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COURT OF APPEALS, DIVISION II,
OF THE STATE OF WASHINGTON

In re the Marriage of:
ROGER WILLIAM CHRISTOPHER,
Respondent,
v.
CONNIE SUE CHRISTOPHER,
Appellant.

APPEAL FROM THE SUPERIOR COURT
FOR CLARK COUNTY
THE HONORABLE DAVID GREGERSON

OPENING BRIEF OF APPELLANT

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I. INTRODUCTION

During the parties' 26-year marriage, the mother stayed home and raised the parties' ten children while the father worked outside the home. The parenting plan for the six children who are still minors (three daughters and three sons) is at issue in this appeal. The trial court abdicated its responsibilities to the children on the grounds that "the fundamental question" was whether it could "sustain" the parenting evaluator's report (CP 372), which was rife with admitted mistakes, including not investigating the mother's allegations of domestic violence and that the father had unilaterally removed their sons from the family home, denying contact with their mother and their sisters, for months.

Rather than addressing the children's best interests, the parenting plan was designed to punish the mother. The trial court accepted the narrative that the mother's anger towards the father was unjustified, and, in doing so, failed to resolve dispositive issues by uncritically adopting the parenting evaluator's proposed parenting plan as its own, ignoring the daughters' express desire to reside primarily with their mother and imposing unwarranted RCW 26.09.191 restrictions on her. This Court should reverse, remand to a different judge for a new trial on parenting and recalculation of

child support, and reverse the order finding the mother in contempt of this fundamentally flawed parenting plan.

II. ASSIGNMENTS OF ERROR

1. The trial court erred in entering its parenting plan, in imposing RCW 26.09.191 restrictions on the mother, and in finding she uses “conflict in a way that endangers or damages the psychological development” of the children. (Appendix A: CP 512-521)

2. The trial court erred in entering its child support order imputing income to the mother. (Appendix B: CP 479-92)

3. The trial court erred in entering its contempt order, and in finding the mother intentionally violated sections 4, 8, 12, and 14 of the parenting plan in bad faith. (Appendix C: CP 732-35)

III. STATEMENT OF ISSUES

1. Did the trial court err when, without conducting its own independent analysis of the facts and mandatory statutory factors, it adopted the parenting evaluator’s recommendations as its parenting plan, even though the evaluator admitted that he did not investigate crucially relevant facts and his methodology exhibited a bias against the mother, resulting in a residential schedule

fundamentally at odds with the mandatory factors under RCW 26.09.187 and RCW 26.09.191, and the children's best interests?

2. Did the trial court err in imputing income to the mother, who had not worked outside the home during the parties' 26-year marriage?

3. Did the trial court err when it found the mother in contempt for violating the parenting plan because their daughters did not behave as the father wanted them to during his residential time when there was no evidence that the mother intentionally disobeyed the plan's provisions?

IV. STATEMENT OF FACTS

A. The parties met and married as members of a conservative Christian church. Connie was the homemaker and Roger was the provider, who controlled all aspects of the family's life.

Appellant Connie Christopher, now age 50, and respondent Roger Christopher, now age 53, married in 1993. Over their 26-year marriage, the parties raised ten children. (CP 290) By the time of trial in the marriage dissolution action, four of their children were adults, ages 25, 23, 21, and 19. The remaining six children, daughters, then ages 16, 13, and 10, and adopted 7-year-old triplet sons, are subject to the parenting plan entered after trial.

Roger and Connie were raised in the Apostolic faith, a conservative Christian denomination that insists spouses maintain traditional gender roles. (CP 293) They met at a church convention when Connie was 14 and Roger was 17 and married ten years later. (CP 535)

Connie was “fairly pregnant for the first several years of marriage,” giving birth to sons in 1994 and 1996 and daughters in 1998, 2000, 2002, 2006, and 2009. (RP 519) When their fifth daughter in a row was born in June 2009, Roger told Connie that “God gave us another girl because you will be a rotten mother-in-law to your daughter-in-laws.” (RP 524)

Connie’s pregnancies were often difficult; she suffered several miscarriages, including four between September 2004 and May 2005. (RP 521) After Connie suffered her final miscarriage in 2013, she was rushed by ambulance to the hospital and eventually had an emergency hysterectomy. (RP 98, 591) The parties began fostering triplet boys in 2012, whom they adopted in June 2014, around the time of Connie’s final miscarriage. (RP 396; CP 2)

Connie was raising the children and never worked outside the home during the marriage. (RP 519) Roger took almost no responsibility for the children when they were infants. (RP 525) As

they grew older, Roger became involved with the children on weekends, doing chores with the sons or taking the children to his parents' home. (RP 525, 534) When the parties began fostering their triplet sons, Roger "helped out" by making breakfast for the older children while Connie cared for the triplets. (RP 591)

Roger controlled the parties' finances and property interests. (RP 68-69) Connie tracked the family's personal expenses, making annual budgets until 2012, when Roger told her to "focus on . . . the children." (RP 590) Roger's control extended beyond the family finances and permeated all aspects of their lives. Roger was heavily involved in their church, and had expectations on how the family presented themselves there. After services, Roger told Connie "not to talk," so he could socialize with other churchgoers. (RP 535) When the behavior of Connie or the children did not conform to his expectations, he often became emotionally—and sometimes physically—abusive. Roger berated Connie in front of the children and when she reacted in anger, he told them, "your mother's on the rag." (RP 527) Connie testified that Roger would trap her in a room to yell at her, shove her, and that he would sometimes try to slam the door on her hand or foot when she tried to leave. (RP 679-82)

Sometimes Roger pushed Connie while yelling “stop pushing me” within earshot of their daughters. (RP 682)

B. The parties’ marriage deteriorated and Connie began attending a different church with the older daughters.

In June 2014, around the time the parties adopted their triplet sons, the family’s finances were in a “devastated state” because Roger had not been working for nearly a year, he and Connie had other “marriage issues [they] needed to work out,” and Connie’s mother had been recently diagnosed with terminal brain cancer. (RP 593-94, 676-77) Roger’s verbal abuse of Connie reached a point where she sought counsel from their church’s pastor. Connie had to speak to him about the challenging atmosphere through a doorway, because the pastor was not allowed to speak to female parishioners alone. (RP 682-83) Connie became disheartened when she interpreted the pastor’s message that he wanted “the old Connie back” as “[j]ust put your mask on” and endure. (RP 683)

Connie felt the church “required” her “to submit”—so she stopped going. (RP 682-83) Connie’s departure from the church made Roger furious—he mocked and verbally abused her in front of the children, turned off her religious music and sermons she watched on the computer, and prohibited her from attending a women’s bible

study at her new church because “women shouldn’t be teaching bible study.” (RP 747-48)

Sunday mornings became fraught with conflict; the younger sons and daughters went to church with Roger while the older daughters began attending a different church with Connie. (RP 685-86) Roger had a physical altercation with two of the daughters when the younger one did not want to go with him to church; he ended up striking the older daughter. Even though the other daughters and Connie witnessed the altercation, Roger denied it had happened, upsetting the two daughters involved. (RP 685-87)

C. Roger exerted greater control over the parties’ younger three sons, leaving the family home with them and controlling Connie’s access to the sons and finances for months.

Although previously uninvolved with caring for the children, Roger started to assert what Connie described as “ownership” over the three younger sons. (RP 679) Roger insisted the triplets, then age 5, stay up and watch television with him when she tried to put them to bed, and ignored their nap schedule. (RP 679) Roger also began keeping the sons away from home without telling Connie. Connie expected Roger to return with the sons after church, but sometimes they would be gone for hours, sometimes they did not

return until the next day, and once they did not return for four days. (RP 687-88) Connie had no idea where the sons were. (RP 688)

The dispute over their younger sons reached a climax on November 21, 2016, when Roger absconded with them after accusing Connie of being mentally ill and leaving a note telling her to “get a job.” (RP 234-37, 700-01, 708; CP 335) Roger returned home with the sons on Thanksgiving, two days later, but left after thirty minutes and did not return with the sons until January 11, 2017, over seven weeks later. (RP 702) Roger controlled if and when Connie, the parent who had been their primary caregiver, saw the sons. (RP 720-21)

On April 5, 2017, Roger permanently moved out of the family home, taking the younger sons. (RP 714-15) When the house sold, Connie obtained roughly \$15,000 in proceeds—her only financial resources at that time—which she used to rent a home for herself and the daughters to live in. (RP 714-15) While Roger refused to support Connie financially (RP 724), he purchased two pickup trucks, a sailboat, kayaks, took the three younger sons on vacation, and had his living expenses paid through one of the marital community's businesses. (CP 296) Roger told Connie his actions were justified

because: "You've chosen to leave your provider and protector. You need to talk to the Lord and repent." (RP 724)

D. Roger's relationship with the daughters, strained prior to the parties' separation, worsened.

Roger's relationship with the daughters worsened after he left the family home with the triplets. Roger's strained relationship with the daughters predated separation, and was not confined to the younger daughters. The eldest daughter was an adult when the parties separated, and the next eldest turned 18 before trial. Like their three younger sisters, the elder daughters also have a difficult relationship with Roger. (CP 702-08) The parties' two adult sons have a better relationship with Roger than with Connie. (CP 537-39)

Connie believed the strain between Roger and the daughters was likely due to years of observing his abuse and control over their mother, and his dismissive attitude toward women in general. (See RP 73-75) For instance, when Connie miscarried during a Memorial Day family camping trip, Roger berated her for cloistering herself in the RV, accusing her of not socializing and not being attentive to his mother. (RP 522) When Roger was angry with Connie, he accused her of being "on the rag." (RP 527) Roger prevented Connie from attending women's bible studies because he believed that women

shouldn't be teaching the bible. (RP 749) He also complained bitterly when their seventh child was a daughter rather than a son. (RP 524) Roger's physical altercation with one of the daughters also caused strain on the daughters because, when discussing the incident in front of the family, Roger described it in a way that was completely at odds with the daughters' experience and refused to allow them to share what they believed happened. (RP 687)

E. Procedural History

On September 14, 2017, Roger petitioned for dissolution of the marriage in Clark County Superior Court. (CP 1) On November 17, 2017, a Commissioner entered temporary orders requiring Roger to pay Connie \$7,000 per month in support. (CP 34-35) The temporary parenting plan placed the daughters primarily with Connie and the sons primarily with Roger. All the children visited each parent as a group on alternating Saturdays. (CP 35) This plan was subsequently increased to allow the children overnight visits with the non-primary residential parent. (RP 215)

- 1. The court ordered reunification counseling because the three younger daughters resisted spending significant residential time with Roger.**

Dr. Harry Dudley was appointed to begin reunification therapy with Roger and the daughters. (CP 35) Dr. Dudley testified that the daughters “expressed a lot of angst in having to spend significant time with their dad.” (RP 212) The oldest of the minor daughters, for instance, reported that Roger used them as “built in babysitters” for their younger brothers. (RP 210-11) Dr. Dudley believed that the daughters’ reluctance to spending significant time with Roger was due to multiple factors: they are closer to their mother, the parents have different parenting styles, and the daughters’ “perspective” that their father is controlling. (RP 212-14) Despite the daughters’ alignment with Connie, Dr. Dudley did not believe that Connie obstructed the daughters’ relationship with Roger. (RP 215)

- 2. The court appointed Dr. Kirk Johnson to evaluate parenting. His report had several admitted deficiencies.**

The court appointed Dr. Kirk Johnson to evaluate parenting. The three minor daughters expressed their preference to live primarily with Connie, with the oldest of the three reporting that

Connie "takes care of us much better" and that Roger is "the opposite of my mom. He can't take care of all the kids by himself. He does what is best for himself." (CP 539) Dr. Johnson gave limited credit to the daughters' express wishes because he believed "they were non-specific in complaints about their father and complaints were ultimately rather trivial." (CP 544)

Dr. Johnson also gave limited credit to Connie's claims about Roger, and did not investigate Connie's reports that Roger was abusive and controlling during the marriage. Dr. Johnson also failed to investigate the report that Roger had struck one daughter, and dismissed Connie's concerns about Roger's parenting as unsubstantiated "anger and vitriol" (RP 32), concluding that Connie's "vilification of Roger" amounted to "paranoia," and accused Connie of "using conflict abusively" to foster "emotional impairment," particularly between Roger and the daughters. (CP 547) Dr. Johnson concluded that Connie suffered from "elaborate delusions of persecution." (CP 542)

Connie hired Dr. Landon Poppleton to review Dr. Johnson's report. Dr. Poppleton identified several specific methodological flaws and testified to "major deficiencies" in Dr. Johnson's conclusions. (RP 259-60) Dr. Johnson failed to investigate many of

Connie's claims, which Dr. Poppleton believed demonstrated a glaring "imbalance associated with the parties." (RP 258-59) For example, Dr. Johnson interviewed the parties' two adult sons, who generally have a positive view of Roger (CP 537-39), but he deliberately decided not to interview the adult daughters, who had a less favorable view. (RP 63-64)

Dr. Johnson admitted this was a "mistake;" he did ultimately interview the older daughters, but only after he had already released his report. (RP 52-53) Dr. Johnson testified that these subsequent interviews did not alter his conclusions. However, Dr. Poppleton warned it was too late because an evaluator is likely to conform subsequent data to initial biases, or, as the trial court put it—early assumptions "become[] the lens through which you view all subsequent information." (RP 289)

Dr. Johnson's "imbalanced" treatment of the parties manifested in other ways. For example, he relied on Roger's description of an event where he reported that Connie interfered with his time with the daughters to conclude that Connie contributes to parental alienation between Roger and the daughters. (RP 49-50) However, when asked about the period when Roger removed the sons from Connie's primary care for weeks, Dr. Johnson admitted it

was “relevant,” but that he didn’t “look into it” because he “had [Roger’s] representation of why he had left with the children” and “simply did not pursue the issue.” (RP 67-68) Dr. Johnson admitted: “And at this point I can’t tell you exactly why I didn’t pursue that.” (RP 68)

3. The trial court adopted Dr. Johnson’s conclusions as its own, entering a parenting plan without addressing any of the disputed issues Dr. Johnson admitted he ignored and without considering the statutory factors.

