

**In the Court of Appeals Division III  
In and for the  
State of Washington**

**FILED**

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COURT OF APPEALS  
DIVISION III  
STATE OF WASHINGTON  
By \_\_\_\_\_

**Cause #354164  
Spokane Superior Court #10-3-03141-1**

**In re  
Stacey Ruddick, Appellant/Petitioner**

**And**

**Randall Ruddick, Respondent**

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**Opening Brief**

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**Attorney for the Appellant/Petitioner**

**Gary R Stenzel  
WSBA #16974  
Stenzel Law Office  
1304 W College Ave LL  
Spokane, WA 99201  
509-327-2000  
509-327-5151 Fax  
[stenz2193@comcast.net](mailto:stenz2193@comcast.net)**

## Table of Contents

I.	Facts .....	p. 1-7
II.	Judicial Error by the Pro Tem Commissioner.....	p. 7-8
III.	Law & Argument .....	p. 8-18
A.	<u>RCW 26.19.080 indicates that the court must only include reimbursement necessary and reasonable visitation transportation expenses for the visiting parent.....</u>	P. 8-10
B.	<u>It is patently unreasonable to include entertainment, food, gas, and lodging as a credit under application of RCW 26.19.080(3) in this matter.....</u>	p. 11
C.	<u>The inclusion of costs for food, lodging, gas, vehicle, diapers, and entertainment by the Commissioner was an abuse of discretion.....</u>	p. 11-14
D.	<u>The court should find this decision an abuse of discretion because it was outside the range of acceptable choices when the Commissioner gave the father credit for misc expenses such as food, and entertainment, and an expensive motel cost, and is inconsistent with the law on this issue.....</u>	p. 14- 16
E.	<u>The Commissioner showed a bias against the mother in her written decision that was inappropriate and may in fact been the reason for this unreasonable decision.....</u>	p. 16-17
F.	<u>The Commissioner's denial of the mother's request for special expenses for these very handicapped children was an abuse of discretion.....</u>	p.17-18
IV.	Conclusion	

## Citations to Authority

### Washington Supreme Court

*In re Marriage of Littlefield*, 133 Wn.2d 39, 940 P.2d 1362 (1997).p. 15

*In re Marriage of McNaught*, 189 Wn.App. 545, 567, 359 P.3d 811 (2015), *review denied*, 185 Wn.2d 1005, 366 P.3d 1243 (2016).....p. 10

*State v. Cunningham*, 96 Wn.2d 31, 633 P.2d 886, (1981).....p. 18

*Wash. State Physicians Ins. Exch. & Ass n v. Fisons Corp.*, 122 Wn.2d 299, 339, 858 P.2d 1054 (1993).....p. 15

Washington Court of Appeals

*Coggle v. Snow*, 56 Wn.App. 499, 507, 784 P.2d 554 (1990).....p. 14

*In re Marriage of Fiorito*, 112 Wn.App. 657, 50 P.3d 298 (2002).p. 14

*In re Paternity of Hewitt*, 98 Wn.App. 85, 988 P.2d 496 (1999).p. 9-10

*Murphy v. Miller*, 85 Wash.App. 345, 932 P.2d 722 (1997).....p. 9-10

*Schumacher v. Watson*, 100 Wn.App. 208, 997 P.2d 399 (2000)..p. 14

*State ex.rel. J.V.G. v. Van Guilder*, 137 Wn.App. 417, 154 P.3d 243 (2007).....p. 14

Washington Court of Appeals (Unpublished)

*In re Marriage of Maulen*, 33275-6-III (2016).....p. 11

Statutes – RCW

RCW 26.19.080.....p. 9-11, 16

RCW 26.09.530.....p. 17

Publications

Wikipedia.....p. 13

## I. Facts

Originally, the parties separated and divorced in 2011 with the mother being awarded all three children as their primary custodian. CP 1-4 The children were unique because all three suffer from a rare birth defect call “Angelman Syndrome”. CP 2-3 Angelman Syndrome is described by Wikipedia as follows: “Angelman syndrome (AS) is a genetic disorder that mainly affects the nervous system. Symptoms include a small head and a specific facial appearance, severe intellectual disability, developmental disability, speech problems, balance and movement problems, seizures, and sleep problems.” The parties’ children all suffered from several Angelman symptoms and problems. CP 2

