

NO. 66656-8-I

**IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION I**

FANTAHUEN M. HUSSEIN,

Appellant,

v.

MARINA GLISIC,

Respondent.

FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON
2012 FEB - 3 PM 4: 31

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RESPONDENT'S BRIEF

Kristofer L. Amblad, WSBA #30650
NORTHWEST JUSTICE PROJECT
 401 Second Ave S. Suite 407
 Seattle, Washington 98104
 Tel. (206) 464-1519
 Attorney for Respondent, Marina Glisic

ORIGINAL

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I. INTRODUCTION

The appellant Fantahuen Hussein has not met his burden to establish that the trial court erred in entering the following final orders: the Findings of Fact & Conclusions of Law; the Decree of Dissolution; the Final Parenting Plan; the Final Order of Child Support; the five-year Domestic Violence Protection Order; and the Judgment & Order for CR 11 Sanctions. He has not shown how the court manifestly abused its discretion or entered findings on unreasonable or untenable grounds. He cites no legal authority to challenge the substantial precedence upholding the due process afforded in private civil actions and the constitutionality of RCW 26.50 *et seq.* or RCW 26.09.191 RCW 26.09.191. Credible testimony and substantial evidence support the trial court's findings. Based on this evidence, the trial court exercised proper discretion in entering the final orders.

II. COUNTER STATEMENT OF THE CASE¹

Cases on Appeal: This appeal concerns the entry of final orders in two civil cases: a dissolution of marriage action (King County Superior Court Case #09-3-07867-3 SEA) and a Domestic Violence Protection

¹ Mr. Hussein's Statement of the Case is not a fair statement of the facts and procedure relevant to the issues presented here because a) most of his statements are not supported by any citation to the trial record or exhibits admitted at trial; and b) his statement more often states arguments than facts. It should be disregarded because it does not comply with RAP 10.3(a)(5). *See also, Sherry v. Financial Indem. Co.*, 160 Wn.2d 611, 615, 160 P.3d 31 (2007) at fn1 "We decline to consider facts recited in the briefs but not supported by the record."

Order action under RCW 26.50 *et seq.* (Case #09-2-01102-8 SEA). These are not criminal, dependency or termination of parental rights cases.²

Marina Glisic filed her protection order petition on September 29, 2009. CP 703-709. Mr. Hussein filed a Petition for Dissolution of Marriage on November 25, 2009. CP 4-11. On December 3, 2009, Court Commissioner Meg Sassaman entered an order consolidating the protection order case in the dissolution of marriage case. CP 771. The dissolution of marriage case was assigned to King County Superior Court Judge Dean Lum and originally scheduled for trial on October 25, 2010. CP 403-406.

Parties' Legal Representation & Interpreters: Mr. Hussein never requested appointment of counsel in these cases. He hired two private attorneys to represent him. On November 2, 2009, attorney Brian Todd appeared in the protection order matter. CP 729-730. After the hearing on December 3, 2009, Mr. Hussein fired Mr. Todd and hired attorney Sharon Blackford to represent him at the review hearing on January 26, 2010. CP 78-79. Ms. Blackford later appeared in the dissolution of marriage case on March 2, 2010. CP 102-104. On June 18, 2010, she filed her Notice of Intent to Withdraw effective July 5, 2010. CP 156-158. Mr. Hussein did not object to her withdrawal.

² At no point did these cases ever interject RCW 10.99 *et seq.* as stated by Mr. Hussein. AB at 10 and 17.

Mr. Hussein is originally from Ethiopia and speaks Amharic. RP 11/22/10 at 7. Although he understands and speaks English, he does not understand some English words. *Id.* To accommodate his language barrier, the Superior Court hired state certified Amharic interpreters for every hearing and every day of trial.³ When an interpreter was not available for the protection order hearing on October 13, 2009, the hearing was continued by agreement of the parties. CP 713.

Attorney Kristofer L. Amblad with the legal aid program Northwest Justice Project appeared and represented Ms. Glisic in the protection order case on December 1, 2009.⁴ On December 17, 2009, he appeared to represent Ms. Glisic in the dissolution of marriage case. CP 23. Mr. Amblad agreed to represent Ms. Glisic after she applied for and was determined eligible for legal aid assistance. Mr. Amblad was never appointed to represent Ms. Glisic contrary to Mr. Hussein's claim in his brief. AB 20.

Background of Parties: Ms. Glisic and Mr. Hussein started dating in 1996 and got married on December 19, 1999. RP 1/10/11 at 44. They

³ RP 12/3/09 at 2; RP 1/26/10 at 2; RP 10/8/10 at 2; RP 11/22/10 at 2; RP 11/30/10 at 2; RP 12/1/10 at 2; RP 1/10/11 at 2; RP 1/11/11 at 2.

⁴ Neither Mr. Amblad nor the Northwest Justice Project has any affiliation with the Northwest Defender Association or any other public defender agency, contrary to Mr. Hussein's statements. AB 18, 20, 21, 39. Mr. Amblad has never worked as a public defender in criminal proceedings during his legal career. As an attorney working for a qualified legal aid program, he is prohibited from providing services in criminal matters pursuant to RCW 2.53.030(2).

have two children: Agaziyan (born July 1998) and Ethiopia (born September 2000). RP 11/22/10 at 48. The parties separated on May 19, 2008, when the Seattle Municipal Court charged Mr. Hussein for domestic violence assault against Ms. Glisic and entered a criminal No Contact Order preventing him from coming within 500 feet of Ms. Glisic. RP 1/10/11 at 45; CP 539-540. On July 16, 2008, Mr. Hussein entered a Stipulated Order of Continuance (SOC) and the court issued another No Contact Order that did not expire until October 20, 2010. Ex. 2. On December 17, 2009, the Seattle Municipal Court revoked the SOC and entered a Judgment & Sentence finding him guilty of domestic violence assault. Ex. 17. The municipal court also entered a No Contact Order that expired on December 12, 2011. Ex. 18. Mr. Hussein's conviction for domestic violence assault has not been overturned on appeal. On December 21, 2011, he filed a Notice for Discretionary Review of his conviction. It is pending before this court under case #680595.

Domestic Violence Protection Order: In the petition Ms. Glisic filed on September 29, 2009, she described many incidents that caused her to fear Mr. Hussein would physically harm her and her children. CP 706-707. During the marriage, he used "plates, knives, and other objects against [her] and the kids." CP 707. On September 12, 2009, he threatened to hurt her, her children, and her dating partner at a park within two blocks

of her home. CP 706-707. Two weeks later, he stalked her at her son's soccer game in violation of the criminal No Contact Order and was arrested on September 26, 2009. *Id.* During both incidents, the children cried because they were in fear. *Id.* Most alarming to her was the recent discovery that in early September 2009, he moved into a home one block away from her home in spite of the No Contact Order. *Id.* She was concerned this would only lead to more threats, stalking, and intimidation. *Id.*

Ms. Glisic also filed several declarations from friends and neighbors who witnessed Mr. Hussein stalk, threaten, and harass her. CP 715-728. Among the declarations was one from Neale Frothingham, Agaziyan's soccer coach, who confirmed Mr. Hussein was stalking Ms. Glisic on September 26, 2009. CP 717-720.

After Mr. Hussein submitted declarations from his friends and church members, Ms. Glisic filed a reply declaration detailing more incidents of Mr. Hussein's domestic violence history. CP 744-749. These incidents include the time he pushed her out of a moving vehicle while she was pregnant in Portland in 1998 (CP 744); the time he punched her in her stomach while pregnant with Ethiopia in 2000 (CP 745); his arrest for assaulting her in 2001 (CP 745); and the incident on February 16, 2008, where he choked her and assaulted her (CP 745). This last incident led to

the assault charge in May 2008 and criminal No Contact Order. CP 746. She also described several incidents where he stalked and intimidated her at her home and at the children's school after the No Contact Order was issued. CP 746-749.

The protection order hearing was continued several times at the request of both parties until Court Commissioner Meg Sassaman heard the matter on the merits on December 3, 2009.⁵ On November 2, 2009, Ms. Glisic could not appear in person at the hearing because she was ill and asked by phone for a continuance. CP 729-730. Mr. Hussein and his attorney Brian Todd agreed to the continuance. CP 729-730.

At the hearing on December 3, 2009, Commissioner Sassaman reviewed all the materials by both parties (RP 12/3/09 at 6) and heard testimony from Mr. Hussein. *Id.* at 20-22. Mr. Hussein argued that Ms. Glisic was only asking for a protection order as revenge for him seeking an Anti-Harassment Order against her former dating partner Attiba Fleming. *Id.* at 12-14. He also requested the children not be included in the protection order. *Id.* at 12-14. Commissioner Sassaman was not persuaded by these arguments and found that Ms. Glisic met her burden of proving by preponderance of the evidence that "there is a history of domestic violence, stalking or harassment and that she has a reasonable fear of

⁵ See CP 713-714; 729-730; 734.

imminent bodily harm.” *Id.* at 27 l. 12-19. Based on this finding, she entered a one-year protection order that included both children. CP 761-765. The order required Mr. Hussein to enroll in domestic violence batterer’s treatment and the DV Dads parenting classes at Wellspring Family Services. CP 763. It also provided him with two hours of professionally supervised visits with the children every week upon his enrollment in batterer’s treatment. *Id.* This visitation order was subject to any orders entered in the dissolution case. RP 12/3/09 at 29.

Commissioner Sassaman referred the case to Family Court Services (FCS) for a Domestic Violence Assessment to determine whether the children should continue to be included in the protection order and how much contact the father should have with the children. CP 766-767.

On January 26, 2010, a hearing was held before Court Commissioner Lori K. Smith to review the recommendations made by FCS social worker Marti Hickey in the Domestic Violence Assessment she completed on January 25, 2010. Ex. 15. Ms. Hickey found Ms. Glisic’s allegations credible that Mr. Hussein engaged in abuse in front of the children. Ex. 15 at 8. She recommended the children remain protected parties in the protection order and that Mr. Hussein’s residential time with the children be professionally supervised until he demonstrates successful participation in DV batterer’s treatment for at least 90 days. Ex. 15 at 8-9.

Mr. Hussein agreed with the supervised visitation recommendation, but requested permission to attend batterer's treatment with a provider different from those recommended in the report. RP 1/26/10 at 9-10. Commissioner Smith denied his request and entered an order that adopted all of FCS' recommendations. CP 83-84.

Mr. Hussein did not file a Notice of Appeal within 30 days of the protection order entered on December 3, 2009, or the order modifying the protection order entered on January 26, 2010.

Administrative Order of Support: On July 26, 2010, a hearing was held before the Washington Office of Administrative Hearings to determine financial support for the children. RP 1/10/11 at 126. Both parties and the Division of Child Support (DCS) appeared at the hearing. *Id.* This action was initiated by DCS in March 2010 because Ms. Glisic had been receiving TANF public assistance since September 1, 2009. Ex. 23 at 1-2; Ex. 25. Mr. Hussein presented testimony and exhibits to contest the order of support proposed by DCS. *Id.* Mr. Hussein also cross-examined Ms. Glisic during the hearing. *Id.* On August 4, 2010, Administrative Law Judge Wynne O'Brien Persons entered an Administrative Order of Support requiring Mr. Hussein to pay \$645 per month for both children. Ex. 23 at 6. This calculation was based on a finding that Mr. Hussein's monthly net income is \$2,427. Ex. 23 at 5.

Because Mr. Hussein had not paid any child support to Ms. Glisic since she started receiving TANF, the court also ordered him to pay \$6,445 in back support to the State of Washington. Mr. Hussein never appealed this order.

CR 11 Sanctions Against Mr. Hussein: On July 13, 2010, Judge Lum entered an order sanctioning Mr. Hussein under CR 11, finding Mr. Hussein filed two frivolous motions on June 24, 2010. CP 291-293. As sanctions, Judge Lum ordered Mr. Hussein to pay terms in the form of the attorney's fees and costs incurred in responding to his frivolous motions. *Id.*

Pre-Trial Orders: Mr. Hussein filed two motions to extend the discovery cutoff deadline⁶ and continue the trial date a week before the court set the trial date for November 22, 2010. CP 485-491. Judge Lum denied both motions finding them untimely and unfairly prejudicial to Ms. Glisic. CP 507; RP 11/22/10 at 22.

On October 18, 2010, Ms. Glisic filed a Motion in Limine requesting 15 of Mr. Hussein's proposed 21 witnesses be precluded from testifying because they were not properly disclosed pursuant to King County Local Civil Rule (KCLCR) 26(b) and the deadlines in the Order Setting Case Schedule. CP 454-459. Judge Lum granted the motion

⁶ The discovery cutoff deadline pursuant to KCLCR 37(g) was September 20, 2010. CP 405.

finding Mr. Hussein's untimely disclosure of witnesses prejudiced Ms. Glisic's case. CP 508; RP 11/22/10 at 38.

Trial: The trial began on November 22, 2010, before Judge Lum. Due to inclement weather and Mr. Hussein's illness, the trial was continued after one day of testimony to January 10, 2011. CP 515. The court heard testimony from both parties, Neale Frothingham, Ed Greenleaf (FCS evaluator), and Keith Waterland (Mr. Hussein's domestic violence batterer's treatment provider). CP 584. At the conclusion of three days of testimony, the court issued its ruling on January 11, 2011. RP 1/11/11 at 171-175. The court entered the Findings of Fact and Conclusions of Law, Decree of Dissolution, the Parenting Plan, the Final Order of Support, and the Order for Protection on January 11, 2011. CP 532-583. See Appendix 1 – 7 for copies of all Final Orders.

III. ARGUMENT

A. Trial Court's Findings Are Binding On Appeal Because Appellant Did Not Properly Challenge Them.

This court should defer to the trial court's findings of fact and affirm its decisions because Mr. Hussein has not met his burden of showing how the trial court erred. His failure to meet his burden stems from his failure to submit a brief that complies with RAP 10.3. His brief fails to comply with RAP 10.3 because it 1) does not specify which findings of fact he contests; 2) contains many redundant assignments of

error that do not correspond to the issues presented or arguments made; 3) does not adequately argue the assignments of error with proper citation to authority and the trial record; and 4) it contains many self-serving statements that are not supported by the record. The fact that Mr. Hussein is pro se does not excuse him from compliance with these rules. *In re Marriage of Olson*, 69 Wn.App. 621, 626, 850 P.2d 527 (1993).

1. Mr. Hussein Does Not Assign Error To Any Specific Finding of Fact.

Mr. Hussein's twenty Assignments of Error do not comply with RAP 10.3(g), which states:

A separate assignment of error for each finding of fact a party contends was improperly made must be included with reference to the finding number. *The appellate court will only review a claimed error which is included in an assignment of error or clearly disclosed in the associated issue pertaining thereto* (emphasis added).

Washington case law has consistently reinforced this language. Assignments of Error to a trial court's entire findings of facts, without separate Assignments of Error for each contested finding, results in the trial court's findings becoming the established facts of the case. *See Pederson v. Pederson*, 41 Wn.2d 368, 249 P.2d 385 (1952); *Olivo v. Rasmussen*, 48 Wn.App. 318, 319 fn 1, 738 P.2d 333 (1987). As a result, appellate review is limited to determining whether the findings support the

conclusions of law and judgment. *In re Santore*, 28 Wn.App. 319, 323, 623 P.2d 702 (1981).

Not one of Mr. Hussein's twenty Assignments of Error specifically references the trial court's findings of fact by number. Only one of the Assignments of Error generally references the trial court's findings (AB at 6-7, Error 18), but this error too does not specify by number which finding he contests. As a result, Ms. Glisic and this court must review the entire record to speculate as to which findings of fact Mr. Hussein objects. This is impractical and inefficient. The purpose of RAP 10.3 and related rules "is to enable the court and opposing counsel efficiently and expeditiously to review the accuracy of the factual statements made in the briefs and efficiently and expeditiously to review the relevant legal authority." *State v. Cox*, 109 Wn.App. 937, 943, 38 P.3d 371 (2002). Because Mr. Hussein has not complied with this rule, all of the trial court's findings must become established facts of the case and this court should only determine whether those findings support the conclusions of law and orders. *Santore*, 28 Wn.App. at 323.

2. Mr. Hussein's Assignments of Error Do Not Align With His Issues or Arguments.

Under RAP 10.3(a)(4), Mr. Hussein's brief should contain "a separate concise statement of each error a party contends was made by the

trial court, together with issues pertaining to the Assignments of Error.” RAP 10.3(a)(6) requires the argument section to support the issues presented for review. Most of Mr. Hussein’s Assignments of Error are redundant⁷ and broad statements that often assert more than one error.⁸ None of the errors correspond linearly or concisely to the fourteen issues he presents.⁹ Likewise, the argument section is a jumble of run-on sentences that bounce back and forth haphazardly between issues.¹⁰ The result is a clutter of errors that do not track with the issues or arguments. This is extremely difficult to follow, making it difficult for Ms. Glisic to respond.

