend with the girls.
- 20 7. In 2009, Roberta was diagnosed with breast cancer and had a double mastectomy. A
21 short time later, tumors were discovered in her pancreas, but her surgeon
22 recommended waiting before having surgery. She states there have been no signs of
23 tumor growth.

2.3 Relevant findings of fact regarding Roberta and Patrick’s Differing Parenting 24 Philosophies

- 25 1. Patrick and Roberta had different views on disciplining the girls, however both
26 used corporal punishment on the girls, excluding Amelia, when they were
27 younger. Roberta strongly believed in a strict authoritarian parenting style; that the
28 girls needed to be spanked and hit with a belt, especially when they were
29 disrespectful. Patrick believed in talking to them first and is much more lenient, to
30 the point of being passive. Despite his reluctance, Patrick would spank the girls
when Roberta told him to—often a second time when she told him he had not
spanked them “hard enough.” Patrick did not spank the girls after they became
teenagers, although Roberta felt that he should. Although Patrick was
uncomfortable with the parenting style, he went along with it. They spanked the
girls with a belt, both with clothes on and off, and slapped the girls.
2. Patrick stated that Roberta was a good mother and generally supported their
activities, however he noticed that she began treating the girls more harshly when
they became pre-teens, aged 11 to 12.

1 3. Beginning in 2008-2009, Patrick observed Roberta becoming moody and irritable
2 with both him and the girls. He asked her to see a counselor with him. She refused
3 to see a secular counselor, but agreed to see Reverend Paul Schmidtbleicher
4 (“Pastor Paul”). Pastor Paul told her to use a belt or switch instead of slapping the
5 girls with her hand, and provided several counseling sessions to them. He stated
6 that Roberta did most of the parenting and Patrick failed to support her in
7 disciplining the girls and was weak. He also noted that Roberta’s “emotionality”
8 interfered in her ability to solve problems and she was sometimes controlling of
9 the girls. He described her as easily distraught, and that she frequently sobbed
10 uncontrollably.

8 **2.4 Relevant findings of fact from the “Leavenworth Incident” and Aftermath**

- 9 1. On December 20, 2014, the family drove to Leavenworth, WA, for vacation.
10 Accounts vary, but Roberta felt ignored and excluded from the activities of
11 Patrick and the girls and that her presence was not appreciated. She left the next
12 morning after the family went shopping for a sled for Amelia, and took a bus
13 home without telling them. Patrick and the girls stated that they tried to get
14 Roberta to do things with them, such as swimming at their hotel, watching a
15 movie, etc., but she refused and kept to herself. Amelia texted Roberta to find out
16 why she left but Roberta did not respond.
- 17 2. When the family returned home the next evening, December 21st, Roberta was
18 home, upset and angry. The accounts of what actually transpired vary, but
19 Roberta and Patrick were in a small room off the kitchen referred to as her
20 “prayer room” and she began to yell and argue with him. In the ensuing argument,
21 they fell onto the floor with Roberta on top of Patrick with her arms flailing
22 around. Sam heard the scuffle and when she saw Roberta on top of Patrick, she hit
23 Roberta over the head with an empty water bottle because Sam thought she was
24 hurting him. Patrick and Roberta each claim the other was assaulting them, but
25 when the police arrived, no injuries were observed on Patrick and only a small cut
26 on the inside of Roberta’s lip was seen the next day when she showed her lip to
27 another officer after she was released from jail.
- 28 3. After the assault, Roberta tried to stop Kelsey from calling 911, telling the
29 operator that everything was fine, that Kelsey had mental problems, etc. Roberta
30 became hysterical, running around the kitchen and then rolling around on the
floor hugging her knees and screaming. The girls were afraid and Patrick told
them to wait outside until the police arrived.
4. Roberta was arrested and taken to jail that night. The next day, Patrick took the
girls with him to watch Roberta’s arraignment on a video monitor.
5. Roberta was charged with Assault in the fourth degree, domestic violence, and a
no contact order was entered prohibiting her from contacting Patrick directly or
indirectly through third parties and from coming within 500 feet of the family
home.

- 1 6. After Roberta was released from jail, she waited for several hours for one of her
2 daughters to pick her up. Roughly five hours later, she was able to contact a friend
3 who picked her up.
- 4 7. On January 8, 2015 Roberta was arrested for violating the no contact order by
5 coming to the house to get the keys to her van. Sam was alarmed when she saw
6 her mother knocking on the back door asking for her keys, and called 911. When
7 the police arrived, Roberta said she wasn't aware the order prohibited her from
8 coming to the house.
- 9 8. On February 10, 2015, Roberta entered into a pre-trial diversion agreement which
10 stipulated that if she followed through with all the conditions, the charge would be
11 dismissed after two years. Those conditions included obtaining a mental health
12 evaluation, complying with all recommendations, and continuing counseling with
13 Dr. Michael Olson or another therapist as recommended by the GAL in the
14 dissolution case.
- 15 9. On March 13, 2015, Kayleigh and Kelsey obtained one-year protection orders
16 against Roberta because she had slapped and spanked them, was verbally abusive,
17 and stalked and threatened them. Roberta did not challenge the orders or dispute
18 any of the allegations in the petitions.

19 **2.5 Relevant findings of fact regarding Counseling with Mr. Webber, Dr. Olson, and** 20 **Ms. Elkinton**

- 21 1. Roberta's behavior became more erratic in the fall of 2014 and she disappeared
22 from the family several times without any notice or explanation. She disappeared
23 for several days during Thanksgiving.
- 24 2. Patrick asked Roberta to enter counseling. They attempted couples counseling
25 with Bruce Webber, MA for a few sessions. According to Mr. Webber, no
26 progress was made due to Roberta's emotional dysregulation, her intense anger,
27 frustration, pressured speech and negative tone. Patrick attended, but was very
28 passive.
- 29 3. Roberta was referred to Michael Olson, PhD for therapy. He described her as
30 "highly emotional, desperate and frustrated," but did not feel she was a victim of
domestic violence, as she asserted. He said she felt extremely entitled, blamed
others, and minimized the consequences of her own actions. She was also very
explosive and yelled so much in sessions that she needed to be reminded to lower
her voice.
4. In one therapy session, Roberta admitted to Dr. Olson that she slapped the girls on
their faces when they were being disrespectful of her and she did not feel
supported by their father. She did not understand why this would be humiliating to
them.

