

FILED

AUG 16 2012

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

NO. 309118-III

COURT OF APPEALS
DIVISION III
OF THE STATE OF WASHINGTON

In Re the Marriage of:

CAROL MARIE SCHNEIDER, f/k/a CAROL MARIE ALMGREN

Respondent/Petitioner,

v.

JEFFREY JOSEPH ALMGREN,

Appellant/Respondent.

BRIEF OF APPELLANT

Charles M. Stroschein, WSBA No. 34711
Attorney for Appellant
Clark and Feeney
The Train Station - Suite 102
13th and Main Streets
P.O. Box 285
Lewiston, Idaho 83501
(208) 743-9516

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ASSIGNMENT OF ERROR

1. The Superior Court erred in entering an order on remand that required Mr. Almgren to pay post-secondary education support for Amanda Almgren to terminate on her 19th birthday which is December 24, 2009. The Washington Supreme Court in its decision entered on December 22, 2011, specifically noted, “The trial court had exceeded its authority when it ordered post-secondary education support for Amanda, and the Court of Appeals erred in affirming the trial court’s order. We reverse and remand for further proceedings consistent with this opinion.” The order entered by the Superior Court on remand should have ordered **child support** to terminate on December 24, 2009, not post-secondary education support.

ISSUE

1. Did the Superior Court abuse its discretion in ordering post-secondary education support for the parties’ adult child?
2. Should the Court on appeal award attorneys fees and costs to Mr. Almgren?

A. COURSE OF PROCEEDINGS

The Appellant will be referred to as Mr. Almgren and the Respondent will be referred to as Ms. Schneider.

The Washington Supreme Court on review of the decision from Division III, Court of Appeals, reversed the trial court and the opinion of Division III, regarding the issue of post-secondary support for Amanda Almgren. The Washington Supreme Court entered its order on December

22, 2011, under case number 85112-3. The case was remanded back to the Superior Court to enter the appropriate order.

Both parties submitted proposed orders, CP 22 - 32¹ and the Superior Court signed off on the Order on Remand prepared by Ms. Schneider which stated, “That a final order of child support entered on September 1, 2009, is modified to provide that child support ordered therein as post-secondary support for Amanda terminated on her 19th birthday, i.e., December 24, 2009.” The order also indicated that all other provisions of the Order of Child Support entered on September 1, 2009, shall remain unchanged. CP 37-38. This Order on Remand signed by Judge Acey was dated May 21, 2012, Asotin County case number, 05-3-00141-0.

Mr. Almgren filed a Notice of Appeal to the Court of Appeals, Division III, on June 8, 2012. CP 39.

B. STATEMENT OF THE CASE

The issue of Amanda Almgren’s post-secondary support went up to the Washington Supreme Court for review from a decision starting in Asotin County Case No. 05-3-00141-0. The Washington Supreme Court in a 9-0 decision overturned the trial court and the Court of Appeals, Division III,

¹ Mr. Almgren’s Proposed Order

regarding the ability of the trial court to reward post-secondary support to Amanda Almgren because of the law from the Nebraska that limits child support to age 19. The Supreme Court entered it's order on December 22, 2011. Schneider v. Almgren, 173 Wash. 2d 353, 268 P.3d 215 (2011).

Each party filed it's own Notice of Presentment with a proposed order. Mr. Almgren's order was filed with the court on May 7, 2012. CP 24. A hearing was held on May 21, 2012. Over the objection of Mr. Almgren, the Superior Court entered another order that required him to pay post-secondary education support to Amanda. The Supreme Court specifically said, "The trial court exceeded it's authority when it ordered post-secondary education support for Amanda." CP 20.

C. ARGUMENT

1.

The Superior Court abused its discretion in Ordering post-secondary education support for the parties' adult child.