3. Mr. Hussein Does Not Argue His Assignments of Error with Proper Citation to Authority or the Trial Record.

“It is well settled that a party’s failure to assign error to or provide argument and citation to authority in support of an assignment of error, as required under RAP 10.3, precludes appellate consideration of an alleged

⁷ For example, Errors 1 and 2 allege the same error to protection order jurisdiction and Errors 8 and 19 allege the same error to property distribution.

⁸ For example, Errors 5, 6, 14, and 20 each contain multiple allegations of error that do not correspond to one concise issue or specify which findings he contests.

⁹ For example, Errors 1 and 2 are vaguely presented as both Issues 1 and 14; no issues discuss the trial court’s property distribution, despite several assignments of error to property distribution (Errors 6, 7, 8, 10, 18, and 19). Likewise, no issues discuss Errors 5 and 15 regarding the trial court’s entry of CR 11 sanctions.

¹⁰ AB pages 25-27 discusses property and debt distribution. On page 27, the argument jumps to due process arguments. Then in the middle of page 32, the argument jumps back to property and debt distribution. This all happens in a paragraph that starts on page 29 with a discussion of evidence to support the domestic violence findings. Before that paragraph ends on page 33, the argument returns to a discussion of due process.

error.” *Escude ex rel. Escude v. King County Pub. Hosp. Dist. No. 2*, 117 Wn.App. 183, 190 fn4, 69 P.3d 895 (2003). Many of Mr. Hussein’s assignments of error are not argued in the argument section of his brief.¹¹ Similarly, many of his assignments of error are only discussed in passing in the “Summary of Argument” section of his brief without any citation to legal authority. AB 22-25.¹² Most of his arguments fail to cite proper legal authority. For example, he frequently argues he was not afforded meaningful due process (AB at 27-29; 31-32; 33-35), but only references constitutional amendments briefly to support his allegation. Not once does he cite the predominant case regarding due process, *Mathews v. Eldridge*, 424 U.S. 319, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976), nor does he explain how the trial court failed to comply with this case. Because his assignments of error are not supported with argument and proper citation to authority, this court should not consider them pursuant to RAP 10.3.

¹¹ For example, Errors 6, 10, and 14 all allege the trial court erred in the calculation of child support, but no section of his argument discusses child support. Error 20 alleges the court erred by entering a protection order that did not expire for five years, but no section of his argument discusses this error either.

¹² Errors 1 and 2 allege the court had no jurisdiction to enter a protection order. These errors are only argued in one sentence on page 24 without any cite to legal authority. Likewise, Errors 5 and 15 regarding trial court’s entry of CR 11 is briefly argued without citation to legal authority on page 25.

4. Mr. Hussein's Brief Contains Self-Serving Statements and Materials Not Included or Supported by the Record.

According to RAP 10.3(a)(5) all factual statements must include a reference to the record. Appellate courts do not consider self-serving statements that are not supported by the record. *Housing Authority of Grant Co. v. Newbigging*, 105 Wn.App. 178, 184-185, 19 P.3d 1081 (2001). Mr. Hussein's Statement of the Case is not supported by citation to the trial record or court orders. His brief often misstates the record to create errors that did not exist. For example, Mr. Hussein frequently states his parental rights were terminated because the court ordered no visitation with his children nor any decision-making authority (*e.g.*, AB 2 at Error 4; AB 8 at Issue 3; AB 23 and 31). However, the Protection Order entered on December 3, 2009 (CP 763), and the order modifying the Protection Order entered on January 26, 2010 (CP 83-84), both provided him supervised residential time with the children while the dissolution case was pending. After trial, the court in the Final Parenting Plan ordered residential time with the children that gradually gets less restrictive if he makes progress with batterer's treatment. CP 571-583. He also has day-to-day decision making authority any time the children are with him. CP 581 at 4.1. This misstatement of the record is a self-serving fabrication to conflate the

nature of this case. As with all of his self-serving statements, it should be disregarded.¹³

Mr. Hussein also includes materials that were never part of the record. For example, the appendix of his brief contains a brief he filed on September 8, 2011, in King County Superior Court Case #11-1-3215-5 SEA. This brief was never part of the trial record and should be excluded.

Mr. Hussein's brief does not comply with RAP 10.3 and Ms. Glisic requests this court disregard his brief and affirm the trial court's findings of fact as facts of the case. For clarity, the remainder of this brief responds to Mr. Hussein's brief by tracking his general arguments and opposition to all of the final orders the court entered as opposed to his assignments of error or issue statements because of the flaws discussed above.

B. Mr. Hussein Is Not Entitled To Appointment of Counsel Because He Is Not Indigent.

This case is a private dissolution of marriage civil action that involved entry of a parenting plan for the children and a civil protection order. It is not, as Mr. Hussein contends, a quasi-criminal action, a

¹³ Other examples of self-serving statements: asserting Mr. Amblad had not appeared in the dissolution of marriage case in June 2010 when Mr. Hussein filed his motion to vacate (AB 18) when record shows Mr. Amblad had appeared (CP 23); asserting he filed a CR 41 motion to dismiss the divorce case that the court refused to consider (AB 18-19), but nothing in the record supports this claim; declaring he requested appointment of counsel at every juncture (AB 33, 34) with no cite to the record, when in fact he never requested this in any motion or at any appearance before the court; stating he was found "indigent for purposes of determining eligibility for legal aid services at each stage yet denied use of those public funds when needed most" (AB 34) but cites no part of the record to support this claim and in fact was not indigent (see argument Section B).

termination of parental rights action, or an action that provided him with a constitutional or statutory right to appointment of counsel at any stage of proceedings. Questions of law are reviewed *de novo*. *In re Marriage of Akon*, 160 Wn.App. 48, 57, 248 P.3d 94 (2011). In 2007, the Washington State Supreme Court decided this issue of law when it held that indigent parties do not have a constitutional right to publicly funded counsel in a purely private dissolution of marriage/parenting plan action. *King v. King*, 162 Wn.2d 378, 394, 174 P.3d 659 (2007). Mr. Hussein has not cited any authority that challenges *King*.¹⁴

Even if Mr. Hussein raised legitimate challenges to *King*, they would not apply to this case because Mr. Hussein is not indigent and was not indigent when this case was pending before the trial court. He earns \$17.57 per hour. Ex. 27. He works 40 hours per week. Ex. 27. His average monthly gross income is \$3,022.04, which would put him at 333% of the Federal Poverty Level for a single person. At this rate of pay, he would not be eligible for any free civil legal aid services by a Qualified Legal Service Provider as defined by the Washington State Bar Association in APR 8(e)(2). The fact that he hired two private attorneys to represent him

¹⁴ Mr. Hussein cites two cases to support his argument: *Molloy v. Molloy*, 247 Mich.App. 348, 637 N.W.2d 803 (2001) and *In re Smiley*, 36 N.Y.2d 433, 330 N.E. 2d 53 (1975). Both are out-of-state cases that are not binding on Washington. Both were decided before *King* and neither holds that parties are entitled to appointment of counsel in private civil actions.

in these matters demonstrates that he was not indigent and had the capacity and means to hire private counsel.

On April 5, 2011, Court of Appeals Commissioner Mary Neel found Mr. Hussein was not indigent, relying on the trial court's identical finding on March 15, 2011. See Appendix 8. This court affirmed both findings that Mr. Hussein was not indigent on June 28, 2011. See Appendix 9. Because Mr. Hussein was not indigent, he would not be eligible for appointed counsel.

C. Mr. Hussein Was Provided A Meaningful Opportunity to Be Heard.

In both the protection order and dissolution of marriage proceedings, the court always afforded Mr. Hussein a meaningful opportunity to be heard. Due process is a flexible concept; the particular situation determines its exact contours. *Mathews v. Eldridge*, 424 U.S. at 334. But “[t]he fundamental requirement of due process is the opportunity to be heard ‘at a meaningful time and in a meaningful manner.’” *Id.* at 333 (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552, 85 S. Ct. 1187 (1965)). While this issue is reviewed *de novo* (*Akon*, 160 Wn.App. at 57), Mr. Hussein neither cites the *Mathews* test nor explains how the court's procedure failed to comply with *Mathews*. He also cites no legal authority

or any part of the record to support his general argument that he was not given a meaningful opportunity to be heard.

1. Mr. Hussein Was Provided An Amharic Interpreter at Every Appearance Before the Court.

Mr. Hussein argues the court did not give him a meaningful opportunity to be heard by stating the court “moved forward without interpreters being provided at various junctures.” AB 17, 33-34. But the record shows that the court provided him with an Amharic interpreter at every appearance where substantive matters were decided.¹⁵ In addition, the trial court made sure Mr. Hussein and the Amharic interpreters could communicate and that Mr. Hussein could understand all that was said as the trial proceeded. RP 11/22/11 at 5-8.

2. The Court Exercised Proper Discretion By Granting Ms. Glisic’s Motion In Limine to Exclude Some Witness Testimony.

Mr. Hussein alleges his case was suppressed and he was not given a meaningful opportunity to be heard because he was not allowed to call 15 of the 21 witnesses he disclosed twelve days before trial. AB 18 and 33. He cites no legal authority supporting his argument.

The court’s decision to exclude witness testimony is reviewed to determine if the court abused its discretion. *Allied Financial Services v.*

¹⁵ RP 12/3/09 at 2; RP 1/26/10 at 2; RP 10/8/10 at 2; RP 11/22/10 at 2; RP 11/30/10 at 2; RP 12/1/10 at 2; RP 1/10/11 at 2; RP 1/11/11 at 2.

Mangum, 72 Wn.App. 164, 168, 864 P.2d 1 (1993), *amended*, 72 Wn.App. 164, 871 P.2d 1075 (1994). In *Allied*, the appellate court held the trial court did not abuse its discretion to exclude witness testimony because the pro se respondents “willfully violated” the pretrial discovery order and local rule requiring disclosure of witnesses without good cause. *Id.* at 169. A violation of a court order without reasonable excuse is deemed willful. *Id.* at 168.

Like the trial court in *Allied*, Judge Lum found that Mr. Hussein did not demonstrate good cause or a reasonable excuse for his failure to disclose 15 of his 21 witnesses by the deadlines set by KCLCR 26(b) and the Order Setting Case Schedule. CP 508. In addition, Judge Lum found that allowing Mr. Hussein to call those witnesses would unfairly prejudice Ms. Glisic’s case. CP 508; RP 11/22/10 at 38. Mr. Hussein cites no evidence in the record or any legal authority proving this was an abuse of the trial court’s discretion.¹⁶ The decision should be upheld.

3. The Court Did Not Prohibit Mr. Hussein From Offering Exhibits At Trial.

Citing no legal authority, Mr. Hussein argues he was not given a meaningful opportunity to be heard by stating the court prohibited him from offering exhibits at trial. AB 18 and 33. He misleads this court by

¹⁶ Notably, when given the opportunity to present witness testimony, Mr. Hussein decided to not call any of the six witnesses the court allowed. RP 1/10/11 at 8-9.

citing the RP out of context to allege the trial court precluded him from offering exhibits in response to improper ex-parte communications from Ms. Glisic's attorney on November 30, 2010. AB at 6 citing RP 11/30/10 at 6. The record shows that Judge Lum did not allow or entertain any improper ex-parte communications on November 30, 2010.¹⁷ The record also shows Judge Lum allowed Mr. Hussein to mark and offer all of his exhibits, many of which were admitted during the course of trial.¹⁸

D. The Court Exercised Proper Discretion When It Entered A Five Year Domestic Violence Protection Order Against Mr. Hussein.

1. Mr. Hussein Did Not Timely Appeal The Protection Order Entered On December 3, 2009.

RAP 5.2 requires a party to file a Notice of Appeal no later than 30 days after entry of the final court decision the party wants reviewed. Mr. Hussein assigns several errors to the Protection Order entered after a full hearing on the merits on December 3, 2009. AB 1-2, Errors 1, 2, and 3. However, Mr. Hussein never filed a Notice of Appeal within 30 days of this order's entry to contest it for lack of jurisdiction. This final order was entered under case #09-2-01102-8 SEA before the entire protection order matter was consolidated into the dissolution of marriage action. Both

¹⁷ "We can discuss scheduling issues, but I don't want to have any discussion on substantive issues." RP 11/30/10 at 9.

¹⁸ CP 585-591; AB 11/22/10 at 25-26, 34, 75-77; RP 12/1/10 at 12-13; RP 1/10/11 at 9-20.

parties appeared in person at the hearing on the merits and jurisdiction was never contested. While he cites no legal authority to support his assignments of error, this court should not consider any of them or any arguments regarding this order because it was not timely appealed. The court should limit any review to the Domestic Violence Protection Order entered by the trial court on January 11, 2011. CP 532-536.

2. The Standard of Review For A Protection Order Is Abuse of Discretion.

The decision to grant or deny a protection order is reviewed for an abuse of discretion. *In re Marriage of Stewart*, 133 Wn.App. 545, 550, 137 P.3d 25 (2006). A court abuses its discretion when its decision is manifestly unreasonable or based on untenable grounds. *In re Marriage of Kovacs*, 121 Wn.2d 795, 801, 854 P.2d 629 (1993). The court's findings will be upheld on appeal if they are supported by substantial evidence in the record. *Stewart*, 133 Wn.App. at 550. "Substantial evidence is the quantum of evidence sufficient to persuade a rational, fair-minded person the premise is true." *Akon*, 160 Wn.App. at 57.

The party claiming error has the burden of showing that a finding of fact is not supported by substantial evidence. *Fisher Props., Inc. v. Arden-Mayfair, Inc.*, 115 Wn.2d 364, 369, 798 P.2d 799 (1990). To determine sufficiency of evidence, the appellate court only needs to

consider evidence favorable to the prevailing party. *Akon*, 160 Wn.App. at 57. The appellate court must defer to the trial court when evaluating the persuasiveness of the evidence and credibility of the witnesses. *Burnside v. Simpson Paper Co.*, 123 Wn.2d 93, 108, 864 P.2d 937 (1994).

“Credibility determinations are solely for the trier of fact [and] cannot be reviewed on appeal.” *Morse v. Antonellis*, 149 Wn.2d 572, 574, 70 P.3d 125 (2003). Unchallenged findings of fact are verities on appeal. *In re Estate of Jones*, 152 Wn.2d 1, 8, 93 P.3d 147 (2004); RAP 10.3(g).

3. Substantial Evidence Supports Entry of the Protection Order for Five Years.

The evidence is substantial that Mr. Hussein committed multiple acts of domestic violence against Ms. Glisic over many years and that he would likely resume acts of domestic violence if the order were allowed to expire. The Protection Order should be upheld.

The Domestic Violence Prevention Act (DVPA), RCW 26.50 *et seq.*, is a civil act that authorizes a victim of domestic violence to petition the court for an order for protection. RCW 26.50.030. The petition for relief must allege “the existence of domestic violence” and must be accompanied by an affidavit under oath that states specific facts and circumstances supporting relief. RCW 26.50.030(1). “Domestic violence” is defined in part as “[p]hysical harm, bodily injury, assault, or the

infliction of fear of imminent physical harm, bodily injury or assault, between family or household members[.]” RCW 26.50.010(1). If the court finds that the petitioner has proven by preponderance of the evidence that the respondent has committed domestic violence, the court may enter an order that restrains the respondent from committing further acts of domestic violence and other relief reasonably calculated to protect the victim. RCW 26.50.060. If the court finds that the respondent “is likely to resume acts of domestic violence against the petitioner ... when the order expires,” the court has discretion to enter a protection order for a fixed period of time greater than one year. RCW 26.50.060(2).

Judge Lum heard and reviewed substantial evidence to support his finding that “the evidentiary requirements have been satisfied by preponderance of the evidence and the protection order should be issued.” RP 1/11/11 at 171. He heard Ms. Glisic testify about many acts of physical violence that occurred during their marriage, including incidents where Mr. Hussein punched her in the face and left her with black eyes and a busted lip. CP 542, Finding 16.¹⁹ He heard her testimony about the incident on February 16, 2008, where Mr. Hussein choked her and “bear hugged” her in front of the children and a neighbor. Id.²⁰ She also testified about how he stalked and harassed her at her home, school functions, and

¹⁹ See also RP 1/10/11 at 48-62.

²⁰ See also RP 1/10/11 at 63-72

at Othello Park in her neighborhood, even after a criminal No Contact Order was entered against him. CP 542, Finding 17.²¹ Judge Lum found her testimony credible. CP 543, Finding 18.