- 1 5. Dr. Olson and Roberta mutually agreed to terminate their therapy. Roberta did not
2 feel he was listening to and addressing her concerns, and Dr. Olson felt she was
3 unable to hear the interventions he recommended.
- 4 6. Roberta began seeing Julie Elkinton, MA as her therapist and continues to see her
5 approximately once a month. Based on Domestic Violence screening tests Roberta
6 took, Ms. Elkinton concluded that she was a victim of domestic violence and
7 suffered emotional, economic, and sexual abuse by Patrick. Ms. Elkinton provided
8 domestic violence counseling to Roberta.
- 9 7. The GAL, Margo Waldroup, selected Teresa Collett, PhD, a clinical psychologist,
10 to provide the court ordered reconciliation therapy for Roberta, Sam and Amelia.
11 After meeting Patrick, Roberta, and the girls and in consultation with Dr. Olson, in
12 April 2015, Dr. Collett prepared a reunification plan. Roberta had to satisfy the
13 following tasks for the reunification process to continue:
- 14 a. Develop a plan of all the things Roberta is willing to do to rebuild her
15 relationship with her children and then follow through with those tasks.
- 16 b. Demonstrate the ability to label/understand what her contribution to the problem
17 is (children not wanting to see her/chaos in their relationship) without blame or
18 minimization.
- 19 c. Demonstrate the ability to manage her emotions and not deflect or make others
20 responsible for her reactions or choices. Dr. Teresa Collett specifically
21 discussed with Roberta the importance of her being able to emotionally regulate
22 herself and that individual counseling was essential to accomplish that.
- 23 d. Demonstrate the ability to paraphrase back what another says to her to show that
24 she heard what they said to her (without justifying why she did what she did or
25 why that person was wrong).
- 26 e. Demonstrate her understanding of how her parenting style led to feelings of
27 humiliation and shame in her children.
- 28 8. Shortly after this plan was created, Roberta stopped seeing Dr. Olson. She told
29 Dr. Collett that Dr. Olson's counseling was "useless" and her reunification
30 sessions with Dr. Collett were a "waste of time."
9. Roberta admitted to Dr. Collett that she slapped the girls' faces because they
disrespected her and she wanted to humiliate them and wanted them to take
responsibility for their actions. She also admitted slapping them in front of other
people, which she knew embarrassed the girls. After admitting this, in her next
sentence, Roberta adamantly denied that she "...ever abused her kids."

2.6 Relevant findings of fact regarding Roberta's allegations of Parental Alienation

1. Parental Alienation is a mental condition in which a child allies strongly with one
parent and rejects the other parent. To be considered alienation, the child's
rejection of the parent must be without reason or justification. If a parent has been

1 abusive or neglectful, the child's rejection is justified and cannot be considered
2 alienated, but rather estranged. Estrangement is typically caused by the parent's
3 behavior; alienation is typically caused by the preferred parent's indoctrination or
4 brainwashing of the child to fear or dislike the other parent.

- 5 2. Roberta testified that Patrick has alienated the girls from her by training or
6 teaching them to disrespect her, that he has brainwashed them, and that he
7 undermines her authority. She alleges that Sam has parental alienation syndrome,
8 ("PAS") or parental alienation disorder. She asks that the Court order Sam to
9 participate in the Family Bridges program, or something similar, as treatment for
10 the alleged parental alienation of Sam.
- 11 3. The Court finds that PAS and parental alienation disorder have not gained general
12 acceptance in the scientific, medical, or legal field.
- 13 4. The National Council of Juvenile and Family Court Judges (NCJFCJ) finds that
14 PAS lacks scientific merit and advises judges that based on evidentiary standards,
15 "the court should not accept testimony regarding PAS. PAS does not meet either
16 the *Fry* or the *Daubert* evidentiary standards.
- 17 5. PAS has not been included in the Diagnostic and Statistical Manual of Medical
18 Disorders (DSM), which is used by mental health professionals to substantiate
19 diagnoses, because "it's a relationship problem-parent-child, or parent-parent.
20 Relationship problems per se are not mental disorders."
- 21 6. Empirical evidence shows that when children reject a parent, there are multiple
22 reasons, including possible negative behaviors by the rejected parent, child abuse
23 or neglect, or the child's developmental difficulties or personality.
- 24 7. The recommended treatment for PAS, such as Family Bridges program, is
25 completely antithetical to the mission of family courts. The treatment is removing
26 the child from the offending parent and cutting off that parent from the child for a
27 period of time. Then the child is "deprogrammed" or "brainwashed." Family
28 courts are intended to be therapeutic, so the court should not participate in a
29 psychological "diagnosis" that requires trauma to the family as the "cure." Further,
30 the Family Bridges program does not use trained therapists—the program
recommended by Dr. Wieder and the GAL does. When accusations of PAS arise,
other, multiple reasons for a child's behavior are likely to exist. Ethical practice
requires these other possible reasons be considered, not ignored.
8. "The discredited 'diagnosis' of PAS, inappropriately asks the court to assume that
the child's behaviors and attitudes toward the parent who claims to be 'alienated'
have no grounding in reality. It also diverts attention away from the behaviors of
the abusive parent, who may have directly influenced the child's responses by
acting in violent, disrespectful, intimidating, humiliating, or discrediting ways
toward the child or other parent." A Judicial Guide to Child Safety in Custody
Cases, p. 13, National Council of Juvenile and Family Law Judges (2008).

1 9. The Court finds that the Family Bridges Program, suggested by Roberta, is
2 expensive (\$25,000 to \$40,000 for a four-day program), its methods are
3 unsupported by evidence, and the program would be harmful to the children. Little
4 evidence was presented at trial of the success rate of the program (or others like it)
5 and the Washington Post article entered into evidence listed several examples
6 where the program did more harm than good for the children. Further, the director
7 of the program, Randy Rand had his counseling license revoked by the California
8 Board of Psychology in 2009 after finding that he failed to act impartially in one
9 case and testified improperly in another. Also, according to the article, the
10 California Department of Consumer Affairs has opened a probe of Family Bridges
11 to find out what actually happens during their program.

12 10. Based on their extensive training and experience with parental alienation, none of
13 the experts—neither Dr. Wieder, Dr. Whitehall, Dr. Collett, nor the GAL—found
14 that Patrick was alienating the girls from Roberta.

15 11. Roberta's estrangement from her daughters is cause by her refusal to take
16 responsibility for her abusive treatment of the girls. Not because of actions by
17 Patrick.

