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No. 51551-2-II

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

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IN RE MARRIAGE OF SPERRY

DANIEL SPERRY,  
Appellant,

v.

LIBERTY SPERRY (n/k/a LIBERTY WEAVER),  
Respondent

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BRIEF OF RESPONDENT

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## **1. INTRODUCTION**

The evidence presented at trial amply supports the lower court's conclusion that it is in the best interest of R.S. to be placed primarily in the custody of her mother, Liberty Weaver. The father, Daniel Sperry, currently has visitation every other weekend. Mr. Sperry's extended summer visitation is conditioned on submitting to a psychological evaluation for sexual issues. R.S. is now five years old.

The trial court did not abuse its discretion in this matter. The evidence presented at trial supports the court's findings. Mr. Sperry's sexual issues as to his daughter R.S. were not adjudicated until the testimonial hearing at the trial. Multiple witnesses testified as to the sexual conduct and troubling comments of R.S. at the tender age of only three, which directly implicated her father. Further testimony was presented regarding the disturbing sexual comments by Mr. Sperry's sexual thoughts as to touching R.S. The trial court also made findings related to domestic violence, manipulation and control, and Mr. Sperry withholding R.S., all of which the opening brief of Mr. Sperry does not accurately analyze under the relevant sections of RCW 26.09.

The testimony presented at trial supports the trial court's findings, and as such this Court should affirm the decision of the lower court.

## **2. ISSUES**

2.1. Whether having visitation every other weekend constitutes a restriction per RCW 26.09.191(3)(f), as Mr. Sperry has visitation every other weekend with R.S. regardless of whether he completes a psychological evaluation for sexual issues.

2.2. Whether there was substantial evidence to support the trial court's findings that Mr. Sperry provided an unsafe environment for R.S. and withheld R.S. for a protracted period without good cause.

2.3. Whether the trial court considered the correct factors in placing R.S. primarily with Ms. Weaver, pursuant to RCW 26.09.187.

## **3. STATEMENT OF THE CASE**

On January 26, 2016, the parties resolved the initial dissolution matter by agreement, including the parenting plan for R.S. CP 12 -18, 27-33. Mr. Sperry was represented by counsel who drafted all final orders, including the residential schedule of the parenting plan. RP 126-27; 129. Ms. Weaver was not represented by counsel and proceeded pro se. RP 178.

The residential schedule portion of the 2016 final parenting plan states in full:

The parents shall alternate custody of the child every month, with the receiving parent assuming the cost of the transportation and responsibility for being present during the travel. Such exchanges and timing shall be by agreement of the parties. The mother shall have an extended period of custody in the summer time lasting no more than 3 consecutive months. Within 24 months of the

date of this document, the father intends to relocate to California wherein this plan will continue.

CP 28.

Both parties petitioned to modify the final parenting plan within a close proximity of time. Mr. Sperry in July of 2016 and Ms. Weaver in August of 2016. CP 34-43, CP 50-54. Mr. Sperry no longer intended to relocate to California, as contemplated in the final parenting plan. CP 28.

Prior to either petition being filed, Mr. Sperry had been withholding R.S. for a lengthy period of time without good cause, approximately 2.5 months. RP 50. Testimony presented at trial demonstrated the mother made numerous efforts to exchange R.S. and the father continually refused. RP 156-57, 168-70, 179-80.

As a result, the mother filed contempt for withholding R.S. and petitioned to modify the parenting plan. CP 50-54. The father no longer intended to move to California, as specifically contemplated in the final parenting plan and had no articulable reason for such a decision. RP 132-33. The mother had already established residence in California, as discussed by the parties upon separation. RP 132.

*3.1. Sexual Abuse Concerns as to R.S.*

Ms. Weaver further requested for Mr. Sperry to undergo a psychosexual evaluation, due to a history of disturbing comments from the

father and later highly concerning behavior and statements from R.S. RP 191, 172-73. Testimony presented at trial directly supported the trial court ordering Mr. Sperry to under a psychological evaluation for sexual issues. RP 144-45, 172-73;

Appellant's brief often references administrative "unfounded" finding by Child Protective Services (CPS). *Br. of Appellant* at 9-10, 19, 21. However, the trial was the first time the sexual abuse concerns were meaningfully adjudicated. And contrary to Mr. Sperry's repeated assertions in his brief, a mandatory reporter, not Ms. Weaver, contacted Child Protective Services in September of 2015. RP 10, 23. This was the first time CPS was contacted regarding R.S. RP 60.