He also heard testimony from three other witnesses who corroborated Ms. Glisic's description of the violence and her fear of imminent physical harm. Neale Frothingham, Agaziyan's soccer coach, described how he saw Mr. Hussein stalking Ms. Glisic on September 26, 2009, and how she looked terrified. CP 542-543, Finding 17.²² Ed Greenleaf with FCS testified about his investigation into the allegations of domestic violence and found the mother's allegations credible based on his interviews with the parties and other third parties, the materials he reviewed, and court file. CP 541-543, Findings 14, 15, 20.²³ Judge Lum also heard from Keith Waterland, Mr. Hussein's batterer treatment provider, who testified about Mr. Hussein's admissions that he pushed Ms. Glisic once during the relationship and engaged in other abusive behaviors like breaking a table when he fought with her, screaming at her, and calling her bad names. CP 540, Finding 11.²⁴ Judge Lum found all of these witnesses credible. CP 540, 543, Findings 11, 18, 20. Their credibility is not reviewable on appeal. *Morse*, 149 Wn.2d at 574.

²¹ See also RP 1/10/11 at 92-118.

²² See also RP 1/10/11 at 80-85.

²³ See also RP 1/11/11 at 21-38.

²⁴ See also RP 1/11/11 at 112; 123.

In addition to this testimony, Judge Lum reviewed two reports from family court services that concluded the mother's allegations were credible and recommended entry of a protection order. Ex. 15 and 16; CP 539, Finding 7; CP 541, Finding 14. He reviewed a Judgment and Sentence entered by the Seattle Municipal Court that found Mr. Hussein was guilty of misdemeanor assault against Ms. Glisic. Ex. 17; CP 539-540, Finding 9. He also witnessed in court how Mr. Hussein behaved and treated Ms. Glisic during the trial, especially while he was cross examining her, noting in his ruling the following:

The record is ample that the father has not only met the statutory definition of domestic violence, but also the therapeutic definition of domestic violence, which is a power and control problem that we have seen played out in this trial here. In fact indeed, *the questioning that has occurred here, the litigation misconduct, the demeanor in court is all consistent with someone who has significant issues with power and control over the mother, but also a person who has not accepted responsibility for his actions and indeed has not made substantial progress in his domestic violence treatment.* RP 1/11/11 at 172 (emphasis added).

Based on all of this evidence, Judge Lum found that Mr. Hussein committed many acts of domestic violence against Ms. Glisic and that he “presents an ongoing risk of harm to [her] and the children.” CP 543, Finding 19. Judge Lum also found that “if this Protection Order were allowed to expire, the father would likely resume acts of domestic

violence against the mother and the children based on the father's history of acts of domestic violence, stalking, and his lack of progress in Domestic Violence treatment." CP 547, Finding 38. This court must defer to Judge Lum's findings regarding the persuasiveness of the evidence and credibility of the witnesses. *Burnside*, 123 Wn.2d at 108. Considering the vast amount of evidence and testimony supporting Ms. Glisic's allegations, Judge Lum exercised proper discretion in entering a protection order that would not expire for five years.

Mr. Hussein argues there was only one incident of domestic violence, but the record overwhelming shows this is not true. Mr. Hussein also argues the court should have given more weight to the fact that a jury acquitted him of two violations of the No Contact Order, but these were not the only incidents alleged by Ms. Glisic and the burden of proof for the jury was much higher than the preponderance of evidence standard in this civil case. Finally, Mr. Hussein contends the court erred by not giving more weight to his testimony that Ms. Glisic only requested the protection order as revenge for him seeking an anti-harassment order against her ex-boyfriend Attiba Fleming. But this goes to credibility, and Judge Lum explicitly found Mr. Hussein was not credible. CP 543, Finding 19. Credibility is not reviewable on appeal. *Morse*, 149 Wn.2d at 574.

4. The Restrictions in the Protection Order Are Not Unconstitutional.

Mr. Hussein argues that the restrictions entered against him by the trial court pursuant to the DVPA violate two fundamental constitutional rights: his First Amendment right to travel and his liberty interest to rear his children without state interference protected by the Fourteenth Amendment and derived from the privacy rights inherent in the constitution. He also alleges the restrictions in the protection order amount to “cruel and unusual punishment” prohibited by the Eighth Amendment. Where a fundamental right is involved, state interference is justified only if the state can show that it has a compelling interest and such interference is narrowly drawn to meet only the compelling state interest involved. *In re Custody of Smith*, 137 Wn.2d 1, 15, 969 P.2d 21 (1998), judgment affirmed by, *Troxel v. Granville*, 530 U.S. 57, 120 S.Ct. 2054, 147 L.Ed.2d 49 (2000). While these arguments are reviewed *de novo* (*Akon*, 160 Wn.App. at 57), Washington courts have consistently upheld the DVPA as constitutional under similar challenges.

a. DVPA Does Not Unlawfully Infringe On The Right to Travel.

Mr. Hussein objects to section 15 of the Protection Order that prevents him from coming within 500 ft. of Othello Park, a park that is within two blocks from Ms. Glisic’s home. CP 534; RP 1/10/11 at 102. He

argues this provision is unconstitutionally overbroad because it would force him to move to prevent a violation of the order. While the freedom of movement and travel is a protected liberty interest under the First Amendment, that freedom of movement cannot be used to impair the rights of others. *Spence v. Kaminski*, 103 Wn.App. 325, 336, 12 P.3d 1030 (2000), (citing *State v. Lee*, 135 Wn.2d 369, 390, 957 P.2d 741 (1998) (upholding former criminal stalking statute as constitutional)). “As with the stalking statute, the protection order of RCW 26.50 curtails an abuser’s right to move about when such movement is harmful or illegal and interferes with the victim’s right to be free of invasive, oppressive and harmful behavior.” *Spence*, 103 Wn.App. at 336. It is a reasonable exercise of police power requiring one person’s freedom of movement to give way to another person’s freedom not to be disturbed. *Spence*, 103 Wn.App. at 336.

Judge Lum heard plenty of testimony from Ms. Glisic and Ed Greenleaf about Mr. Hussein’s stalking behaviors, including his deliberate decision in spite of a criminal no contact order to move into a home that was a block from her home and across the street from the park she regularly took her children and pets.²⁵ CP 541-543, Findings 15, 16, 17, 18. Judge Lum found Ms. Glisic’s testimony credible about Mr. Hussein’s

²⁵ This finding is supported by testimony found in following sections of the RP: 1/10/11 at 96-99, 102-110, 115-118; 1/11/11 at 24-25, 39-41. See also Ex. 16 at 7-8.

stalking behaviors and the threats of harm that had already occurred at Othello park. CP 543, Finding 18. He found Mr. Hussein's denials were not credible. CP 543, Finding 19. Based on these credibility determinations and substantial evidence, Judge Lum's exercised reasonable discretion and police power in ordering Mr. Hussein to stay at least 500 feet away from Othello Park so that Ms. Glisic could be free from his invasive, oppressive and harmful stalking behaviors.

b. DVPA Does Not Unlawfully Infringe on the Right to Parent.

The State may interfere in a parental relationship when a child has been harmed or there is a credible threat of harm to the child. *Stewart*, 133 Wn.App. at 555-556. In *Stewart*, the court found that the fear the children suffered by witnessing their father regularly beat and threaten their mother constituted a psychological harm that was domestic violence. *Id.* at 551. Because the evidence amply supported including children in the protection order to protect them from harm, the *Stewart* court held the protection order did not unconstitutionally infringe on the father's right to parent. *Id.* at 556.

Mr. Hussein argued the children were never harmed, but Judge Lum did not find his testimony credible. CP 543, Finding 19. Judge Lum heard credible testimony from Ms. Glisic that the children frequently saw

and heard Mr. Hussein physically abuse her and this traumatized them. CP 542-543, Findings 16-18.²⁶ He heard testimony from Ed Greenleaf that the children likely witnessed this abuse and it was very harmful to them. RP 1/11/11 at 35-38. Judge Lum heard testimony from Mr. Frothingham, who corroborated the children's fear and trauma that Mr. Hussein's stalking caused on September 26, 2009. CP 543, Finding 17.²⁷ These credibility determinations are not reviewable on appeal. *Morse*, 149 Wn.2d at 574.

Judge Lum also reviewed the Domestic Violence Assessment prepared by Marti Hickey that recommended the children be included in the protection order "due to the mother's credible allegations that the father engaged in abuse in the presence of the children [and] the police reports and father's admitted violations of the No Contact Order in the presence of the children." Ex. 15 at 8; CP 539, Finding 7. Based on this substantial evidence, Judge Lum exercised reasonable discretion by including the children in the protection order. Because the protection order does not prohibit all residential contact with the children and is subject to the terms of the Final Parenting Plan (CP 535), this order, like the one in *Stewart*, does not violate Mr. Hussein's right to parent. It should be upheld.

²⁶ See also RP 1/10/11 at 59-62; 69-71, 98-99, 104-108.

²⁷ See also RP 1/10/11 at 80-85.

c. The Restrictions Are Not Cruel and Unusual Punishment.

Mr. Hussein argues the restrictions in the protection order amount to “cruel and unusual punishment,” but he cites no authority for his argument. As explained above, RCW 26.50.060 authorizes the court to enter any relief the court feels is reasonably needed to protect the safety of the victim and the victim’s children. At no point in his findings does Judge Lum state he entered the order to punish Mr. Hussein. Instead, Judge Lum found the relief entered in the order was reasonably necessary to protect Ms. Glisic and her children from the “ongoing risk of harm” presented by Mr. Hussein’s abusive and stalking behaviors. CP 543, Finding 18.

E. The Court Exercised Proper Discretion When It Entered the Final Parenting Plan.

Like a protection order, a trial court’s rulings establishing a parenting plan are reviewed for an abuse of discretion. *In re Marriage of Littlefield*, 133 Wn.2d 39, 46, 940 P.2d 1362 (citing *In re Marriage of Kovacs*, 121 Wn.2d 795, 801, 854 P.2d 629 (1993)). A trial court only abuses its discretion if its decision is manifestly unreasonable or based on untenable grounds or untenable reasons. *Littlefield*, 133 Wn.2d at 46-47. A court’s decision is manifestly unreasonable if it is outside the range of acceptable choices. *Id.* at 47.

The court's rulings regarding the Parenting Plan in this case are reasonable and squarely within the court's discretion. Like the protection order, Judge Lum properly entered a parenting plan with restrictions required by RCW 26.09.191 based on substantial evidence that 1) Mr. Hussein had a history of committing acts of domestic violence that harmed Ms. Glisic and the children and caused them to be in fear for their safety; and 2) Mr. Hussein engaged in abusive use of conflict that created a potential serious harm to the children's psychological well-being.

1. Substantial Evidence Supported The Domestic Violence Finding Under RCW 26.09.191(2)(a).

When establishing a parenting plan, the court must limit a parent's residential time and decision making authority with the children if the court finds that the parent "has engaged in(iii) a history of acts of domestic violence as defined in RCW 26.50.010(1)." RCW 26.09.191(1) and 2(a). As discussed extensively in Section D(3) above on pages 23-27 , the court heard substantial evidence to support the court's finding that Mr. Hussein had a history of committing acts of domestic violence and represented "an ongoing risk of harm to the mother and children." CP 538-543, Findings 6-20. Mr. Hussein cited no portion of the record or legal authority showing the court manifestly abused its discretion in making these findings.

2. Substantial Evidence Supported The “Abusive Use Of Conflict” Finding Under RCW 26.09.191(3)(e).

The court may also restrict a parent’s residential time and decision making authority if the court finds the parent engaged in “abusive use of conflict...which creates the danger of serious damage to the child's psychological development.” RCW 26.09.191(3)(e). Judge Lum made this finding based on evidence that Mr. Hussein demanded the children pressure Ms. Glisic drop her no contact order; the threats of harm he made in front of the children on September 12, 2009; the stalking at the son’s soccer game on September 26, 2009; and the increased conflict caused when Mr. Hussein decided to move within two blocks of Ms. Glisic’s residence in August 2009. CP 543-44, Findings 22 and 23. Mr. Hussein did not challenge these findings in his brief. They are verities on appeal. *In re Estate of Jones*, 152 Wn.2d at 8.

3. Substantial Evidence Supported Finding That Ms. Glisic Was Primary Residential Parent.

Based on Ms. Glisic’s credible testimony, the court found that the children resided primarily in her care since the parties’ separation and that it was in the children’s best interest to continue residing primarily with her. CP 544, Finding 23. Mr. Hussein says this was error, but offered no evidence other than his testimony that the children lived primarily with him. Judge Lum found he was not credible. *Id.* This court must defer to

these findings. *Burnside*, 123 Wn.2d at 108. Credibility is not reviewable on appeal. *Morse*, 149 Wn.2d at 574.

4. The Court Properly Entered Restrictions Authorized by RCW 26.09.191.

When a court finds that a parent has committed a history of acts of domestic violence, the court must restrict that parent's residential time and cannot authorize joint decision making. RCW 26.09.191. When crafting limitations, RCW 26.09.191(2)(m) states:

The limitations imposed by the court ... shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. The limitations shall also be reasonably calculated to provide for the safety of the parent who may be at risk of physical, sexual, or emotional abuse or harm that could result if the parent has contact with the parent requesting residential time. *The limitations the court may impose include, but are not limited to: Supervised contact between the child and the parent or completion of relevant counseling or treatment.* (emphasis added).

Based on the substantial evidence presented at trial, Judge Lum entered a parenting plan that adopted all of the restrictions recommended by the Family Court Services Parenting Plan Evaluator, Ed Greenleaf.²⁸ Ed Greenleaf recommended a phased in residential plan that starts with professionally supervised visits and gradually gets less restrictive as Mr. Hussein meets certain milestones like completing batterer's treatment and

²⁸ See CP 543, Finding 20; CP 544, Findings 23 and 24; CP 549-550, Conclusions 3-9; RP 1/11/11 at 173-174.

moving at least a mile away from Ms. Glisic. RP 1/11/11 at 39-41. Ed Greenleaf testified that these restrictions were necessary to ensure Ms. Glisic's and the children's safety. *Id.* If Mr. Hussein can complete these milestones, it would also demonstrate he takes accountability for his abusive behaviors and is less of a risk of harm to the children. *Id.* at 41. The court agreed. CP 543, Finding 20; RP 1/11/11 at 174.

Mr. Hussein provides little reasoning to support his contention that the plan is manifestly unreasonable, only that he disagrees with it. To the contrary the Parenting Plan entered by the court is supported by the facts in the record. He argues the requirements exceed the authority granted by RCW 26.09.191, but cites no legal authority to support his argument.

5. The Restrictions in the Parenting Plan Are Constitutional.

Mr. Hussein generally argues the restrictions authorized by RCW 26.09.191 unconstitutionally infringe on his fundamental right to parent his children and by depriving him of the right to "parent one's own flesh," the state has imposed cruel and unusual punishment. AB 31. While these arguments are reviewed *de novo* (*Akon*, 160 Wn.App. at 57), he cites no legal authority for his arguments other than passing references to the Fourteenth and Eighth Amendments.

Washington courts have upheld the constitutionality of RCW 26.09.191 restrictions against such challenges as long as the court enters express findings to support the restrictions and the restrictions are reasonably calculated to address the identified harm. *See e.g., Katare v. Katare*, 125 Wn.App. 813, 826, 105 P.3d 44 (2006); *In re Marriage of Chua and Root*, 149 Wn.App. 147, 372, 202 P.3d 367 (2009). No reported Washington case has ever found RCW 26.09.191 violates the Eighth Amendment. Judge Lum made twenty express findings to support the restrictions and explained how each restriction was reasonably calculated to address Mr. Hussein's domestic violence and abusive use of conflict. CP 538-550, Findings 6-23; Conclusions 3-9. Mr. Hussein has not met his burden to show how these findings were unreasonable or unfounded. *Fisher Props., Inc.*, 115 Wn.2d at 369.

F. The Property and Debt Distribution Was Fair, Just, and Equitable.

Mr. Hussein contends the court distributed property and debt unfairly, but he cites no part of the record that demonstrates the court manifestly abused its discretion. A party challenging a property distribution must demonstrate that the trial court manifestly abused its discretion. *In re Marriage of Gillespie*, 89 Wn.App. 390, 398, 948 P.2d 1338 (1997). Courts have broad discretion in valuing property and will

only be overturned if there has been a manifest abuse of discretion. *Id.* at 403. It is not a manifest abuse of discretion if the valuation is within the scope of the evidence. *In re Marriage of Mathews*, 70 Wn.App. 116, 122, 853 P.2d 462, *review denied*, 122 Wn.2d 1021 (1993). “When exercising this broad discretion, a trial court focuses on the assets then before it—i.e., on the parties' assets at the time of trial. If one or both parties disposed of an asset before trial, the court simply has no ability to distribute that asset at trial.” *In re Marriage of Kaseburg*, 126 Wn.App. 546, 556, 108 P.3d 1278 (2005) (citing *In re Marriage of White*, 105 Wn.App. 545, 549, 20 P.3d 481 (2001)).

1. The Parties Had No Community Property to Divide.

The issue before the trial court was not the characterization of property, but whether any property existed that needed to be divided. Ms. Glisic testified that there was no longer any property acquired during the marriage for the court to divide. RP 1/10/11 at 131. The court found her testimony credible, finding the parties fairly and equitably divided all community property before this case was filed. CP 545, Finding 27. Credibility is not reviewable on appeal. *Morse*, 149 Wn.2d at 574. With no assets before it, the court exercised proper discretion by awarding Mr.