18 12. Dr. Demosthenes Lorandos, PhD testified in favor of the Family Bridges program.
19 Because Dr. Lorandos based his opinions purely on reviewing documents from
20 this case, his testimony was unpersuasive when compared to Dr. Wieder and
21 Dr. Whitehill's in-depth psychological evaluations.

22 13. The girls have provided this Court with credible and specific examples of
23 Roberta's harsh, dramatic, and humiliating behavior. These are examples of
24 emotionally abusive parenting, not evidence of alienated children. The girls are
25 estranged from their mother and the evidence in this case supports the conclusion
26 that Roberta's emotional dysregulation, authoritarian parenting and demand for
27 respect, obedience, and love increasingly alienated the girls from her as they began
28 to develop their own identities and to assert normal teenage differences and
29 opposition to actions by Roberta that they viewed as unfair.

30 **2.7 Relevant findings of fact from Sam and Amelia's Supervised visits with Robynn Frey, MA**

1. Robynn Frey, MA supervised visits between Roberta and Sam and Roberta and Amelia in July 2015 through September 2015.

2. In the first two visits Amelia wore T-shirts that said: "daddy's little girl" and "daddy's fishing buddy." These shirts were inappropriate and saddened Roberta. Even if Patrick did not encourage Amelia to wear them, he displayed poor judgement and should not have allowed Amelia to wear them to visits with Roberta.

3. The visits with both girls were initially difficult. They were seen separately and neither wanted to engage with Roberta, were rude, angry, and challenging towards

1 her. Amelia softened more during later visits and had good interactions with
2 Roberta.

- 3 4. All the visits with Sam were hard. Roberta tried to apologize in general terms, but
4 never to anything specific. Sam did not respond and several times, abruptly left
5 the sessions without telling anyone where she went. Sam was rude and
6 disrespectful to both Roberta and Ms. Frey during the visitation sessions. Patrick
7 was not helpful in this regard—he failed to support the visits, failed to make sure
8 Sam arrived on time or encourage her to see Roberta—instead telling the girls he
9 was sorry they had to go through with this. He was generally non-responsive and
10 ambivalent about the process.
- 11 5. During the September 7, 2015 session, Sam was angry and sullen. Roberta tried to
12 engage with Sam and told her how much she loved her and how sorry she was.
13 Sam asked her: “you don’t believe you ever hit me?” and Roberta stated; “no, I
14 never did,” and then Sam immediately walked out of the room.
- 15 6. On September 8, 2015 Ms. Frey stopped supervising the visits because the anger
16 and-intensity of emotions between Sam and Roberta were increasing and the visits
17 were not productive. Sam needed individual counseling. Roberta’s emotions were
18 becoming increasingly intense and were counterproductive to the rebuilding of the
19 relationship.
- 20 7. Some of Sam and Amelia’s behaviors, Ms. Frey observed, were consistent with
21 abused children. They did not believe Roberta’s apologies and when she tried to
22 show them affection or give them candy “...they rebuffed those gestures, which is
23 not uncommon for abused kids to act this way.” Both girls were uncomfortable
24 around their mother during the visits and showed intense emotions which may
25 have been from fear. They also appeared withdrawn and did not want to talk—
26 which was consistent with either being abused or alienated.
- 27 8. In the summer of 2016, Ms. Frey had three parent coaching sessions with Patrick
28 to help him communicate with his daughters without having a negative effect on
29 Roberta and to support the girls. He appeared to make a genuine effort to engage
30 in the process. She continued with Patrick until he began seeing Dr. Clay. She
never did any parent coaching with Roberta.

2.8 Relevant findings of fact regarding Sam and Roberta’s supervised visits with Christine Clay, PhD

1. In November 2015, Dr. Christine Clay, PhD, began supervising visits between
Sam and Roberta. Roberta knew Dr. Clay from church, but they were not friends.
The sessions were two hours long and were very difficult. Sam did not want to
participate at all; was uncooperative, belligerent, sullen, disrespectful, rude and
dismissive. The visits improved somewhat in the middle, but became
confrontational towards the end. Sam wanted to express her anger at Roberta for
being abusive and Roberta wanted to challenge those allegations.

- 1 2. During a visit at a coffee shop in December 2015, Sam discussed an incident
2 where Roberta slapped her on the face, but when Roberta denied it, Sam left and
ended the visit.
- 3 3. In March 2016 they had their last visit at the Dancing Brush, an arts and crafts
4 store where customers can paint and make ceramics together in the store. The visit
5 was not going well and Roberta wanted to "clear the air" but Sam refused to
6 engage with her. Roberta raised her voice, telling Sam that all her college money
had been spent on the divorce proceedings; and then said: "what's the point of
continuing these visits..."
- 7 4. Roberta became so loud and emotional that other customers noticed. Roberta
8 finally told Sam: "I can't keep doing this until you have respect for me...why are
9 you so angry...?" Dr. Clay asked Sam to leave and apologized to the other
10 customers. Shortly after, Roberta quit seeing Dr. Clay, stating that it was a waste
of time.
- 11 5. In June 2016, Dr. Clay was asked to re-engage as a parent coach. She saw Roberta
12 from July through October. Per her request, Roberta wrote an apology letter to
13 Sam, but Sam refused to read it and would not participate in supervised visits
again.
- 14 6. In November, 2016 Roberta again quit seeing Dr. Clay, stating: "it wasn't
15 working" (meaning no reconciliation was occurring between her and Sam) and
16 that since she and Amelia were doing so well, she did not need parent coaching.
17 In their final meeting, Roberta was upset, tense, emotional and angry. She
18 complained about Patrick not disciplining Sam, and Dr. Clay told her that her strict
parenting style did not work with Sam. She tried to continue discussing this with
19 Roberta, but Roberta became emotionally dysregulated and could not calm down.
20 Dr. Clay terminated the visit.
- 21 7. Dr. Clay also terminated her work with Roberta as a parent coach because she did
22 not think Roberta was taking adequate responsibility for "creating goals for
23 effective treatment." Dr. Clay listed eight specific goals that Roberta needed to
24 work on to facilitate reconciliation. The first goal was to "work on regulating your
25 emotions...this skill is essential if you are going to have a healthy relationship
26 with others in your life." Another goal was to remain focused on problem solving
instead of blaming Patrick for every problem. "...Progress can only be made when
you take responsibility for your behavioral interactions and parenting." The eighth
27 goal was improving her communication style: "... (she) has very strategic and
28 provocative communication patterns that get in the way of relationships and
29 progress. There can be differences of opinion without attack. There can be
30 problem solving without escalating things."
8. It is Dr. Clay's professional opinion that corporal punishment is never appropriate,
that it sends conflicting messages and there are better ways to correct behavior.
9. Patrick was found in contempt five times, four related to parenting issues: failure
to start parenting coaching, failure to take the girls to therapy appointments,

1 disregarding court orders re: transfers at visitation and failing to facilitate contact
2 between Sam and Roberta.