On September 25, 2015, there was a domestic violence incident wherein the trial court found Mr. Sperry to be the perpetrator. CP 63-68. This incident was after separation but prior to entry of final orders. Mr. Sperry threatened to strike Ms. Weaver while the two had been discussing a potential parenting plan for R.S. RP 203-04.

After this incident, Ms. Weaver fled to the Crisis Support Network location in Raymond, WA. RP 203. While speaking with an advocate at Crisis Support, Ms. Weaver disclosed a sexual comment Mr. Sperry made regarding R.S. earlier that year. RP 202-03. Mr. Sperry reported to Ms. Weaver that he had sexual thoughts about inappropriately touching R.S.

but would not act on those thoughts. RP 202-03. The advocate at Crisis Support Network, a mandatory reporter, contacted CPS. RP 10, 23.

The second referral to CPS was made by Ms. Weaver. RP 81-100. Rylee returned from a month long road trip with Mr. Sperry and had a red, irritated anus. RP 98. Remembering the comments Mr. Sperry made about having sexually inappropriate thoughts towards R.S., Ms. Weaver submitted R.S. to a sexual assault exam and CPS was notified. RP 96.

### 3.2. Mr. Sperry Withholding R.S.

Testimony demonstrated that Ms. Weaver made numerous efforts to exchange the child for her residential time during the summer of 2016.

It must be noted there was a vast disparity in incomes between the parties. Mr. Sperry's income was approximately a monthly gross amount of \$7,200.00. RP. 160-61. Mr. Sperry was working remotely for a coding company. RP 130, 161. Working from home allowed him to travel to various states as he pleased. RP 161. He traveled from Colorado to various locations in California specifically during the period the court found him to be withholding R.S. At the time, Ms. Weaver was making minimum wage and working in San Diego. RP 154.

First, Ms. Weaver purchased plane tickets to exchange R.S., by agreement, in Colorado where Mr. Sperry was temporarily residing. RP

158. Mr. Sperry then reneged on their agreement and traveled to southern California instead with R.S. RP 157, 187-88.

Ms. Weaver, again with very limited resources, traveled to southern California. A peace officer accompanied Ms. Weaver to Mr. Sperry's travel trailer, only for Mr. Sperry to refuse an exchange despite having R.S. in his care for over two months. RP 189. Mr. Sperry filed his petition to modify. CP 34-43.

Mr. Sperry plead the child's current living situation was harmful to [R.S.]'s physical mental or emotional health. The petition explained,

Respondent is displaying unstable and erratic behavior that is a substantial change in circumstances from earlier this year when a final agreed parenting plan was entered. Respondent has *twice maliciously* and *without merit* reported Petitioner to CPS in both Washington and California, both times the agency made findings of unfounded. She is residing in California has not secured stable housing or employment and cannot afford to make the exchanges set forth in the parenting plan.

CP 37 (emphases added).

Ms. Weaver was concerned as to the reasons for which Mr. Sperry had plead for modification, specifically the references to CPS. RP 59. Moving to modify the parenting plan, coupled with Mr. Sperry refusing to exchange the child, Ms. Weaver filed a counter petition to modify. CP 50-54. Ms. Weaver also filed a Motion for Contempt, pleading that Mr.

Sperry had withheld R.S. for a protracted period of time without good cause. RP 49-50.

Based on the evidence presented over the course of a two day trial, the trial court issued lengthy decision, placing R.S. primarily with Ms. Weaver. CP 63 - 68.

#### 4. ARGUMENT

In matters dealing with the welfare of children, trial courts are given broad discretion. *Schuster v. Schuster*, 90 Wn. 2d 626, 632, 585 P.2d 130 (1978); *Joslin v. Joslin*, 45 Wn.2d 357, 364, 274 P.2d 847 (1954). A trial court's disposition of a case involving rights of custody and visitation will not be disturbed on appeal unless the court manifestly abused its discretion. *Schuster v. Schuster, supra*; *Munoz v. Munoz*, 79 Wn.2d 810, 813–14, 489 P.2d 1133 (1971); *Joslin, supra*.

It must be highlighted that Appellant's brief consistently claims that Mr. Sperry has no visitation with R.S. until he completes a psychological evaluation. *Br. of Appellant* at 13, 18, 20-22. This is not accurate. Mr. Sperry currently has visitation with R.S. every other weekend, regardless of whether he submits to the psychological evaluation for sexual issues. CP 71.