The parties appeared for trial in the dissolution action before Judge David Gregerson (“the trial court”) on August 26, 2019. In addition to parenting, the parties disputed the valuation of certain properties, property division, and spousal support for Connie.

The trial court acknowledged that Dr. Poppleton provided a “fair critique” of Dr. Johnson’s report, and that determining its reliability was thus a “very, very difficult task.” (CP 371) Nevertheless, the trial court decided that, despite its obvious flaws, it would not “Monday morning . . . quarterback” the report:

However, it’s the very nature of the work that you could always on Monday morning critique the quarterbacking on the football game that took place on Sunday.

And you could say they could have chosen to do something different on the third down and short in that

give situation and maybe they would have gotten the first down and maybe that would have changed the game.

(CP 371-72) Instead, because the trial court believed “the fundamental question [before the court] is whether the work was performed and the analysis and recommendations that were reached are they fundamentally based on something firm enough that this court can and should rely on,” it decided that “at the end of the day the court is going to sustain the findings and recommendations of Dr. Johnson when it comes to the Parenting Plan.” (CP 372)

The trial court entered a parenting plan imposing RCW 26.09.191 restrictions on Connie, finding that Connie “uses conflict in a way that endangers or damages the psychological development” of her children, based on Dr. Johnson’s report. (CP 513) The trial court ordered the sons to reside primarily with Roger and to reside with Connie every other weekend, and ordered the daughters to alternate weeks with each parent, changing residences every Sunday. (CP 515) This significant increase in time for the daughters to reside with Roger was ordered despite Dr. Dudley’s testimony that when the temporary residential schedule increased for the daughters from daytime visits to overnights with Roger, “it was quite a shock to [the

daughters'] system. They were very distressed by that, by the expansion of time and how it was done." (RP 215)

Despite the fact the daughters, ages 10 through 16 at trial, had expressed a strong reluctance to spending significant residential time with Roger, the parenting plan places the onus on Connie "to require the daughters to comply with the court's orders" or be found in contempt. (CP 513) Apparently due to concern that the adult daughters might influence their sisters, Connie was also ordered to refrain from "direct[ing] any third parties (including adult children) to make parenting decisions, parenting instructions, or approve of the children being somewhere not with the father during his residential time." (CP 513) The trial court appointed a parenting coordinator to assist "the parties in resolving disputes, and in building cooperation and collaboration in parenting." (CP 672-80)

F. Connie was found in contempt of the parenting plan when Roger complained of the daughters' behavior during his residential time.

The parenting plan did not resolve the conflict between Roger and the daughters. Roger filed two motions for contempt, on March 13 and March 30, 2020, alleging a litany of parenting plan violations. (CP 560-606, 618-31) Roger primarily complained that Connie was somehow exerting control over three adolescent girls to coerce them

to “ignore” him during their residential time with him. (CP 560-61) He accused Connie of “overtly plac[ing] ‘boundaries’ on the children to prevent their interaction with” him, claiming this manipulation manifests in a series of “directions” from Connie to the daughters not to bathe or eat meals at Roger’s house, to spend time away from Roger during his residential time, and “using several other [people] to interfere with” his parenting time. (CP 561) To support these claims, Roger provided a series of emails—written by him—expressing despair at the daughters’ behavior toward him and speculating that Connie must be the “mastermind” of this behavior.

In one email, Roger expounds on the daughters’ dismissive behavior—they ignore him, they stay in their bedrooms, they decline food, they leave his house and go other places—and then summarily concludes that Connie must be “subtly controlling things behind the scenes.” (CP 566-68) Roger describes the daughters’ (now ages 11 through 17) behavior as “[a]nother bizarre scheme by the genius manipulator to create conflict and pit them against me.” (CP 597) Roger even blamed Connie because the daughters do not want to be treated as babysitters for their younger brothers: “The girls are also under a directive not to babysit for their brothers or do any childcare.” (CP 571)

Roger's other emails follow the same model—complaints about the daughters' behavior, and insistence it must be Connie's fault: "The daughters are under Connie's direct control behind the scenes. She lives a double life saying she wants the best for our children while at the same time stalling and directing the kids." (CP 571) "The daughters know what [Connie] wants . . . [N.C.] is taught to defy me." (CP 593) The daughters follow "higher instructions they are getting from Connie." (CP 597)

The parties' 21-year-old daughter explained that Roger's emails are an example of "one of the tactics Roger has used for years" - repeatedly "discredit what [she] or [her] sisters say" by claiming that "Connie has brainwashed us." (CP 702) The daughter explained, "this is not only degrading, but untrue," because "[m]y sisters have their own minds too." (CP 702)

Three days before the contempt hearing, Roger filed a report by the parenting coordinator in support of his motion. (CP 748-92) Connie was not provided an opportunity to respond to the report before the hearing. (II RP 13)¹ The parenting coordinator, who had

¹ Citations to "II RP" are to the April 10, 2020 verbatim report of proceedings.

been provided with a copy of Dr. Johnson's report when she was appointed (CP 676), issued a report largely mirroring Roger's complaints: Connie is still angry with Roger, and because the daughters are also still angry with Roger it must be Connie's fault. (See CP 754-55)

The trial court found Connie in contempt and issued an order concluding she violated sections 4, 8, 12, and 14 of the parenting plan. (CP 733; "Section 4—Connie Christopher failed to affirmatively direct [the daughters] to attend all scheduled residential time with their father"; "Section 8—Connie Christopher intentionally failed to follow the parenting plan residential schedule"; "Section 12—Connie Christopher failed to follow the Transportation agreement provision"; "Section 14—Connie Christopher failed to follow the Cooperation and respect provisions of the parenting plan.").

Connie appeals the final parenting plan, the contempt order, and the child support order imputing income to her, and requiring her to pay monthly child support of \$1,158 for the younger sons. (CP 479-92)

V. ARGUMENT

The Christopher children have not been well-served by the trial court's parenting plan, which was entered without consideration

of the children's best interests or the wishes of the daughters who are mature enough to express their preferences as to where they live. The parenting plan was based on the flawed report from Dr. Johnson who, despite conducting an admittedly inadequate investigation, premised his recommendations on his conclusion that Connie is the source for the family's dysfunction. As a result, the parenting plan was not supported by reliable evidence, and continues to be a source of pain and distress for the children.

The parenting plan must be reversed, and the matter remanded for a new trial on parenting before a new judge; it is clear that the trial court's view that Connie is the reason for the estrangement between the daughters and Roger will remain unchanged, as evidenced by the recent order issued against Connie finding her in contempt, based on nothing more than Roger's musings that the daughters' behavior while in his care is "[a]nother bizarre scheme by the genius manipulator to create conflict and pit them against me" (CP 597), and the presumption built into the parenting plan that Connie is in contempt if the parties' adolescent daughters do not "comply with court orders." (CP 513)

- A. The trial court abdicated its responsibility to independently evaluate the facts and statutory factors.**
- 1. The trial court erred by treating Dr. Johnson’s recommendations as a decision to be affirmed, rather than making its own parenting decision in the children’s best interests.**

This Court reviews a trial court’s decision on the provisions of a parenting plan for abuse of discretion. *Marriage of Littlefield*, 133 Wn.2d 39, 46-47, 940 P.2d 1362 (1997). A trial court abuses its discretion if its decision is based on an incorrect legal standard. *Littlefield*, 133 Wn.2d at 47. The trial court abused its discretion because it relied on the incorrect standard in entering its parenting plan, as it was not based on its own assessment of the facts and statutory factors.

The obligation to make parenting decisions “rests solely with the trial court.” *Dugger v. Lopez*, 142 Wn. App. 110, 121, n.13, 173 P.3d 967 (2007). A trial court cannot “abdicate its ultimate authority” over parenting issues. *See Kirshenbaum v. Kirshenbaum*, 84 Wn. App. 798, 804, 929 P.2d 1204 (1997). But that is exactly what the trial court did here—it abdicated its responsibility to enter a parenting plan in the best interests of the children by ceding that role to the parenting evaluator.

The trial court erroneously believed “the fundamental question” before it was “whether the work that was performed [by Dr. Johnson] and the analysis and recommendations that were reached are they fundamentally based on something firm enough that this court can and should rely on.” (CP 372) That is *not* “the fundamental question”—instead, the question is what is in the best interests of the children based on the court’s independent assessment of the disputed facts, and its consideration of the factors in RCW 26.09.187 and RCW 26.09.191. *See* RCW 26.09.002 (“the best interests of the child shall be the standard by which the court determines and allocates the parties’ parental responsibilities”).

While the trial court may consider a parent evaluator’s report in making its decision, it must also “consider[] the other parties’ comments and criticism” and ultimately “make its own assessment of the child’s best interests.” *Marriage of Swanson*, 88 Wn. App. 128, 138, 944 P.2d 6 (1997) (remanding a parenting plan when the trial court relied on the recommendation of a guardian ad litem who failed to conduct a sufficient investigation of the child’s best interests), *rev. denied*, 134 Wn.2d 1004 (1998). The trial court here erred by treating Dr. Johnson’s report not as a recommendation but as a decision it could wholesale adopt as its own.

“[T]he ultimate responsibility” over parenting decisions remains with the court. *In re Smith-Bartlett*, 95 Wn. App. 633, 640, 976 P.2d 173 (1999). For instance, while an arbitrator could have authority to address a dispute over interpretation of a parenting plan, the trial court remains the ultimate arbiter on parenting issues and has the duty to review any challenged arbitration decision de novo. *Smith-Bartlett*, 95 Wn. App. at 642. The court cannot accept the arbitrator’s decision because “sufficient evidence” supports it; instead the court is obligated to do its own “independent fact-finding,” and “listen to the parties and decide who should prevail in light of the parenting plan.” *Smith-Bartlett*, 95 Wn. App. at 642; *see, e.g., Marriage of R.E.*, 144 Wn. App. 393, 406, ¶ 32, 183 P.3d 339 (2008) (on revision, trial court must review commissioner’s decision de novo; the court uses the incorrect standard of review if it denies revision based on the grounds “there was sufficient evidence for the commissioner’s ruling”).

The trial court here did not do its own “independent fact-finding” before making its parenting decision. The trial court instead erroneously viewed its role as one akin to an appellate court, by determining whether substantial evidence supported Dr. Johnson’s recommendations, and then “affirming” it by adopting those

recommendations as its own. (*See* CP 372: “[T]he court is going to sustain the findings and recommendations of Dr. Johnson when it comes to the parenting plan.”) Contrary to the trial court’s reasoning, Dr. Johnson’s report was not the “best evidence and recommendations that’ the court had. (CP 373) The “best evidence and recommendations” was from the trial court “listen[ing] to the parties and decid[ing] who should prevail,” *Smith-Bartlett*, 95 Wn. App. at 642, in light of its own assessment of the relevant mandatory statutory factors.

2. The trial court’s abdication of its role is evident by the lack of any findings reflecting its consideration of the disputed facts and the statutory factors.

That the trial court abdicated its responsibility in entering a parenting plan is evident by its failure to articulate any consideration of the statutory factors in either its oral ruling or written findings. A trial court’s discretion in crafting a parenting plan must be guided by the factors set forth in RCW 26.09.187(3) and based upon the best interests of the child at the time of trial. *Jacobson v. Jacobson*, 90 Wn. App. 738, 745, 954 P.2d 297, *rev. denied*, 136 Wn.2d 1023 (1998). The record must show that evidence was presented on each of the factors, and that the trial court articulated its consideration of

those factors in either written or oral findings. *Marriage of Croley*, 91 Wn.2d 288, 291-92, 588 P.2d 738 (1978) (addressing former RCW 26.09.190, which RCW 26.09.187 replaced); *see also Murray v. Murray*, 28 Wn. App. 187, 189-90, 622 P.2d 1288 (1981) (remanding when trial court failed to make findings supporting its parenting plan). The trial judge's oral opinion and written findings must "clearly indicate that the statutory factors were weighed in determining which parent would be best suited as custodian of the child." *Croley*, 91 Wn.2d at 292.