3 10. In June 2016, after being found in contempt several times for not complying with
4 Courts orders, Patrick began parent coaching with Dr. Clay. Initially he was
5 distrustful and guarded. In October he realized he had serious issues dealing with
6 Sam and he needed help. He started taking the coaching more seriously and has
7 made improvements, although he still has issues to work on. Patrick needs to take
8 charge and be the leader of his family. He has inappropriately allowed Sam to get
9 away with being rude and disrespectful towards him, Dr. Clay, and others. Patrick
10 cannot let Sam get away with such behavior. Patrick has been too passive, but has
11 recently taken more responsibility and appears sincere in his desire to change his
12 parenting style. For example, much to Sam's dismay, she informed the Court that
13 Patrick no longer talks to her about this case. Dr. Clay has also helped Patrick with
14 the Family Wizard email program—helping Patrick draft appropriate responses to
15 Roberta's emails. Patrick has been dilatory in responding to her emails, however,
16 which causes unnecessary stress and misunderstandings between him and Roberta.

17 11. Dr. Clay opined and the Court finds that both parents need to continue parent
18 coaching; that Amelia should spend more time with Patrick, and concurs with an
19 equal parenting plan; that Roberta needs to learn how to regulate her emotions;
20 and Sam and Roberta need to engage in reconciliation therapy—but not the Family
21 Bridges Program. Dr. Clay believes forcing Sam into that program would do her
22 more harm than good.

23 **2.9 Relevant findings of fact regarding Roberta's relationships with Kelsey and** 24 **Kayleigh**

- 25 1. Kelsey testified that Roberta physically punished her and Kayleigh frequently,
26 sometimes several times a week, beginning when they were pre-teens. She was
27 slapped and beaten with a belt.
- 28 2. Kayleigh stated in her deposition that Roberta slapped and hit her with a belt for
29 years, beginning when she was about eleven. Roberta also dragged her out of the
30 car and slapped her in the face several times in public and in front of her sisters.
She also stated that Roberta would frequently slap her across the face if she said
something Roberta disagreed with or if she did not respond to something Roberta
said.
3. Roberta has stated that both of the twins are lying about her slapping and hitting
them with a belt, however the Court finds the twins' depiction of events to be
credible.
4. The Court entered temporary protection orders on February 3, 2015, which were
reissued three times because Roberta had not been served. A hearing on the
petition was finally heard on March 13, 2015 and the court entered a one-year
protection order for both twins. Roberta was present but did not challenge or
contest the allegations and was served a copy of the order.

1 **2.10 Relevant findings of fact from *In camera* interview with Amelia**

- 2 1. The Court held individual *in camera* interview with Amelia. The Court found
3 Amelia to be open, credible, and sincere in her accounts of her experiences. Amelia
4 is currently twelve-years-old and will attend Kingston Middle School. She
5 emphatically and unequivocally stated that she wanted to spend more time with her
6 father and she believes that a 50/50 parenting plan would be “fair.” Her statement
7 did not appear in any way to be coached or rehearsed and was genuine. She also
8 wants to spend more time with Samantha and the twins when they are home from
9 college and during vacations. She reiterated her desire several times during the
10 interview that she wanted to spend more time with her father regardless of whether
11 Samantha would be there, since she will be attending college.
- 12 2. Amelia loves her mother very much, but has some concerns. It bothers her when
13 Roberta disparages Patrick in front of her. She noted that Patrick does not say
14 negative things about Roberta in front of her, nor do her sisters say negative things
15 about Roberta in front of her. Roberta also disparages Sam and the twins, telling her
16 that all three of them are disobedient and will have problems when they grow up.
17 Roberta also says that they will have problems because they don’t have a
18 relationship with her. She is aware that her sisters and mother do not get along and
19 do not see each other. She stated that some of the reasons are because Roberta got
20 angry and yelled at them a lot. She has also observed Roberta slapping her sisters,
21 although Roberta has never slapped Amelia. Amelia recounted the incident when
22 they were driving and Roberta and Kayleigh were arguing. Roberta stopped the car,
23 pulled Kayleigh out and slapped her face. She also recalled a time when Kelsey
24 was arguing with Roberta about babysitting jobs and Roberta slapped her face.
- 25 3. Amelia was upset when Roberta abandoned them in Leavenworth, and stated that
26 Roberta has disappeared several times before; once for a few days. Although she
27 did not observe what happened on December 21, 2014, she does not doubt what her
28 sisters said happened and since she has seen Roberta slap her sisters, she does not
29 doubt that Roberta hit Patrick. Amelia did not want to see Roberta for several
30 months, but after the first few visits, she became more comfortable with her and felt
like she could trust her again.
4. Amelia was very upset when the court changed the residential schedule to have her
spend more time with Roberta and she said she missed being with her father and
sisters. She has a very close relationship with Patrick. She described how he helps
her with math and science homework and about a game they have played since she
was very young called “science Frisbee.”
5. In describing good and bad things about her parents, Amelia first stated that she
loved both of her parents. She said her mother is funny and her father is smart and
also funny. She said Roberta gets too emotional, especially when she is really upset
and angry.