The standard of review for the award of child support is an abuse of discretion. The trial court's order will not be reversed unless it is manifestly unreasonable based on untenable grounds or granted for untenable reasons. *In re the Marriage of Schumacher*, 100 Wn.App 208, 997 P.2d 399 (Ct.App. Div. 1 2000). In addition, the reviewing court must determine whether findings of fact are supported by substantial evidence and whether the trial court made an error of law. *Brandli v. Talley*, 98 Wn.App. 521, 523, 991 P.2d 94 (Ct.App. Div. 1 1999).

However, *de novo* review is a requirement in this case. *De novo* review allows the appellate court to decide a question for itself without any deference to the trial court's determination. The *de novo* standard is applied to the trial court's ruling of law. See *In re the Marriage of Fleege*, 91 Wash.2d 324, 588 P.2d 1136 (1979). In this case, the Superior Court made a ruling of law with regard to the application of RCW 26.19.090. The Trial Court's ruling of law involved the application of said provision and its

limitation on the court's ability to order post-secondary education support for Amanda Almgren past the age of 19, the age of majority in Nebraska.

The Superior Court can not award Amanda Almgren post-secondary support. Post-secondary support is awarded pursuant to RCW 26.19.090. At the time of the 2009 hearing, Judge Acey made a determination that child support for the younger child would remain at the prior child support level. Even though both parties had lost their jobs, Judge Acey imputed their income at their prior levels.

It is Mr. Almgren's position that post-secondary support should not have been awarded to age 19 in the amount of \$500.00 a month. The prior child support amount of \$343.87 is the amount that should be awarded to age 19 for Amanda. In the alternative, the Superior Court could have gone back and reviewed the evidence that was presented and enter a new child support amount based upon the evidence presented in 2009. In 2009, both parents were unemployed and their incomes were substantially reduced. Surprisingly enough, Ms. Schneider did get her job back. Mr. Almgren was not so lucky. He has remained basically unemployed since the summer of 2009. Mr. Almgren testified at the time of the 2009 hearing that his unemployment award for the year was \$11,466.00.

The child support statute and schedule imposes particular requirements on the trial court and its finding. Failure to comply with the statutory requirements that the trial court state the amount of child support calculated using the standard calculation. The trial court must also, in writing, state the specific reasons for any deviation from the statutory requirements. If this is not done, the decision will result in reversal on appeal. *State v. Sigler*, 85 Wn.App. 329, 932 P.2d 710 (Ct.App. Div. 3 1997). It is clear from the record that the court failed to enter findings that are supported by substantive evidence.

Using RCW 26.19.090 for an award of child support does not comply with the mandate from the Supreme Court regarding post-secondary education support. The Superior Court should not have awarded Amanda Almgren post-secondary education support at all; that amount was \$500.00 a month. A basic child support obligation is the amount of support derived from the economic table. RCW 26.19.011(1). An order for support in excess of the basic support obligation requires the court to determine the necessity for and the reasonableness of those additional amounts. See. RCW 26.19.080(4)

Also note that RCW 26.19.065(1) places a cap on total support paid by either parent for all children at 45% of that parent's net income. The combined child support and post-secondary education support for the two Almgren children amounts to 80% of Mr. Almgren's income.

The Superior Court Judge clearly overstepped his "jurisdiction" or his authority in awarding post-secondary education support **again** for the benefit of Amanda Almgren.

The Washington appellate courts have determined that a modification regarding post-secondary support may only be made upon a showing of "compelling" circumstances. *In re Marriage of Gimlett*, 95 Wash.2d 699, 629 P.2d 450 (1981), and after consideration of statutory factors found in RCW 26.19.090 *In re Marriage of Scanlon*, 109 Wn.App. 167, 180-181, 34 P.3d 877 (Ct.App. Div. 1 2001). A compelling circumstance in this case is the fact that Mr. Almgren went from making approximately \$3,300 per month to \$375 per week. The Washington appellate courts have also determined that Washington superior courts are courts of general jurisdiction, they lack subject matter jurisdiction only "under compelling circumstances, such as when it is explicitly limited by the legislature or congress." *In the Matter of the Marriage of Thurston*, 92 Wn.App. 494, 498, 963 P.2d 947