Hussein the property in his possession and Ms. Glisic the property in her possession. CP 553.

Mr. Hussein disagrees with this order, but he doesn't meet his burden to show it was based on untenable grounds. *Fisher Props., Inc.*, 115 Wn.2d at 369. During his testimony, he stated his belief that Ms. Glisic took \$100,000 from joint bank accounts during the course of the marriage, but he offered no evidence at trial to support his allegation. He also alleged at trial that Ms. Glisic took \$41,000 from a joint CD bank account Ms. Glisic opened in 2007. But Ms. Glisic offered an exhibit admitted at trial that showed Mr. Hussein took \$41,423.08 from this account on May 6, 2008, and then closed the account. Ex. 29 and 30. He admitted on cross examination that he took this money.²⁹ Considering the substantial evidence provided by Ms. Glisic and the lack of evidence provided by Mr. Hussein, the court properly found Mr. Hussein's allegations about property were not credible. CP 545, Findings 30 and 31.

2. Mr. Hussein Did Not Assign Error To Specific Findings On Debt Division.

While Mr. Hussein generally assigns error to the court's division of debts, he assigns no error to any of the court's specific findings regarding debt division. See CP 545-546, Findings 32, 33, 34, and 35.

²⁹ RP 1/10/11 at 35, lines 3-6: "Q: And in fact on May 6, 2008, it was closed when you withdrew \$41,423.08 from that account, correct? A: Yes."

Because he failed to comply with RAP 10.3, these findings are established facts of the case. *Pederson*, 41 Wn.2d at 368. The court found that the parties had no community debts to divide based on Ms. Glisic's credible testimony. CP 545, Finding 32. RP 1/11/11 at 130. The court reviewed an order that confirmed the parties' community debt to their former landlord was satisfied (Ex 31); a court order that held the landlord debt was properly garnished from community funds (Ex. 32); and Ms. Glisic's bank accounts statements from 2010 that verified she had very little income to support her and her children (Ex. 24). This evidence amply supports the court's finding that all previously known community debts were satisfied; and the finding that ordering Ms. Glisic to reimburse Mr. Hussein for any payments he made towards those debts would not be fair or equitable based on Ms. Glisic's economic circumstances. CP 545-546, Findings 32 and 33.

G. The Court Exercised Proper Discretion Entering the Final Order of Child Support.

This court should uphold the Order of Child Support Judge Lum entered because Mr. Hussein did not assign any error to the court's income findings, transfer payment calculation, or the other relief entered in the child support order. Mr. Hussein only assigns error without argument to the court's refusal to order an offset towards back support that a different

court entered in a different case. *See Ex. 23*. Because back support was not an issue presented to the trial court, Mr. Hussein cannot attack back support that a different court ordered under the legal principle of *res judicata*.

1. The Court's Findings Support The Award of Child Support.

An appellate court will not overturn an award of child support unless the party challenging the award demonstrates that the trial court's decision is manifestly unreasonable, based on untenable grounds, or granted for untenable reasons. *In re Marriage of Peterson*, 80 Wn.App. 148, 152-153, 906 P.2d 1009 (1995), *review denied*, 129 Wn.2d 1014 (1996). Mr. Hussein assigns no errors to the court's findings or any portion of the final order entered, including the findings regarding the parties' incomes, calculation of current and future support, and the court's finding that a deviation was not requested. These findings are all verities on appeal. *In re Estate of Jones*, 152 Wn.2d at 8. The findings all support the order entered by the court.

2. Back Support Was Not An Issue Before the Trial Court.

Ms. Glisic never requested an order for back support. RP1/11/11 at 143. Senior Deputy Prosecuting Attorney Carol Bryant, who appeared on behalf of the State, also did not request an order of back support. RP

11/22/10 at 9. At trial, Ms. Bryant informed the court that the administrative court in a different case entered an order of back support and that case was not appealed. *Id.* See also Ex. 23. Ms. Bryant requested under the principle of *res judicata* that the court not enter any orders that would conflict with the administrative order. Judge Lum agreed and properly refused to entertain any arguments regarding back support ordered by the administrative court. RP at 144. Mr. Hussein has not met his burden to show the court acted unreasonably or on untenable grounds. *Peterson*, 80 Wn.App. at 152-153.

3. *Res Judicata* Prohibited A Collateral Attack on the Administrative Order of Back Support Entered In A Different Case.

Res judicata refers to “the preclusive effect of judgments, including the relitigation of claims and issues that were litigated, or might have been litigated, in a prior action.” *Loveridge v. Fred Meyer, Inc.*, 125 Wn.2d 759, 763, 887 P.2d 898 (1995). For the doctrine to apply, a prior judgment must have a concurrence of identity with a subsequent action in (1) subject matter, (2) cause of action, and (3) persons and parties, and (4) the quality of the persons for or against whom the claim is made. *Id.* at 763.

Judge Lum did not err in applying *res judicata* when Mr. Hussein tried to collaterally attack the back support award entered in a different

case. Mr. Hussein's argument for the offset before Judge Lum was the same argument litigated by all parties, including the State, in the administrative matter. Ex. 23 at 1. Mr. Hussein had an opportunity to present exhibits, testimony, and cross-examine witnesses on this issue in the administrative case. Ex. 23 at 1. The administrative court considered the evidence and testimony of the parties and did not find Mr. Hussein's argument regarding the offset credible. Ex. 23 at 3. The administrative court entered an order for back support on August 4, 2010, and Mr. Hussein did not appeal it. Ex. 23; RP 11/22/10 at 9. Because Mr. Hussein cites no portion of the record that proves his offset argument differed substantially from the one litigated by the administrative court, this court should affirm Judge Lum's decision to apply *res judicata* to this issue.

H. The Court Exercised Proper Discretion In Entering CR 11 Sanctions Against Mr. Hussein in the Form of Attorney's Fees And Costs.

1. The Court Did Not Abuse Its Discretion Entering CR 11 Sanctions.

The standard of appellate review for CR 11 sanctions is the abuse of discretion standard, bearing in mind that the purpose of CR 11 is to deter frivolous filings and abuses of the judicial system. *Biggs v. Vail*, 124 Wn.2d 193, 197, 876 P.2d 448 (1994). Judge Lum found Mr. Hussein's motions were improperly filed, did not comply with CR 60, and were not timely served on Ms. Glisic. CP 292. Judge Lum also found Mr. Hussein's

motions were not well-grounded in fact, not warranted by existing law, and were filed for the improper purpose of harassing and intimidating Ms. Glisic. *Id.* Mr. Hussein cites no authority or portion of the record proving the court acted on unreasonable or untenable grounds. The order should be affirmed.

2. Legal Aid Is Entitled To Attorney's Fees.

Mr. Hussein assigns error to the award of attorney's fees for services provided by Northwest Justice Project because it is a legal aid service provider that cannot charge Ms. Glisic for fees. However, nothing in RCW 2.53 *et seq.* prohibits such an award if attorney's fees are authorized by another statute or rule. Indeed, 45 C.F. R. § 1642.2(b)(3) expressly authorizes federally funded legal aid programs to receive payments of attorney fees "as a result of sanctions imposed by a court for violations of court rules or practices, statutes relating to court practices including Rule 11 or discovery rules of the Federal Rules of Civil Procedure or similar State court rules..." A general prohibition on federally funded legal aid programs claiming attorney fees was rescinded effective December 16, 2009 pursuant to Pub. L. 111-117, Section 533.

In Washington, *Tofte v. Department of Social and Health Services*, 85 Wn.2d 161, 531 P.2d 808 (1975), is the lead case on point. In that case, the Supreme Court held that the fundamental underpinning of the statutory

provision authorizing the fee award is determinative and the petitioner's representation by a non-profit legal aid program was irrelevant to whether the successful litigant was entitled to attorney's fees. *Tofte*, 85 Wn.2d at 165 (citing California case holding that successful fee applicant represented by legal aid program was not required to actually incur an attorney fee to be eligible for an award – citation omitted). Here, the "fundamental underpinning of the fee award provision" in CR 11 entitled Ms. Glisic and the Northwest Justice Project to an award of attorney's fees and costs as a proper sanction against Mr. Hussein for filing a frivolous motion before the trial court. The fact that Northwest Justice Project is a legal aid service provider is irrelevant. The order should be upheld.

IV. CONCLUSION

Substantial evidence and credible testimony supported the trial court's extensive findings that Mr. Hussein committed several acts of domestic violence against Ms. Glisic and their children. Based on these findings, the trial court exercised proper discretion in entering a five-year Domestic Violence Protection Order and a restrictive Final Parenting Plan, each of which the court determined were necessary to protect Ms. Glisic and the children from Mr. Hussein's ongoing risk of harm.

The trial court exercised proper discretion in its distribution of property and debts and its entry of the Final Order of Child Support based on findings also supported by substantial evidence and credible testimony.

At every stage of this civil case, Mr. Hussein was provided a meaningful opportunity to be heard. He had the means and capacity to hire attorneys, and hired two to represent him during the course of this action. He was provided Amharic interpreters at every hearing and during the trial. He was able to present all of his exhibits. He was given the opportunity to present witness testimony, although he chose not to do so.

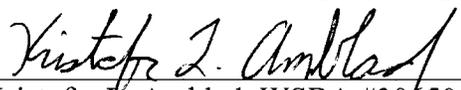
The court exercised proper discretion in entering CR 11 sanctions against Mr. Hussein based on findings that he filed untimely, frivolous, and abusive motions. The court properly limited the number of witnesses Mr. Hussein could call during trial based on findings that he did not timely disclose these witnesses to Ms. Glisic as required by local rules.

Mr. Hussein failed to meet his burden on appeal to show that the trial court clearly abused its discretion—that no reasonable judge would have ruled the same way—on any one of these issues. He cites no legal authority and provides no argument to overturn the Supreme Court's decision in *King v. King*, 162 Wn.2d 378, 394, 174 P.3d 659 (2007). He cites no legal authority to overturn precedent upholding RCW 26.50 *et*

seq. and RCW 26.09.191 as constitutional statutes. The trial court's findings, judgments, and orders should be affirmed.

RESPECTFULLY SUBMITTED this 3rd day of February, 2012.

NORTHWEST JUSTICE PROJECT



Kristofer L. Amblad, WSBA #30650

401 Second Ave S. Suite 407

Seattle, WA 98104

Tel. (206) 464-1519

Fax (206) 624-7501

Attorney for Respondent, MARINA
GLISIC

V. APPENDIX

DOCUMENT	DATE	PAGES
1. Findings of Fact and Conclusions of Law – Judge Dean Lum, King County Superior Court	1/11/2011	CP 537-551
2. Decree of Dissolution – Judge Dean Lum, King County Superior Court	1/11/2011	CP 552-556
3. Parenting Plan – Judge Dean Lum, King County Superior Court	1/11/2011	CP 571-583
4. Order of Child Support & Child Support Worksheets – Judge Dean Lum, King County Superior Court	1/11/2011	CP 557-570
5. Order for Protection – DV – Judge Dean Lum, King County Superior Court	1/11/2011	CP 532-536
6. Judgment & Order Striking Petitioner’s Hearing and Granting CR 11 Sanctions Against Petitioner – Judge Dean Lum, King County Superior Court	7/13/2010	CP 291-293
7. Order Granting Respondent’s Motion in Limine – Judge Dean Lum, King County Superior Court	11/29/2010	CP 508-509
8. Notation Ruling on Motion – Commissioner Mary Neel, Court of Appeals	4/5/2011	
9. Order Denying Motion to Modify and Request for Relief from Order – Court of Appeals	6/28/2011	

APPENDIX 1

Findings of Fact and Conclusions of Law –
Judge Dean Lum, King County Superior Court

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**SUPERIOR COURT OF WASHINGTON
COUNTY OF KING**

In re the Marriage of:	
FANTAHUEN HUSSEIN	Petitioner,
and	
MARINA GLISIC	Respondent.

No. 09-3-07867-3 SEA

**Findings of Fact and
Conclusions of Law
(FNFL)**

I. BASIS FOR FINDINGS

THIS MATTER came before the Honorable Dean Lum of the above-entitled court for a bench trial on the Petition for Dissolution of Marriage filed by the husband, Fantahuen Hussein. The trial was held on November 22 and 30, 2010; December 1, 2010; and January 10 through 11, 2011. The Petitioner/husband appeared pro se. The Respondent/wife Marina Glisic appeared and was represented by Kristofer L. Amblad of the Northwest Justice Project. The court heard testimony from both parties, as well as several other witnesses. The court considered the exhibits admitted in evidence. Based on the foregoing, the court enters the following Findings of Fact and Conclusions of Law.

ORIGINAL

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II. FINDINGS OF FACT

Upon the basis of the court records, the court *Finds*:

2.1 The Parties

1. The petitioner, Fantahuen Hussein, is a resident of the State of Washington. The respondent, Marina Glisic, is a resident of the State of Washington. The parties have two children in common: Agaziyan Mengesha (age 12) and Ethiopia Mengesha (age 10).

2.2 Basis of Personal Jurisdiction

2. Washington has jurisdiction to enter final orders in this case. Both parties reside in Washington and the parties conceived children while within Washington.

2.3 Jurisdiction Over the Children

3. This Court has jurisdiction over the parties' two children because Washington is their home state. Both children were born in Washington and lived in Washington with a parent for at least six consecutive months immediately preceding the commencement of this proceeding.

2.4 Marriage and Separation

4. The parties were married on December 19, 1999, in Seattle, Washington and separated on May 19, 2008.

2.5 Dissolution Action

5. The father commenced this action when he filed a Petition for Dissolution of Marriage on November 25, 2009. The mother appeared and responded to the petition.

2.6 Domestic Violence Protection Order

6. On September 29, 2009, the mother filed a petition for a domestic violence protection order under case number 09-2-01102-8 SEA. On December 3, 2009, the court entered a one-year protection order that protects the mother and the children from any contact with the father. The court ordered professionally supervised visitation for the father for up to 2 hours

1 each week. The court ordered the father to participate in domestic violence perpetrator treatment
2 and the DV Dads parenting classes at Wellspring Family Services. The court consolidated the
3 protection order case with this dissolution case and referred the case to Family Court Services
4 (FCS) for a Domestic Violence Assessment. The order was admitted into evidence at trial.

5 7. Marti Hickey of FCS did a Domestic Violence Assessment and prepared a report
6 on January 25, 2010. In her report, Ms. Hickey found the mother provided credible detailed
7 information that the father had been abusive to her in the presence of the children on numerous
8 occasions. Ms. Hickey found the father admitted to violations of the mother's criminal No
9 Contact Order in the presence of the children. Based on these findings, she recommended that
10 the children continue to be included in the protection order; the father's visitation continue to be
11 professionally supervised at his expense; and the father reenroll in and complete Domestic
12 Violence Perpetrator Treatment with either Wellspring Family Services or Anger Control
13 Therapies & Treatment (ACT&T). Her report was admitted into evidence at trial.

14 8. On January 26, 2010, Commissioner Lori K. Smith modified the mother's
15 domestic violence protection order based on Marti Hickey's recommendations. The modified
16 order requires the father to enroll in and complete ACT&T's Domestic Violence Perpetrator
17 Treatment program and ordered professionally supervised visitation for the father. The order
18 was admitted into evidence at trial.

19 **2.7 Father's Criminal Conviction for Domestic Violence Assault**

20 9. On May 19, 2008, under Seattle Municipal Court Case #520274, the father was
21 charged with Domestic Violence Assault in the Fourth Degree for assaulting the mother on
22 February 16, 2008. At trial, the mother testified that the father choked her in the presence of the
23 parties' two minor children on February 16, 2008. This court finds the mother's testimony
24 credible. The father admitted during his testimony that he entered a Stipulated Order of

1 Continuance (SOC) in July 2008, but denied committing the acts of domestic violence for which
2 he was charged. This court does not find the father's testimony credible. On December 17, 2010,
3 the Seattle Municipal Court revoked the father's SOC and entered a Judgment & Sentence Order
4 finding him guilty of Domestic Violence Assault in the Fourth Degree against the mother. The
5 Stipulated Order of Continuance and the Judgment & Sentence were admitted into evidence at
6 trial.

7 **2.8 Treatment Requirements**

8 10. In 2008 and 2009, the father participated in 38 weeks Domestic Violence treatment
9 at Wellspring Family Services as required by his criminal SOC. He was terminated from the
10 program in October 2009. Mark Adams of Wellspring Family Services testified at trial about the
11 father's participation in their treatment program. Mr. Adams testified that the father initially made
12 some progress in treatment by acknowledging he "grabbed Marina in a bear hug" and yelled at her.
13 By September 2009, the father denied making those statements and strongly identified himself as a
14 victim. Mr. Adams decided to discontinue the father's domestic violence treatment in October
15 2009 because the father showed no signs of progress after 38 weeks of treatment. The court finds
16 Mr. Adams testimony credible. The monthly status reports for the father's treatment were
17 admitted into evidence at trial.