After the divorce was finalized, and some two years later the Appellant gave notice that she was moving to San Diego where they had better treatment for the children. CP 1-4 This led to a relocation trial where the Appellant asked if she could move to California. CP 1-4 The Appellant was allowed to relocate and a parenting plan was entered to deal with that move. CP 1-11 The father received one two-week summer visitation down there in San Diego. CP 5-6 It is the costs for this 2-week visitation period and its effect on child support that is the main issue in this appeal. CP 334-346

Pro tem Commissioner Gabrielle Roth, heard the initial hearing on child support modification and provided a written memorandum ruling. CP 262-266. An initial order of child support with findings of fact was entered from that opinion/ruling on July 15, 2016. CP 267-281. Subsequently the mother

filed a motion for reconsideration because she had lost some funding from the State of California and her income was lowered and the Appellant felt the transportation credit was excessive and unwarranted. CP 283-290. The commissioner granted the motion regarding her income but denied the motion otherwise. CP 306-309. The mother's attorney was ordered to draft the final order of support, based on that ruling. CP 309. Subsequently, the Pro tem Commissioner Roth resigned from her position, therefore she could not sign any orders dealing with the case. The Family Law administrator assigned Commissioner Michelle Ressa to enter the orders on Pro Tem Roth's reconsideration ruling. A presentment was set and those final orders were entered, which referenced that the order was based on the 9-28-16 Order on Reconsideration by Commissioner Roth. [See CP 302-309 for reconsideration order and worksheet] See CP 326-333. This Appeal was taken from findings and reasoning of the pro tem commissioner, again, as reiterated in the final orders.

As we described what happened in this matter it is important to go back to the reconsideration trial and orders since the Judge in that case reserved the support and other issues that are pertinent to this child support ruling. One of the reasons for the relocation and reservation of issues was that the appellant would be receiving California state funds as the children's caretaker; which would give her a new monthly income. CP 1-4. As a result of this future income, the relocation Judge also made the support retroactive, as well as reserved the issue of visitation costs down in San Diego. CP 4.

One of the ancillary issues in this case was the father's failure to visit his disabled children as ordered for two summer weeks, in their parenting plan. CP 7. Before the father filed this petitioner support modification, the father failed to visit the children in the summer of 2014. See e.g. CP 133-135. Unfortunately, the mother had made plans to take a vacation during the father's 2 week visit as outlined in their final parenting plan from the relocation. Id. Obviously, this vacation was to help the mother get away from the stress of caring for three active yet disabled children. Instead of following the parenting plan the father simply chose not to visit as ordered and the mother filed a motion for contempt. CP145-152. She asked that he be found in contempt and she also asked for fees and for the costs it would take to hire professionals to watch her children for the time that he was supposed to visit. Id. The Commissioner heard this motion and found the father in contempt but reserved the fees for the child support modification. Id. However, the commissioner did not order anything for the professional caretaker fees so that the mother could take a vacation, and reserved the attorney's fees for the child support hearing where the parties' finances would be more evident. Id. The commissioner did order the father to make sure he take his two weeks in August 2016 to purge his contempt, but again did not order the respite care the mother wanted to take a vacation. CP 137-144.

Following this visitation contempt ruling, Ms. Ruddick filed a motion for revision of that commissioner's ruling. CP 153-155. The Judge ordered

the attorney's fees issue await the child support hearing as well, and the commissioner was ordered to deal with the respite care issue. CP 156. Another hearing was held and the mother was given respite care costs. CP 162-163.