(Ct.App. Div 1 1988) quoting *In re Marriage of Major*, 71 Wn.App. 531, 534, 859 P.2d 1262 (1993), rev. denied 137 Wash.2d 1023 (1999). Congress and the legislature, with the passage of the Uniform Interstate Family Support Act, limited the Superior Court’s jurisdiction. There was no factual nor legal basis for an award of post-secondary educational support for a second time. Mr. Almgren proposed an order that applied the 19 year limitation to the trial court’s order from 2009. A copy of the 2009 order is attached as Exhibit “A”.

Attorney’s Fees

In *State v. ex rel. Stout v. Stout*, 89 Wn.App. 118, 948 P.2d 851 (Ct. App. Div. I 1997), the court stated,

“In determining whether to award such fees, this court examines the arguable merit of the issues raised on appeal and the financial resources of the parties. Stout has raised meritorious issues on appeal. He has served and filed an updated financial declaration as required by RAP18.1(c).”

At p. 127.

At this point in time, the Respondent has not filed an updated financial declaration. RCW 26.09.140 allows the court to order one party to a marriage dissolution action to pay attorney’s fees and costs to the other for enforcement or modification proceedings after entry of judgment. The court

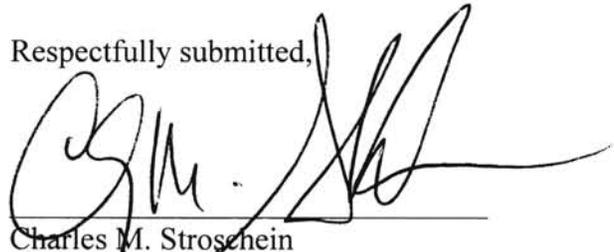
also has to consider the financial resources of the parties. See attached as Exhibit "B", the financial declaration by Mr. Almgren with the Superior Court. The court, in this case, may want to consider the frivolousness of the Respondent's position. Ms. Schneider should not have proposed an order for post-secondary support which was contrary to the directive from the Washington Supreme Court. Respondent should be sanctioned by this court by an award of attorneys fees and costs to Mr. Almgren.

D. CONCLUSION

This court, on appeal, must complete a *de novo* review of this issue regarding the application of RCW 29.19.090 in light of the Supreme Court's direction on remand. No post-secondary education support can be awarded to Amanda Almgren.

Attorneys fees should be awarded pursuant to RAP Rule 18.1 and RCW 26.09.140 to Mr. Almgren.

DATED this 15 day of August, 2012.

Respectfully submitted,


Charles M. Stroschein
Attorney for Appellant
WSBA No.34711

EXHIBIT A

CERTIFIED

REC'D & FILED
OFFICE OF CO CLERK
ASOTIN COUNTY WA
SEP 01 2009
CLERK DEPUTY

**Superior Court of Washington
County of Asotin**

In re:

CAROL MARIE SCHNEIDER, f/k/a CAROL
MARIE ALMGREN,

Petitioner,

and

JEFFREY JOSEPH ALMGREN,

Respondent.

No. 05-3-00141-0

Order of Child Support

 Temporary (TMORS)
 Final Order (ORS)

Clerk's Action Required

I. Judgment Summary

- Does not apply because no attorney's fees or back child support has been ordered.
- The judgment summary:
 - A. Judgment creditor _____
 - B. Judgment debtor _____
 - C. Principal judgment amount (back child support) \$ _____
from (date) _____ to (date) _____
 - D. Interest to date of judgment \$ _____
 - E. Attorney fees \$ _____
 - F. Costs \$ _____
 - G. Other recovery amount \$ _____
 - H. Principal judgment shall bear interest at _____ % per annum
 - I. Attorney fees, costs and other recovery amounts shall bear interest at _____ % per annum.
 - J. Attorney for judgment creditor _____
 - K. Attorney for judgment debtor _____
 - L. Other: _____

II. Basis

2.1 Type of Proceeding

This order is entered under a petition for modification of child support.