1 **2.11 Relevant findings of fact from *In camera* interview with Sam**

- 2 1. The Court held an individual *in camera* interview with Sam. The Court found
3 Sam to be intelligent, credible, and sincere in her accounts of her experiences. Sam
4 was never rude or disrespectful during the interview. Sam is seventeen-years-old
5 and looking forward to attending Marquette University in August. She definitely
6 wanted Amelia to go with her and Patrick to drop her off at school. She is in the
7 honors program and will be staying in separate housing for those students.
- 8 2. In discussing the assault and the events leading to it, Sam stated that Roberta had
9 disappeared before she left them in Leavenworth, sometimes for several hours or
10 days. When they came home from Leavenworth, Roberta began yelling and arguing
11 with Patrick in the prayer room. Sam and Kelsey were downstairs and when Sam
12 heard someone or something fall, she went to investigate and saw Roberta on top of
13 Patrick. She thought Roberta was hurting Patrick, so she hit Roberta over the head
14 with an empty water bottle, and then ran outside where she stayed until the police
15 came.
- 16 3. Sam calls her mother “Roberta” because she does not consider her to be her mother
17 anymore. Sam unequivocally stated multiple times during the interview that
18 Roberta slapped and hit her and the twins many times since they were young and
19 continued until the time of Roberta’s arrest. Patrick also hit them with a belt and
20 spanked them when they were little, but stopped when they became teenagers.
21 Roberta would slap them almost any time she was upset, it was just normal. She
22 was worse with her older sisters, specifically Kayleigh. Sam knows Roberta denies
23 ever hitting any of the children, and that is the number one thing she cannot get
24 over. Sam cannot reconcile with Roberta if Roberta will not admit that to her.
- 25 4. Sam agreed that she and the twins could sometimes be disrespectful towards
26 Roberta, but it was the way Roberta handled it that was disturbing. Roberta would
27 meltdown and start yelling and screaming. She did it so often and without any
28 reason that they felt like they had to be careful what they said around her. When
29 they would study and need to go downstairs for lunch they would go together for
30 support and to protect each other.
5. In January 2017, Sam visited her mother on Sam’s birthday to see if she had
changed and also to see Amelia. Sam visited her mother three to five times and
stopped when she concluded that Roberta was still the “same person.” During the
last visit, Roberta kept bringing up past events and talking negatively about Patrick
and his girlfriend, Jenny. Sam asked her to stop, but Roberta persisted. Sam told the
Court that she has a great relationship with Patrick and it upset her to hear Roberta
disparage him. Roberta told her how the twins were falsely saying that Roberta hit
them and Sam and it was not true, it never happened. Sam was incredulous and
asked Roberta how she could say that when she knew it was true; that she Sam saw
Roberta hit the twins and hit her too. Roberta told her that she must have been
listening to the twins and blamed Patrick for making them believe she hit them.
Roberta kept denying it and Sam got upset and tried to leave. Roberta blocked the

1 front door and said “you’re not leaving.” Sam asked Amelia for another way out
2 and Amelia showed her the back door. When Sam got to her car, Roberta was
3 standing in front of it begging her not to go.

- 4 6. Sam has a close relationship with her father. She told him she was seeing Roberta
5 and he supported her completely. She stated that Patrick does not speak negatively
6 about Roberta in her presence. He tells her he wants her to reconcile with Roberta
7 and re-establish a relationship with her, but this frustrates Sam because Patrick
8 knows how she feels about Roberta.
- 9 7. Sam and Patrick communicate daily and always know each other’s locations via
10 their cell phones. He has always helped her with homework and continues to do so.
- 11 8. Sam refuses to participate in further reconciliation efforts, even if court ordered.
12 She did not read Roberta’s apology letter because she suspected it was not genuine
13 and probably only said the things her supervisor, Dr. Clay, would want her to say.
14 Sam felt the handwritten card Roberta wrote that Amelia delivered to her was more
15 heartfelt.
- 16 9. Sam loved competitive swimming and began swimming when she was five. She
17 blames Roberta for making her leave the Bainbridge Island Swim Team and her
18 best friend to go to the Poulsbo team. She told Roberta she did not want to switch
19 teams, but to no avail. Sam quit swimming after her parents’ separation, but
20 returned to the Bainbridge team in her senior year. She stated that since she had
21 been out of competitive swimming for over six months she lost her “edge” and
22 would not be able to compete at the national level—as she may have been able to—
23 if she had not been forced to leave the Bainbridge team several years before.
- 24 10. Sam believes that Amelia should live half of the time with Patrick. She believes that
25 since Patrick began working in Tacoma his hours have been shorter and he has
26 spent more time with them, especially in the evenings and on the days after he
27 works a night shift.
- 28 11. Sam does not want to see her mother again, not now or in the foreseeable future.

21 **2.12 Relevant findings of fact from Roberta Sinopole’s Testimony**

- 22 1. Roberta homeschooled the children to instill what she considered to be proper
23 values and to control what the girls were exposed to. She has always been a very
24 involved parent and has ensured that the girls were involved in many outside
25 activities, while playing a key role in their impressive academic success.
- 26 2. Patrick appeared to Roberta to be unsympathetic and unsupportive to Roberta
27 during her breast cancer diagnosis and treatment.
- 28 3. Roberta credibly alleges that Patrick has been unsupportive in Roberta’s attempts
29 to discipline the children.
- 30 4. Roberta was sobbing frequently throughout the trial and during part of her
testimony, and she would often raise her voice, be argumentative, and fail to

1 answer counsel's questions. She claims she is not overly emotional, blames
2 everyone else for the family's issues, and refuses to take any responsibility.

- 3 5. Roberta would post negative things about her daughters on Facebook, which the
4 girls would become aware of and would upset them. When told to stop by the
5 GAL, Roberta refused, and said she was not doing anything wrong.
- 6 6. Throughout this matter, Robert Supino has sent numerous inappropriate emails to
7 Sam, Dr. Clay, the GAL, and the Court. He also called Sam a "rich spoiled brat"
8 who is going to rot in hell. Roberta does not see anything wrong with Mr. Supino's
9 conduct.
- 10 7. Roberta seeks to keep the current residential schedule for Amelia, where Amelia is
11 with her father three weekends a month and spends the remaining time with her
12 mother.
- 13 8. Roberta claims she did not hit the twins more than once each-slapping Kelsey in
14 the face and slapping Kayleigh on the buttocks. However she choose not to
15 respond to the allegations in the twins' protection order petitions—claiming
16 multiple instances of abuse.

17 **2.13 Relevant findings of fact from Patrick Sinopole's Testimony**

- 18 1. Patrick acknowledges that Roberta did most of the parenting duties while he
19 worked, and he did most of the maintenance chores around the house and barn.
20 Although he used to work longer hours, he now works roughly 50 hours a week
21 and has more time during nights and weekends to spend with the girls.
- 22 2. Robert testified that Roberta was a great mom when the girls were younger, but
23 got more volatile and moody as they grew, but that he largely ignored the issue.
24 Eventually he asked her to see a counselor with him, around 2008 or 2009, but she
25 refused, saying there was nothing wrong with her. Roberta eventually agreed to
26 see Pastor Paul, who instructed them to his the girls with a switch or a belt, not
27 their hands.
- 28 3. Patrick and Roberta have different views on punishment and discipline. Whereas
29 Roberta felt the girls needed to be spanked and hit with a belt, he believed in
30 talking to the girls instead and tell them what was expected. Roberta told him to
spank the girls when they were being disrespectful towards her and he would
reluctantly. Roberta often told him he was not spanking them hard enough and he
would have to spank them again. He stated that he has told the girls they needed to
be obedient and respectful to Roberta.
4. Patrick describes a great relationship with his daughters; he talks and texts with
them daily, helps them with homework, and encourages them to do outdoor
activities and has taken them on hikes, bike rides and on field trips. Patrick
testified that he supported and took care of Roberta during and after her cancer
diagnosis. He wants the girls to have a good relationship with Roberta and he
supports it, but she has to demonstrate that she can control her emotions and

1 behavior and show that she has their best interests at heart. He wants her to get
2 help and believes the DBT would be a good idea.