The next thing to happen was the hearing on child support modification, held as scheduled on February 8, 2016 [CP 262], and because of the complication of the matter it was also taken under advisement with a ruling on April 22, 2016. CP 258-266. The Commissioner's written ruling ordered a new child support along with a very high visitation transportation credit for the father of \$375 a month or \$4,500 a year for just one two week visit a year in San Diego. *Id.* This credit took a substantial portion of the children's support, but also failed to deal with the father's failure to visit since the first order. *Id.*

The "transportation" credit, seemed to be based on the father's February 3, 2016 declaration outlining his visitation with the children in 2015, which was admittedly a "double visit" to San Diego. In that declaration the father outlined his alleged visitation expenses as follows:

"Pursuant to the parenting plan entered by the court, I will be exercising my residential time with our children in the State of California. In order to do that, I will need to pay for my roundtrip to California, housing for the children and me, meals, necessities, entertainment, etc. Based on my experience last year, I estimate the cost to be approximately \$6,000.00 per year I have included that expense in my child support worksheet.

Last year, I had a visit that was twice as long as the normal visit I will be spending each year. I had been found in contempt for not previously exercising a visit. (I explained to the court that I didn't have the funds to exercise the visit but the Court felt I should have taken other steps such as exercise a shorter visit.). [Sic] The Honorable Michelle Ressa allowed me

to purge the contempt by exercising two weeks of residential time by August 15, 2015. . . .

. . . In terms of transportation expenses, I incurred expenses for airline tickets in the amount of \$560.00. I incurred housing expenses in the amount of \$3,759.84. [Sic] I incurred automobile expenses in the amount of \$1,041.58. I spent \$900 on food and I spent \$500 on necessities such as diapers. I also spent \$400 on entertainment for the kids and me.” Emphasis added. CP 225-226.<sup>1</sup>

The commissioner pro tem’s ruling was ostensibly based on this declaration by the father. *Id.* Unfortunately, as can be seen in this declaration, he not only itemized his costs he confirmed that it was in fact a double visit. *Id.* Somehow the commissioner did not see or integrate the fact that this was a double visit expense even though it was very clear that this was an inappropriate fact to use for the determination of “transportation visits”. It seems to be clear error that the commissioner did not read the following statement, “Last year, I had a visit that was twice as long as the normal visit I will be spending each year.” (Emphasis added). *Id.*

Ms. Ruddick’s reconsideration response was that the father used expenses such as housing, food, car rental, entertainment, etc. as expenses to be considered, including diapers for these larger disabled children, as transportation expenses, along with the fact that her income in California has substantially reduced. CP 283-286. She further emphasized that many if not most these expenses were extravagant, such as almost \$4,000 for lodging and almost \$1,000 for food, along with costs for entertainment, and

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<sup>1</sup> The parenting plan allowed Mr. Ruddick 3 weeks a year from the last week in July to the first two weeks in August. In 2015 he took his first part of the visit then another part to accommodate the order of Commissioner Ressa.

a car. Id. She also asked the commissioner to include her costs for nursing supplies such as wipes, diapers, special clothing, etc. She also argued that the Respondent does not have the same costs as she does, yet was getting to reduce his support by one-half for “entertainment, etc.”, to the detriment of the children and her budget. Id. He did not have to buy medications, over the counter meds, school supplies, shoes, etc., he just comes to San Diego and has fun. Id. In fact, that seemed to be the thrust of the commissioner’s ruling, that this was to be enjoyable. CP 306-309.

As indicated the commissioner denied part of the mother’s reconsideration motion, and stated her reasons for this visitation transportation credit as follows, using Mr. Ruddicks declartion:

“. . . In fact, Mr. Ruddick was asking for \$500 a month in travel costs, with receipts and expense logs to justify that amount. I adjusted this cost to \$375 a month, to account for fluctuation, not having to purchase one-time expenses again, his own expenses and other inconsistencies that may arise in travel or lodging. I would also add that Mr. Ruddick now only sees his children once a year due to this relocation, one that he opposed. And this two week period he has with the children once a year should be a vacation with them, [sic] one they look forward to. My ruling stands on this issue.” CP 308-309.