18 11. In February 2010, the father enrolled in Domestic Violence treatment with ACT&T
19 and is currently participating in that program. Keith Waterland of ACT&T testified about his
20 initial intake with the father. Mr. Waterland testified that the father admitted to pushing the mother
21 once during their relationship and to engaging in other abusive behaviors like breaking a table
22 when he fought with her, screaming and yelling, name calling, and saying bad things about her.
23 The court finds Mr. Waterland's testimony credible. ACT&T's Summary of Findings from Intake
24 for Services was admitted into evidence at trial.

1 2.9 Father's Contact With the Children

2 12. The father has not had any visitation with the children since September 2009. The
3 father has not exercised any professionally supervised visitation with the children since the
4 protection order was entered on December 3, 2010.

5 2.10 Parenting Plan

6 13. The parenting plan signed by the court on today's date is approved and incorporated
7 as part of these findings. This parenting plan is in the best interests of the child and contains
8 limitations on the father's contact with the child pursuant to RCW 26.09.191(1) and RCW
9 26.09.191(2)(A).

10 Parenting Plan Evaluation . . .

11 14. . . Ed. Greenleaf of Family Court Services (FCS) completed a parenting plan
12 evaluation of the parties and prepared a report on September 29, 2010. He interviewed both
13 parties, interviewed both children alone, conducted parent-child observations with the mother, and
14 received input from the following people: Tracee Parker with Safe Havens Visitation Program;
15 Mark Adams; Michael Swanson from ACT&T; and Maria Maier, a licensed social worker who
16 provided two sessions of marital counseling for the parties in September 2007. Mr. Greenleaf also
17 reviewed FCS's Domestic Violence Assessment from January 25, 2010, and attached it to his
18 report as part of his findings. The parenting plan evaluation was admitted into evidence at trial.

19 15. Mr. Greenleaf concluded that the father has a history of acts of domestic violence
20 sufficient to support a finding under RCW 26.09.191 and restrictions on the father's residential
21 time with the children. He concluded the father's lack of progress in treatment and his deliberate
22 decision to move into a residence in close proximity to the mother's residence warrant additional
23 and ongoing restrictions on the father's residential time. He recommended sole decision-making
24 authority be granted to the mother because of the father's history of acts of domestic violence. He

1 also recommended that the children remain in the primary residential care of the mother, and that
2 the father's residential time continue to be professionally supervised at the father's expense until he
3 completes domestic violence treatment. If the father completes treatment, he recommends that the
4 father move his residence at least one mile away from the mother's residence before having
5 increased unsupervised time with the children.

6 **Statutory Limitations on Contact with the Children**

7 Domestic Violence:

8 16. The mother alleges the father engaged in multiple acts of physical violence during
9 their relationship, including many incidents where he punched her in the face and left her with
10 black eyes and a "busted lip." She also described many incidents where he grabbed her and
11 choked her such as the incident on February 16, 2008, which ultimately led to his criminal
12 conviction and separation of the parties. She also explained how the children frequently saw and
13 heard the father's physical abuse against the mother and how witnessing this abuse traumatized
14 them.

15 17. The mother also alleged the father stalked her and continues to harass and
16 intimidate her, even after No Contact Orders and the Domestic Violence Protection Order were
17 entered. After the parties separated, she described how the father came to school functions for the
18 children, where he would sit behind her and yell at her to drop her No Contact Order. She
19 described how he frequently walked outside her residence and hid in bushes outside her home to
20 monitor her. She described how the father chose to move within two blocks of her residence in
21 August 2009 and how she lives every day in fear because of his close proximity to her. She
22 described how his decision to move close to her prevents her from going to a park she used to
23 frequent with the children and their pets. She explained how the father threatened and attempted to
24 harm her while she was in that park on September 12, 2009. She also described her fear when the

1 father unexpectedly came to the son's soccer game on September 26, 2009, after which he was
2 arrested for violation of her No Contact Order. Neale Frothingham, the son's former soccer coach,
3 also testified about the father's stalking behavior on September 26, 2009. His testimony
4 corroborates the fear described by the mother and the conflict the father's actions caused for the
5 children.

6 18. The mother's descriptions of domestic violence and stalking are credible and her
7 actions are consistent with those of someone who has experienced abuse. The father's behavior
8 presents an ongoing risk of harm to the mother and children.

9 19. The father denies all allegations of physical abuse and stalking; however, the
10 father's denials are not credible.

11 20. The information from Ed Greenleaf, Mark Adams, and Keith Waterland support a
12 finding that the father's belief system regarding his abuse of the mother reflects a lack of
13 accountability for his actions and that the father would benefit from domestic violence perpetrator
14 treatment. Domestic violence treatment is a substantial part of ensuring the mother's safety; if the
15 father cannot complete domestic treatment with ACT&T, the father shall only have professionally
16 supervised residential time with the children. If he completes treatment with ACT&T and provides
17 proof of completion to the mother and the court, his residential time should increase according to
18 the phases recommended by Ed Greenleaf in his parenting plan evaluation.

19 Abusive Use of Conflict:

20 21. The father has engaged in the abusive use of conflict during the marriage and
21 separation, which creates the danger of serious damage to the children's psychological
22 development. After the parties' separated, the father demanded the children pressure the mother to
23 drop her no contact order. He threatened the mother in Othello Park on September 12, 2009, in
24 front of the children. When the father came to the son's soccer game on September 26, 2009, it

1 caused the son to get upset and beg his mother and soccer coach to not call the police. The father's
2 decision to move into a residence within two blocks of the mother in August 2009 has increased
3 the conflict between the parties because it has led to more stalking and monitoring of the mother by
4 the father, often in front of the children.

5 22. The father's abusive use of conflict shows the father's intent to harass, control and
6 intimidate the mother, and demonstrates a lack of concern for the well-being of the children.

7 Residential Custody and Visitation

8 23. The children have resided in the primary care of the mother since the parties
9 separated on May 19, 2008. The mother has always been the children's primary caretaker and it is
10 in the best interests of the children to continue to reside with the mother as the primary residential
11 parent. The father's allegations that the parties equally shared in the parenting responsibilities and
12 had 50/50 residential time with the children after the parties separated is not credible, based on the
13 No Contact Order that was entered when the parties separated and the father's history of acts of
14 domestic violence and stalking.

15 Statutory Limits on Decision-Making

16 24. The court has made findings that the father committed acts of domestic violence
17 against the mother. This conduct prevents joint decision-making by the parties and the mother
18 shall have sole decision-making authority regarding the children.

19 2.11 Status of the Marriage

20 25. The marriage is irretrievably broken and more than 90 days have passed since the
21 Petition was filed and the Summons was served.

22 2.12 Separation Contract or Prenuptial Agreement

23 26. There is no written separation contract or prenuptial agreement.

24 2.13 Community Property

1 27. The parties do not have real community property. The parties do not have
2 personal community property because all personal community property was divided between the
3 parties fairly and equitably before this cause of action was filed.

4 **2.14 Separate Property**

5 28. All real or personal property currently in the husband's possession should be his
6 separate property.

7 29. All real or personal property currently in the wife's possession should be her
8 separate property.

9 30. The father alleged that the mother "stole" over \$41,000 of the father's separate
10 monies from a joint Certificate of Deposit account with Washington Mutual Bank after the
11 parties separated. The father's allegations are not credible. The father provided no evidence to
12 support his allegations.

13 31. The mother presented a bank withdrawal slip signed by the father that proves that
14 the father withdrew \$41,423.08 from the joint Certificate of Deposit Account on May 6, 2008.
15 The mother also presented a transaction history statement for this account that corroborates the
16 father withdrew this money on May 6, 2008, and closed the account. The withdrawal slip and
17 transaction history statement were admitted into evidence at trial. Based on this evidence, the
18 court finds it would not be fair or equitable to order the mother to pay any monies to the father.

19 **2.15 Community Liabilities**

20 32. There are no known community liabilities. All previously known community
21 liabilities have been satisfied including, but not limited to, the judgment owed to the parties'
22 former landlord Robin Lai under King County Superior Court Case #08-2-32570-9 SEA.
23
24

1 33. The father alleged that the judgment owed to the parties' former landlord Robin
2 Lai was the mother's separate liability. He requested the court order the mother to pay him all
3 monies that were garnished out of his bank account to pay this debt. This issue was already
4 litigated in Case #08-2-32570-9 SEA and decided against the father. On January 27, 2010, Judge
5 Paris Kallas ruled that the father failed to carry his burden of proving the funds garnished from
6 his account were not community funds. The father also provided no evidence the judgment
7 against the community was vacated. This court finds it would not be fair or equitable to order
8 the mother to pay any monies to the father as reimbursement for this debt.

9 **2.16 Separate Liabilities**

10 34. The husband has incurred the following separate liabilities:

11 Any and all debts incurred by the husband before the parties' date of marriage and after
12 the parties' date of separation; and

13 All debts and liabilities incurred by the husband including, but not limited to, the
14 following:

- 15 1. All student loan debts incurred by Fantahuen Hussein under his name, including
16 the debt owed to the Education Assistance Corporation with the account number
17 ending in 9209;
- 18 2. All parking, traffic, and other civil infraction fines and/or penalties incurred by
19 Fantahuen Hussein under his name;
- 20 3. For the tax years of 2008 and 2009, any taxes owed to the IRS based on all income
21 reported under the husband's social security number and his separate returns,
22 including but not limited to, any deficiencies, penalties, and/or fees incurred; and
- 23 4. Any and all debts owed to Kevin G. Johnson d/b/a USA Paralegal Services
24 including, but not limited to, fees for all services provided in King County
Superior Court Case # 08-2-32570-9 SEA.

35. The wife has incurred the following separate liabilities:

Any and all debts and liabilities incurred by the wife before the parties' date of marriage
and after the parties' date of separation; and

1 Any and all debts and liabilities incurred by the wife including, but not limited to, the
2 following:

- 3 1. Any student loan debts incurred by Marina Glisic under her name;
- 4 2. All parking, traffic, and other civil infraction fines and/or penalties incurred by
5 Marina Glisic under her name;
- 6 3. All debts and liabilities owed to Sprint currently in collections with Diversified
7 Consultants, Inc. with the account number ending in 8056;
- 8 4. All debts and liabilities owed to Macy's currently in collections with Client
9 Services Inc. with the account number ending in 9773;
- 10 5. All debts and liabilities owed to Best Buy currently in collections with the Law
11 Offices of Curtis O. Barnces, PC with the account number ending in 0632; and
- 12 6. All medical debts and obligations incurred by Marina Glisic under her name
13 including, but not limited to, all debts owed to Harborview Medical Center.

14 **2.17 Maintenance**

15 36. Maintenance was not requested.

16 **2.18 Continuing Restraining Order**

17 37. Does not apply.

18 **2.19 Protection Order**

19 38. The Domestic Violence Protection Order entered on December 3, 2009, shall be
20 renewed and remain in effect until December 1, 2015. The court finds that if this Protection
21 Order were allowed to expire, the father would likely resume acts of domestic violence against
22 the mother and the children based on the father's history of acts of domestic violence, stalking,
23 and his lack of progress in Domestic Violence treatment. Visitation terms of the Protection
24 Order shall be subject to the terms of the final Parenting Plan entered in this action.

2.20 Child Support

39. The children are in need of support and child support should be set pursuant to the
Washington State Child Support Schedule. The Order of Child Support signed by the court on

1 today's date and the child support worksheet, which has been approved by the court, are
2 incorporated by reference in these findings. This order replaces a previous administrative order of
3 child support entered on August 4, 2010. This order does not affect any order of back support
4 previously entered by the administrative court.

5 **Father's Income and Employment**

6 40. The father is currently employed by the Seattle Housing Authority and has a net
7 monthly income of \$2,427.00 from that job. The child support calculation gives the father credit
8 for \$35.00 in mandatory union dues.

9 **Mother's Income and Employment**

10 41. The mother is voluntarily unemployed. She was receiving TANF benefits from
11 September 2009 until August 2010. Having recently come off public assistance, the mother's
12 income is imputed at full-time employment earning minimum wage or \$1,482 per month.

13 **Deviations**

14 42. There is no basis for a deviation from the standard calculation under RCW
15 26.19.075.

16 **2.21 Fees and Costs**

17 43. There is no award of attorney's fees or costs.

18 **2.22 Pregnancy**

19 44. The wife is not pregnant.

20 **III. CONCLUSIONS OF LAW**

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

22 **3.1 Jurisdiction**

23 1. The court has jurisdiction to enter a decree in this matter.

24 **3.2 Granting of A Decree**

1 2. The parties should be granted a decree of dissolution. The marriage is irretrievably
2 broken.

3 **3.3 Parenting Plan**

4 3. Pursuant to RCW 26.09.184 and RCW 26.09.191, a parenting plan should be
5 entered which keeps the children in the primary residential care of the mother, imposes limits on
6 the father's contact with the children, and grants the mother sole decision-making regarding the
7 children.

8 4. RCW 26.09.191(1) precludes mutual decision-making where the court has found
9 that a parent has engaged in a history of acts of domestic violence, as defined in RCW
10 26.50.010(1).

11 5. Because the father engaged in a history of acts of domestic violence, the mother
12 should have sole decision-making authority over the children's health care, education, religious
13 upbringing as set forth in the Final Parenting Plan.

14 6. Under RCW 26.09.191(2)(a), the Court is required to limit a parent's residential
15 time with the children, if it has found that the parent engaged in a history of acts of domestic
16 violence, as defined in RCW 26.50.010(1).

17 7. Because the father engaged in a history of acts of domestic violence, his residential
18 time with the children should be limited, as set forth in the Final Parenting Plan entered this date.

19 8. Under RCW 26.09.191(3)(e), the Court may limit a parent's residential time with
20 the children if it finds that parent has engaged in the abusive use of conflict.
21

1 9. Because the father has engaged in the abusive use of conflict, his residential time
2 with the parties' minor children shall be limited as set forth in the *Final Parenting Plan* entered this
3 date.

4 **3.4 Child Support**

5 10. An order of Child Support should be entered on behalf of the minor children.
6

7 **3.5 Property and Liabilities**

8 11. The distribution of property and liabilities as set forth in the Decree of Dissolution
9 is fair and equitable.

10 **3.6 Continuing Restraining Order**

11 12. Does not apply.

12 **3.7 Protection Order**

13 13. The Protection Order entered on December 3, 2009, should be renewed and should
14 not expire until December 1, 2015.

15 **3.8 Attorney's Fees and Costs.**

16 14. Each party shall pay his or her own attorney's fees or costs, except to the extent the
17 father is ordered to pay the judgment for CR 11 sanctions entered on July 13, 2010.

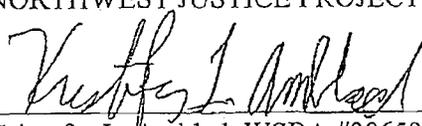
18 **3.9 Name Change**

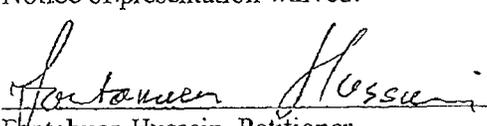
19 15. Does not apply

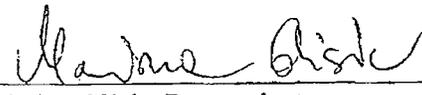
20 **3.10 Other**

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Dated: 1-11-11 
Judge/Commissioner

Presented by:
NORTHWEST JUSTICE PROJECT

Kristofer L. Amblad, WSBA #30650
Attorney for Respondent Marina Glisic

Approved for entry:
Notice of presentation waived:

Fantahuen Hussein, Petitioner


Marina Glisic, Respondent

APPENDIX 2

Decree of Dissolution –

Judge Dean Lum, King County Superior Court

FILED

2011 JAN 11 PM 4:46

CLERK OF SUPERIOR COURT
SEATTLE, WA.

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Superior Court of Washington
County of King

In re the Marriage of:

FANTAHUEN HUSSEIN

Petitioner,

and

MARINA GLISIC

Respondent.

No. 09-3-07867-3 SEA

Decree of Dissolution (DCD)

Clerk's action required

I. Judgment/Order Summaries

1.1 Restraining Order Summary:

Does Not Apply.

1.2 Real Property Judgment Summary:

Does not apply.

1.3 Money Judgment Summary:

Does not apply.

End of Summaries

II. Basis

Findings of Fact and Conclusions of Law have been entered in this case.