2.2 Child Support Worksheet

The child support worksheet which has been approved by the court is attached to this order and is incorporated by reference or has been initialed and filed separately and is incorporated by reference.

2.3 Other

III. Findings and Order

It Is Ordered:

3.1 Children for Whom Support is Required

<u>Name (first/last)</u>	<u>Age</u>
A.J.A.	18
J.D.A.	15

3.2 Person Paying Support (Obligor)

Name (first/last): JEFFREY JOSEPH ALMGREN
Birth date: 05/14/1965
Service Address: 409 26th Avenue North, St. Cloud, MN 56303

The Obligor Parent Must Immediately File With the Court and the Washington State Child Support Registry, and Update as Necessary, the Confidential Information Form Required by RCW 26.23.050.

The Obligor Parent Shall Update the Information Required by Paragraph 3.2 Promptly After any Change in the Information. The Duty to Update the Information Continues as long as any Support Debt Remains due Under This Order.

- Monthly Net Income: \$3,013.30
 The income of the obligor is imputed at \$_____ because:
 the obligor's income is unknown.
 the obligor is voluntarily unemployed.

- the obligor is voluntarily underemployed.
- other:

3.3 Person Receiving Support [Obligee]

Name (first/last): CAROL MARIE SCHNEIDER
 Birth date: 07/20/1966
 Service Address: PO Box 118, Asotin, WA 99402

The Obligee Must Immediately File With the Court and the Washington State Child Support Registry and Update as Necessary the Confidential Information Form Required by RCW 26.23.050.

The Obligee Shall Update the Information Required by Paragraph 3.3 Promptly After any Change in the Information. The Duty to Update the Information Continues as Long as any Monthly Support Remains Due or any Unpaid Support Debt Remains Due Under This Order.

- Monthly Net Income: \$3,127.68
- The income of the obligee is imputed at \$ _____ because:
 - the obligee's income is unknown.
 - the obligee is voluntarily unemployed.
 - the obligee is voluntarily underemployed.
 - other:

The obligor may be able to seek reimbursement for day care or special child rearing expenses not actually incurred. RCW 26.19.080.

3.4 Service of Process

Service of Process on the Obligor at the Address Required by Paragraph 3.2 or any Updated Address, or on the Obligee at the Address Required by Paragraph 3.3 or any Updated Address, may Be Allowed or Accepted as Adequate in any Proceeding to Establish, Enforce or Modify a Child Support Order Between the Parties by Delivery of Written Notice to the Obligor or Obligee at the Last Address Provided.

3.5 Transfer Payment

The obligor parent shall pay the following amounts per month for the following children:

<u>Name</u>	<u>Amount</u>
J.D.A.	\$343.87

Total Monthly Transfer Amount

\$343.87

- The parents' combined monthly net income exceeds \$7,000 and the court sets child support in excess of the advisory amount because:

- If one of the children changes age brackets, the child support shall be as follows:

- This is a downward modification that has caused an overpayment of \$ _____. This amount shall be repaid or credited as follows:

- This is an upward modification that has caused an underpayment of \$ _____. This amount shall be paid as follows:

- Other: **Effective June 1, 2009, child support shall be modified by reducing the transfer payment for J.D.A. to the existing payment. That the \$500 per month in secondary support for 10 months commencing September 1, 2009, and on the 1st of each month thereafter, to be paid directly to A.J.A. or to the educational institution. See Paragraph 3.14.**

The Obligor Parent's Privileges to Obtain or Maintain a License, Certificate, Registration, Permit, Approval, or Other Similar Document Issued by a Licensing Entity Evidencing Admission to or Granting Authority to Engage in a Profession, Occupation, Business, Industry, Recreational Pursuit, or the Operation of a Motor Vehicle may Be Denied or may Be Suspended if the Obligor Parent is not in Compliance With This Support Order as Provided in Chapter 74.20A Revised Code of Washington.