This ruling also was made retroactive to August 1, 2013 since the Relocation order ordered a modification for the relocation and Mr. Ruddick waited more than three years to file it, causing a large credit against current support from May I 2016 to May 1, 2018. Id. This made the current support \$441.00 a month, compared to \$826.00 a month. CP 329. All caused by the giving of a \$4,500.00 credit to the father for just

14 days of visit, which was over \$321.00 a day. Id. Also, no conditions were made to weed out extra credit for years the father did not take visitation retroactively such as 2014, therefore, he basically got a windfall for that period. Id.

In the end the Commissioner's ruling unfortunately gave Mr. Ruddick an overpayment of \$9,312.00, which was to be taken out of the mother's monthly support to the tune of \$388.00 a month until paid, basically amounting to half of her support for 2 years. Id. This was no small sum, however, and again, did not take into consideration the fact that over this three-year period Mr. Ruddick did not take all his visitation in California every year, and especially in 2014, yet got full credit for it even though he was in contempt for not taking visits. CP 302-309 & 327-333. The problem is obvious, how could the commissioner not include as part of the order a reduction in the almost \$10,000 back support credit for those years Mr. Ruddick did not exercise his visit, which leaves him a windfall credit of substantial proportion, such as 2015.

This is an appeal of this child support order as to the amount of the credit given to the father for visitation expenses.

## **II. Judicial Error by the Pro Tem Commissioner**

The commissioner pro tem erred in the following manner in this child support order:

1. By not considering the facts provided by both parties, especially the father's facts, who admitted he did not take visits every year, when she calculated the amount of visitation credits to give him;
2. By not following the statutes regarding visitation transportation costs at RCW 26.19.080(3);

3. By calculating an erroneous figure for the visitation credit based on an admitted doubled visitation amount by the father for these costs;
4. By failing to include the negative affect of those years that Mr. Ruddick failed to visit in the calculation of the visitation credit and/or a method to calculate that into the ruling as well.
5. By showing bias in her opinion by emphasizing that although Mr. Ruddick had a fair relocation trial, that it was somehow relevant to the determination of child support and visitation costs, that he *fought against this relocation*;
6. By treating the mother's request for rearing costs such as diapers, etc, for these disabled children, differently than the father's request for reimbursement of those expenses;
7. By allowing the father unreasonable day to day credits for his visitation such as all his food, gas, transportation, diapers, and housing in that calculation, auto rental, and even entertainment, even though if he visited the children at home in Washington he would have had those same costs unreimbursed.

### **III. Law & Argument**

- A. RCW 26.19.080 indicates that the court must only include reimbursement necessary and reasonable visitation transportation expenses for the visiting parent.

Regarding the reimbursement for visitation expenses, RCW 26.19.080 states,

(1) The basic child support obligation derived from the economic table shall be allocated between the parents based on each parent's share of the combined monthly net income.

(2) Health care costs are not included in the economic table. Monthly health care costs shall be shared by the parents in the same proportion as the basic child support obligation. Health care costs shall include, but not be limited to, medical, dental, orthodontia, vision, chiropractic, mental health treatment, prescription medications, and other similar costs for care and treatment.