III. Decree

It Is Decreed that:

Decree (DCD) (DCLGSP) (DCINMG)
WPF DR 04.0400 Mandatory (6/2008) - RCW
26.09.030; .040; .070 (3) - Page 1 of 5

Northwest Justice Project
401 Second Avenue S, Suite 407
Seattle, Washington 98104
Phone: (206) 464-1519 Fax: (206) 624-7501

ORIGINAL

1 **3.1 Status of the Marriage**

2 The marriage of the parties is dissolved.

3 **3.2 Property to be Awarded to the Husband**

4 The husband is awarded as his separate property the following property (list real estate,
5 furniture, vehicles, pensions, insurance, bank accounts, etc.):

6 All property currently in the husband's possession,

7 **3.3 Property to be Awarded to the Wife**

8 The wife is awarded as her separate property the following property (list real estate,
9 furniture, vehicles, pensions, insurance, bank accounts, etc.):

10 All property currently in the wife's possession.

11 **3.4 Liabilities to be Paid by the Husband**

12 The husband shall pay the following community or separate liabilities:

13 Any and all debts incurred by the husband before the parties' date of marriage and after
14 the parties' date of separation; and

15 All debts and liabilities incurred by the husband including, but not limited to, the
16 following:

- 17 1. All student loan debts incurred by Fantahuen Hussein under his name, including
18 the debt owed to the Education Assistance Corporation with the account number
19 ending in 9209;
- 20 2. All parking, traffic, and other civil infraction fines and/or penalties incurred by
21 Fantahuen Hussein under his name;
- 22 3. For the tax years of 2008 and 2009, any taxes owed to the IRS based on all income
23 reported under the husband's social security number and his separate returns,
including but not limited to, any deficiencies, penalties, and/or fees incurred; and
4. Any and all debts owed to Kevin G. Johnson d/b/a USA Paralegal Services
including, but not limited to, fees for all services provided in King County
Superior Court Case # 08-2-32570-9 SEA.

Unless otherwise provided herein, the husband shall pay all liabilities incurred by him since
the date of separation.

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3.5 Liabilities to be Paid by the Wife

The wife shall pay the following community or separate liabilities:

Any and all debts and liabilities incurred by the wife before the parties' date of marriage and after the parties' date of separation; and

Any and all debts and liabilities incurred by the wife including, but not limited to, the following:

1. Any student loan debts incurred by Marina Glisic under her name;
2. All parking, traffic, and other civil infraction fines and/or penalties incurred by Marina Glisic under her name;
3. All debts and liabilities owed to Sprint currently in collections with Diversified Consultants, Inc. with the account number ending in 8056;
4. All debts and liabilities owed to Macy's currently in collections with Client Services Inc. with the account number ending in 9773;
5. All debts and liabilities owed to Best Buy currently in collections with the Law Offices of Curtis O. Barnes, PC with the account number ending in 0632; and
6. All medical debts and obligations incurred by Marina Glisic under her name including, but not limited to, all debts owed to Harborview Medical Center.

Unless otherwise provided herein, the wife shall pay all liabilities incurred by her since the date of separation.

3.6 Hold Harmless Provision

Each party shall hold the other party harmless from any collection action relating to separate or community liabilities set forth above, including reasonable attorney's fees and costs incurred in defending against any attempts to collect an obligation of the other party.

3.7 Maintenance

Does not apply.

3.8 Continuing Restraining Order

Does Not Apply

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3.9 Protection Order

The parties shall comply with the domestic violence Order for Protection signed by the court on this date in this cause number. The Order for Protection signed by the court is approved and incorporated as part of this decree.

3.10 Jurisdiction Over the Children

The court has jurisdiction over the children as set forth in the Findings of Fact and Conclusions of Law.

3.11 Parenting Plan

The parties shall comply with the Parenting Plan signed by the court on this date. The Parenting Plan signed by the court is approved and incorporated as part of this decree.

3.12 Child Support

Child support shall be paid in accordance with the Order of Child Support signed by the court on this date. This order is incorporated as part of this decree.

3.13 Attorney Fees, Other Professional Fees and Costs

Does not apply.

3.14 Name Changes

Does not apply.

3.15 Other

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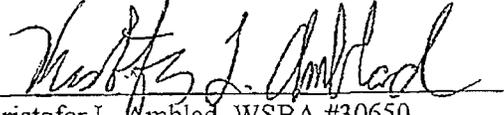
Dated: 1-11-11



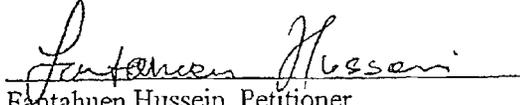
Judge/Commissioner

Presented by:
NORTHWEST JUSTICE PROJECT

Approved for entry:
Notice of presentation waived:



Kristofer L. Amblad, WSBA #30650
Attorney for Respondent Marina Glisic



Fantahuen Hussein, Petitioner



Marina Glisic, Respondent

APPENDIX 3

Parenting Plan –

Judge Dean Lum, King County Superior Court

FILED

2011 JAN 11 PM 4:46

IT IS ORDERED that the Clerk of King County is required to provide this order to all parties who appeared in the case. SUPERIOR COURT CLERK SEATTLE, WA.

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Superior Court of Washington
County of King

In re the Marriage of:

FANTAHUEN HUSSEIN

Petitioner,

and

MARINA GLISIC

Respondent.

No. 09-3-07867-3 SEA

Parenting Plan
Final Order (PP)

This parenting plan is the final parenting plan signed by the court pursuant to a decree of dissolution signed by the court on this date.

It Is Ordered, Adjudged and Decreed:

I. General Information

This parenting plan applies to the following children:

<u>Name</u>	<u>Age</u>
Agaziyan F. Mengesha	12
Ethiopia F. Mengesha	10

II. Basis for Restrictions

Under certain circumstances, as outlined below, the court may limit or prohibit a parent's contact with the child(ren) and the right to make decisions for the child(ren).

ORIGINAL

1 2.1 Parental Conduct (RCW 26.09.191(1), (2))

2 The father's residential time with the children shall be limited or restrained completely,
3 and mutual decision-making and designation of a dispute resolution process other than
4 court action shall not be required, because the father has engaged in the conduct which
5 follows:

6 A history of acts of domestic violence as defined in RCW 26.50.010(1) or an
7 assault or sexual assault which causes grievous bodily harm or the fear of such
8 harm.

9 2.2 Other Factors (RCW 26.09.191(3))

10 The father's involvement or conduct may have an adverse effect on the children's best
11 interests because of the existence of the factors which follow:

12 The abusive use of conflict by the father, which creates the danger of serious
13 damage to the children's psychological development.

14 **III. Residential Schedule**

15 *The residential schedule must set forth where the child(ren) shall reside each day of the year,
16 including provisions for holidays, birthdays of family members, vacations, and other special
17 occasions, and what contact the child(ren) shall have with each parent. Parents are encouraged
18 to create a residential schedule that meets the developmental needs of the child(ren) and
19 individual needs of their family. Paragraphs 3.1 through 3.9 are one way to write your
20 residential schedule. If you do not use these paragraphs, write in your own schedule in
21 Paragraph 3.13.*

22 3.1 Schedule for Children Under School Age

23 Does not apply.

24 3.2 School Schedule

Upon enrollment in school, the children shall reside with the mother, except for the
following days and times when the children shall reside with or be with the father:

The father's residential time shall be phased in according to the following four (4)
phases.

Phase 1:

The father shall have professionally supervised visitation with the children for up to two
(2) hours every week with either Indaba Center (206-860-3133) or ABC Visitation

1 Services, LLC (253-815-6666), subject to the availability of the visitation supervisor.
2 The father shall be responsible for all fees and costs associated with supervised visitation.

3 This phase of the residential schedule is contingent upon the father's compliance with the
4 treatment requirements outlined in paragraph 3.10 below. Until he successfully
5 completes those requirements, his residential time with the children shall not graduate to
6 Phase 2.

7 Phase 2:

8 Upon proof of successful completion of the treatment requirements outlined in paragraph
9 3.10 below, the father shall have the children unsupervised every Wednesday after school
10 (or 3:30 p.m. if school not in session) until 7:00 p.m. and every Saturday from 12:00
11 noon until 5:00 p.m.

12 Proof of the father's successful completion of the treatment requirements outlined in
13 paragraph 3.10 below shall be submitted to the mother or her attorney of record, and the
14 court legal file.

15 Phase 3:

16 The father's residential time shall not graduate to Phase 3 until he completes both of the
17 following requirements:

- 18 a) The father exercises 90% of his residential time with the children under Phase 2
19 for 90 days after the date he submits proof to the mother and the court file of his
20 completion of the treatment requirements outlined in paragraph 3.10 below; and
21 b) The father moves his residence no closer than one mile from the mother's
22 residence and provides proof of his new address and a signed one-year lease
23 agreement to the mother, the mother's attorney, and the court legal file.

24 Upon completing the above requirements, the father shall have the children every
Wednesday after school (or 3:30 p.m. if school not in session) until Thursday morning
returning them to school (or 10:00 a.m. if school not in session), and every other
weekend, from Friday after school (or 3:30 p.m. if school not in session) until Monday
morning returning them to school (or 10:00 a.m. if school not in session).

Phase 4:

After exercising his Phase 3 residential time consistently 90% of the time for an
additional 90 days, the father shall continue to have the children every Wednesday and
every other weekend, as described in Phase 3, and shall have additional residential time
for school breaks, holidays, vacations and special occasions as outlined in paragraphs 3.3,
3.4, 3.6, 3.7, and 3.8 below.

1 **3.3 Schedule for Winter Vacation**

2 The children shall reside with the mother during winter vacation, except for the following
3 days and times when the children shall reside with or be with the father:

4 The father shall not have residential time with the children during winter vacation until
5 the father enters Phase 4 of the residential schedule outlined in paragraph 3.2 above.

6 Upon the father entering Phase 4, the winter vacation schedule for the children shall be as
7 follows:

8 Odd Years:

9 The children shall reside with the mother during the first week of winter vacation and
10 with the father during the second week of winter vacation.

11 Even Years:

12 The children shall reside with the father during the first week of winter vacation and with
13 the mother during the second week of winter vacation.

14 Visitation Exchange & Holidays:

15 The children shall be exchanged at 3 p.m. on the second Saturday (mid-point) of the
16 school break. Winter vacation shall begin after school the day school lets out and shall
17 end the morning school resumes (drop-off at school).

18 The holidays that fall during the period the children are with either parent shall be spent
19 with that parent.

20 **3.4 Schedule for Other School Breaks**

21 The children shall reside with the mother during other school breaks, except for the
22 following days and times when the children shall reside with or be with the father:

23 The father shall not have residential time with the children during other school breaks
24 until the father enters Phase 4 of the residential schedule outlined in paragraph 3.2 above.

Upon the father entering Phase 4, the residential schedule for the children during other
school breaks shall be as follows:

The children shall spend mid winter break with the mother in odd years and with the
father in even years.

The children shall spend Spring break with the mother in even years and with the father
in odd years.

1 Each break shall begin after school on the day school lets out and shall end the morning
2 school resumes (drop-off at school). The holidays, including Easter Day, which fall
during the period the children are with either parent shall be spent with that parent.

3 **3.5 Summer Schedule**

4 Upon completion of the school year, the children shall reside with the mother, except for
5 the following days and times when the children will reside with or be with the father:

6 Same as school year schedule. See paragraph 3.2 above.

7 **3.6 Vacation With Parents**

8 The schedule for vacation with parents is as follows:

9 **3.6.1 Mother's Vacation Time**

10 The mother may take up to two (2) consecutive weeks (14 days) of uninterrupted
11 vacation with the children every summer. Mother shall submit notice of the proposed
vacation time to the father no later than May 1 of each year.

12 **3.6.2 Father's Vacation Time**

13 The father shall not have vacation time with the children until the father enters Phase 4 of
the residential schedule outlined in paragraph 3.2 above.

14 Upon the father entering Phase 4, each parent may take up to two (2) consecutive weeks
15 (14 days) of uninterrupted vacation time with the children every summer. The parents
shall provide each other with their proposed vacation dates no later than May 1. In the
16 event of a conflict, the father's preference shall take priority in even years and the
mother's preference shall take priority in odd years.

17 **3.6.3 Travel Notification Requirements**

18 Three weeks prior to the date of any travel, the parent traveling with the children shall
19 provide the other parent with an itinerary and emergency contact information, including
departure and return dates, vacation locations, addresses where the children will be
20 staying, and phone numbers to reach the children in case of emergency.

21 **3.7 Schedule for Holidays**

22 The father shall not have residential time with the children during holidays until the
father enters Phase 4 of the residential schedule outlined in paragraph 3.2 above.

23 Upon the father entering Phase 4, the residential schedule for the children during the
24 holidays listed below is as follows:

	With Mother Odd/Even/Every	With Father Odd/Even/Every
New Year's Eve	As provided in paragraph 3.3	
New Year's Day	As provided in paragraph 3.3	
Martin Luther King Day	With the parent whom the children are regularly scheduled to reside that weekend as provided in paragraph 3.2.	
President's Day	With the parent whom the children are regularly scheduled to reside that weekend as provided in paragraph 3.2 or 3.4 if President's Day falls within mid-winter break.	
Orthodox Easter	Even	Odd
	As provided in Section 3.4 if Orthodox Easter falls within Spring break. Otherwise, Easter weekend shall run from after school the Friday before the holiday until returning the children to school the Monday after the holiday.	
Memorial Day	With the parent whom the children are regularly scheduled to reside that weekend as provided in paragraph 3.2.	
July 4 th	Odd	Even
	From 10:00 a.m. on July 4 until 10:00 a.m. on July 5.	
Labor Day	With the parent whom the children are regularly scheduled to reside as provided in paragraph 3.2, or 3.8 if Ethiopia Mengesha's Birthday falls on Labor Day weekend.	
Ethiopian New Year (September 11)	With the father every year, from 4:00 p.m. on September 11 until 4:00 p.m. on September 12.	
Veteran's Day	With the parent whom the children are regularly scheduled to reside as provided in paragraph 3.2.	
Thanksgiving	Even	Odd
	The 4-Day holiday from after school the Wednesday before the holiday until returning the children to school the Monday after the holiday.	
Catholic Christmas Eve (December 24)	As provided in Section 3.3	
Catholic Christmas Day (December 25)	As provided in Section 3.3	
Orthodox Christmas Eve	Odd	Even
	From noon on Orthodox Christmas Eve Day until noon on Orthodox Christmas Day.	
Orthodox Christmas Day	Even	Odd
	From noon on Orthodox Christmas Day until noon on the following day.	

1 **3.8 Schedule for Special Occasions**

2 The father shall not have residential time with the children during special occasions until
3 the father enters Phase 4 of the residential schedule outlined in paragraph 3.2 above.

4 Upon the father entering Phase 4, the residential schedule for the children for the
5 following special occasions (for example, birthdays) is as follows:

	With Mother (Specify Year Odd/Even/Every)	With Father (Specify Year Odd/Even/Every)
6 <u>Mother's Day</u>	<u>Every</u>	
7 <u>Mother's Birthday</u>	<u>Every</u>	
8 <u>Father's Day</u>		<u>Every</u>
9 <u>Father's Birthday</u>		<u>Every</u>
10 <u>Agaziyan's Birthday</u>	<u>Even</u>	<u>Odd</u>
11 <u>Ethiopia's Birthday</u>	<u>Odd</u>	<u>Even</u>

12 Mother's Day and Father's Day shall begin after school the Friday before the special
13 occasion and end when returning the children to school the Monday after the special
14 occasion.

15 If a parent's birthday falls on a school night, it shall begin after school the day of the
16 birthday and end when returning the children to school the following morning. If a
17 parent's birthday falls on the weekend, it shall begin at 10:00 a.m. the day of the birthday
18 and end the following morning at 10:00 a.m. or return to school.

19 Agaziyan's Birthday shall begin at 10:00 a.m. on July 3 and end at 10:00 a.m. on July 4.

20 Ethiopia's Birthday shall begin at 10:00 a.m. on September 4 and end at 10:00 a.m. on
21 September 5.

22 **3.9 Priorities Under the Residential Schedule**

23 If the residential schedule, paragraphs 3.1 - 3.8, results in a conflict where the children
24 are scheduled to be with both parents at the same time, the conflict shall be resolved by
priority being given as follows:

Rank the order of priority, with 1 being given the highest priority:

- | | |
|-------------------------------------|--------------------------------------|
| <u>7</u> school schedule (3.1, 3.2) | <u>5</u> vacation with parents (3.6) |
| <u>3</u> winter vacation (3.3) | <u>2</u> holidays (3.7) |
| <u>4</u> school breaks (3.4) | <u>1</u> special occasions (3.8) |
| <u>6</u> summer schedule (3.5) | |

1 **3.10 Restrictions**

2 The father's residential time with the children shall be limited because there are limiting
3 factors in paragraphs 2.1 and 2.2. The following restrictions shall apply when the
children spend time with the father:

4 **FATHER'S TREATMENT REQUIREMENTS**

5 A. The father shall complete the Domestic Violence Perpetrator Treatment Program with
6 **ACT&T (Anger Control Treatment & Therapies) (206-575-3935)**. The father
shall be responsible for all costs associated with the domestic violence treatment
7 program. The father shall comply with all treatment recommendations and
requirements of the treatment provider. He shall provide the treatment provider with
8 the necessary waivers so that the program can communicate with the court, Family
Court Services, the mother, the mother's attorney, and any other collateral sources,
9 and so that the program can release status reports, a final report, and a certificate of
completion to the mother or her attorney of record, and the court. The father shall
10 provide the treatment provider with a copy of this parenting plan, the Order for
Protection entered under this case number, the Family Court Services' Domestic
11 Violence Assessment dated January 25, 2010, and the Family Court Services'
Parenting Plan Evaluation dated September 29, 2010.