3.6 Standard Calculation

\$823.90 per month. (See Worksheet line 15.)

3.7 Reasons for Deviation From Standard Calculation

- The child support amount ordered in paragraph 3.5 does not deviate from the standard calculation.
- The child support amount ordered in paragraph 3.5 deviates from the standard calculation for the following reasons:
 - Income of a new spouse or new domestic partner of the parent requesting a deviation for other reasons;
 - Income of other adults in the household of the parent requesting a deviation for other reasons;
 - Child support actually paid or received for other children from other relationships;

- Gifts;
- Prizes;
- Possession of wealth;
- Extraordinary income of a child;
- Tax planning which results in greater benefit to the children;
- A nonrecurring source of income;
- Extraordinary debt not voluntarily incurred;
- A significant disparity in the living costs of the parents due to conditions beyond their control;
- Special needs of disabled children;
- Special medical, educational, or psychological needs of the children;
- The child spends a significant amount of time with the parent who is obligated to make a support transfer payment. The deviation does not result in insufficient funds in the receiving parent's household to meet the basic needs of the child. The child does not receive public assistance;
- Children from other relationships;
- Costs incurred or anticipated to be incurred by the parents in compliance with court-ordered reunification efforts or under a voluntary placement agreement with an agency supervising the child;
- The obligor has established that it is unjust or inappropriate to apply the presumptive minimum payment of \$25.00 per child.
- Other: Child support for J.D.A. is lower than the standard calculation and post-educational support for A.J.A. is calculated on a total cost of \$15,000 and the mother, the father and the child are each responsible for \$5,000. The Court is aware that both parents have currently lost their job, however, there is more than enough high levels of education and technical education and they should both be readily re-employable. The Court has chosen to use 2008-2009 actual to the date of termination as imputed income for both parties.

The factual basis for these reasons is as follows:

- Other:

3.8 Reasons why Request for Deviation Was Denied

- Does not apply. A deviation was ordered.
- A deviation was not requested.
- The deviation sought by the obligor obligee was denied because:
 - no good reason exists to justify deviation.
 - other:

3.9 Starting Date and Day to Be Paid

For J.D.A. Starting Date: June 1st
 Day(s) of the month support is due: 1st

Broyles & Laws, PLLC
 901 Sixth Street
 Clarkston, WA 99403
 (509) 758-1636

For A.J.A. Starting Date: September 1st
Day(s) of the month support is due: 1st

3.10 Incremental Payments

- Does not apply.
 This is a modification of child support. Pursuant to RCW 26.09.170 (9)(a) and (c), the obligation has been modified by more than 30 percent and the change would cause significant hardship. The increase in the child support obligation set forth in Paragraph 3.5 shall be implemented in two equal increments, one at the time of this order and the second on (date) _____ six months from the entry of this order.

3.11 How Support Payments Shall Be Made

Select Enforcement and Collection, Payment Services Only, or Direct Payment:

- Enforcement and collection: The Division of Child Support (DCS) provides support enforcement services for this case because: this is a public assistance case, this is a case in which a parent has requested services from DCS, a parent has **signed** the application for services from DCS **on the last page of this support order**. (Check all that apply.) Support payments shall be made to:

Washington State Support Registry
P. O. Box 45868
Olympia, WA 98504
Phone: 1-800-922-4306 or
1-800-442-5437

- Payment services only: The Division of Child Support will process and keep a record of all payments but will not take any collection action. Support payments shall be made to:

Washington State Support Registry
P. O. Box 45868
Olympia, WA 98504
Phone: 1-800-922-4306 or
1-800-442-5437

- Direct Payment: Support payments shall be made directly to:

Carol Schneider
PO Box 118
Asotin, WA 99402

A party required to make payments to the Washington State Support Registry will not receive credit for a payment made to any other party or entity. The obligor parent shall keep the registry informed whether he or she has access to health insurance coverage at reasonable cost and, if so, to provide the health insurance policy information.