(3) Day care and special child rearing expenses, such as tuition and long-distance transportation costs to and from the parents for visitation purposes, are not included in the economic table. These expenses shall be shared by the parents in the same proportion as the basic child support obligation. If an obligor pays court or administratively ordered day care or special child rearing expenses that are not actually incurred, the obligee must reimburse the obligor for the overpayment if the overpayment amounts to at least twenty percent of the obligor's annual day care or special child rearing expenses. The obligor may institute an action in the superior court or file an application for an adjudicative

hearing with the department of social and health services for reimbursement of day care and special child rearing expense overpayments that amount to twenty percent or more of the obligor's annual day care and special child rearing expenses. Any ordered overpayment reimbursement shall be applied first as an offset to child support arrearages of the obligor. If the obligor does not have child support arrearages, the reimbursement may be in the form of a direct reimbursement by the obligee or a credit against the obligor's future support payments. If the reimbursement is in the form of a credit against the obligor's future child support payments, the credit shall be spread equally over a twelve-month period. Absent agreement of the obligee, nothing in this section entitles an obligor to pay more than his or her proportionate share of day care or other special child rearing expenses in advance and then deduct the overpayment from future support transfer payments.

(4) The court may exercise its discretion to determine the necessity for and the reasonableness of all amounts ordered in excess of the basic child support obligation.

The underlying intent of this statute is to lay out how child rearing expenses shall be allocated between the parents, and includes day care and “special child rearing expenses”. *Id.* Special child rearing expenses are specified “such as” tuition and long-distant transportation expenses. *Id.* The statute does go on to say that the judicial officer has the discretion to determine the reasonableness and necessity for those amounts as well. *Id.*

Case law indicates that a trial court must apportion travel costs between litigating parents in the same proportion as the basic support obligation in a case where either the child travels back and forth between the parents, or where the child/ren cannot travel and the visiting parent must travel to the child/ren’s home town. See *In re Paternity of Hewitt*, 98 Wn.App. 85, 988 P.2d 496 (1 1999); and *Murphy v. Miller*, 85 Wash.App. 345, 349-50, 932 P.2d 722 (1997).

According to the *Hewitt* case the job for the trial court is to first to decide whether the travel expenses proffered by the visiting parent are necessary and reasonable. *Hewitt*, supra, p. 498; and *Murphy*, supra. Those courts also found that RCW 26.19.080(3) is unambiguous and only specifies “travel expenses” such as air fare or other transport to and from the respective cities of the parties. *Id.*

The question then becomes what do we do with extra expenses such as food, gas, entertainment, and lodging to visit children who it impractical to transport, such as these children? Research on this issue seems to suggest that RCW 26.19.080 only applies to the cost of airfare/transportation. See *In re Marriage of McNaught*, 189 Wn.App. 545, 567, 359 P.3d 811 (2015), *review denied*, 185 Wn.2d 1005, 366 P.3d 1243 (2016) (noting that the statute "explicitly requires allocation of travel expenses incurred 'to and from' the location and not all costs associated with long-distance visitation" Emphasis added). *McNaught* and *Hewitt* are the leading cases on this issue and have indicated that the rule appears to be that if the court finds that the costs are needed for visitation, and are reasonable, the parties must share them. *Id.* However, it is also clear that the *McNaught* case, which was approved of by our Supreme Court, also could not construe the statute as including lodging, food, gas, etc. Therefore, it would appear that only airfare/transportation is to be considered. And in this case that is about \$500.00, or about \$40.00 a month instead of around \$367.00 a month.

- B. It is patently unreasonable to include entertainment, food, gas, and lodging as a credit under application of RCW 26.19.080(3) in this matter.

It seems clear that the Commissioner's inclusion of vehicle costs, food, gas, lodging, diapers, and entertainment in with "transportation expenses" is not consistent with the intent of the statute that only "reasonable expenses" for transportation be shared by the parties. *McNaught* was clear that they were not going to automatically read into "transportation expenses" additional items simply incurred by the visiting parent in their trip to effectuate their visit. Obviously, part of the reason for this is that if the visiting parent was home they would have these costs anyway. They would have lodging costs, food costs, diaper costs (for these children), daily automobile costs, gasoline, utilities, and entertainment. This statute was not intended as a "vacation statute", which is what the Commissioner made it out to be by her allowing a \$4,500 windfall to the father. The only thing the Commissioner left out was "grooming and candy" costs. (It is also persuasive that Division III in a recent case has specifically denied the inclusion of food and lodging in a former unpublished case directly on the subject. *In re Marriage of Maulen*, 33275-6-III (2016)).