12 B. The father shall enroll in and successfully complete a DV Dads and Their Kids
13 parenting class at Wellspring Family Services, and provide proof of such completion
to the mother or her attorney of record and to the court file.

14 **COMPLIANCE REQUIREMENTS**

15 C. The father's residential time is contingent upon his compliance with and successful
16 completion of all of the treatment requirements listed above in Sections A and B. If
the father falls out of compliance or is terminated from any of the treatment
17 programs, the father's residential time with the children shall be limited to
professionally supervised visitation as outlined in Phase 1 of paragraph 3.2 above.

18 D. The father's residential time with the children shall be completely suspended until
further order of the court if any of the following occurs:

- 19 1. The father violates the Domestic Violence Order for Protection entered under
20 this case number;
- 21 2. The father violates the No Contact Order or the terms of the Judgment &
Sentence entered in Seattle Municipal Court Cause No. 520274; or
- 22 3. The father is arrested or charged with any criminal offense other than driving
23 infractions.

1 **3.11 Transportation Arrangements**

2 Transportation costs are included in the Child Support Worksheets and/or the Order of
3 Child Support and should not be included here.

4 Transportation arrangements for the children, between parents shall be as follows:

5 Phase 1

6 The father shall be responsible for his transportation to the visitation supervisor's
7 location. The mother shall be responsible for transporting the children to the visitation
8 supervisor's location. The mother may assign a third party for purposes of transporting
9 the children to and from the visits.

10 All Other Phases:

11 When the pick up or drop off is not available at the children's school, the parents shall
12 exchange the children at the Rainier Beach Public Library located at 9125 Rainier Ave S,
13 Seattle, WA. If the Rainier Beach Public Library is not open on the exchange date, the
14 parents shall exchange the children at the Safeway Grocery Store located across the street
15 at 9262 Rainier Avenue South, Seattle, WA. The mother may assign a third party for
16 purposes of transporting the children to and from the visitation exchange.

17 The parties shall not communicate during the exchanges. Each parent shall wait not less
18 than one-half hour when the other parent fails to appear for a residential exchange.

19 **3.12 Designation of Custodian**

20 The children named in this parenting plan are scheduled to reside the majority of the time
21 with the mother. This parent is designated the custodian of the children solely for
22 purposes of all other state and federal statutes which require a designation or
23 determination of custody. This designation shall not affect either parent's rights and
24 responsibilities under this parenting plan.

3.13 Other

Passports and Identity Records of the Children:

The mother shall have sole custody and control over the children's passports and identity records, including but not limited to, their birth certificates and social security cards. The father shall be prohibited from obtaining new or replacement passports, social security cards, and/or any other identity documents for the children without written permission from the mother.

Authorization for Mother to Transport the Children Outside of the United States of America:

The mother is authorized to travel with the children outside of the United States without the father's permission, consent, or signature.

1 This Order permits and authorizes the mother's international transport of the children
2 outside of the United States for purposes of any foreign consulate, the airlines, or any
3 other entity that requires the father's permission, consent or signature for such transport.

4 Restriction on Father's Travel with the Children:

5 The father is restrained and enjoined from removing any of the children from the State of
6 Washington until he completes all of the treatment requirements outlined in paragraphs
7 3.2 and 3.10. The father shall not transport any of the children outside of the United
8 States of America without prior written permission from the mother.

9 **3.14 Summary of RCW 26.09.430 - .480, Regarding Relocation of a Child**

10 This is a summary only. For the full text, please see RCW 26.09.430 through 26.09.480.

11 If the person with whom the child resides a majority of the time plans to move, that
12 person shall give notice to every person entitled to court ordered time with the child.

13 If the move is outside the child's school district, the relocating person must give notice by
14 personal service or by mail requiring a return receipt. This notice must be at least 60
15 days before the intended move. If the relocating person could not have known about the
16 move in time to give 60 days' notice, that person must give notice within 5 days after
17 learning of the move. The notice must contain the information required in RCW
18 26.09.440. See also form DRPSCU 07.0500, (Notice of Intended Relocation of A Child).

19 If the move is within the same school district, the relocating person must provide actual
20 notice by any reasonable means. A person entitled to time with the child may not object
21 to the move but may ask for modification under RCW 26.09.260.

22 Notice may be delayed for 21 days if the relocating person is entering a domestic
23 violence shelter or is moving to avoid a clear, immediate and unreasonable risk to health
24 and safety.

If information is protected under a court order or the address confidentiality program, it
may be withheld from the notice.

A relocating person may ask the court to waive any notice requirements that may put the
health and safety of a person or a child at risk.

Failure to give the required notice may be grounds for sanctions, including contempt.

**If no objection is filed within 30 days after service of the notice of intended
relocation, the relocation will be permitted and the proposed revised residential
schedule may be confirmed.**

A person entitled to time with a child under a court order can file an objection to the
child's relocation whether or not he or she received proper notice.

An objection may be filed by using the mandatory pattern form WPF DRPSCU 07.0700,
[Objection to Relocation/Petition for Modification of Custody Decree/Parenting

1 Plan/Residential Schedule]. The objection must be served on all persons entitled to time
with the child.

2 The relocating person shall not move the child during the time for objection unless: (a)
3 the delayed notice provisions apply; or (b) a court order allows the move.

4 If the objecting person schedules a hearing for a date within 15 days of timely service of
the objection, the relocating person shall not move the child before the hearing unless
5 there is a clear, immediate and unreasonable risk to the health or safety of a person or a
child.

6 IV. Decision Making

7 4.1 Day-to-Day Decisions

8 Each parent shall make decisions regarding the day-to-day care and control of each child
while the child is residing with that parent. Regardless of the allocation of decision
9 making in this parenting plan, either parent may make emergency decisions affecting the
health or safety of the children.

10 4.2 Major Decisions

11 Major decisions regarding each child shall be made as follows:

12 Education decisions	mother
13 Non-emergency health care	mother
Religious upbringing	mother (but see below)

14 Religion: Each parent shall be entitled to have the children participate with them in
15 his/her religious activities when the children are scheduled to reside with that parent.
Neither parent shall disparage the other parent's religious activities in the children's
16 presence.

17 4.3 Restrictions in Decision Making

18 Sole decision making shall be ordered to the mother for the following reasons:

19 A limitation on the other parent's decision making authority is mandated by RCW
20 26.09.191 (See paragraph 2.1).

21 V. Dispute Resolution

22 *The purpose of this dispute resolution process is to resolve disagreements about carrying out this*
parenting plan. This dispute resolution process may, and under some local court rules or the
provisions of this plan must be used before filing a petition to modify the plan or a motion for
contempt for failing to follow the plan.

24 No dispute resolution process, except court action is ordered.

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VI. Other Provisions

There are the following provisions.

- A. The mother shall be allowed to keep confidential her residential address.
- B. Each parent shall independently obtain from the children's school(s) copies of report cards, school meeting notices, vacation schedules, class programs, requests for parent-teacher conferences, results of standardized or diagnostic tests, notices of activities involving the children, samples of school work, and order forms for school pictures.
- C. Neither parent shall ask the children to make decisions or requests involving the residential schedule.
- D. Neither parent shall advise the children of the status of child support payments or other legal matters regarding the parents' relationship.
- E. Neither parent shall use the children, directly or indirectly, to gather information about the other parent, including but not limited to, the other parent's residential address or phone number. Neither parent shall use the children to send verbal messages to the other parent.
- F. Neither parent shall make disparaging or derogatory comments about the other parent or that parent's significant other or family in the child's presence. Neither parent shall allow third parties to make disparaging remarks about the other parent in the child's presence. Neither parent shall allow or encourage the child to make derogatory comments about the other parent.
- G. Each parent shall have reasonable phone contact with the children, and the children shall have unrestricted and reasonable telephone contact with the parents. Neither parent shall use their phone contact privileges with the children to contact the other parent.
- H. The mother shall comply with any and all assessments and treatment recommendations relative to her criminal case filed in King County District Court on August 4, 2010.
- I. Neither parent shall consume alcohol to excess or use non-prescribed drugs during any residential time with the children.
- J. The parties shall not renegotiate the provisions of this plan informally. The provisions of this plan shall remain in effect as ordered until modified by an appropriate written order entered by a court of competent jurisdiction.

** See page 13 - for provision on mother + treatment requirements*

VII. Declaration for Proposed Parenting Plan

Does not apply.

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VIII. Order by the Court

It is ordered, adjudged and decreed that the parenting plan set forth above is adopted and approved as an order of this court.

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

When mutual decision making is designated but cannot be achieved, the parties shall make a good faith effort to resolve the issue through the dispute resolution process.

If a parent fails to comply with a provision of this plan, the other parent's obligations under the plan are not affected.

The Court has reviewed the US database on home parent (NCE)

Dated: 1-11-11

[Signature]

Judge/Commissioner

Presented by:
NORTHWEST JUSTICE PROJECT

Approved for entry:
Notice of presentation waived:

[Signature]
Kristofer L. Amblad, WSBA #30650
Attorney for Respondent Marina Glisic

[Signature]
Fantahuen Hussein, Petitioner/Father

[Signature]
Marina Glisic, Respondent/Mother

* If mother is convicted or pleads guilty to current charge of Driving Under the Influence or any lesser charge related to the charging incident, the mother shall do any alcohol or drug assessment ordered by the King County District Court in Case # C00771282/510PA5152 and she shall comply with any and all treatment recommended by the assessment or ordered by the Court.

[Signature]

APPENDIX 4

Order of Child Support & Child Support Worksheets –

Judge Dean Lum, King County Superior Court

FILED

2011 JAN 11 PM 4:46

CLERK OF SUPERIOR COURT
SEATTLE, WA.

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**Superior Court of Washington
County of King**

In re the Marriage of:

FANTAHUEN HUSSEIN

Petitioner,

and

MARINA GLISIC

Respondent.

No. 09-3-07867-3 SEA

Order of Child Support

Final Order (ORS)

Clerk's Action Required

I. Judgment Summary

1.1 Judgment Summary for Non-Medical Expenses

Does not apply.

1.2 Judgment Summary for Medical Support

Does not apply.

II. Basis

2.1 Type of Proceeding

This order is entered under a petition for dissolution of marriage pursuant to a decree of dissolution signed by the court on this date.

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.

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2.3 Other

III. Findings and Order

It Is Ordered:

3.1 Child(ren) for Whom Support is Required

<u>Name (first/last)</u>	<u>Age</u>
Agaziyan F. Mengesha	12
Ethiopia F. Mengesha	10

3.2 Person Paying Support (Obligor)

Name (first/last): Fantahuen M. Hussein
Birth date: February 25, 1967
Service Address:

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.

For purposes of this Order of Child Support, the support obligation is based upon the following income:

Actual Monthly Net Income: \$2,426.53.

3.3 Person Receiving Support (Obligee)

Name (first/last): Marina Glisic
Birth date: February 8, 1977
Service Address:

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.

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

5 For purposes of this Order of Child Support, the support obligation is based upon the
6 following income:

7 The net income of the obligee is imputed at \$ 1,368.63 because the obligee is voluntarily
8 unemployed.

9 The amount of imputed income is based on the following information in order of priority.
10 The court has used the first option for which there is information:

- 11 minimum wage in the jurisdiction where the parent lives at full-
12 time earnings because the parent:
- 13 recently came off public assistance, general assistance-
14 unemployable, supplemental security income; or disability

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

17 **3.4 Service of Process**

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

23 **3.5 Transfer Payment**

24 The obligor parent shall pay the following amounts per month for the following
25 child(ren):

<u>Name</u>	<u>Amount</u>
<u>Agaziyan F. Mengesha</u>	<u>\$355.00</u>
<u>Ethiopia F. Mengesha</u>	<u>\$290.00</u>
Total Monthly Transfer Amount	<u>\$645.00</u>

26 *The Obligor Parent's Privileges to Obtain or Maintain a License, Certificate,*
27 *Registration, Permit, Approval, or Other Similar Document Issued by a Licensing*

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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

\$645.00 per month. (See Worksheet line 17.)

3.7 Reasons for Deviation From Standard Calculation

The child support amount ordered in paragraph 3.5 does not deviate from the standard calculation.

3.8 Reasons why Request for Deviation Was Denied

A deviation was not requested.

3.9 Starting Date and Day to Be Paid

Starting Date: November 1, 2010
Day(s) of the month support is due: First (1st)

3.10 Incremental Payments

Does not apply.

3.11 Making Support Payments

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

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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.

Any time the Division of Child Support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the receiving parent might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child(ren).

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.]

3.13 Termination of Support

Support shall be paid until the child(ren) reach(es) the age of 18 or as long as the child(ren) remain(s) enrolled in high school, whichever occurs last, except as otherwise provided below in Paragraph 3.14.

3.14 Post Secondary Educational Support

The right to request post secondary support is reserved, provided that the right is exercised before support terminates as set forth in paragraph 3.13.

3.15 Payment for Expenses not Included in the Transfer Payment

The father shall pay 64% and the mother 36% (each parent's proportional share of income from the Child Support Schedule Worksheet, line 6) of the following expenses incurred on behalf of the child(ren) listed in Paragraph 3.1.1:

- educational expenses.
- other: children's extracurricular activities (sports, music, art, recreation, etc.)

Payments shall be made to the parent receiving the transfer payment.

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3.16 Periodic Adjustment

Does not apply.

3.17 Income Tax Exemptions

Tax exemptions for the child(ren) shall be allocated as follows:

The father shall claim Agaziyan Mengesha every year and the mother shall claim Ethiopia Mengesha every year. When Agaziyan Mengesha can no longer be claimed for an exemption, the parents shall alternate exemption claims for Ethiopia Mengesha, with the father claiming her in odd years and the mother claiming her in even years.

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

3.18 Medical Support – Health Insurance

Each parent shall provide health insurance coverage for the child(ren) listed in paragraph 3.1, as follows:

3.18.1 Health Insurance (either check box A(1), or check box A(2) and complete sections B and C. *Section D applies in all cases.*)

- A. There is insufficient evidence for the court to determine which parent must provide coverage and which parent must contribute a sum certain. Therefore, the court is not specifying how insurance coverage shall be provided. The petitioner’s and respondent’s medical support obligations may be enforced by the Division of Child Support or the other parent under RCW 26.18.170 as described in paragraph 3.18.2, below.
- B. Does not apply because A (1) is checked, above.
- C. Parties’ obligations: Does not apply because A (1) is checked above.
- D. Both parties’ obligation:

If the child(ren) are receiving state financed medical coverage, the Division of Child Support may enforce the responsible parent’s monthly premium.

The parent(s) shall maintain health insurance coverage, if available for the child(ren) 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.

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

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

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

14 3.18.2 Change of Circumstances and Enforcement

15 A parent required to provide health insurance coverage must notify both the Division of
16 Child Support and the other parent when coverage terminates.

17 If the parents' circumstances change, or if the court has not specified how medical
18 support shall be provided, the parents' medical support obligations will be enforced as
19 provided in RCW 26.18.170. If a parent does not provide proof of accessible coverage
20 for the child(ren) through private insurance, a parent may be required to satisfy his or her
21 medical support obligation by doing one of the following, listed in order of priority:

- 22 1) Providing or maintaining health insurance coverage through the parent's
23 employment or union at a cost not to exceed 25% of that parent's basic support
obligation;
- 2) Contributing the parent's proportionate share of a monthly premium being paid by
the other parent for health insurance coverage for the child(ren) listed in paragraph
3.1 of this order, not to exceed 25% of the obligated parent's basic support
obligation; or
- 3) Contributing the parent's proportionate share of a monthly premium paid by the
state if the child(ren) receives state-financed medical coverage through DSHS
under RCW 74.09 for which there is an assignment.

A parent seeking to enforce the obligation to provide health insurance coverage may
apply for support enforcement services from the Division of Child Support; file a motion
for contempt (use form WPF DRPSCU 05.0100, Motion/Declaration for an Order to
Show Cause re Contempt); or file a petition.

1 **3.19 Uninsured Medical Expenses**

2 Both parents have an obligation to pay their share of uninsured medical expenses.
3 The father shall pay 64% of uninsured medical expenses (unless stated otherwise,
4 the petitioner's proportional share of income from the Worksheet, line 6) and the
5 mother shall pay 36 % of uninsured medical expenses (unless stated otherwise,
6 the respondent's proportional share of income from the Worksheet,
7 line 6).