- 3 5. Patrick adamantly opposes the Family Bridges Program and that it would not be in
4 Sam's best interest. Amelia is doing well at Roberta's, but he feels can be happier
5 if she is with him 50/50.
6 6. He is learning new parenting techniques from Dr. Clay and asks for her help in
7 learning how to use the Family Wizard program and also how to reply to
8 Roberta's emails.

7 **2.14 Relevant findings of fact from GAL Margo Waldroup's Final Report**

8 Margo Waldroup was appointed Guardian Ad Litem (GAL) on February 11, 2015. She
9 wrote over fourteen reports in this matter, including her Final Report, dated March 16,
10 2017. Ms. Waldroup's Final Report, which was based upon her previous reports, final
11 home visits, attendance at Kelsey, Kayleigh, and Roberta's depositions, and review of Dr.
12 Bernet's notes and commentary, made the following assessments with which the Court
13 agrees and incorporates as findings of fact:

- 14 1. Both parents have used poor parenting skills in the past, including Patrick spanking
15 the girls with a belt and washing their mouths out with soap, while later
16 undermining Roberta's authority as a parent. Roberta has shown increased
17 emotional lability; and has had issues with yelling, screaming, crying, and
18 occasionally slapping Sam, Kayleigh, and Kelsey.
19 2. Roberta's own behavior created the major stresses in the relationships with her
20 daughters.
21 3. Patrick bringing the girls to Roberta's arraignment hearing was extremely poor
22 judgment, and he was not been properly supportive of the reconciliation process
23 for the children with their mother at the earlier stages, however he has improved
24 since he has engaged in productive coaching with Christine Clay, Psy.D. His other
25 deficits include: allowing the girls to be rude and disrespectful to Roberta and
26 other adults, not encouraging the girls to see Roberta, delayed getting parent
27 coaching and undermining Roberta's authority as a parent and failing to support
28 her.
29 4. A recommendation that Amelia have a week-on/week-off residential schedule.
30 5. A recommendation that Sam remain in her father's primary custody.
6. Roberta should complete at least one year of DBT intervention, as described in Dr.
Wieder's report.
7. Patrick should remain in parent-coaching with Christine Clay until termination is
recommended by Ms. Clay.

28 **2.15 Relevant findings of fact from Evaluation of Dr. Gary Wieder, PhD**

1 Dr. Gary Wieder conducted an evaluation and wrote a report, dated June 17, 2016,
2 regarding the development of a parenting plan for Sam and Amelia. In preparing the
3 evaluation, Dr. Wieder conducted interviews with the parents and children, conducted
4 parent/child observations, psychological testing, engaged in written collateral contacts with
5 numerous parties, and reviewed numerous documents, including motions, declarations,
6 correspondence, and court orders from this case. Dr. Wieder made the following
7 assessments with which the Court agrees and incorporates as findings of fact:

- 8 1. That a Post-Decree Parenting Coordinator be appointed for at least 18-months to
9 resolve conflicts, arbitrate disputes, and monitor compliance of the parenting plan.
- 10 2. Amelia should reside with her parents on alternate weeks, and continue weekly
11 therapy with Paula Rovik, MA, who should have no contact with either parent.
- 12 3. Sam should reside with her father full-time and participate in therapy focused on
13 coordinating a clarification process with her mother designed to promote healing
14 and with the potential to reconcile with her mother.
- 15 4. Roberta should participate with her own individual therapist focused on
16 coordinating her part of the clarification process with Sam. Once sufficient progress
17 is achieved, visitation between Sam and her mother could then begin.
- 18 5. Roberta should complete DBT treatment focused on emotional regulation.
- 19 6. Patrick should participate in parent coaching for assistance with supporting the
20 reconciliation efforts of Sam and Roberta.
- 21 7. Decision-making between the parents is likely to be arduous and problematic.
- 22 8. Roberta should be awarded sole decision-making non-emergency health care
23 decisions for Amelia, and Patrick should be awarded sole decision-making for
24 educational decisions, except for college, which shall be jointly made.
- 25 9. Dr. Wieder disagrees with Julie Elkinton's opinion that Roberta is a victim of
26 domestic violence by Patrick and found no evidence to support it. Further, he felt
27 that her continued participation in that therapy was counterproductive to
28 reconciliation efforts with Sam. The Court agrees with Dr. Wieder, and finds that
29 Roberta has not been a victim of domestic violence by Patrick, and that Roberta's
30 therapy with Ms. Elkinton is counterproductive to her addressing her emotional
issues and her own persistent view of herself as a victim.

2.16 Relevant findings of fact from Report of Dr. Whitehill, PhD

25 Mark B. Whitehill, PhD, performed psychological evaluations of both parents and
26 completed a report, dated April 24, 2017. Each parent was interviewed on multiple
27 occasions for more than five hours, and numerous psychological tests were performed. The
28 children, GAL Margo Waldroup, and Kristine Clay, Psy.D, were also interviewed.
29 Dr. Whitehill also reviewed numerous pleadings and documentary evidence from this case.
30 Dr. Whitehill's psychological report made the following assessments with which the Court
agrees and incorporates as findings of fact:

- 1 1. Neither parent manifests significant psychopathology.
- 2 2. Roberta represents herself as a victim of domestic violence, a point of view
3 reinforced by her therapist, Ms. Elkinton. Roberta's frequent and highly
4 dysregulated emotional state is consistent with aspects of Borderline personality
5 disorder.
- 6 3. Dr. Wieder's recommendation that Roberta participate in Dialectical Behavior
7 Therapy (DBT) or similar treatment was reasonable.
- 8 4. Patrick's conduct towards Roberta has been "less than stellar," and he exhibited
9 traits that have caused difficulties in interpersonal relationships, and he would
10 benefit from individual counseling to broaden his coping repertoire and to
11 understand his role in the conflict with Roberta.
- 12 5. Reintegration therapy, such as the Family Bridges program, would further
13 antagonize Sam and destroy any prospect of reconciliation with Roberta, and there
14 is "no humane way for the court to order a 17-year-old to participate in such an
15 enterprise as advocated by Ms. Sinopole." Sam asserted clearly that she want no
16 further contact with her mother. Further, Dr. Burnet's analysis is of limited utility
17 because of Dr. Burnet's insufficient review of the discovery and an absence of
18 clinical assessment of either party.
- 19 6. Amelia would like to spend more time with her father and this offers the greatest
20 possibility for Amelia to preserve and grow her relationship with her mother.