- C. The inclusion of costs for food, lodging, gas, vehicle, diapers, and entertainment by the Commissioner was an abuse of discretion.

A review of what the Commissioner allowed for "transportation" costs shows that she used the figure of \$4,500 a year, which she indicated

was a reduced sum from the \$6,000 a year the father asked for, without even analyzing how he got to \$6,000 in the first place. CP 263-264.

In that April 22, 2016 decision, the Commissioner goes into the costs for two visits, in 2013 and 2015, provided by the father, but does not go into the reasonableness of those expenses. She simply uses them in her calculation as though they are all appropriate expenses, and even went up to a higher figure, without any evidence other than what appeared to be judicial notice that there would be a “fluctuation of travel costs that may happen from time to time”. CP 264.

The Commissioner further verifies that there was no consideration of the reasonableness of the expenses in her ruling on the reconsideration motion by the mother. In that decision, she contradicted herself in justifying her first ruling by suggesting that she went down to \$4,500 from the \$6,000 a year requested by the father to “account for fluctuations” in travel, when in fact she used that as a justification in her first ruling to move the expense from a lower average of \$4,200 up to \$4,500 a year. Even then she does not say anything about the “reasonableness” of his expenses. By failing to address the items that made up the father’s “transportation expenses” and utilizing all his figures it is clear that she incorporated all his expenses for entertainment, food, lodging, rental car, etc in her decision without basis. Her decision also did not deal with the fact that he indicated that his visit that he used

was “twice as long” as a normal visit which would have needed to be calculated in the final average. Then to allow retroactive support credit for this expense all the way back without dealing with the unused 2014 visit was clearly an overall abuse of discretion.

Further, there are absolutely no cases in Washington State that suggest that any of these “extra non-transportation” expenses should be used for this statutory credit, except possibly automobile and gas expenses for the actual transportation expense itself. However, of those that include those expenses, they are for the actual cost of travel, and not to use an automobile in the area. For example, once the father is situated for visitation, he could take the bus with the children, especially in a big city like San Diego, California.<sup>2</sup> He would have food expenses where ever he was visiting, and entertainment for these children, although it can be important, is not by any stretch a transportation expense. Finally, \$3,759.84 for lodging is an expensive place; that figure divided by 14 days (the amount of a standard one year visit for him) is \$268.56 a day, which could compare with some of the finest hotels in any city. Generally, motels can run anywhere from \$39 a day to \$75 a day for a

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<sup>2</sup> Wikipedia on San Diego transit system: The San Diego Metropolitan Transit System (MTS) (or sometimes abbreviated SDMTS or Metro) is the public transit service provider for Central, South, Northeast and Southeast San Diego County, in the United States. MTS operating subsidiaries include the San Diego Trolley, Incorporated (SDTI), and San Diego Transit Corporation (SDTC). Average daily ridership among all public transit services provided by MTS was 251,200 in the First Quarter of 2013.

decent place. All of which, with the other items, clearly seems to make the Commissioner's decision to grant the \$375.00 a month or \$4,500.00 for one visit a year, unreasonable.

An Appellate court is to review child support orders for an abuse of discretion. *In re Marriage of Fiorito*, 112 Wn.App. 657, 663, 50 P.3d 298 (2002). If the trial court's decision was "manifestly unreasonable or was based on untenable grounds or reasons, considering the purposes of the trial court's discretion," it is an abuse of discretion. *Fiorito*, 112 Wn.App. at 663-64; *Cogle v. Snow*, 56 Wn.App. 499, 507, 784 P.2d 554 (1990). Ms. Ruddick has the burden to demonstrate that the Commissioner in this matter abused her discretion in the decision regarding what to use for a transportation credit. See e.g. *Schumacher v. Watson*, 100 Wn.App. 208, 211, 997 P.2d 399 (2000). It seems clear that she has met that burden in this matter.