Even though the record might contain substantial evidence to provide a basis for analysis of the statutory factors, "any presumption that the trial court considered the statutory factors is rebutted by the failure of the written findings or oral opinion to reflect any application of the statutory elements." *Murray*, 28 Wn. App. at 189. When the trial court's written findings or oral ruling fail to reflect a consideration of the factors under RCW 26.09.187(3)(a), as is the case here, remand is required. *Murray*, 28 Wn. App. at 187.

Here, the trial court abdicated its role as the ultimate arbiter of parenting issues to Dr. Johnson because it made no attempt to address the mandatory factors under RCW 26.09.187. Neither the written parenting plan nor the trial court's oral ruling contain any

findings of fact related to the statutory factors. (CP 370-72, 512-21) Instead, with no discussion of the statutory factors, the trial court adopted Dr. Johnson's recommendations wholesale, declining to act as "Monday morning . . . quarterback[]." (RP 371)

The trial court itself recognized that among the valid critiques of Dr. Johnson's report was that "in reaching his conclusions he failed to do a thorough enough job—or ignored—perhaps certain things that were presented to him." (CP 371) The trial court's role was to consider those "certain things" ignored by Dr. Johnson in making its parenting decision to "make its own assessment of the child's best interests." *Swanson*, 88 Wn. App. at 138. Because even the trial court recognized that Dr. Johnson's evaluation of the statutory factors was based on an incomplete investigation, this case differs from *Marriage of Shui & Rose*, 132 Wn. App. 568, 591, 125 P.3d 180 (2005), *rev. denied*, 158 Wn.2d 1017 (2006), where Division One affirmed the trial court's parenting decision when the parenting evaluation relied on by the court addressed each of the statutory factors after a complete investigation.

It was particularly important for the trial court to make its own assessment of those issues ignored by Dr. Johnson because resolution of those issues was necessary to decide whether Roger's

residential time should be restricted under RCW 26.09.191. Even before a court considers the statutory factors under RCW 26.09.187, the court must determine whether there are any limitations under RCW 26.09.191 that are dispositive of the children's residential schedule. RCW 26.09.187(3)(a). For instance, "once the court finds that a parent engaged in physical abuse, it must not require mutual decision-making and it must limit the abusive parent's residential time with the child." *Mansour v. Mansour*, 126 Wn. App. 1, 10, 106 P.3d 768 (2004) (citing RCW 26.09.191(1) (b)).

Dr. Johnson admitted that he failed to investigate the daughter's allegation that Roger struck her. (RP 70-71) Dr. Johnson claimed he did not follow up with the daughter because "it would have been inappropriate," but acknowledged that it would be abuse if Roger had in fact struck the daughter. (RP 71) Dr. Johnson recognized that Roger striking the daughter would not only be physical abuse, but emotional abuse, since Roger called the daughter a "liar" over this incident. (RP 71) This allegation was also relevant because the younger daughters witnessed the altercation between their sister and Roger, and the psychological harm caused by a child witnessing domestic violence is also a basis to impose restrictions on the abusive parent's residential time under RCW 26.09.191(2)(a).

See Marriage of Stewart, 133 Wn. App. 545, 551, 137 P.3d 25 (2006), *rev. denied*, 160 Wn.2d 1011 (2007).

Dr. Johnson also failed to investigate Connie's allegation that Roger absconded with the younger sons and controlled her ability to see them for months. Dr. Johnson conceded at trial that he "simply did not pursue the issue," admitting that "at this point I can't tell you exactly why I didn't pursue that." (RP 67-68) Once again, such misconduct is directly relevant to the factors that the trial court was required to consider. RCW 26.09.191 provides for restrictions on a parent who "has withheld from the other parent access to the child for a protracted period without good cause." RCW 26.09.191(3)(f); *see also Katare v. Katare*, 175 Wn.2d 23, 36, 283 P.3d 546 (2012) (a "risk" of abduction alone can warrant restrictions under RCW 26.09.191), *cert denied*, 568 U.S. 1090 (2013).

Ignoring Roger's conduct had a drastic effect on the parenting plan. Notwithstanding that Connie had historically been the primary caregiver for all ten of the parties' children, including the three younger sons, Roger was designated the sons' primary residential parent, due largely to the fact that they had been living primarily with him since before separation. But they had been living primarily with Roger only because he withheld them from Connie. The trial court

cannot draw presumptions from the provisions of the temporary parenting plan in making a permanent one, RCW 26.09.191(5), but in this case the trial court did, rewarding Roger's misconduct with primary custody of the sons. *See George v. Helliard*, 62 Wn. App. 378, 384, 814 P.2d 238 (1991) ("We cannot sanction a course of action in which a noncustodial parent violates the custody order by removing the child from the custodial parent's control and later asserts that the child's integration into the noncustodial parent's household justifies a modification of custody.").

In light of Dr. Johnson's admission that he failed to investigate the issues implicated by highly disputed facts that could be dispositive (CP 371), the trial court had to do more than accept the report as its own. The trial court should have made its own factual findings and independently assessed the statutory factors before entering its parenting plan. In failing to do so, the trial court wrongly abdicated its authority over parenting decisions to Dr. Johnson. Therefore, this Court must reverse and vacate the parenting plan.

B. Dr. Johnson's evaluation was so irredeemably flawed that the parenting plan based on his recommendations cannot stand.

The trial court's error in abdicating its authority over parenting decisions to Dr. Johnson was further compounded by the

fact that Dr. Johnson's investigation, and thus his recommendation adopted by the trial court, was irredeemably flawed. The primary role of a parent evaluator is "to investigate the relevant facts concerning the child[rens'] situation." *Marriage of Swanson*, 88 Wn. App. 128, 137, 944 P.2d 6 (1997). A trial court abuses its discretion when it relies on a report from a parent evaluator who fails to investigate all relevant facts necessary to craft the parenting plan. *Swanson*, 88 Wn. App. at 138; see also *Marriage of Bobbitt*, 135 Wn. App. 8, 26-27, 144 P.3d 306 (2006) (holding that the trial court erred "in failing to order the [guardian ad litem] to conduct a proper investigation" when the guardian ad litem did not conduct interviews with one of the parties and his references.) Because the parenting plan was based on a flawed parenting assessment, it must be reversed.

- 1. Bias against Connie permeated Dr. Johnson's evaluation, as evidenced by his failure to investigate allegations against Roger from both Connie and their daughters.**

Dr. Johnson's evaluation was cursory at best—he failed to perform a thorough investigation into the facts he discovered during his interviews. Further, Dr. Johnson's decision to omit certain perspectives—a mistake he admitted at trial—resulted in a biased

conclusion that wrongfully identified Connie as a danger to the children's psychological well-being, resulting in a restrictive parenting plan that failed to consider the children's best interests or the express wishes of the daughters, who were mature enough to express their preferences. The trial court erred in relying on Dr. Johnson's insufficient investigation in making its parenting plan, particularly when the inadequate investigation indicated bias towards a parent and otherwise "violate[d] the appearance of fairness." *Bobbitt*, 135 Wn. App. at 26; see also *Marriage of Black*, 188 Wn.2d 114, 132-33, ¶¶ 33-39, 392 P.3d 1041 (2017) (trial court abused its discretion in relying on report from guardian ad litem who exhibited bias against a party).

For instance, Dr. Johnson did not even attempt to investigate the issue of Roger absconding with the sons, which Dr. Poppleton found "shocking that there was, like, zero analysis" of the fact that "a parent absconded with . . . three kids for . . . two months" and that the episode "was not even mentioned in the report." (RP 271: "there's very few behaviors I can think of that rival something like that in terms of breaking down or attempting to break down a relationship between a parent and a child. Zero regard for that in this report. It wasn't even mentioned."). When asked about his decision not to

investigate Connie's claim that Roger withheld the sons from her, Dr. Johnson said that he "had [Roger's] representation of why he had left with the children [and that he] simply did not pursue the issue." Dr. Johnson then accepted without question Roger's account of a weekend camping trip with the daughters to support his conclusion that Connie contributes to parental alienation. (RP 49-50) In other words, Dr. Johnson accepted Roger's allegations that Connie contributed to alienation at face value, while not pursuing allegations that Roger also contributed to any alienation.

Dr. Johnson's bias is also shown by whom he chose to interview before issuing his report. Dr. Johnson interviewed the parties' adult sons, who viewed Roger favorably, but not the parties' adult daughters, who have a strained relationship with Roger. These errors were not merely professional choices that a reasonable evaluator in Dr. Johnson's position might make—he *admitted* at trial that these were mistakes.

2. Dr. Johnson's failure to investigate Connie's allegations of domestic violence taints his conclusion that she engaged in alienating behaviors.

As Dr. Poppleton noted, Dr. Johnson's failure to fully investigate important issues, including Connie's allegations of

domestic abuse (RP 275), his reliance on a “shockingly sparse number of collateral contacts” to corroborate various claims (RP 258), and his “slanted” approach to the information he did collect framed how he viewed “all subsequent data.” (RP 259) It was particularly crucial that Dr. Johnson investigate Connie’s allegations of domestic violence before recommending a parenting plan. First, a history of domestic violence mandates restrictions on the offending parent’s residential time and decision-making. RCW 26.09.191(1)(c), (2)(a)(iii). Second, without taking the time to investigate Connie’s claims of domestic violence, Dr. Johnson could not reliably conclude whether Connie’s “animosity and vitriol” towards Roger was from “irrational paranoia” or “a legitimate response” to “a long history of coercion and control.” (RP 292)

Years of domestic violence can affect a person’s perception and behavior. *See State v. Green*, 182 Wn. App. 133, 151, ¶ 43, 328 P.3d 988 (describing battered woman’s syndrome), *rev. denied*, 181 Wn.2d 1019 (2014). It is not unusual for a victim of an abusive relationship to act in ways that may be interpreted as “alienation.” Concerns expressed by victims “about their ex-partner’s abusive predispositions and their own refusal to communicate or reluctance to agree to the child’s liberal access should not be seen as

unwillingness to cooperate or as manifestations of parental alienation.” Peter G. Jaffe, Janet R. Johnston, Claire V. Crooks, Nicholas Bala, *Custody Disputes Involving Allegations of Domestic Violence: Toward A Differentiated Approach to Parenting Plans*, 46 Fam. Ct. Rev. 500, 503-04 (2008). “Differentiating between estrangement for valid reasons and pathological alienation can be a formidable challenge and should be done by a mental health evaluator with expertise in both child alienation and domestic violence. When there is a reasonable basis in fact for a child to be fearful of a parent due to exposure to domestic violence, it is inappropriate to label the nonoffending parent as engaging in alienation.” 46 Fam. Ct. Rev. at 518.

Had Dr. Johnson spent the same amount of time investigating Connie’s reports of domestic violence as he did on Roger’s allegations of parental alienation, he might have realized that Connie’s anger towards Roger and her desire to aggressively protect the children is not an unreasonable response after years of abuse. Because he did not, his recommendation, and ultimately the trial court’s parenting plan, was flawed.

3. Dr. Johnson's recommendation to limit Connie's parenting rights was based solely on the questionable "parental alienation" paradigm.

Dr. Johnson's conclusion that Connie engaged in parental alienation is not only highly questionable because he failed to fully investigate her allegations of domestic violence, but as Dr. Poppleton explained, Dr. Johnson's framing of "alienation"—where children "align" with one parent and alienate the "target" parent—has been rejected by the scientific community in part because it is "overly-reductionistic" and does not take into account the full scope of conflict within a family. (RP 265-67) In particular, the "alignment" framing tends to place too much responsibility on the "aligned" parent because it is based on the false premise that if the children are alienated from the father, "it must be the mother's fault." (RP 262)

As Dr. Poppleton explained, without a thorough investigation of the full scope of conflict, Dr. Johnson was led to the unreliable conclusion that Connie is colluding with the children to alienate Roger. "The alienation [model]" is "loaded with bias," so concluding that Connie is the "aligned" parent is "overly-reductionistic. There's a lot more risk factors to break down the relationship that have to be considered and have to be ruled out, and they were not considered in

this analysis.” (RP 266-67) Overwhelming scholarship supports Dr. Poppleton’s conclusion that Dr. Johnson wrongfully relied on a model that has been rejected by scientific consensus. *See generally* Joyce, Kimberley, *Under the Microscope: The Admissibility of Parental Alienation Syndrome*, 32 J. Am. Acad. Matrim. Law. 53, 64 (2019); Nichols, Allison M., *Toward a Child-Centered Approach to Evaluating Claims of Alienation in High-Conflict Custody Disputes*, 112 Mich. L. Rev. 663, 672 n.54 (2014).