3.12 Wage Withholding Action

Withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the obligor parent at any time after entry of this order unless an alternative provision is made below:

[If the court orders immediate wage withholding in a case where Division of Child Support does not provide support enforcement services, a mandatory wage assignment under Chapter 26.18 RCW must be entered and support payments must be made to the Support Registry.]

- Wage withholding, by notice of payroll deduction or other income withholding action under Chapter 26.18 RCW or Chapter 74.20A RCW, without further notice to the obligor, is delayed until a payment is past due, because:
 - the parties have reached a written agreement that the court approves that provides for an alternate arrangement.
 - the Division of Child Support provides support enforcement services for this case [see 3.11] and there is good cause [as stated below under "Good Cause"] not to require immediate income withholding which is in the best interests of the child and, in modification cases, previously ordered child support has been timely paid.
 - the Division of Child Support does not provide support enforcement services for this case [see 3.11] and there is good cause [as stated below under "Good Cause"] not to require immediate income withholding.

Good Cause:

3.13 Termination of Support

Support shall be paid:

- provided that this is a temporary order, until a subsequent child support order is entered by this court.
- for J.D.A. until the child reaches the age of 18 or as long as the child remains enrolled in high school, whichever occurs last, except as otherwise provided below in Paragraph 3.14.
- until the child(ren) reach(es) the age of 18, except as otherwise provided below in Paragraph 3.14.
- after the age of 18 for A.J.A., who is a dependent adult child, until the child is capable of self-support and the necessity for support, particularly secondary support, ceases.
- until the obligation for post secondary support set forth in Paragraph 3.14 begins for the child(ren).
- Other:

3.14 Post Secondary Educational Support

- The right to petition for post secondary support for J.D.A. is reserved, provided that the right is exercised before support terminates as set forth in paragraph 3.13.
- The parents shall pay for the post secondary educational support of the child(ren). Post secondary support provisions will be decided by agreement or by the court.
- No post secondary educational support shall be required.
- Other:

The performance evaluation criteria must be met and the child must enroll in an accredited academic or vocational school and be actively pursuing a course of study commensurate with the child's goals. Being in good academic standing is defined by the institution.

a) post-secondary educational support shall be automatically suspended during period or periods A.J.A. fails to comply with these conditions;

b) A.J.A. shall also make available all academic records and grades to both parents as a condition of receiving post-secondary educational support;

c) each parent shall have full and equal access to the post-secondary education records as provided in RCW 26.09.225;

d) that under any circumstance the post-secondary educational expenses of support shall terminate on A.J.A.'s 23rd birthday; and

e) the Father's post-secondary educational expenses may be made directly to the educational institution, if feasible. If direct payments are not feasible, the Court orders that either or both payments be made directly to A.J.A. and A.J.A. need not reside with either parent.

3.15 Payment for Expenses not Included in the Transfer Payment

- Does not apply because all payments, except medical, are included in the transfer payment.
- The petitioner shall pay _____% and the respondent _____% (each parent's proportional share of income from the Child Support Schedule Worksheet, line 6) of the following expenses incurred on behalf of the children listed in Paragraph 3.1:
 - day care.
 - educational expenses.
 - long distance transportation expenses.
 - other:

Payments shall be made to the provider of the service the parent receiving the transfer payment.