D. The court should find this decision an abuse of discretion because it was outside the range of acceptable choices when the Commissioner gave the father credit for misc expenses such as food, and entertainment, and an expensive motel cost, and is inconsistent with the law on this issue.

This decision will be deemed an abuse of discretion where the record shows that even where the trial court "considered all the relevant factors" the award is unreasonable under the circumstances of the case. See *State ex. rel. J. V.G. v. Van Guilder*, 137 Wn.App. 417, 423, 154 P.3d 243 (2007). A court's decision is manifestly unreasonable if it is outside the

range of acceptable choices, given the facts and legal standard, or it is based on untenable grounds if the factual findings are unsupported, or it is based on untenable reasons if it is based on an incorrect standard or the facts do not meet the requirements of the correct standard. *In re Marriage of Littlefield*, 133 Wn.2d 39, 47, 940 P.2d 1362 (1997). Additionally, if the Commissioner's ruling is based on an "erroneous view of the law", it will be overturned. See e.g. *Wash. State Physicians Ins. Exch. & Ass'n v. Fisons Corp.*, 122 Wn.2d 299, 339, 858 P.2d 1054 (1993).

The Commissioner clearly, from this writer's view abused her discretion. First, and foremost, Mr. Ruddick clearly indicated in his declaration that within the amount's he used was "twice" what a normal visitation would cost because he was making up for the visitation he was found in contempt for missing. It is further manifestly unreasonable on the part of the Commissioner because she was using an amount for a visitation that he violated to set his visitation costs. This was patently unfair to Ms. Ruddick who not only lost out on her 2 week 2015 vacation by his bad faith violation, she now must pay for the visit that he missed and was in contempt for. Finally, there is nothing in the statute that says that he gets this unreasonable amount of lodging at \$265.00 a day for visitation, costs of his food while visiting and most of all entertainment, and a nice car to travel around in. Then to top that off, the commissioner denied the mother's request for diaper and other care costs, when the

father admitted that these things were needed for daily care and were extra expenses.

- E. The Commissioner showed a bias against the mother in her written decision that was inappropriate and may in fact been the reason for this unreasonable decision.

As was indicated in the Commissioner's decision letter, she said,

“... In fact, Mr. Ruddick was asking for \$500 a month in travel costs, with receipts and expense logs to justify that amount. I adjusted this cost to \$375 a month, to account for fluctuation, not having to purchase one-time expenses again, his own expenses and other inconsistencies that may arise in travel or lodging. **I would also add that Mr. Ruddick now only sees his children once a year due to this relocation, one that he opposed.** And this two week period he has with the children once a year should be a vacation with them, [sic] one they look forward to. My ruling stands on this issue.” See CP 294 & CP 307.

Any relocation where there is trial is obviously “opposed”. See *RCW* 26.09.405-915, specifically SS#520. The comment by the Commissioner that Mr. Ruddick opposed this relocation has nothing to do with application of the statute at *RCW* 26.19.080 et seq. In addition, this inappropriate statement comes just after the Commissioner sets an unreasonably high credit for a 2 week visit each year of \$4,500, as if she was justifying this decision.

It seems clear to this author that the statement that the father opposed this relocation is in many ways saying that the mother should not have made this move before she unloads an unreasonable amount of visitation costs on her, for the “opposing father”. The decision to relocate

by the custodial parent should never be a part of the decision-making process for a judge by law. See RCW 26.09.530.

*RCW 26.09.530 states in part, "In determining whether to permit or restrain the relocation of the child, the court may not admit evidence on the issue of whether the person seeking to relocate the child will forego his or her own relocation if the child's relocation is not permitted or whether the person opposing relocation will also relocate if the child's relocation is permitted. . ."* As was explained, this child support modification was an extension of the relocation trial to allow the mother to get settled and start her payments from the State of California (See CP 4 handwritten section), and was still part of that proceeding. *Id.* Therefore, such a comment on whether the mother should have relocated or not should never have been made by the Commissioner, and further suggests that the entire child support matter should be redone because of this prejudicial comment, bias, and statutory violation.