The “parental alienation” model Dr. Johnson employed has dubious theoretical underpinnings. Child Psychiatrist Richard Gardner coined the term in 1985 to describe the phenomenon where one parent manipulates a child to engage in a “campaign of denigration” against the other parent. Nichols, 112 Mich. L. Rev. at 665. Gardner’s 1987 book that detailed the parental alienation phenomenon “does not contain any citation to a single research study or literature supporting the existence of any disorder.” Joyce, 32 J. Am. Acad. Matrim. Law. at 64-65.

Many scholars have remarked that the parental alienation model often results in biased parenting evaluations. “False positive identifications related to parental alienation can take three forms: erroneously concluding that a child is alienated . . . , failing to

recognize that a child's rejection of a parent is a justifiable response . . . , and wrongly concluding that the parent has engaged in a campaign of alienating behavior." See Warshak, Richard A., *When Evaluators Get It Wrong: False Positive IDs and Parental Alienation*, 26 Psychol. Pub. Pol'y & L. 54, 62-63 (2020). The possibility of a false positive was made even more probable here because of Dr. Johnson's failure to fully investigate the allegations of domestic violence in the marriage, and resulted in the precise bias scholars warn about by use of the parental alienation model.

4. Dr. Johnson's flawed methodology permeated his consideration of the statutory factors.

Dr. Johnson's reliance on the questionable parental alienation doctrine was compounded by the fact that his conclusion that Connie is hostile, angry, and the root cause of any estrangement between Roger and the daughters permeated his evaluation of the statutory factors—and thus the trial court's subsequent adoption of his analysis in entering its parenting plan. The statutory factors were viewed in the prism that because Connie's anger towards Roger was unsubstantiated, the daughters' resistance towards Roger was caused by Connie.

For example, among the statutory factors the court must consider, the greatest weight must be given to “the relative strength, nature, and stability of the child’s relationship with each parent.” RCW 26.09.187(3)(a)(i). Dr. Johnson concluded that the sons have a “stable and strong relationship with each parent” (CP 545), but recommended that they primarily reside with Roger, while recommending that the daughters, who have a strained relationship with Roger, reside equally with both parents. This was based on Dr. Johnson’s flawed conclusion that the sons “might be influenced . . . by Connie’s level of hostility and anger projection at Roger.” (CP 545)

Similarly, the court is required to consider the children’s wishes if they are “sufficiently mature to express reasoned and independent preferences as to his or her residential schedule.” RCW 26.09.187(3)(a)(vi). However, Dr. Johnson, and thus the trial court, completely dismissed the daughters’ expressed preference to primarily reside with Connie because Dr. Johnson believed, based on the parental alienation doctrine, their desire “results from an unhealthy alignment or influence from the mother.” (CP 546) Dr. Johnson never even inquired about the sons’ wishes, or whether they were sufficiently mature to express a preference.

The trial court erred in entering a parenting plan that is premised on Dr. Johnson's assessment that Connie projects "hostility and anger . . . at Roger." (CP 545) The trial court cannot punish Connie in making its parenting decisions simply because of a conflict between her and Roger. See *Marriage of Cabalquinto*, 100 Wn.2d 325, 329, 669 P.2d 886 (1983) ("Custody and visitation privileges are not used to penalize or reward parents for their conduct"), *appeal after remand*, 43 Wn. App. 518, 718 P.2d 7 (1986). Nevertheless, the trial court did exactly that by entering a parenting plan based on Dr. Johnson's report, which focused on Connie's alleged anger towards Roger and the ways she needs to "manage her conduct." (CP 545: "Frankly Connie derides all aspects of Roger, while lacking any capacity to understand that she might have made contribution to the issues between them.")

This reasoning also manifests the "friendly parent" concept that this Court rejected in *Lawrence v. Lawrence*, 105 Wn. App. 683, 687-88, 20 P.3d 972 (2001), as an improper consideration under the Parenting Act. While Dr. Johnson's report purports to evaluate the statutory factors, it is ultimately premised on the impermissible "friendly parent" concept, under which "primary residential placement is awarded to the parent most likely to foster the child's

relationship with the other parent." *Lawrence*, 105 Wn. App. at 687. Because Washington courts have rejected the "friendly parent" concept, "a trial court's use of the concept in a custody determination would be an abuse of discretion." *Lawrence*, 105 Wn. App. at 688.

The trial court here abused its discretion when, instead of weighing the statutory factors on its own, it rubber-stamped a parenting plan based entirely on Dr. Johnson's incomplete and deeply biased report, which made recommendations premised on punishing Connie for her hostility and anger toward Roger, and rewarding Roger as the purportedly more "friendly parent." This Court should reverse and remand to a new judge for a new trial on parenting that is based on a fair process, and proper review of the statutory factors.

C. The trial court's contempt order is the inevitable result of a flawed parenting plan.

The dubious factual basis for the parenting plan and the complete disregard of the daughters' expressed preferences set Connie up for failure. The plan assumes Connie has the ability to control whether their adolescent daughters "comply with court orders" and presumptively finds her in contempt if the daughters do not. (CP 513) The presumption of contempt proved irrebuttable in

practice. Once the trial court accepted the questionable premise that Connie is the only reason the daughters' have a poor relationship with Roger, it was inevitable that she would be punished when that relationship failed to improve.

This Court should reverse the contempt order because it is based on a flawed parenting plan, which likewise should be reversed. *See Rainier Nat'l Bank v. McCracken*, 26 Wn. App. 498, 509-10, 615 P.2d 469 (1980) (A contempt order must be reversed when the underlying order is invalid), *rev. denied*, 95 Wn.2d 1005 (1981). This Court should also reverse because the trial court abused its discretion in finding Connie in contempt when there was no evidence that she intentionally violated the parenting plan. *Marriage of Eklund*, 143 Wn. App. 207, 212, ¶ 11, 177 P.3d 189 (2008) (contempt order must be reversed when its decision rests on untenable grounds or for untenable reasons).

1. Connie cannot be held in contempt for the daughters' failure to behave according to Roger's dictates during his residential time.

In finding Connie in contempt, the trial court accepted Roger's narrative that Connie is controlling the daughters' behavior during their residential time with Roger. But *nothing* in the various emails he included with his contempt motions demonstrates *any*

intentional conduct by Connie to facilitate this alleged “sabotage” of his residential time. The pleadings Roger submitted simply include his endless complaints about the daughters’ behavior alone as “proof” that Connie has masterminded the entire thing. (See CP 570, 571; CP 597: describing the daughters’ behavior as “[a]nother bizarre scheme by the genius manipulator to create conflict and pit them against me.”)

The report of the parenting coordinator who was appointed at the conclusion of trial was also unhelpful because it was based on similarly speculative accusations of Connie’s conduct—since Connie still expresses anger towards Roger, then she must be directing the daughters to do the same. (See CP 754-55) This conclusion was not surprising since the coordinator’s view of Connie was tainted from the start by having been provided with Dr. Johnson’s biased report. (CP 676) The parenting coordinator did not present any evidence that Connie was directing the daughters’ behavior in Roger’s home, but instead speculated that Connie’s “passive non objection” when the daughters complain about Roger is the cause of any alleged misbehavior. (See CP 754-55)

Speculation is insufficient to sustain a contempt order, which requires a specific finding that a parent acted in bad faith by

"intentionally fail[ing] to comply" with the parenting plan. *Marriage of Davisson*, 131 Wn. App. 220, 224, 126 P.3d 76 (quoted source omitted, emphasis added), *rev. denied*, 158 Wn.2d 1004 (2006); RCW 26.09.160(2)(b). The trial court did not identify any intentional conduct by Connie to support its conclusion that she violated the parenting plan, and made no finding that she "intentionally" disobeyed the requirement to "direct [the daughters] to attend" Roger's parenting time. (CP 733; II RP 23-28)

Nothing in the record connects the daughters' behavior to any specific action by Connie. Roger complains that the daughters stay in their bedrooms or go shopping or to friends' houses during his parenting time, but these daughters are now age 17, 14, and 11, and these are activities that girls their ages often prefer over spending time with their parents. His frustration with their behavior cannot support a contempt finding without *some* evidence that Connie has directed it.

And importantly, the parenting plan does not require her to. The parenting plan requires only that Connie "affirmatively direct [the daughters] *to attend* all scheduled residential time with their father." (CP 513, emphasis added) Connie has affirmatively directed the daughters to attend Roger's parenting time, and she continues to

bring the daughters to Roger when they are scheduled to be with him. The parenting plan does not require Connie to police the daughters' behavior while they are in Roger's care, and such an expansive reading of the parenting plan is unsupported by the law. *See, e.g., Detention of Faga*, 8 Wn. App.2d 896, 901-02, ¶ 15, 437 P.3d 741 (2019) ("When a contemnor cannot control whether to purge the contempt because purging the contempt is dependent on the actions of third parties, outside of the contemnor's control, the purge condition is inappropriate.").

The trial court erroneously relied on *Marriage of Rideout*, 150 Wn.2d 337, 77 P.3d 1174 (2003) in finding Connie in contempt. In *Rideout*, the mother was found in contempt when she *withheld* the child because she claimed the child was reluctant to spend time with the father. 150 Wn.2d at 344-49. In affirming the contempt order, the Court held that the mother had "an obligation to attempt to overcome the child's resistance to the residential time in order to ensure that a child's residential time with the other parent takes place," and by acquiescing to the child's refusal to visit the father, the mother was in contempt. *Rideout*, 150 Wn.2d at 356.

Here, Connie is not in contempt. She did exactly what *Rideout* required she do—she overcame the daughters' resistance to spending

time with their father by delivering them to him, ensuring that their residential time with him takes place.² Connie cannot be blamed for the daughters' dismissive attitude toward Roger once they are with him. Neither the parenting plan nor *Rideout* can be read to require that Connie direct the daughters to attend parenting time *and* behave to Roger's expectations while they are there. To do otherwise, as the trial court did, essentially punishes Connie for the conduct of three teenage girls.

2. There is no evidence that Connie intentionally violated the residential provisions of the parenting plan.

Roger also failed to prove that Connie intentionally violated the residential provisions in bad faith. The trial court did not identify any particular instance in which Connie violated the residential provisions and simply remarked that the "overall picture" provided grounds for contempt. (II RP 24)

One incident that Roger complained of arose when he planned to take the younger sons (but not the daughters) on a trip, and therefore could not have the daughters for their regular residential time. Roger demanded that Connie trade weeks, but she declined to

² Roger did allege that Connie withheld the daughters, but that is not the basis for his accusation that she violated section 4.

give up one of her weeks, while agreeing to have the daughters during Roger's residential time since he was going away with the sons. The matter was eventually resolved before Roger filed his motion for contempt because the parenting coordinator arranged for Roger to have an additional week. (CP 623, 638-39, 657-62)

Roger also alleged that Connie withheld the daughters again after the filing of his first contempt motion. (CP 618) But this claim is a "bait and switch." (II RP 15) After the coronavirus quarantine began, the parenting coordinator altered the residential schedule so that Roger would no longer receive the daughters for spring break, which would have started on March 30. (CP 640) However, Connie understood that she had to follow the parenting plan, so Connie tried to deliver the daughters to Roger on March 30, but he refused to take them. (CP 640) That was the same day he filed his second motion for contempt, in which he claimed that Connie again was withholding the daughters. (CP 618) In other words, after Roger complained that he was no longer getting spring break with the daughters, Connie tried to deliver the daughters to him, but then he refused, and then filed a contempt motion alleging Connie violated the residential provisions of the parenting plan. (II RP 14-15) This cannot support a contempt order against Connie because it does not show that she

actually withheld the daughters in a way that violates the plan, and it certainly does not support a conclusion that she did so intentionally.

D. The trial court erred in imputing income to Connie for purposes of child support.

The trial court erred in entering its child support order because in calculating the parties' child support obligation, it imputed \$2,080 of monthly income to Connie on grounds that she was voluntarily unemployed and capable of earning minimum wage. (CP 390, 488) This is plainly impermissible under *Marriage of Kaplan*, 4 Wn. App.2d 466, 486, ¶ 48, 421 P.3d 1046, *rev. denied*, 191 Wn.2d 1025 (2018): "[W]here, as here, a spouse in a long-term marriage stays home to care for the children and manage the household while the other spouse works outside the home, the court erred in finding at the time of dissolution that [the wife] was voluntarily unemployed and voluntarily underemployed."