**4.1. The Trial Court Did Not Impose Restrictions Per RCW 26.09.191(3)(f), As Mr. Sperry Has Visitation Every Other Weekend With R.S. Regardless of Whether He Completes A Psychological Evaluation For Sexual Issues.**

In developing and ordering a permanent parenting plan, the court is given broad discretion. *In re Marriage of Littlefield*, 133 Wn.2d 39, 51–52, 940 P.2d 1362, 1368–69 (1997). That discretion must be exercised according to the guidelines set forth in RCW 26.09.187(3). *Id.* This section, however, “must be read in conjunction with... RCW 26.09.191 (setting forth limiting factors which require or permit restrictions upon a parent's actions or involvement with the child).” *See In re Littlefield*, 133 Wn.2d at 52, 940 P.2d at 1369.

There is some “overlap” between the trial court's authority under RCW 26.09.187, to establish the terms of the parenting plan, and its authority under RCW 26.09.191(3), to preclude or limit any provisions of the parenting plan. *In re Marriage of Chandola*, 180 Wn. 2d 632, 644, 327 P.3d 644, 650 (2014). “Practically speaking, a court can substantially restrict a parent's contact with his or her child simply by establishing a residential schedule pursuant to its discretion under RCW 26.09.187.” *Id.*

**4.1.1. The Residential Schedule Allowing Mr. Sperry to Have Visitation With R.S. Every Other Weekend is Squarely Within the Trial Court’s Discretion Under RCW 26.09.187.**

Here, pursuant to RCW 26.09.187, the trial court ordered for Mr. Sperry to have visitation every other weekend with R.S. CP 69-77. While this is less time than Mr. Sperry requested, it is a standard non-custodial, non-joint visitation schedule. And even if such a residential schedule is perceived as restrictive, it is within the trial court’s discretion under RCW.26.09.187 after considering all evidence presented. The trial court did *not* find that due to Mr. Sperry’s withholding of the child pursuant to RCW 26.09.191(3)(f), the residential schedule would be more restrictive.

**4.1.2. Ordering Mr. Sperry to Submit to a Psychological Evaluation for Sexual Issues is Within the Trial Court’s Discretion Under RCW 26.09.187**

Requiring Mr. Sperry to submit to a psychological evaluation for sexual that is within the trial court’s discretion under RCW.26.09.187, as there was ample evidence to support such a finding that the evaluation is necessary. *Chandola*, 180 Wn. 2d at 644, 327 P.3d at 650. Based on the testimony presented, the trial court determined the “troubling sexual episode involving the Petitioner and [R.S.]” must be addressed professionally”. CP 68. In its decision, the trial court stated it reserved the right to modify the parenting plan based on the outcome of the evaluation. CP 68.

There was ample evidence to support requiring Mr. Sperry to submit to psychological evaluation. Ms. Weaver testified that in April of 2014, while the parties were married, Mr. Sperry disclosed to her that he had sexual thoughts about touching Rylee, but that he would never act on those thoughts:

Q. And so what was the context of this conversation? How did it come up? A. I remember it just -- it was very random and very weird to me, because I never had suspected anything. And Daniel told me after bathing Rylee that he -- sometimes he has thoughts about inappropriately touching Rylee, but that he would never act on it. So at the time I did -- of course, I was a stay-at-home mom and I was with her most of the time. But at the time there was no odd or strange behavior from Rylee. And I believed that Daniel would never act on it. Q. He told you he wouldn't act on it? A. He did.

RP 66. When asked about Ms. Weaver's testimony as to Mr. Sperry's thoughts of inappropriately touching Rylee, Mr. Sperry testified:

In response to Mr. Sperry then testified:

A. I was in a relationship that was definitely causing me to think overly sexually. And being the one who is always bathing my daughter, I didn't like the fact that I was in a time where I'm bathing my daughter and thinking sexually at the same time. You want to know what the conversation was that we had?... Cause basically you're saying you can talk about it so it doesn't fester inside you. When you said fester inside you, that's what I'm asking about. A. Right. Q. What did you mean by that? A. I'm saying it's not good to let unhealthy thoughts just spin off or to think too hard on them on your own. That's why I figured communicating with my wife about it would be the best option. Q. So -- A. At the time I was asking her to bathe Rylee more, please,

cause I didn't want to be thinking sexually while bathing Rylee.