F. The Commissioner's denial of the mother's request for special expenses for these very handicapped children was an abuse of discretion.

Mr. Ruddick's declaration for costs for visitation included that he "spent \$500 on necessities such as diapers." This was clearly an admission that these things were important to the care of these children and are not something that are seemingly included in the child support statutes, and are therefore extraordinary. This may have been because of her bias against the mother for her move, or some other reason, but was

clearly inappropriate to give the parent who does not watch the children 350 days a year these expenses, and not give the mother the same expense as well. It is the essence of inconsistency in a ruling to give one party something the same as requested by the other party in a family law matter, who does not receive that benefit. See e.g. *State v. Cunningham*, 96 Wn.2d 31, 633 P.2d 886, (1981).

In the end, what this may be more about is the Commissioner's bias, than application of the statute. Ironically, we are suggesting that the father cannot include these expenses in the costs of transportation. It would seem logical then that the mother could not ask for these as well. However, this was not a "transportation" request by the mother, it was an extra-ordinary care request. Therefore, although the items are the same, where they fit in in the overall child support amount are different.

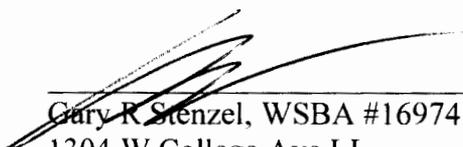
#### **IV. Conclusion**

The Respondent father filed a Modification of Child Support as he was instructed in the original relocation order. The hearing was held by argument and affidavit/declaration only. The Commissioner Pro tem that heard the case gave the father credit for having to go down to San Diego for his 2-week visitation annually in the amount of \$4,500 a year. Spread out over a year and retroactively this was almost a 50% reduction in the mother's support for these disabled children. This would be okay but for the fact that the expenses the Commissioner allowed were completely

inappropriate and included entertainment, food, clothing, expensive motels, rental car and even diapers (something she did not give the mother in her worksheet). Most of these expenses are not transportation expenses and in some ways are luxuries. This decision seemed also to be based on the commissioner's apparent bias about the mother moving to San Diego and should not have been an issue, and further seemed totally unfair since the mother was not able to recoup her lost vacation time for when the father did not visit, however, she specifically indicated that these costs would be for a "vacation time" for he and the kids.

Because these expenses are unreasonable, not needed for transportation, and based on what appears to be bias the mother asks them to be overturned and a new order be entered with just the air fare costs only, and that any retroactive support not include credit for visitations not taken.

Respectfully submitted this 6<sup>th</sup> day of December 2017 by,



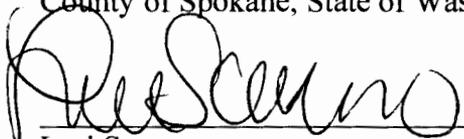
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Gary R. Stenzel, WSBA #16974  
1304 W College Ave LL  
Spokane, WA 99201  
509-327-2000  
509-327-5151 Fax  
[stenz2193@comcast.net](mailto:stenz2193@comcast.net)

### **Declaration of Mailing**

I, Lori Scarano, declare under penalty of perjury pursuant to the laws of the state of Washington that I am now and all times hereinafter mentioned was a citizen of the United States and a resident of Spokane County, State of Washington, over the age of twenty-one years; that on December 6, 2017 affiant enclosed in envelopes a copy of the Opening Brief to: Jason Nelson, 925 West Montgomery, Spokane, WA 99205

Said address being the last known address of the above-named individual, and on said date deposited addressed envelope by regular mail with postage prepaid in the United States Post Office in City and County of Spokane, State of Washington.

  
Lori Scarano