The facts here are indistinguishable from *Kaplan*. Like the wife in that case, Connie "put her employment advancement on hold in support of the community; specifically, so that she could care for the children." *Kaplan*, 4 Wn. App. 2d at 485, ¶ 43 (quoted source omitted). Indeed, Connie gave birth to seven children in the first 15 years of the parties' marriage and was instrumental in adopting three

more. Accordingly, the trial court's finding that Connie was voluntarily unemployed and thus the imputation of minimum wage was an abuse of discretion for the same reasons expressed in *Kaplan*, 4 Wn. App. 2d at 485-86, ¶¶ 43-48.

E. This Court should remand to a new judge.

Because the trial court here uncritically accepted Dr. Johnson's biased report when crafting the parenting plan and continues to enforce it despite no direct evidence of Connie's wrongdoing, this Court should reassign the case to a different judge on remand. *See Marriage of Black*, 188 Wn.2d 114, 137, ¶ 44, 392 P.3d 1041 (2017) (Reassignment is proper where "the trial judge will exercise discretion on remand regarding the very issue that triggered the appeal and has already been exposed to prohibited information, expressed an opinion as to the merits, or otherwise prejudged the issue.") (quoted source omitted).

The trial court here has, time and again, shown that it cannot be neutral in resolving the dispute between the parties. Instead of considering the mandatory factors under RCW 26.09.187 and entering its own findings, the trial court simply rubber-stamped Dr. Johnson's report, despite acknowledging the report's pervasive flaws. Then the trial court granted Roger's contempt motion on the

grounds that Connie failed to “direct [the daughters] to attend” Roger’s parenting time when the only evidence Roger submitted were his own self-serving and purely speculative emails.

The trial court’s actions reveal that it has fully accepted Dr. Johnson’s inaccurate and unsupported belief that Connie is responsible for the dysfunction between Roger and his daughters. That belief will undoubtedly cloud the trial court’s decision making if it retains the case on remand. Accordingly, this court must reassign the case to “ensure[]” Connie receives “a fair proceeding” with a judge that can “remain[] neutral” regarding the complicated issues affecting this family. *Black*, 188 Wn.2d at 137, ¶ 44.

VI. CONCLUSION

The trial court should reverse and remand the parenting plan and final divorce order.

Dated this 13th day of July, 2020.

SMITH GOODFRIEND, P.S.

CHRIS R. SUNDSTROM
LAW FIRM PLLC

By: /s/ Valerie A. Villacin

By: /s/ Chris Sundstrom

Valerie A. Villacin
WSBA No. 34515
Jonathan Collins
WSBA No. 48807

Chris Sundstrom
WSBA No. 22579

Attorneys for Appellant

DECLARATION OF SERVICE

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

That on July 13, 2020, I arranged for service of the foregoing Opening Brief of Appellant, to the court and to the parties to this action as follows:

Office of Clerk Court of Appeals - Division II 950 Broadway, Suite 300 Tacoma, WA 98402	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-File
Christopher R. Sundstrom Chris R. Sundstrom Law Firm 1612 Columbia Street Vancouver, WA 98660-2938 chris@sundstromlaw.com stacy@sundstromlaw.com	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
Jordan Taylor Henderson Taylor Law Firm PLLC 900 Washington St Ste 1010 Vancouver, WA 98660 jordan@hlf-law.com	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
Phil Talmadge Aaron Orheim Talmadge/Fitzpatrick 2775 Harbor Avenue SW Third Floor, Suite C Seattle, WA 98126 phil@tal-fitzlaw.com aaron@tal-fitzlaw.com matt@tal-fitzlaw.com assistant@tal-fitzlaw.com	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail

DATED at Seattle, Washington this 13th day of July, 2020.

s/ Sarah N. Eaton _____
Sarah N. Eaton

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KC

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FILED
OCT 04 2019 12:30pm
Scott G. Weber, Clerk, Clark Co.

Superior Court of Washington, County Clark

In re the Marriage of:	No. 17-3-01535-8	STATE REGISTRY
Petitioner:	Parenting Plan (PPP / PPT / PP)	
ROGER WILLIAM CHRISTOPHER		
And Respondent:	[X] Clerk's action required: 1.	
CONNIE SUE CHRISTOPHER		

Parenting Plan

1. This parenting plan is a **Court Order** signed by a judge or commissioner. This is a Final order (PP).
2. **Children** - This parenting plan is for the following children:

Child's name	Age
1. Noelle A. Christopher	16
2. Angeline R. Christopher	13
3. Lindee S. Christopher	10
4. Boe W. Christopher	7
5. Dray W. Christopher	7
6. Zane Christopher	7

3. **Reasons for putting limitations on a parent** (under RCW 26.09.191)
 - a. **Abandonment, neglect, child abuse, domestic violence, assault, or sex offense.**

Neither parent has any of these problems.

RCW 26.09.016, .181, .187, .194
Mandatory Form (07/2017)
FL All Family 140

Parenting Plan
p. 1 of 10



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Phone: (360) 737-1478

1 **b. Other problems that may harm the children's best interests:**

2 A parent has one or more of these problems as follows:

3 **Abusive use of conflict** - Connie Christopher uses conflict in a way that endangers or
4 damages the psychological development of a child listed in 2.

5 **4. Limitations on a parent**

6 **The following limits or conditions apply to Connie Sue Christopher.**

7 Limited contact as shown in the Parenting Time Schedule below.

8 ~~Connie Christopher~~ ^{and Mrs. Christopher} must not discuss any aspects of the divorce or parenting with any of
9 the minor children, ~~including a prohibition on discussing any of her finances with the~~
~~children.~~ ^{including marital finances.}

10 Connie Christopher shall affirmatively direct Noelle Christopher, Angeline Christopher
11 and Lindee Christopher to attend all scheduled residential time with their father. Connie
12 Christopher has the ability to require the daughter's to comply with the court's orders.
13 Failure to do so will result in contempt for Connie Christopher. In re Marriage of Rideout,
14 150 Wash. 2d 337, 353 (2003). ~~The children shall not go anywhere during father's time~~
~~without the father's explicit and written approval.~~

15 Connie Christopher shall not ~~advise~~ or direct any third parties (including adult children) to
16 make parenting decisions, parenting instructions, or approve of the children being
17 somewhere not with the father during his residential time.

18 **Evaluation or treatment required. Connie Christopher must:**

19 Start and comply with treatment as recommended by Dr. Johnson's evaluation to wit
20 participating in regular individual therapy with a focus on being able to move on from the
21 role of victim, confront her projection and externalization of blame, and learn to keep the
22 children away from parental conflict. Therapy will be with Dr. Hartinger. ^{until she, in her}
^{prof. judgement, terminates it.}
23 Provide a copy of the treatment and compliance reports to father's attorney every three
24 months.

25 If ~~this parent does not follow the limitations set for above, or the evaluation or treatment~~
~~requirements above, or in any way attempts to poison the relationship of the children~~
~~with the father, then:~~

26 ~~Her contact with the children shall be reduced to some level of supervision.~~

27 **5. Decision-making**

28 When the children are with you, you are responsible for them. You can make day-to-day

1 decisions for the children when they are with you, including decisions about safety and
2 emergency health care. Major decisions must be made as follows.

3 **a. Who can make major decisions about the children?**

4 ~~Roger Christopher shall be the sole decision maker for Boe Christopher, Dray
5 Christopher and Zane Christopher.~~ ^{Joint}

6 Both parents shall be joint decision makers for Noelle Christopher, Angeline
7 Christopher and Lindee Christopher.

8 Both parties will decide which church the children attend when they are in that parent's
9 care.

10 **b. Reasons for limits on major decision-making, if any:**

11 Major decision-making should be limited because:

12 One of the parents does not want to share decisions-making and this is reasonable
13 because of problems as described in 3.b. above.

14 **6. Dispute Resolution - If you and the other parent disagree:**

15 From time to time, the parents may have disagreements about shared decisions or about
16 what parts of this parenting plan mean. To solve disagreements about this parenting plan,
17 the parents will go to a dispute resolution provider or court. The court may only require a
18 dispute resolution provider if there are no limitations in 3a.

19 The parents will take all disputes to the Parenting Coordinator per the Parenting Coordinator
20 Order. Thereafter, go to court.

21 **7. Custodian**

22 The custodian for Boe Christopher, Dray Christopher and Zane Christopher is Roger
23 Christopher; the custodian for Noelle Christopher, Angeline Christopher and Lindee
24 Christopher is both parents; solely for the purpose of all state and federal statutes which
require a designation of determination of custody. Even though one parent is called the
custodian, this does not change the parenting rights and responsibilities described in this
plan.

*(Washington law generally refers to parenting time and decision-making, rather than
custody. However, some state and federal laws require that one person be named the
custodian. The custodian is the person with whom the children are scheduled to reside a
majority of their time.)*

//



1 **Parenting Time Schedule (Residential Provisions)**

2 *Complete the parenting time schedule in sections 8 - 11.*

3 **8. School Schedule**

4 **a. Children under School-Age**

5 Does not apply. All children are school-age.

6 **b. School-Age Children**

7 Boe Christopher, Dray Christopher, and Zane Christopher (hereinafter "the boys") shall
8 reside with Roger Christopher. The regular visitation schedule for the boys shall be as
9 follows: The boys shall visit their mother together on alternating weekends from Friday at 5
10 pm to Sunday at 6:00 p.m. The boys' weekend visits with their mother shall coincide with the
11 weeks where the girls are residing with the mother.

12 Noelle Christopher, Angeline Christopher and Lindee Christopher (hereinafter "the girls")
13 will alternate between the parents at 6:00 p.m. on Sundays.

14 The children will be on the same weekend schedule such that the boys are with their father
15 on his weekends with the girls; and the boys are with their mother on weekends when it is
16 her weekend with the girls.

17 **9. Summer Schedule**

18 The Summer Schedule is the same as the School Schedule except that:

19 Each parent may designate ^{one} ~~two~~ 2-week blocks for vacation each summer with all children.
20 The mother will have first choice of weeks in even years and the father will have first choice
21 for vacation weeks in odd years. Each parent must indicate their desired vacation block no
22 later than April 1, 2019 each year. After each party's 2-week vacation, the week on week off
23 schedule for the girls will reset such that neither parent has three or more consecutive
24 weeks.

10. Holiday Schedule (includes school breaks)

This is the Holiday Schedule for:

HOLIDAY	Children with: MOTHER	Children with: FATHER
Father's Day		Every Year Begin: 9 am End: 6 pm
Mother's Day	Every Year Begin: 9 am End: 6 pm	

1		
2	Thanksgiving Day / Break	<u>Odd Years</u> Begin: Wednesday at 9 am End: Sunday at 6 pm
3		<u>Even Years</u> Begin: Wednesday at 9 am End: Sunday at 6 pm
4	Winter Break	Mother will have first half of break in odd years and second half of break in even years.
5		<u>Begin:</u> when school releases for break and <u>Exchange:</u> on the middle day of Winter Break at 6 pm (if there are an odd number of days, the person receiving the second half of the break shall receive that additional day) <u>End:</u> evening before school resumes at 6 pm.
6		Father will have first half of break in even years and second half of break in odd years.
7		<u>Begin:</u> when school releases for break and <u>Exchange:</u> on the middle day of Winter Break at 6 pm (if there are an odd number of days, the person receiving the second half of the break shall receive that additional day) <u>End:</u> evening before school resumes at 6 pm.
8	Spring Break	<u>Odd Years</u> Begin: when school releases for break End: The day before school resumes at 6 pm Parties will follow regular weekend schedule
9		<u>Even Years</u> Begin: when school releases for break End: The day before school resumes at 6 pm Parties will follow regular weekend schedule
10	Memorial Day	<u>Every Year</u> Begin: Thursday at 6 pm End: Monday at 6 pm
11	Labor Day	<u>Every Year</u> Begin: Thursday at 6 pm End: Monday at 6 pm
12		
13	Other three day weekends / school holidays	<u>Monday Holidays</u> – will be with the parent with the attached weekend and the exchange will be Monday at 6 pm instead of Sunday. <u>Friday holidays</u> - will be with the parent with the attached weekend and the exchange will be Thursday at 6 pm instead of Friday.
14		<u>Monday Holidays</u> – will be with the parent with the attached weekend and the exchange will be Monday at 6 pm instead of Sunday. <u>Friday holidays</u> - will be with the parent with the attached weekend and the exchange will be Thursday at 6 pm instead of Friday.
15		
16		

11. Conflicts in Scheduling

The Holiday Schedule must be observed over all other schedules. If there are conflicts within the Holiday Schedule:

Named holidays shall be followed before school breaks.

12. Transportation Arrangements

The children will be exchanged for parenting time (picked up and dropped off) at other location:

The parties shall meet at Umpqua Bank, 601 W. Main Street, Battle Ground, WA to transfer the children for visits unless otherwise agreed or noted herein.

If the children have a driver's license, each parent will provide vehicles/transportation for

1 children during their time and make all transportation decisions when the children are in that
2 parents care.