RP 144-45. Mr. Sperry continued, in the same line of questioning on cross examination:

And I was bathing Rylee one night. I had a thought about having sex while I was bathing Rylee. I didn't like that she is aware of her privates now at her age and I'm having these thoughts. I just thought that it was a very weird thing. Why am I always bathing her? Maybe you should bathe her, and then we could get down to our husband and wifely duties afterwards. It had nothing to do with Rylee. She was just there. Q. What do you mean by -- A. I mean having sex.

RP 146.

Aside from Mr. Sperry's own compelling testimony, there was additional testimony presented at trial to support the trial court requiring Mr. Sperry to undergo a psychological evaluation for sexual issues, specifically that R.S. had started exhibiting sexual behaviors at the young age of three. RP 67.

R.S.'s maternal great grandmother, Luce Weaver, testified at trial as to the sexual behaviors R.S. was exhibiting. Ms. Liberty Weaver was living with her grandparents in California at the time, and therefore the grandparents observed R.S. in their home. RP 172. On direct examination, Ms. Luce Weaver testified:

Q. And while Rylee was at your home, did you observe any -- any behavior by Rylee of any sexual behavior that she was exhibiting? A. Oh, yes. Yes. A few times. Q. Can you

describe that to me? A. The most serious one for me that I observed is when I was bathing her. And I gave her the bar of soap and I said, "You need to clean yourself." She got the bar of soap and put it in her -- what she calls her private area and started moving it up and down. And I said, "What are you doing?" And she said, "I like this." I said, "Who taught you that?" She said -- she whispered, "Daddy, because he loves me." And she shut down completely after that.

RP 172-73. Ms. Luce Weaver, continued in the same line of questioning, testifying:

Q. Were there any other -- A. Yes. There was various incidents. She would get stuffed animals and she would hump them. And I -- one occasion it was a bunny. And she didn't want to talk. So I had the bunny talk. And I had the bunny talk to her and ask her why she did that. And she said, "Because he likes the way I smell." And the bunny asked her, "Who taught you that?" "My daddy." And then she just completely shuts down.

RP 173.

The testimony of Luce Weaver was compelling to the court, per the decision issued June 21, 2017. CP 68. Specifically, the court stated that "Luce Weaver testified that she observed Riley engage in sexually suggestive behavior on a repeated basis after the conversations regarding inappropriate thoughts by the Petitioner. The Court accepts this testimony." CP 68.

It was within the trial court's discretion under RCW 26.09.187 to order such an evaluation. In fact, an evaluation was ordered for the child

and for Mr. Sperry. Mr. Sperry's brief fails to mention that the trial court "reserves the right to modify this modification based on the outcome of these evaluations." CP 68. Therefore, if Mr. Sperry completes the psychological evaluation and it reports no concerns, he can bring the matter before the trial court.

**4.1.3. Conditioning Mr. Sperry's Visitation on Being Within 25 Miles of Ms. Weaver's Residence is Within the Trial Court's Discretion Under RCW 26.09.187.**

At the time of trial, the parties live approximately 1,200 miles apart. Despite the significant distance between the parents, the trial court in fact ordered regular, consistent visitation for Mr. Sperry. CP 71. It would not be feasible for the parties to exchange the child every other weekend via flight, especially given the child's young age. The trial court accommodated Mr. Sperry's significant geographical distance from R.S. by ordering the terms under Section 8 of the final parenting plan. CP 71. Mr. Sperry incorrectly contends this was an abuse of discretion by the trial court. This provision as to 25 miles is within the trial court's discretion under RCW 26.09.187 and wholly unrelated to the findings of the trial court under RCW 25.09.191(3)(f).

Because of the considerable distance between the parties, it naturally follows that the trial court would designate "[a]ll holidays to the mother, reserved for future determination", as Section 10 of the final

parenting plan states. CP 71. Mr. Sperry currently has visitation every other weekend, and can celebrate holidays during his visitation. This provides flexibility if Mr. Sperry cannot exercise visitation every other weekend given the significant distance between the parties. Furthermore, Section 10 of the final parenting plan is “reserved for future determination”. CP 71. Therefore Mr. Sperry can bring this issue before the court for review if, for example, relocates to the San Diego area. Mr. Sperry incorrectly contends in his opening brief that this was an abuse of discretion by the trial court under RCW 26.09.187.