- The obligor shall pay the following amounts each month the expense is incurred on behalf of the children listed in Paragraph 3.1:

- day care: \$ _____ payable to the day care provider other parent;
- educational expenses: \$ _____ payable to the educational provider other parent;
- long distance transportation: \$ _____ payable to the transportation provider other parent.
- other:

3.16 Periodic Adjustment

- Does not apply.
- Child support shall be adjusted periodically as follows:

Other:

3.17 Income Tax Exemptions

- Does not apply.
- Tax exemptions for the children shall be allocated as follows:

<u>Name</u>	<u>Parent</u>
A.J.A.	A.J.A. shall be able to claim herself in order to realize educational credit
J.D.A.	Mother

- The parents shall sign the federal income tax dependency exemption waiver.
- Other:

3.18 Medical Insurance for the Children Listed in Paragraph 3.1

Unless one or more of the **alternatives** below are checked, **each parent** shall maintain or provide health insurance coverage if:

- (a) Coverage that can be extended to cover the child(ren) is or becomes available to each parent through employment or is union-related; and
- (b) The cost of such coverage for the petitioner does not exceed \$213.53 (25 percent of petitioner's basic child support obligation on Worksheet line 7), and the cost of such coverage for the respondent does not exceed \$205.98 (25 percent of respondent's basic child support obligation on Worksheet Line 7).

Alternative 1: The parent below shall maintain or provide health insurance coverage if coverage that can be extended to cover the child(ren) is or becomes available to that parent through employment or is union-related and the cost of such coverage **does not exceed** \$ _____ (25 percent of that parent's basic child support obligation on Worksheet line 7).

petitioner

respondent

Alternative 2: The parent below shall maintain or provide health insurance coverage if coverage that can be extended to cover the child(ren) is or becomes available to that parent through employment or is union-related even if such coverage **exceeds** \$_____ (25 percent of that parent's basic child support obligation on Worksheet line 7).

petitioner
 respondent

Alternative 3: The parent below is not obligated to provide health insurance coverage because the other parent provides insurance coverage:

petitioner
 respondent

The parent(s) shall maintain health insurance coverage, if available for the children listed in paragraph 3.1, until further order of the court or until health insurance is no longer available through the parents' employer or union and no conversion privileges exist to continue coverage following termination of employment.

A parent who is required under this order to provide health insurance coverage is liable for any covered health care costs for which that parent receives direct payment from an insurer.

A parent who is required under this order to provide health insurance coverage shall provide proof that such coverage is available or not available within 20 days of the entry of this order to the physical custodian or the Washington State Support Registry if the parent has been notified or ordered to make payments to the Washington State Support Registry.

If proof that health insurance coverage is available or not available is not provided within 20 days, the parent seeking enforcement or the Department of Social and Health Services may seek direct enforcement of the coverage through the other parent's employer or union without further notice to the other parent as provided under Chapter 26.18 RCW.

3.19 Extraordinary Health Care Expenses

Unless specifically ordered otherwise, the person receiving support is responsible for ordinary health care expenses of the children. However, both parents have an obligation to pay their share of extraordinary health care expenses. Extraordinary health care expenses mean those monthly medical expenses that exceed 5% of the basic support obligation from the Child Support Schedule Worksheet, Line 5.

The petitioner shall pay .509% of extraordinary health care expenses (unless stated otherwise, the petitioner's proportional share of income from the Worksheet, line 6) and the respondent shall pay .491% of extraordinary health care expenses (unless stated otherwise, the respondent's proportional share of income from the Worksheet, line 6).

3.20 Back Child Support

No back child support is owed at this time.
 Back child support that may be owed is not affected by this order.

The obligee parent is awarded a judgment against the obligor parent in the amount of \$ _____ for back child support for the period from (date) _____ to (date) _____.

Other:

3.21 Back Interest

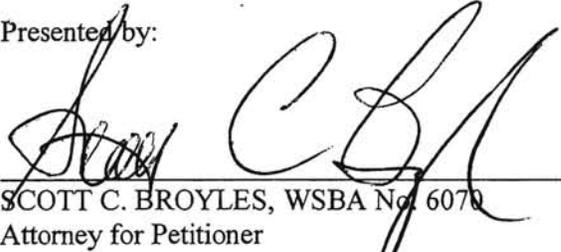
No back interest is owed at this time.
 Back interest that may be owed is not affected by this order.
 The obligee parent is awarded a judgment against the obligor parent in the amount of \$ _____ for back interest for the period from (date) _____ to (date) _____.