3 **13. Moving with the Children (Relocation)**

4 If the person with whom the children are scheduled to reside a majority of their time plans to
5 move (relocating person), s/he **must notify** every person who has court-ordered time with
6 the children.

7 ***Move to a different school district***

8 If the move is to a different school district, the relocating person must complete the form
9 *Notice of Intent to Move with Children* (FL Relocate 701) and deliver it at least **60 days**
10 before the intended move.

11 ***Exceptions:***

- 12 • If the relocating person could not reasonably have known enough information to
13 complete the form in time to give 60 days' notice, s/he must give notice within **5**
14 **days** after learning the information.
- 15 • If the relocating person is relocating to a domestic violence shelter or moving to
16 avoid a clear, immediate and unreasonable risk to health or safety, notice may be
17 delayed **21 days**.
- 18 • If information is protected under a court order or the address confidentiality program,
19 it may be withheld from the notice.
- 20 • A relocating person who believes that giving notice would put her/himself or a child
21 at unreasonable risk of harm, may ask the court for permission to leave things out of
22 the notice or to be allowed to move without giving notice. Use form *Motion to Limit*
23 *Notice of Intent to Move with Children (Ex Parte)* (FL Relocate 702).

24 The *Notice of Intent to Move with Children* can be delivered by having someone
personally serve the other party or by any form of mail that requires a return receipt.

If the relocating person wants to change the *Parenting Plan* because of the move, s/he
must deliver a proposed *Parenting Plan* together with the *Notice*.

Move within the same school district

If the move is within the *same* school district, the relocating person still has to let the
other parent know. However, the notice does not have to be served personally or by
mail with a return receipt. Notice to the other party can be made in any reasonable way.
No specific form is required.

Warning! If you do not notify...

A relocating person who does not give the required notice may be found in contempt of
court. If that happens the court can impose sanctions. Sanctions can include requiring

1 the relocating person to bring the children back if the move has already happened, and
2 ordering the relocating person to pay the other side's costs and lawyer's fees.

3 ***Right to object***

4 A person who has court-ordered time with the children can object to a move to a
5 different school district and/or to the relocating person's proposed *Parenting Plan*. If the
6 move is within the same school district, the other party doesn't have the right to object to
7 the move but s/he may ask to change the *Parenting Plan* if there are adequate reasons
8 under the modification law (RCW 26.09.260).

9 An objection is made by filing the *Objection about Moving with children and Petition*
10 *about Changing a Parenting/Custody Order (Relocation)* (form FL Relocate 721). File
11 your *Objection* with the court and serve a copy on the relocating person and anyone
12 else who has court-ordered time with the children. Service of the *Objection* must be by
13 personal service or by mailing a copy to each person by any form of mail that requires a
14 return receipt. The *Objection* must be filed and served no later than **30 days** after the
15 *Notice of intent to Move with Children* was received.

16 ***Right to move***

17 During the 30 days after the *Notice* was served, the relocating person may not move to
18 a different school district with the children unless s/he has a court order allowing the
19 move.

20 After the 30 days, if no *Objection* is filed, the relocating person may move with the
21 children without getting a court order allowing the move.

22 After the 30 days, if an *Objection* has been filed, the relocating person may move with
23 the children **pending** the final hearing on the *Objection* **unless**:

- 24 • The other party gets a court order saying the children cannot move, or
- The other party has scheduled a hearing to take place no more than 15 days after
the date the *Objection* was served on the relocating person. (However, the
relocating person may ask the court for an order allowing the move even though a
hearing is pending if the relocating person believes that s/he or a child is at
unreasonable risk of harm.)
- the court may make a different decision about the move at a final hearing on the
Objection.

Parenting Plan after move

If the relocating person served a proposed *Parenting Plan* with the *Notice*, and if no
Objection is filed within 30 days after the *Notice* was served (or if the parties agree):

- Both parties may follow that proposed plan without being held in contempt of the
Parenting Plan that was in place before the move. However, the proposed plan

- 1 cannot be enforced by contempt unless it has been approved by a court.
2 • Either party may ask the court to approve the proposed plan. Use form *Ex Parte*
3 *Motion for Final Order Changing Parenting Plan – No Objection to Moving with*
4 *Children* (FL Relocate 706).

5 **Forms**

6 You can find forms about moving with children at:

- 7 •The Washington State Courts' website: www.courts.wa.gov/forms,
8 •The Administrative Office of the Courts - call: (360) 705-5328,
9 •Washington LawHelp: www.washingtonlawhelp.org, or
10 •The Superior Court Clerk's office or county law library (for a fee).

11 *(This is a summary of the law. The complete law is in RCW 26.09.430 through*
12 *26.09.480.)*

13 **14. Other**

14 **COUNSELING:**

15 Roger Christopher will participate ⁱⁿ therapy with his daughters. Connie Christopher shall
16 cooperate with the process and make the girls available for counseling during her week.
17 Dr. Dudley is appointed to be the counselor. ~~The mother will pay the cost of counseling with~~
18 ~~Dr. Dudley.~~ *Scheduling issues shall be at Dr. Dudley's discretion to minimize*
19 *school disruption.*

20 **PARENTING COORDINATOR:**

21 The Court will appoint Lisa Yenney as set forth in the parenting coordinator order.

22 **PARTICIPATION IN EVENTS:**

23 Both parents shall be allowed to participate in school activities for the children, such as
24 open house, attendance at athletic events, etc. Both parents will provide all extracurricular
activity calendars to the other parent for all children.

ACCESS TO RECORDS:

Both parents shall be listed as emergency contacts on medical and school records. Each
parent shall have access to all medical, psychological, hospital, dental, etc. records of their
minor children. Further, each parent shall have access to all educational records of the
minor children, including but not limited to progress reports, PTA notices, etc. Each party is
hereby required to sign any documents that may be necessary to effectuate this provision.

SCHOOL ACTIVITIES:

Each parent shall have the right and responsibility to ensure that the children attend school
and other scheduled activities while in that parent's care. Activities shall not be scheduled
to unreasonably interfere with the other parent's residential time with the children.

1 Each parent shall be responsible for keeping himself/herself advised of athletic and social
2 events in which the children participate. Both parents may participate in school activities for
3 the children regardless of the residential schedule.

4 **ADDRESS:**

5 Each parent shall provide the other with the address and phone number of his/her
6 residence and update such information promptly whenever it changes.

7 **DRUG AND ALCOHOL USE:**

8 Neither parent shall use illegal drugs, nor use alcohol to excess, while in the presence of
9 the children, nor in the twelve hours immediately preceding residential time.

10 Neither parent shall operate a motor vehicle under the influence of intoxicants with the
11 children present, nor shall they consume alcoholic beverages in any on-or off-road vehicle
12 while the children are passengers. If either parent, or a child, has a good-faith belief that
13 these terms are being violated, the children shall be allowed alternate transportation
14 without recrimination.

15 **COOPERATION AND RESPECT:**

16 Neither parent shall discuss the dissolution of marriage or the court proceeding regarding
17 the parenting plan with the children. Neither parent shall ask the children to make decisions
18 or requests involving the residential schedule. Neither parent shall discuss the residential
19 schedule with the children except for plans which have already been agreed upon by both
20 parents or ordered by the Court.

21 Each parent agrees to refrain from words or conduct, and further agrees to discourage
22 other persons from uttering words or engaging in conduct, which would have a tendency to
23 estrange the children from the other parent, to damage the opinion of the children as to the
24 other parent, or which would impair the natural development of the children's love and
25 respect for the other parent.

26 Neither parent shall encourage the children to change their primary residence or encourage
27 the children to believe it is their choice to do so. This is a choice to be made by the parents
28 or, if they cannot agree, by the courts. Neither parent shall use the children, directly or
29 indirectly, to gather information about the other parent.

30 Neither parent shall make derogatory comments about the other parent or allow anyone
31 else to do the same in the children's presence. Neither parent shall allow or encourage the
32 children to make derogatory comments about the other parent.

*Each parent agrees to encourage and foster relationships between siblings
in the family.*

33 **NOTICE:**

34 Each parent shall provide the other parent promptly with receipt of any significant
information regarding the welfare of the children, including physical and mental health,
performance in school, extracurricular activities, etc.



1 Each parent shall inform the other when that parent plans to be away from his or her
2 residence with the children for more than two nights. The information to be provided shall
include duration of the period, the destinations and telephone numbers.

3 **15. Proposal**

4 Does not apply. This is a court order.

5 **16. Court Order**

6 This is a court order (if signed by a judge or commissioner below).

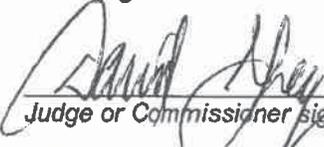
7 **Findings of Fact** - Based on the pleadings and any other evidence considered:

8 The Court adopts the statements in section 3. (Reasons for putting limitations on a
9 parent) as its findings.

10 **Conclusions of Law** - This *Parenting Plan* is in the best interest of the children.

11 **Order** - The parties must follow this *Parenting Plan*.

12 Oct. 4, 2019
13 Date

14 
15 Judge or Commissioner signs here

16 **Warning!** If you don't follow this *Parenting Plan*, the court may find you in contempt (RCW 26.09.160). You still
have to follow this *Parenting Plan* even if the other parent doesn't.

17 Violation of residential provisions of this order with actual knowledge of its terms is punishable by contempt of
18 court and may be a criminal offense under RCW 9A.40.060(2) or 9A.40.070(2). Violation of this order may
19 subject a violator to arrest.

20 **If this is a court order, the parties and/or their lawyers (and any GAL) sign below.**

21 This order:
22 Is presented by me.

23 This order:
24 May be signed by the court without notice to me.

25 _____
26 Jordan Taylor, WSBA #46082
27 Attorney for Petitioner

28 _____
29 Christopher Sundstrom, WSBA #22579
30 Attorney for Respondent

31 _____
32 Roger Christopher
33 Petitioner

34 _____
35 Connie Christopher
36 Respondent

37 RCW 26.09.016, .181, .187, .194
38 Mandatory Form (07/2017)
39 FL All Family 140

40 Parenting Plan
41 p. 10 of 10



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Superior Court of Washington, County of Clark

In re the Marriage of:

Petitioner:

ROGER WILLIAM CHRISTOPHER

And Respondent:

CONNIE SUE CHRISTOPHER

No. 17-3-01535-8

Child Support Order
Final (ORS)

Clerk's Action Required: WSSR

Child Support Order

1. Money Judgment Summary

No money judgment is ordered.

Findings and Orders

- 2. The court orders child support as part of this family law case. This is a final order.
- 3. The *Child Support Schedule Worksheets* attached or filed separately are approved by the court and made part of this Order.
- 4. **Parents' contact and employment information**

Each parent must fill out and file with the court a *Confidential Information* form (FL All Family 001) including personal identifying information, mailing address, home address, and employer contact information.

Important! If you move or get a new job any time while support is still owed, you must:

RCW 26.09.135; 26.26.132; 26.10.050
Mandatory Form (01/2019)
FL All Family 130

Child Support Order

p. 1 of 9



HENDERSON TAYLOR
LAW FIRM PLLC
500 Washington Street, Suite 1010
Vancouver, WA 98580
Phone: (360) 737-1478

- Notify the Support Registry, and
- Fill out and file an updated *Confidential Information* form with the court.

Warning! Any notice of a child support action delivered to the last address you provided on the *Confidential Information* form will be considered adequate notice, if the party trying to serve you has shown diligent efforts to locate you.

5. Parents' Income

Parent (name): Roger Christopher	Parent (name): Connie Christopher
Net monthly income \$ 6,500. <i>(line 3 of the Worksheets)</i>	Net monthly income \$ 6,580. <i>(line 3 of the Worksheets)</i>
This income is: <input type="checkbox"/> imputed to this parent. <input checked="" type="checkbox"/> this parent's actual income <i>(after any exclusions approved below)</i> .	This income is: <input checked="" type="checkbox"/> imputed to this parent. <input type="checkbox"/> this parent's actual income <i>(after any exclusions approved below)</i> .
<i>This income amount includes the DSHS adoption subsidy the father receives.</i>	
Does this parent have income from overtime or a 2nd job? <input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes.	Does this parent have income from overtime or a 2nd job? <input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes.

6. Imputed Income

To calculate child support, the court may **impute** income to a parent:

- whose income is unknown, or
- who the Court finds is unemployed or under-employed by choice.

Imputed income is not actual income. It is an assigned amount the court finds a parent could or should be earning. (RCW 26.19.071(6))

Parent (name): Roger Christopher	Parent (name): Connie Christopher
Does not apply. This parent's actual income is used.	This parent's monthly net income is imputed because: this parent's income is unknown. this parent is voluntarily under-employed.
	The imputed amount is based on the information below: <i>(Options are listed in order of required priority. The Court used the first option possible based on the information it had.)</i>



Parent (name): Roger Christopher	Parent (name): Connie Christopher Full-time pay at current pay rate.
----------------------------------	---

7. **Limits affecting the monthly child support amount**

The monthly amount has been affected by:

Combined Monthly Net Income over \$12,000. Together the parents earn more than \$12,000 per month. The child support amount **8. Standard Calculation**

Parent Name	Standard calculation Worksheets line 17
Roger William Christopher	\$2,132
Connie Sue Christopher	\$2,157

Check here if there is a Residential Split – (each parent has at least one of the children from this relationship living with him/her most of the time.)