2.17 Specific findings of fact as to the RCW 26.09.187(3)(a) factors as to each child¹

a. Samantha

- 1 1. *The relative strength, nature, and stability of the child's relationship with each
2 parent (this factor is given the most weight)*

3 Samantha is estranged from her Mother and currently has no desire to ever see her
4 again. She has experienced both physical and emotional abuse from her mother.
5 Currently, Samantha does not have a functional relationship with her mother.
6 Samantha is close to and has a strong, loving, nurturing relationship with her father.
7 This factor weighs heavily in favor of full custody for her father.

- 8 2. *The agreements of the parties, provided they were entered into knowingly and
9 voluntarily*

10 There are no agreements between the parties.

11 ¹ Along with the factors discussed above, in parenting decisions, the parents' interests are subsidiary to the
12 children's interests. "While courts also should encourage the involvement of both parents, this is a secondary
13 goal and courts should never sacrifice the best interests of the child to allow both parents to be involved." *In*
14 *re Parentage of Schroeder*, 106 Wn. App. 343, 349, 22 P.3d 1280 (2001).

1 3. *Each parent's past and potential for future performance of parenting*
2 *functions² including whether a parent has taken greater responsibility for*
3 *performing parenting functions relating to the daily needs of the child*

4 In the past, Roberta has taken the greater daily responsibility for raising the children,
5 however, her practice of mental and physical abuse of Samantha renders her potential
6 for further performance of parenting functions to be very low. Patrick has taken on
7 some parenting functions in the past, including helping the children with their
8 homework, and has a strong and close relationship with Samantha, but has sometimes
9 failed to be engaged in the day-to-day challenges of parenting the children. Samantha
10 is currently away at college and will soon be eighteen years old. This factor weighs
11 heavily in favor of full custody for her father.

12 4. *The emotional needs and developmental level of the child*

13 Samantha is estranged from her mother, who has a history of mentally and physically
14 abusing her. Samantha's emotional needs and development are not aided by residing
15 with her mother at this time. Samantha has a close and nurturing relationship with her
16 father. This factor weighs heavily in favor of full custody for Patrick.

17 5. *The child's relationship with siblings and with other significant adults, as well*
18 *as the child's involvement with his or her physical surroundings, school, or*
19 *other significant activities*

20 Samantha is currently attending college in Wisconsin and will soon be eighteen years
21 old; this factor does not weigh in either parent's favor.

22 6. *The wishes of the parents and the wishes of a child who is sufficiently mature*
23 *to express reasoned and independent preferences as to his or her residential*
24 *schedule*

25 _____
26 ² RCW 26.09.004(2) defines "Parenting functions" as "those aspects of the parent-child relationship in which
27 the parent makes decisions and performs functions necessary for the care and growth of the child. Parenting
28 functions include:

- 29 (a) Maintaining a loving, stable, consistent, and nurturing relationship with the child;
30 (b) Attending to the daily needs of the child, such as feeding, clothing, physical care and grooming,
supervision, health care, and day care, and engaging in other activities which are appropriate to the
developmental level of the child and that are within the social and economic circumstances of the particular
family;
(c) Attending to adequate education for the child, including remedial or other education essential to the best
interests of the child;
(d) Assisting the child in developing and maintaining appropriate interpersonal relationships;
(e) Exercising appropriate judgment regarding the child's welfare, consistent with the child's developmental
level and the family's social and economic circumstances; and
(f) Providing for the financial support of the child."

1 Samantha wishes to have full custody given to her father and has no desire to see her
2 mother again. Samantha is sufficiently mature to express reasoned and independent
3 preferences as to her residential schedule. Patrick wishes for full custody of
4 Samantha. Roberta seeks asks that the Court order Samantha to enter the Family
5 Bridges program, or something similar. The Court finds that this would be both
6 harmful to Samantha's wellbeing and counterproductive to Roberta's ability to
develop a healthy relationship with Samantha, and will also harm her relationship
with Amelia. This factor weighs heavily in favor of full custody for Patrick, and
against the placement of Samantha in the Family Bridges program.

7 *7. Each parent's employment schedule, and shall make accommodations*
8 *consistent with those schedules.*

9 Patrick's current schedule allows him more time at home with his children, and his
10 schedule does not appear to be a hindrance to him performing his parenting duties at
11 this time. Roberta is currently unemployed but will likely need to seek employment at
12 some time in the future. Because Samantha is currently in college in Wisconsin and
will soon be eighteen years old, this factor is not relevant.

13 **b. Amelia**

14 *1. The relative strength, nature, and stability of the child's relationship with each*
15 *parent (this factor is given the most weight)*

16 Amelia is close with both parents, and has a good relationship with each parent.
17 Although the Court has found that Roberta has excessively disciplined her older
18 children in such a way that it has caused estrangement, that has not occurred with
19 Amelia. Roberta is a good parent to Amelia—and with DBT therapy—her
relationship with Amelia will only grow stronger and more nurturing.

20 Amelia is also very close to her father, and although Patrick has been too passive in
21 the past when it came to supporting Roberta's authority as a parent, his current
commitment to parent coaching and his dedication to his daughter is apparent.

22 Because Amelia is close to each parent, and because, with continued work, each
23 parent can provide her with the love, support, and direction that she needs, this factor
weighs in favor of split custody, with even time spent with each parent.

24 *2. The agreements of the parties, provided they were entered into knowingly and*
25 *voluntarily*

26 There are no agreements between the parties.

27 *3. Each parent's past and potential for future performance of parenting functions,*
28 *including whether a parent has taken greater responsibility for performing*
29 *parenting functions relating to the daily needs of the child*

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In the past, Roberta has taken greater responsibility for raising the children, however, her excessive emotional and physical punishment of her older children diminishes her potential for further performance of parenting functions, even though she has not exhibited the same behavior towards Amelia. These overreactions have caused her children to be estranged from her, and if she began exhibiting the same behavior towards Amelia, the result would no doubt be the same. So far, Roberta has exhibited an ability to refrain from such actions towards Amelia. Roberta's derision toward Patrick and her other daughters, in front of Amelia, has been an issue as well, and shows poor judgment on her part.