**4.2. There Was Substantial Evidence to Support the Trial Court’s Findings and Therefore Mr. Sperry Cannot Meet the Necessary Burden for this Court to Reverse the Trial Court’s Findings**

A trial court's parenting plan is reviewed for an abuse of discretion, which “occurs when a decision is manifestly unreasonable or based on untenable grounds or untenable reasons.” *In re Marriage of Katare*, 175 Wn.2d 23, 35, 283 P.3d 546 (2012) (citing *In re Littlefield*, 133 Wn.2d at 46–47, 940 P.2d 1362). The trial court's findings of fact are treated as verities on appeal, so long as they are supported by substantial evidence. *Id.*; (citing *Ferree v. Doric Co.*, 62 Wn.2d 561, 568, 383 P.2d 900 (1963)). “Substantial evidence” is evidence sufficient to persuade a fair-minded person of the truth of the matter asserted. *Chandola*, 180 Wn.2d at 642, 327 P.3d at 649.

#### **4.2.1. The Trial Court Properly Found Mr. Sperry Provided An Unsafe Environment for R.S.**

There was substantial evidence to support the trial court's findings as to Assignment of Error #1. In the trial court's decision, it states, "The Court is also troubled by [Mr. Sperry's] use of domestic violence and his manipulation of the police to accomplish his ends." CP 66.

When Mr. Sperry was discussing a potential parenting plan for R.S. with Ms. Weaver, Ms. Weaver requested to be driven home. RP 106. Mr. Sperry wanted her to get out of the vehicle instead of driving her home. RP 108. By his own admission, Mr. Sperry called the police and told the police he was going to strike Ms. Weaver if law enforcement did not respond to his call. RP 108.

Being the perpetrator of domestic violence is highly concerning and dangerous behavior for a parent. Involving the police also calls into question the judgment and stability of Mr. Sperry. While the court did not impose a restriction as to domestic violence under RCW 26.09.191(3), it is within the court's discretion, under RCW 26.09.187, to consider this act of perpetrating domestic violence when designating a primary custodial parent for R.S.

It was also within the trial court's discretion to find that to protect the child, the court should limit the parenting time and participation of Mr.

Sperry. CP 93. While his parenting time and participation are limited, it must be noted that Mr. Sperry has joint decision making authority and visitation every other weekend. CP 70-71.

Ms. Weaver also relies on Section 4.1.2., *supra*, in support of this section, detailing the safety concerns as to the concerning testimony regarding both Mr. Sperry's disclosures and the sexual behaviors of R.S.

**4.2.2. There Was Substantial Evidence to Support the Trial Court's Finding that Mr. Sperry Withheld R.S. For A Long Time Without Good Reason**

The trial court found Mr. Sperry to have withheld R.S. from Ms. Weaver for a protracted period without good cause, pursuant to RCW 26.09.191(3)(f). Mr. Sperry contends there was not substantial evidence for the trial court to make such a finding. *Br. of Appellant* at 29-32. The record supports such a finding, as demonstrated below.

First, the parties agreed to exchange R.S. at the airport in Denver, Colorado. Ms. Weaver had been unable to afford flight tickets the month prior, but once she received her paycheck she purchased the tickets to Denver. Mr. Sperry then reneged on their agreement to exchange R.S. at the airport on July 30, 2016, without good cause.

Second, Mr. Sperry continued to withhold R.S. even when Ms. Weaver came to Mr. Sperry's location. After he notified Ms. Weaver that he had reneged on meeting in Denver, Ms. Weaver made arrangements to

go with her grandfather and a peace officer to Mr. Sperry's location in Norco, California. Even when Ms. Weaver came to Mr. Sperry, he still refused to exchanged R.S. without good cause.

The trial court found, "Indeed it is the Court's opinion that the father is less likely to encourage a relationship between the mother and child considering his conduct related to travel to and from Denver and his failure to allow visitation with the child when he was in [Norco]." CP 65. The testimony presented at trial supported a finding that Mr. Sperry withheld R.S. pursuant to RCW 26.09.191(3)(f) and the trial court properly ruled as such.