These children: Boe W. Christopher 7 Dray W. Christopher 7 Zane Christopher 7	These children: Noelle A. Christopher 16 Angeline R. Christopher 13 Lindee S. Christopher 10
Live with: Roger Christopher primarily and have visitation with Connie Christopher	Live with both parents equal time

9. **Deviation from standard calculation**

Should the monthly child support amount be different from the standard calculation?

Yes. The parent's incomes are the same and they have an equal amount of time with the Noelle, Angeline, and Lindee. Thus, there will be no transfer payment for the girls.

10. **Monthly child support amount (transfer payment)**

After considering the standard calculation in section 8, and whether or not to apply a deviation in section 9, the court orders the following monthly child support amount (transfer payment).

Connie Christopher must pay child support to Roger Christopher each month as follows for the children listed below:



Child's Name	Age	Amount
1. Noelle A. Christopher	16	0
2. Angeline R. Christopher	13	0
3. Lindee S. Christopher	9	0
4. Boe W. Christopher	7	\$334.50
5. Dray W. Christopher	7	\$334.50
6. Zane Christopher	7	\$334.50
Pro Rata Share Health Insurance Premiums \$299 = \$149 to Husband; \$150 to Wife		150.00
Total monthly child support amount:		\$ 1,158.50

The above child support obligation uses the six child column to determine support for the three boys.

Residential Split – Both parents have an equal amount of time with the Noelle, Angeline, and Lindee. Thus there will be no transfer payment for Noelle, Angeline, and Lindee.

Connie Christopher must pay child support to Roger Christopher each month as follows:

Total monthly child support amount: **\$ 1,158.50**

11. Starting date and payment schedule

The monthly child support amount must be paid starting October 5, 2019 on the following payment schedule:

In one payment each month by the 5th day of the month.

12. Step Increase (for modifications or adjustments only)

Does not apply.

13. Periodic Adjustment

Child support may be changed according to state law. The Court is not ordering a specific periodic adjustment schedule below.

14. Payment Method (check either Registry or Direct Pay)

Direct Pay – Send payment to the Roger Christopher by: direct deposit.

1 **15. Enforcement through income withholding (garnishment)**

2 DCS or the person owed support can collect the support owed from the wages, earnings,
3 assets or benefits of the parent who owes support, and can enforce liens against real or
4 personal property as allowed by any state's child support laws without notice to the parent
5 who owes the support.

6 *If this order is not being enforced by DCS and the person owed support wants to have
7 support paid directly from the employer, the person owed support must ask the court to sign
8 a separate wage assignment order requiring the employer to withhold wages and make
9 payments. (Chapter 26.18 RCW.)*

10 Income withholding may be delayed until a payment becomes past due if the court finds
11 good reason to delay.

12 Does not apply. There is no good reason to delay income withholding.

13 **16. End date for support**

14 Support must be paid for each child until the child turns 18 or is no longer enrolled in high
15 school, whichever happens last, unless the court makes a different order in section 17.

16 **17. Post-secondary educational support (for college or vocational school)**

17 **Reserved** - A parent or non-parent custodian may ask the court for post-secondary
18 educational support at a later date without showing a substantial change of circumstances
19 by filing a *Petition to Modify Child Support Order* (form FL Modify 501). The *Petition* must
20 be filed *before* child support ends as listed in section 16.

21 **18. Claiming children as dependents on tax forms**

22 The parties have the right to claim the children as their dependents on their tax forms as
23 follows:

24 Every year - Roger Christopher has the right to claim all children.

25 If the mother obtains employment or income equivalent to 20 hours per week (or more)
26 at minimum wage (or more), the parties will begin equally sharing the tax
27 credits/exemptions. The children will be equally divided and if there is an odd number of
28 children, mother will claim one more than the father in odd years and father will claim
29 one more than mother in even years.

30 Mother must give notice of intent to claim the children by June 1 of that tax year; mother
31 must also provide all relevant information proving income no later than February 1 after
32 the tax year.

33 //



1 For tax years when a non-custodial parent has the right to claim the children, the
2 parents must cooperate to fill out and submit IRS Form 8332 in a timely manner.

3 **19. Medical Support**

4 ***Important!** Read the Medical Support Warnings at the end of this order. Medical Support*
5 *includes health insurance (both public and private) and cash payments towards premiums*
6 *and uninsured medical expenses.*

7 **Public health care coverage:** Boe, Dray and Zane are enrolled the in public health care
8 coverage as a part of the adoption.

9 **Private health insurance ordered.** Roger Christopher must pay the premium to provide
10 health insurance coverage for the Noelle, Angline, and Lindee. The court has considered
11 the needs of the children, the cost and extent of coverage, and the accessibility of coverage.

12 The health insurance premiums are included in the transfer payment paid by the mother.

13 *A parent cannot be excused from providing health insurance coverage through an employer or union*
14 *solely because the child receives public health care coverage.*

15 **20. Health care coverage if circumstances change or court has not ordered**

16 If the parties' circumstances change, or if the court is not ordering how health care coverage
17 must be provided for the children in section 19:

- 18 • A parent, non-parent custodian, or DCS can enforce the medical support
19 requirement.
- 20 • If a parent does not provide proof of accessible health care coverage (coverage that
21 can be used for the children's primary care), that parent must:
 - 22 • Get (or keep) insurance through his/her work or union, unless the insurance
23 costs more than 25% of his/her basic support obligation (line 19 of the
24 *Worksheets*),
 - 25 • Pay his/her share of the other parent's monthly premium up to 25% of his/her
basic support obligation (line 19 of the *Worksheets*), or
 - Pay his/her share of the monthly cost of any public health care coverage, such
as Apple Health or Medicaid, which is assigned to the state.

26 **21. Children's expenses not included in the monthly child support amount**

27 **Uninsured medical expenses** - Each parent is responsible for a share of uninsured
28 medical expenses as ordered below. Uninsured medical expenses include premiums,
29 co-pays, deductibles, and other health care costs not paid by health care coverage.



Children's Expenses for:	Parent: Roger Christopher pays monthly	Parent: Connie Christopher pays monthly	Make payments to:	
			Person who pays the expense	Service Provider
Uninsured medical expenses	Proportional Share* 49.7%**	Proportional Share* 50.3%**	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Proportional Share is each parent's percentage share of the combined net income from line 6 of the Child Support Schedule Worksheets.

** If the percentages ordered are different from the Proportional Share, explain why:

Other shared expenses:

The parents will share the cost for the expenses listed below:

Children's Expenses for:	Parent: Roger Christopher pays monthly	Parent: Connie Christopher pays monthly	Make payments to:	
			Person who pays the expense	Service Provider
<input checked="" type="checkbox"/> Work Related Day care 8 am to 7 pm Monday through Friday:	Proportional Share* 49.7%**	Proportional Share* 50.3%**	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Education: School fees and cost	Proportional Share* 49.7%**	Proportional Share* 50.3%**	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* Proportional Share is each parent's percentage share of the combined net income from line 6 of the Child Support Schedule Worksheets.

** If any percentages ordered are different from the Proportional Share, explain why:

22. Past due child support, medical support and other expenses

There is no past due amount or interest owed by either party as of entry of this order.

23. Overpayment caused by change

Does not apply.

//

//

1 **24. Other Orders**

2 All the *Warnings* below are required by law and are incorporated and made part of this
3 order.

4 **Ordered.**

5 Oct. 9, 2019
6 *Date*

[Signature]
7 *Judge or Commissioner*

8 **Petitioner and Respondent or their lawyers fill out below:**

9 This document:
10 Is an agreement of the parties
11 Is presented by me

This document:
12 Is an agreement of the parties
13 May be signed by the court without notice to me

14 Jordan Taylor, WSBA #46082
15 *Attorney for Petitioner*

Christopher Sundstrom, WSBA #22579
16 *Attorney for Respondent*

17 Roger Christopher
18 *Petitioner*

Connie Christopher
19 *Respondent*

20 **All the warnings below are required by law and are part of the**
21 **order. Do not remove.**

22 ***Warnings!***

23 **If you don't follow this child support order...**

- 24 • DOL or other licensing agencies may deny, suspend, or
25 refuse to renew your licenses, including your driver's
license and business or professional licenses, and
- Dept. of Fish and Wildlife may suspend or refuse to issue
your fishing and hunting licenses and you may not be able
to get permits. (RCW 74.20A.320)

If you receive child support...

- You may have to:
- Document how that support and any cash received for the
children's health care was spent.
 - Repay the other parent for any day care or special
expenses included in the support if you didn't actually
have those expenses. (RCW 26.19.080)

26 ***Medical Support Warnings!***

RCW 26.09.135; 26.26.132; 26.10.050
Mandatory Form (01/2019)
FL All Family 130

Child Support Order

 **HENDERSON TAYLOR**
LAW FIRM PLLC
900 Washington Street, Suite 1010
Vancouver, WA 98660
Phone: (360) 737-1478

1 **The parents** must keep the Support Registry informed whether or not they have access to health care coverage for the
2 children at a reasonable cost, and provide the policy information for any such coverage.

3 **If you are ordered to provide children's health care coverage...**

4 You have **20 days** from the date of this order to send:

- proof that the children are covered, or
- proof that health care coverage is not available as ordered.

5 Send your proof to the other parent or to the Support Registry (if your payments go there).

6 If you do **not** provide proof of health care coverage:

- The other parent or the support agency may contact your employer or union, without notifying you, to ask for direct enforcement of this order (*RCW 26.18.170*), and
- The other parent may:
 - Ask the Division of Child Support (DCS) for help,
 - Ask the court for a contempt order, or
 - File a Petition in court.

9 **Don't** cancel your employer or union health insurance for your children unless the court approves or your job ends and you no longer qualify for insurance as ordered in section **19**.

10 If an insurer sends you payment for a medical provider's service:

- you must send it to the medical provider if the provider has not been paid; or
- you must send the payment to whoever paid the provider if someone else paid the provider; or
- you may keep the payment if you paid the provider.

11 If the children have public health care coverage, the state can make you pay for the cost of the monthly premium.

12 **Always** inform the Support Registry and any parent if your access to health care coverage changes or ends.



Washington State Child Support Schedule Worksheets

Proposed by (name) _____ State of WA Other _____ (CSWP)
 Or, Signed by the Judicial/Reviewing Officer. (CSW)

County ADAMS Case No. _____

Child/ren and Age/s: See Line 26 for children

Parents' names: Roger Christopher, (Column 1) Connie Christopher, (Column 2)

	Column 1	Column 2
Part I: Income (see instructions, page 6)		
1. Gross Monthly Income		
a. Wages and Salaries	\$ 11000	\$ 0
b. Interest and Dividend Income	\$ 0	\$ 0
c. Business Income	\$ 0	\$ 0
d. Maintenance Received	\$ 0	\$ 4500
e. Other Income	\$ 0	\$ 0
f. Imputed Income	\$ 0	\$ 2080
g. Total Gross Monthly Income (add lines 1a through 1f)	\$ 11000	\$ 6580
2. Monthly Deductions from Gross Income		
a. Income Taxes (Federal and State)	\$ 0	\$ 0
b. FICA (Soc. Sec.+ Medicare)/Self-Employment Taxes	\$ 0	\$ 0
c. State Industrial Insurance Deductions	\$ 0	\$ 0
d. Mandatory Union/Professional Dues	\$ 0	\$ 0
e. Mandatory Pension Plan Payments	\$ 0	\$ 0
f. Voluntary Retirement Contributions	\$ 0	\$ 0
g. Maintenance Paid	\$ 4500	\$ 0
h. Normal Business Expenses	\$ 0	\$ 0
i. Total Deductions from Gross Income (add lines 2a through 2h)	\$ 4500	\$ 0
3. Monthly Net Income (line 1g minus 2i)	\$ 6500	\$ 6580
4. Combined Monthly Net Income (add both parents' monthly net incomes from line 3)	\$ 13080	
5. Basic Child Support Obligation (enter total amount in box →) Child #1 \$665 Child #3 \$665 Child #5 \$665 Child #2 \$665 Child #4 \$665	\$ 3990	
6. Proportional Share of Income (divide line 3 by line 4 for each parent)	0.497	0.503