Although these issues exist, Roberta has shown great interest and involvement in her children's education and has ensured they participate in many extracurricular activities. Her older children have excelled academically, and Amelia is no exception. Roberta deserves some credit for their success, and with DBT treatment, she will be able to provide not only the structure Amelia needs to continue to thrive in school, but also the loving and stable environment needed for Amelia's continued emotional growth.

Patrick has taken on some parenting functions in the past, including helping Amelia with their homework, and is willing and able to take on additional parental duties. As discussed above, he has shown some poor judgment in the past, such as the "daddy's girl" t-shirts Amelia wore when seeing Roberta and when he brought the children to Roberta's arraignment, but he does well in maintaining a stable and nurturing environment for the children. While Roberta has excessively disciplined the children in the past, Patrick has been too lax and passive. His current engagement with parenting coaching appears to be helping with this issue, and he has become more proactive in his parenting.

Although each parent has areas that require improvement and growth, both are loving parents that can provide the daily parenting functions Amelia needs to continue her emotional growth. Therefore, this factor weighs in favor of split custody, with even time spent with each parent.

4. *The emotional needs and developmental level of the child*

Amelia is a very bright and loving 12-year-old. Although she is very smart and well behaved, like any 12-year-old, she requires a loving home with some structure and respect for authority.

Roberta's emotional volatility is counterproductive to both her relationship with Amelia and Amelia's emotional growth. These outbursts have not been as substantial as an issue as it was with Roberta's older children, but there is a risk that the issue will present itself as Amelia grows older—it was not until her older children were older that Roberta began the excessive use of discipline. By addressing her emotional volatility through DBT treatment, Roberta will remain a parent capable of meeting the emotional needs of Amelia.

1 Patrick's relaxed approach to parenting also presents problems for Amelia, as she
2 does require some structure and she must have instilled in her some level of respect
3 for her parents' authority. Now that Patrick is engaged in parent coaching, there is no
4 reason to believe he cannot also meet the emotional needs of Amelia. Therefore, this
5 factor weighs in favor of split custody, with even time spent with each parent.

6 *5. The child's relationship with siblings and with other significant adults, as well
7 as the child's involvement with her physical surroundings, school, or other
8 significant activities*

9 Amelia is very close to her sisters and hopes to see her sisters more often when they
10 visit their father when they come home from college during breaks. Sam and the twins
11 are also very close to and protective of Amelia. Because the twins and Sam are both
12 estranged from Roberta, Amelia will need time with her father while her sisters come
13 home for visits to adequately maintain and strengthen her relationship with her sisters.
14 Therefore, priority will be given to Patrick when Amelia's sisters are home on college
15 breaks. Amelia's time with either parent will not impact which school she will attend.

16 *6. The wishes of the parents and the wishes of a child who is sufficiently mature
17 to express reasoned and independent preferences as to her residential schedule*

18 Amelia is sufficiently mature to express reasoned and independent preferences as to
19 her residential schedule. She would like to have her parents share custody, and for her
20 to spend equal time with each parent. Patrick has also asked for equal time, and it has
21 also been recommended by the GAL and Dr. Wieder.

22 Amelia currently spends three weekends a month with her father, and the rest of the
23 month with her mother. Roberta seeks to continue this arrangement.

24 Based upon the wishes of Amelia and the recommendations of both the GAL and Dr.
25 Wieder, this factor weighs in favor of split time with both parents.

26 *7. Each parent's employment schedule, and shall make accommodations
27 consistent with those schedules*

28 Patrick's current schedule allows him more time at home with Amelia than it did in
29 the past, and his schedule will not be a hindrance to him performing his parenting
30 duties at this time. Roberta is currently unemployed but will likely need to seek
employment at some time in the future. Nothing about the parents' current
employment schedules suggests that an even split of parenting time with Amelia is
inappropriate.

2.18 The Nature of this Case

1. This is an extremely high conflict situation; the parents have shown they are incapable of agreeing on essentially anything. A total of forty-four motions were filed in this case; twenty-nine by Roberta.

- 1 2. The only way to reduce conflict and promote timely decision making at this time is
2 to split the decision making authority of the parents, as it pertains to Amelia.
3 3. Further, due to the nature of this case, a Post-Decree Parenting Coordinator is
4 necessary to resolve conflicts and arbitrate disputes in a timely manner. This will
5 also allow for the monitoring of compliance with the parenting plan.

6 **III. Conclusions of Law**

7 The court makes the following conclusions of law from the foregoing findings of fact:

8 **3.1 Jurisdiction**

9 The Court has jurisdiction to enter a final parenting plan in this matter.

10 **3.2 Parenting Plan—Weighing of RCW 26.09.187(3)(a) factors³**

11 Weighing the RCW 26.09.187(3) factors above, the Court finds that it is in
12 Samantha's best interest to continue residing with her father, due to her estrangement
13 from her mother. The Court also finds that forced or coerced reunification therapy,
14 through a program such as Family Bridges, would be very harmful to Sam and her
15 relationship with her mother, which would not be in Sam's best interest.

16 Weighing the RCW 26.09.187(3) factors above, the Court finds that it is in Amelia's
17 best interest to have equal time with her mother and father. Therefore, she will live
18 with her mother, except when she is scheduled to live with her father, on alternate
19 weeks with transfers occurring at the end of the school week.

20 **3.3 Restraining Order**

21 Does not apply.

22 **3.4 Protection Order**

23 Does not apply.

24 **3.5 Attorney's Fees and Costs**

25 Does not apply.
26
27

28 ³ Along with the RCW 26.09.187(3)(a) factors, in parenting decisions, the parents' interests are subsidiary to
29 the children's interests. "While courts also should encourage the involvement of both parents, this is a
30 secondary goal and courts should never sacrifice the best interests of the child to allow both parents to be
involved." *In re Parentage of Schroeder*, 106 Wn. App. 343, 349, 22 P.3d 1280 (2001).

Dated: This 29 day of August, 2017.


JUDGE SALLY F. OLSEN

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MCKINLEY IRVIN, PLLC

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Filed with Court: Court of Appeals Division II
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Appellate Court Case Title: Marriage of Roberta Sinopole, Appellant v. Patrick Sinopole, Respondent
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