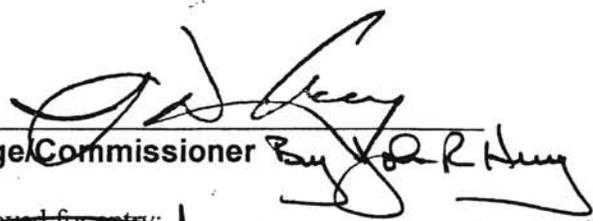
Other:

3.22 Other

Dated: : 09/01/09

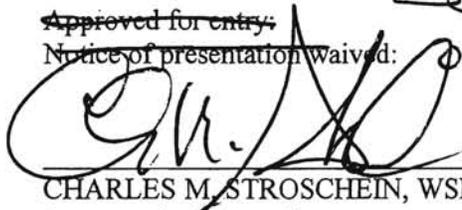
Presented by:


SCOTT C. BROYLES, WSBA No. 6070
Attorney for Petitioner


Judge Commissioner *Ray R. Hing*

~~Approved for entry:~~

Notice of presentation waived:


CHARLES M. STROSCHIN, WSBA #34711
Attorney for Respondent *receive*

*over objection
57
Counsel*

I apply for full support enforcement services from the DSHS' Division of Child Support (DCS). (Note: If you never received TANF, tribal TANF, or AFDC, an annual \$25 fee applies if over \$500 is disbursed on a case, unless the fee is waived by DCS.)

EXHIBIT B

CONFORMED COPY

FILED

2012 JUN -7 P 3:19

MARIE J. EGGART
COUNTY CLERK
ASOTIN COUNTY, WA

SUPERIOR COURT OF WASHINGTON
COUNTY OF ASOTIN

In re the Marriage of:

NO. 05-3-00141-0

CAROL MARIE (ALMGREN)
SCHNEIDER,

DECLARATION OF JEFFREY
JOSEPH ALMGREN

Petitioner,

and

JEFFREY JOSEPH ALMGREN,

Respondent.

I declare under penalty of perjury under the laws of the State of Washington that the following statement is true and correct.

1. I am the Respondent in the above-referenced matter.
2. Declarant is seeking reimbursement for medical expenses and tuition for Amanda Almgren that are owed to me from over payments that were based on Superior Court decisions and enforced by the Washington State Support Registry. The Superior Court decision was overturned by the Washington State Supreme Court.

3. At the time of the 2009 Court Child Support Order, Declarant was unemployed. The dates of Declarant's unemployment were June 11, 2009 to September 15, 2010. Declarant was re-hired to his old position and then let go and therefore unemployed again on February 6, 2011. From February 2011 Declarant has been working on and off, at various temporary assignments. He has not had much success finding stable and steady employment.

4. In the Fall of 2011, Declarant and his wife were served with foreclosure papers and with the help from family they borrowed enough to keep their house. This money was not a gift.

5. Since 2009, Declarant and his wife have been quite challenged, but remain optimistic that circumstances will improve.

Dated this 6 day of June, 2012.

Jeffrey Joseph Almgren
JEFFREY JOSEPH ALMGREN

DECLARATION OF JEFFREY ALMGREN

LAW OFFICES OF
CLARK AND FEENEY, LLP
LEWISTON, IDAHO 83501



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I hereby certify on the 7 day
of June, 2012, a true copy of the
foregoing instrument was:

- Mailed
- Faxed
- Hand delivered
- Overnight mail to:

Scott C. Broyles
901 6th Street
PO Box 208
Clarkston, WA 99403

CLARK and FEENEY

By s/Charles M. Stroschein
Attorneys for Respondent