#### **4.3. The Trial Court Considered Many Factors in Placing R.S. Primarily With Ms. Weaver, Pursuant to RCW 26.09.187**

Certain factors must be considered when establishing the residential provisions in a permanent parenting plan. RCW 26.09.187(3)(a). These provisions include: the parent/child relationship, the parents' responsibilities in performing parenting functions, parent agreements, "[e]ach parent's past and potential for future performance of parenting functions," the child's "emotional needs and developmental level," the child's relationships and activities, including schooling, the parent's wishes, the wishes of a mature child, and the parents' employment

schedules. Magnuson v. Magnuson, 141 Wn. App. 347, 351, 170 P.3d 65, 67 (2007) (citing RCW 26.09.187(3)(a)(iii)(iv)).

In analyzing the trial court's decision, numerous factors were taken into account pursuant to RCW 26.09.187. First, the trial court considered the agreement of the parties. RCW 26.09.187(3)(a)(ii). Specifically, the trial court considered the agreed residential schedule under Section 3.1 of the original final parenting plan, contemplating Mr. Sperry relocating to California. CP 28, 68. The trial court stated, "There has been a substantial change in circumstances justifying a modification, if only because of the move by [Ms. Weaver] to California, and the failure of the [Mr. Sperry] to move as contemplated by the parties at the time they entered into the parenting plan." CP 68.

Ms. Weaver resided in southern California when the parties entered the agreed parenting plan on January 26, 2016 and Ms. Weaver continued to reside in southern California at the time of trial. RP 48, 52. Even if the trial court had been inclined to order a joint schedule, that would not have been possible considering Mr. Sperry's residence in Raymond, Washington, a significant distance from where the parties intended for R.S. to reside. If the parties contemplated R.S. residing in California, then it would naturally follow that the trial court would place R.S. primarily with the Ms. Weaver in California. The trial court correctly

ordered for Ms. Weaver to be the primary custodial parent based on the agreement of the parties, well within the trial court's discretion under RCW 26.09.187(3)(a)(ii).

Ms. Weaver also relies on Section 4.1.2., *supra*, in support of this section, detailing the safety concerns as to the concerning testimony regarding both Mr. Sperry's disclosures and the sexual behaviors of R.S. as a consideration as to the child's emotional needs under RCW 26.09.187(3)(a)(iv). The court views this issue as a "troubling sexual episode involving [Mr. Sperry] and [R.S.] which has not been addressed professionally", and it naturally follows the court would place R.S. primarily with Ms. Weaver if the trial court had such concerns.

The opening brief of Mr. Sperry places a limited focus on various subsections RCW 26.09.187 when analyzing the trial court's findings. For example, Mr. Sperry contends the trial court erred in finding that Ms. Weaver had a stronger relationship with R.S. and greater potential for parenting functions. *Br. of Appellant* at 34. There was testimony as to both parties relationship with R.S. RP 172, 176-78, 245-46, 253. While Mr. Sperry may have been more specific in testifying as to his parenting functions, there were many other factors the trial court considered, which have been detailed above in this same section.

Certain factors must be considered when establishing the residential provisions in a permanent parenting plan. RCW 26.09.187(3)(a). The trial court correctly placed R.S. primarily with Ms. Weaver based on the testimony presented pursuant to RCW 26.09.187.

**5. REQUEST FOR ATTORNEY FEES PURSUANT TO RAP 18.1**

This section of Respondent's opening brief requests attorney fees pursuant to RAP 8.1(b). RCW 26.09.140 grants Respondent Ms. Weaver the right to recover reasonable attorney fees or expenses on review. Mr. Sperry failed to request attorney fees in his opening brief and therefore any future request for fees on his part should be denied. *See In re Marriage of Foley*, 84 Wn. App. 839, 847, 930 P.2d 929, 933 (1997).

**6. CONCLUSION**

The trial court's order was a sound exercise of judicial discretion. For the reasons set forth above, Ms. Weaver respectfully requests that this Court affirm the decision of the trial court.

DATED this 8<sup>th</sup> day of May, 2018.

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CERTIFICATE OF SERVICE

I certify, under penalty of perjury under the laws of the State of Washington, that on May 8, 2018, I caused the foregoing document to be filed with the Court and served on Counsel listed below by way of the Washington State Appellate Courts' Portal.

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DATED this 8<sup>th</sup> day of May, 2018.

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**May 08, 2018 - 11:36 PM**

**Transmittal Information**

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**Appellate Court Case Number:** 51551-2  
**Appellate Court Case Title:** In re the Marriage of Daniel Sperry, Appellant v Liberty Sperry, Respondent  
**Superior Court Case Number:** 15-3-00079-4

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