	Column 1	Column 2
Part II: Basic Child Support Obligation (see Instructions, page 7)		
7. Each Parent's Basic Child Support Obligation without consideration of low income limitations. (Multiply each number on line 6 by line 5.)	\$ 1983	\$ 2007
8. Calculating low income limitations: Fill in only those that apply.		
Self-Support Reserve: (125% of the federal poverty guideline for a one-person family.)	\$ 1301	
a. Is Combined Net Income Less Than \$1,000? If yes, for each parent enter the presumptive \$50 per child.	\$ 0	\$ 0
b. Is Monthly Net Income Less Than Self-Support Reserve? If yes, for that parent enter the presumptive \$50 per child.	\$ 0	\$ 0
c. Is Monthly Net Income equal to or more than Self-Support Reserve? If yes, for each parent subtract the self-support reserve from line 3. If that amount is less than line 7, enter that amount or the presumptive \$50 per child, whichever is greater.	\$ 0	\$ 0
9. Each parent's basic child support obligation after calculating applicable limitations. For each parent, enter the lowest amount from line 7, 8a - 8c, but not less than the presumptive \$50 per child.	\$ 1983	\$ 2007
Part III: Health Care, Day Care, and Special Child Rearing Expenses (see Instructions, page 8)		
10. Health Care Expenses		
a. Monthly Health Insurance Premiums Paid for Child(ren)	\$ 299	\$ 0
b. Uninsured Monthly Health Care Expenses Paid for Child(ren)	\$ 0	\$ 0
c. Total Monthly Health Care Expenses (line 10a plus line 10b)	\$ 299	\$ 0
d. Combined Monthly Health Care Expenses (add both parents' totals from line 10c)	\$ 299	
11. Day Care and Special Expenses		
a. Day Care Expenses	\$ 0	\$ 0
b. Education Expenses	\$ 0	\$ 0
c. Long Distance Transportation Expenses	\$ 0	\$ 0
d. Other Special Expenses (describe)	\$ 0	\$ 0
	\$ 0	\$ 0
	\$ 0	\$ 0
e. Total Day Care and Special Expenses (add lines 11a through 11d)	\$ 0	\$ 0
12. Combined Monthly Total Day Care and Special Expenses (add both parents' day care and special expenses from line 11e)	\$ 0	
13. Total Health Care, Day Care, and Special Expenses (line 10d plus line 12)	\$ 299	
14. Each Parent's Obligation for Health Care, Day Care, and Special Expenses (multiply each number on line 6 by line 13)	\$ 149	\$ 150
Part IV: Gross Child Support Obligation		
15. Gross Child Support Obligation (line 9 plus line 14)	\$ 2132	\$ 2157

	Column 1	Column 2
Part V: Child Support Credits (see Instructions, page 9)		
16. Child Support Credits		
a. Monthly Health Care Expenses Credit	\$ 299	\$ 0
b. Day Care and Special Expenses Credit	\$ 0	\$ 0
c. Other Ordinary Expenses Credit (describe)		
	\$ 0	\$ 0
d. Total Support Credits (add lines 16a through 16c)	\$ 299	\$ 0
Part VI: Standard Calculation/Presumptive Transfer Payment (see Instructions, page 9)		
17. Standard Calculation (line 15 minus line 16d or \$50 per child whichever is greater)	\$ 1833	\$ 2157
Part VII: Additional Informational Calculations		
18. 45 % of each parent's net income from line 3 (.45 x amount from line 3 for each parent)	\$ 2925	\$ 2961
19. 25% of each parent's basic support obligation from line 9 (.25 x amount from line 9 for each parent)	\$ 496	\$ 502
Part VIII: Additional Factors for Consideration (see Instructions, page 9)		
20. Household Assets (List the estimated present value of all major household assets.)		
a. Real Estate	\$ 0	\$ 0
b. Investments	\$ 0	\$ 0
c. Vehicles and Boats	\$ 0	\$ 0
d. Bank Accounts and Cash	\$ 0	\$ 0
e. Retirement Accounts	\$ 0	\$ 0
f. Other (describe)	\$ 0	\$ 0
	\$ 0	\$ 0
21. Household Debt (List liens against household assets, extraordinary debt.)		
	\$ 0	\$ 0
	\$ 0	\$ 0
	\$ 0	\$ 0
	\$ 0	\$ 0
	\$ 0	\$ 0
22. Other Household Income		
a. Income Of Current Spouse or Domestic Partner (if not the other parent of this action)		
Name _____	\$ 0	\$ 0
Name _____	\$ 0	\$ 0
b. Income Of Other Adults In Household		
Name _____	\$ 0	\$ 0
Name _____	\$ 0	\$ 0

	Column 1	Column 2
c. Gross income from overtime or from second jobs the party is asking the court to exclude per Instructions, page 8 _____	\$ 0	\$ 0
d. Income Of Child(ren) (if considered extraordinary) Name _____ Name _____	\$ 0 \$ 0	\$ 0 \$ 0
e. Income From Child Support Name _____ Name _____	\$ 0 \$ 0	\$ 0 \$ 0
f. Income From Assistance Programs Program _____ Program _____	\$ 0 \$ 0	\$ 0 \$ 0
g. Other Income (describe) _____ _____	\$ 0 \$ 0	\$ 0 \$ 0
23. Non-Recurring Income (describe) _____ _____	\$ 0 \$ 0	\$ 0 \$ 0
24. Child Support Owed, Monthly, for Biological or Legal Child(ren)		
Name/age: _____ Paid <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	\$ 0	\$ 0
Name/age: _____ Paid <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	\$ 0	\$ 0
Name/age: _____ Paid <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	\$ 0	\$ 0
25. Other Child(ren) Living In Each Household		
(First name(s) and age(s))		
		X
		X
		X
		X
		X
26. Other Factors For Consideration		
Children: Add Child/16, Add Child/13, Add Child/10, Add Child/7, Add Child/7, Add Child/7		
From Line 5, basic support obligation for each child: Add Child/665, Add Child/665, Add Child/665, Add Child/665, Add Child/665, Add Child/665		
Continued on next page.		

Other Factors for Consideration (continued) (attach additional pages as necessary)

Signature and Dates

I declare, under penalty of perjury under the laws of the State of Washington, the information contained in these Worksheets is complete, true, and correct.

Parent's Signature (Column 1)

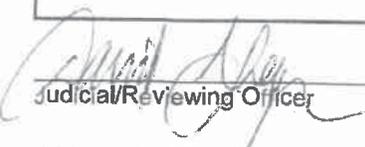
Parent's Signature (Column 2)

Date

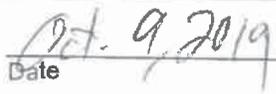
City

Date

City



Judicial/Reviewing Officer



Date

**This worksheet has been certified by the State of Washington Administrative Office of the Courts.
Photocopying of the worksheet is permitted.**

Handwritten initials or mark in the top left corner.

FILED

2020 MAY 11 AM 11:34

SCOTT G. WEBER, CLERK
CLARK COUNTY

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Superior Court of Washington, County of Clark

In re:	
Petitioner:	No. 17-3-01535-8
ROGER WILLIAM CHRISTOPHER	Contempt Hearing Order (ORCN)
And Respondent:	
CONNIE SUE CHRISTOPHER	

Contempt Hearing Order

1. Money Judgment Summary

Judgment for	Debtor's name <i>(person who must pay money)</i>	Creditor's name <i>(person who must be paid)</i>	Amount	Interest
Lawyer fees and costs	Connie Christopher	Roger Christopher	\$2,500	
Yearly Interest Rate for child support, medical support, and children's expenses: 12%. For other judgments: ___% (12% unless otherwise listed)				
Lawyer (name): Jordan Taylor		represents (name): Roger Christopher		
Lawyer (name): Chris Sundstrom		represents (name): Connie Christopher		

2. The court has considered the *Motion for Contempt Hearing (3/13/20)*, *Motion for Contempt Hearing (3/30/20)*, and any supporting documents, response from the other party, reply, and other documents from the court record identified by the court. A contempt hearing was held on: April 10, 2020.

RCW 26.09.160, 7.21.010
Mandatory Form (05/2016)
FL All Family 167

Contempt Hearing Order
p. 1 of 4



1 **The Court Finds:**

2 **3. Support Payments** (child support, medical support, children's expenses, spousal support)

3 Does not apply. This contempt hearing did not cover support issues.

4 **4. Parenting Plan, Residential Schedule, or Custody Order**

5 The parenting/custody order was **not** obeyed.

6 1st Motion 3/13/2020

7 Connie Christopher did **not** obey the following parts of the parenting/custody order
8 signed by the court on October 4, 2019:

9 Section 4 – Connie Christopher failed to affirmatively direct Noelle Christopher,
10 Angeline Christopher, and Lindee Christopher to attend all scheduled
11 residential time with their father.

11 Section 8 – Connie Christopher intentionally failed to follow the parenting plan
12 residential schedule

12 Section 12 – Connie Christopher failed to follow the Transportation arrangement
13 provision

13 Section 14 – Connie Christopher failed to follow the Cooperation and respect
14 provisions of the parenting plan.

15 2nd Motion 3/30/2020

16 Section 4 – Connie Christopher failed to affirmatively direct Noelle Christopher,
17 Angeline Christopher, and Lindee Christopher to attend all scheduled
18 residential time with their father.

18 Section 8 – Connie Christopher intentionally failed to follow the parenting plan
19 residential schedule

20 Section 14 – Connie Christopher failed to follow the Cooperation and respect
21 provisions of the parenting plan.

- 22 **a. Ability to follow orders in the past** – This person **was** able to follow the
23 parenting/custody order. The failure to follow the order was intentional.
- 24 **b. Bad faith** – When this person did **not** obey the parenting/custody order, she acted
in bad faith.



1 c. **Ability to follow orders now** – This person is able to follow the parenting/custody
2 order now. This person is willing to follow the parenting/custody order.

3 **5. Restraining Order or Other Order**

4 Does not apply. This contempt hearing did not cover any restraining order or other orders.

5 **6. Lawyer fees and costs**

6 The lawyer fees and costs listed in the Money Judgment in section 8 below were incurred
7 and are reasonable.

8 **The Court Orders:**

9 **7. Contempt**

10 Connie Christopher is in contempt on all counts brought in the two motions except the
11 Court found she did not violate Section 5 – Joint Decision making.

12 **8. Money Judgment**

13 The court orders the following money judgment (*summarized in section 1 above*):

Judgment for	Debtor's name (person who must pay money)	Creditor's name (person who must be paid)	Amount	Interest
Lawyer fees and costs	Connie Christopher	Roger Christopher	\$2,500	

15 The interest rate for child support, medical support, and children's expenses is 12%.
16 The interest rate for other judgments is 12% unless another amount is listed below.

17 **9. Make-up parenting time**

18 Roger Christopher will have make-up parenting time as follows:

19 3 weeks of make-up parenting time in coordination with the Parenting Coordinator,
20 Lisa Yenney. Each party may submit one statement regarding how the time will be
21 made up.

Ms. Yenney's determination of makeup dates will be final and binding.

22 **10. Jail time**

23 Does not apply.



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11. Contempt can be corrected (purged) if:

Connie Christopher must pay attorney's fees as set forth above.

Connie Christopher must allow Roger Christopher to have his 3 weeks of make-up parenting time without any interference from herself, the adult children, or any other third party.

12. Court review

None.

13. Other orders

Until the Parenting Coordinator issues a determination for Roger Christopher's make-up parenting time, the Final Parenting Plan will be followed in strict compliance.

Ordered.

May 11, 2020 *Amal Shey*
Date Judge or Commissioner

Petitioner and Respondent or their lawyers fill out below.

This document:
Is presented by me

Jordan Taylor
Jordan Taylor, WSBA #46082
Attorney for Petitioner

This document:
May be signed by the court without notice to me

Josephine C. Townsend
Josephine C. Townsend, WSBA #31965
Attorney for Respondent

SMITH GOODFRIEND, PS

July 13, 2020 - 4:50 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 54208-1
Appellate Court Case Title: Marriage of Roger Christopher, Respondent v. Connie Christopher, Appellant
Superior Court Case Number: 17-3-01535-8

The following documents have been uploaded:

- 542081_Briefs_20200713164410D2143674_1803.pdf
This File Contains:
Briefs - Appellants
The Original File Name was 2020 07 13 Opening Brief.pdf
- 542081_Designation_of_Clerks_Papers_20200713164410D2143674_0101.pdf
This File Contains:
Designation of Clerks Papers - Modifier: Supplemental
The Original File Name was 2020 07 13 Designation of Clerks Papers COA.pdf

A copy of the uploaded files will be sent to:

- Aaron@tal-fitzlaw.com
- Chris@sundstromlaw.com
- assistant@tal-fitzlaw.com
- jaime@sundstromlaw.com
- jon@washingtonappeals.com
- jonathan.bruce.collins@gmail.com
- jordan@hlf-law.com
- matt@tal-fitzlaw.com
- phil@tal-fitzlaw.com
- stacy@sundstromlaw.com

Comments:

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