6 **3.20 Back Child Support**

7 Back child support that may be owed is not affected by this order.
8 Back interest that may be owed is not affected by this order.

9 **3.21 Past Due Unpaid Medical Support**

10 Unpaid medical support that may be owed is not affected by this order.
11 Back interest that may be owed is not affected by this order.

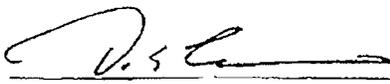
12 **3.22 Other Unpaid Obligations**

13 Other obligations that may be owed are not affected by this order.
14 Back interest that may be owed is not affected by this order.

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16 **3.23 Other**

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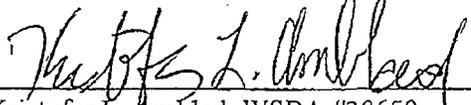
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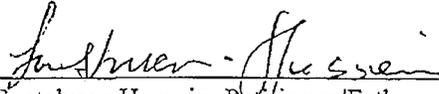
Judge/Commissioner

Presented by:
NORTHWEST JUSTICE PROJECT

Approved for entry:
 Notice of presentation waived:

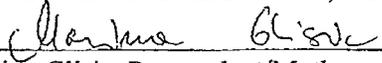


Kristofer L. Amblad, WSBA #30650
Attorney for Respondent/Mother Marina Glisic



Fantahuen Hussein, Petitioner/Father

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.)



Marina Glisic, Respondent/Mother

Approval required in Public Assistance cases. The DSHS' Division of Child Support received notice required by RCW 26.23.130. This order has been reviewed and approved as to:

- Current Child Support
- Back Child Support
- Medical Support
- Other:



Carol R. Bryant, Senior Deputy Prosecuting Attorney
WSBA #10984

Washington State Child Support Schedule Worksheets

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

Mother: Marina Glisic

Father: Fantahuen M. Hussein

County: KING

Case No.: 09-3-07867-3 SEA

Child Support Order Summary Report

This section must be completed for all Worksheets signed by the judicial/reviewing officer.

A. The order <input checked="" type="checkbox"/> does <input type="checkbox"/> does not replace a prior court or administrative order.
B. The Standard Calculation listed on line 17 of the Worksheet for the paying parent is: \$645.39.
C. The Transfer Amount ordered by the Court from the Order of Child Support is: \$645.39 to be paid by <input type="checkbox"/> mother <input checked="" type="checkbox"/> father.
D. The Court deviated (changed) from the Standard Calculation for the following reasons: <input checked="" type="checkbox"/> Does not apply <input type="checkbox"/> Nonrecurring income <input type="checkbox"/> Sources of income and tax planning <input type="checkbox"/> Split custody <input type="checkbox"/> Residential schedule (including shared custody) <input type="checkbox"/> Child(ren) from other relationships for whom the parent owes support <input type="checkbox"/> High debt not voluntarily incurred and high expenses for the child(ren) <input type="checkbox"/> Other (please describe):
E. Income for the Father is <input type="checkbox"/> imputed <input checked="" type="checkbox"/> actual income. Income for the Mother is <input checked="" type="checkbox"/> imputed <input type="checkbox"/> actual income. Income was imputed for the following reasons: Mother recently came off TANF public assistance
F. If applicable: <input type="checkbox"/> All health care, day care and special child rearing expenses are included in the worksheets in Part III.

WSCSS-Worksheets – Mandatory (CSW/CSWP) 6/2010 Page 1 of 5

Worksheets

Child(ren) and Age(s): Agaziyan F. Mengesha, 12; Ethiopia F. Mengesha, 10		
Part I: Income (see Instructions, page 6)		
1. Gross Monthly Income	Father	Mother
a. Wages and Salaries (Imputed for Mother)	\$3,002.00	-
b. Interest and Dividend Income	-	-
c. Business Income	-	-
d. Maintenance Received	-	-
e. Other Income	-	-
f. Imputed Income	-	\$1,482.00
g. Total Gross Monthly Income (add lines 1a through 1f)	\$3,002.00	\$1,482.00
2. Monthly Deductions from Gross Income		
a. Income Taxes (Federal and State) Tax Year: Manual	\$310.82	-
b. FICA (Soc. Sec. + Medicare)/Self-Employment Taxes	\$229.65	\$113.37
c. State Industrial Insurance Deductions	-	-
d. Mandatory Union/Professional Dues	\$35.00	-
e. Mandatory Pension Plan Payments	-	-
f. Voluntary Retirement Contributions	-	-
g. Maintenance Paid	-	-
h. Normal Business Expenses	-	-
i. Total Deductions from Gross Income (add lines 2a through 2h)	\$575.47	\$113.37
3. Monthly Net Income (line 1g minus 2i)	\$2,426.53	\$1,368.63
4. Combined Monthly Net Income (line 3 amounts combined)		\$3,795.16
5. Basic Child Support Obligation (Combined amounts →)		
Agaziyan F. Mengesha \$558.00		
Ethiopia F. Mengesha \$452.00		
		\$1,010.00
6. Proportional Share of Income (each parent's net income from line 3 divided by line 4)	.639	.361
Part II: Basic Child Support Obligation (see Instructions, page 7)		
7. Each Parent's Basic Child Support Obligation without consideration of low income limitations (Each parent's Line 6 times Line 5.)	\$645.39	\$364.61
8. Calculating low income limitations: Fill in only those that apply.		
Self-Support Reserve: (125% of the Federal Poverty Guideline.)	\$1,128.00	
a. <u>Is combined Net Income Less Than \$1,000?</u> If yes, for each parent enter the presumptive \$50 per child.	-	-
b. <u>Is Monthly Net Income Less Than Self-Support Reserve?</u> If yes, for that parent enter the presumptive \$50 per child.	-	-
c. <u>Is Monthly Net Income Greater Than Self-Support Reserve?</u> If yes, for each parent subtract the self-support reserve from line 3. If that amount is less than line 7, then enter that amount or the presumptive \$50 per child, whichever is greater.	-	\$240.63
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.	\$645.39	\$240.63

Part III: Health Care, Day Care, and Special Child Rearing Expenses (see Instructions, page 8)		
10. Health Care Expenses	Father	Mother
a. Monthly Health Insurance Paid for Child(ren)	-	-
b. Uninsured Monthly Health Care Expenses Paid for Child(ren)	-	-
c. Total Monthly Health Care Expenses (line 10a plus line 10b)	-	-
d. Combined Monthly Health Care Expenses (line 10c amounts combined)		
11. Day Care and Special Expenses		
a. Day Care Expenses	-	-
b. Education Expenses	-	-
c. Long Distance Transportation Expenses	-	-
d. Other Special Expenses (describe)		
	-	-
	-	-
	-	-
e. Total Day Care and Special Expenses (Add lines 11a through 11d)	-	-
12. Combined Monthly Total Day Care and Special Expenses (line 11e amounts Combined)		
13. Total Health Care, Day Care, and Special Expenses (line 10d plus line 12)		
14. Each Parent's Obligation for Health Care, Day Care, and Special Expenses (multiply each number on line 6 by line 13)	-	-
Part IV: Gross Child Support Obligation		
15. Gross Child Support Obligation (line 9 plus line 14)	\$645.39	\$240.63
Part V: Child Support Credits (see Instructions, page 9)		
16. Child Support Credits		
a. Monthly Health Care Expenses Credit	-	-
b. Day Care and Special Expenses Credit	-	-
c. Other Ordinary Expenses Credit (describe)		
	-	-
	-	-
d. Total Support Credits (add lines 16a through 16c)	-	-
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)	\$645.39	\$240.63
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)	\$1,091.94	\$615.88
19. 25% of each parent's basic support obligation from line 9 (.25 x amount from line 9 for each parent)	\$161.35	\$60.16

WSCSS-Worksheets – Mandatory (CSW/CSWP) 6/2010 Page 3 of 5

Part VIII: Additional Factors for Consideration (see Instructions, page 9)		
20. Household Assets (List the estimated value of all major household assets.)	Father's Household	Mother's Household
a. Real Estate	-	-
b. Investments	-	-
c. Vehicles and Boats	-	-
d. Bank Accounts and Cash	-	-
e. Retirement Accounts	-	-
f. Other: (describe)	-	-
	-	-
	-	-
	-	-
21 Household Debt (List liens against household assets, extraordinary debt.)		
a.	-	-
b.	-	-
c.	-	-
d.	-	-
e.	-	-
f.	-	-
22. Other Household Income		
a. Income Of Current Spouse or Domestic Partner (if not the other parent of this action)		
Name	-	-
Name	-	-
b. Income Of Other Adults in Household		
Name	-	-
Name	-	-
c. Gross Income from overtime or from second jobs the party is asking the court to exclude per Instructions, page 10	-	-
d. Income Of Child(ren) (if considered extraordinary)		
Name	-	-
Name	-	-
e. Income From Child Support		
Name	-	-
Name	-	-
e. Income From Assistance Programs		
Program	-	-
Program	-	-
f. Other Income (describe)		
	-	-
	-	-
23. Non-Recurring Income (describe)		
	-	-
	-	-

24. Child Support Owed, Monthly, for Biological or Legal Child(ren)	Father's Household	Mother's Household
Name/age: Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	-	-
Name/age: Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	-	-
Name/age: Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	-	-
25. Other Child(ren) Living In Each Household (First name(s) and age(s))		

26. Other Factors For Consideration (attach additional pages as necessary)

Basis for Imputed Income for Mother: \$1,482.00

\$8.55 Hourly 40 hours per week. Overtime factor 1.50 applies after 40 hours per week.

Insufficient Evidence for Additional Deductions

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.

Alenice Glisic
Mother's Signature

Refused
Father's Signature

1/11/11
Date

Seattle
City

Date

City

[Signature]
Judicial/Reviewing Officer

1-11-11
Date

Worksheet certified by the State of Washington Administrative Office of the Courts.

Photocopying of the worksheet is permitted.

APPENDIX 5

Order for Protection –

Judge Dean Lum, King County Superior Court

FILED

2011 JAN 11 PM 4:11

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

ISSUED

Superior Court of Washington
For King County

Order for Protection - DV

No. 09-3-07867-3 SEA

Marina Glisic 2/8/77
Petitioner (First, Middle, Last Name) DOB

Court Clerk's Address: 516 Third Avenue,
Room E609, Seattle, Washington 98104-2386
Telephone Number: (206) 296-9300

vs. Fantahuen M. Hussein 2/25/67
Respondent (First, Middle, Last Name) DOB

(Clerk's Action Required) (ORPRT)

Names of Minors: No Minors Involved

Respondent Identifiers

First	Middle	Last	Age
Agaziyar	F.	Mengesha	12
Ethiopia	F.	Mengesha	10

Sex	Race	Hair
M	Black	Black
Height	Weight	Eyes
5'5"	120lbs	Brown

Respondent's Distinguishing Features:

Long Dreadlocks

Caution: Access to weapons: yes no unknown

The Court Finds Based Upon the Court Record:

The court has jurisdiction over the parties, the minors, and the subject matter and respondent has been provided with reasonable notice and an opportunity to be heard. Notice of this hearing was served on the respondent by personal service service by mail pursuant to court order service by publication pursuant to court order other

This order is issued in accordance with the Full Faith and Credit provisions of VAWA: 18 U.S.C. § 2265.

Respondent's relationship to the petitioner is:

- spouse or former spouse
- parent of a common child
- current or former cohabitant as intimate partner, including current or former registered domestic partner
- current or former dating relationship
- stepparent or stepchild
- blood relation other than parent or child
- current or former cohabitant as roommate
- in-law
- parent or child

Respondent committed domestic violence as defined in RCW 26.50.010 and represents a credible threat to the physical safety of petitioner; the court concludes as a matter of law the relief below shall be granted.

Court Order Summary:

- Respondent is restrained from committing acts of abuse as listed in restraint provision 1, on page 2.
- No-contact provisions apply as set forth on the following pages.
- Additional provisions are listed on the following pages.

The terms of this order shall be effective immediately and for one year from today's date,

unless stated otherwise here (date):

December 1, 2015

It is Ordered:

<p><input checked="" type="checkbox"/> 1. Respondent is Restrained from causing physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking <input checked="" type="checkbox"/> petitioner <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p> <p>(If the respondent's relationship to the petitioner is that of spouse or former spouse, parent of a common child, or former or current cohabitant as intimate partner, including current or former registered domestic partner, then effective immediately, and continuing as long as this protection order is in effect, the respondent may not possess a firearm or ammunition. 18 U.S.C. § 922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1).)</p>
<p><input checked="" type="checkbox"/> 2. Respondent is Restrained from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, locations, or wire or electronic communication of <input checked="" type="checkbox"/> petitioner <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> only the minors listed below <input type="checkbox"/> members of the victim's household listed below <input type="checkbox"/> the victim's adult children listed below:</p>
<p><input checked="" type="checkbox"/> 3. Respondent is Restrained from coming near and from having any contact whatsoever, in person or through others, by phone, mail, or any means, directly or indirectly, except for mailing or service of process of court documents by a 3rd party or contact by Respondent's lawyer(s) with <input checked="" type="checkbox"/> petitioner <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only: <i>*Subject to the Final Parenting Plan entered by the court under this case number. If both parties are in the same location, respondent shall leave.</i></p>
<p><input checked="" type="checkbox"/> 4. Respondent is Excluded from petitioner's <input checked="" type="checkbox"/> residence <input checked="" type="checkbox"/> workplace <input checked="" type="checkbox"/> school; <input type="checkbox"/> the day care or school of <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p> <p><input checked="" type="checkbox"/> Other: <i>As to minors: subject to Final Parenting Plan entered under this case number.</i></p> <p><input type="checkbox"/> Petitioner's address is confidential. <input checked="" type="checkbox"/> Petitioner waives confidentiality of the address which is: <i>4635 S. Fontanelle St., Seattle, WA 98118</i></p>
<p><input type="checkbox"/> 5. Petitioner shall have exclusive right to the residence that petitioner and respondent share. The respondent shall immediately Vacate the residence. The respondent may take respondent's personal clothing and tools of trade from the residence while a law enforcement officer is present.</p> <p><input type="checkbox"/> This address is confidential. <input type="checkbox"/> Petitioner waives confidentiality of this address which is:</p>
<p><input checked="" type="checkbox"/> 6. Respondent is Prohibited from knowingly coming within, or knowingly remaining within <u>500 ft.</u> (distance) of: petitioner's <input checked="" type="checkbox"/> residence <input checked="" type="checkbox"/> workplace <input checked="" type="checkbox"/> school; <input checked="" type="checkbox"/> the day care or school of <input checked="" type="checkbox"/> the minors named in the table on page one <input type="checkbox"/> these minors only:</p> <p><input checked="" type="checkbox"/> Other: <i>As to minor's school, subject to Final Parenting Plan entered under this case number.</i></p>

<input type="checkbox"/> 7. Petitioner shall have possession of essential personal belongings, including the following:
<input type="checkbox"/> 8. Petitioner is granted use of the following vehicle: Year, Make & Model _____ License No. _____
<input type="checkbox"/> 9. Other:
<input type="checkbox"/> 10. Respondent shall participate in treatment and counseling as follows: <input checked="" type="checkbox"/> domestic violence perpetrator treatment program approved under RCW 26.50.150 or counseling at: <u>ACT and T</u> <input checked="" type="checkbox"/> parenting classes at: <u>OV Dads at Wellspring Family Services</u> <input type="checkbox"/> drug/alcohol treatment at: _____ <input type="checkbox"/> other: _____
<input type="checkbox"/> 11. Petitioner is granted judgment against respondent for \$ _____ fees and costs.
<input type="checkbox"/> 12. Parties shall return to court on _____, at _____ m. for review.
Complete only if the protection ordered involves pets:
<input checked="" type="checkbox"/> 13. Petitioner shall have exclusive custody and control of the following pet(s) owned, possessed, leased, kept, or held by petitioner, respondent, or a minor child residing with either the petitioner or the respondent. (Specify name of pet and type of animal.): <u>Mila - Doberman Pincher ; Dusa - White Persian Cat</u>
<input type="checkbox"/> 14. Respondent is Prohibited from interfering with the protected person's efforts to remove the pet(s) named above.
<input checked="" type="checkbox"/> 15. Respondent is Prohibited from knowingly coming within, or knowingly remaining within <u>500ft.</u> (distance) of the following locations where the pet(s) are regularly found: <input checked="" type="checkbox"/> petitioner's residence (You have a right to keep your residential address confidential.) <input checked="" type="checkbox"/> <u>Othello</u> Park <input checked="" type="checkbox"/> other: <u>Veterinarian's Office</u>

Complete only if the protection ordered involves minors: This state has exclusive continuing jurisdiction; is the home state; has temporary emergency jurisdiction that may become final jurisdiction under RCW 26.27.231(2); other: _____

16. Petitioner is **Granted** the temporary care, custody, and control of the minors named in the table above these minors only:

17. Respondent is **Restrained** from interfering with petitioner's physical or legal custody of the minors named in the table above these minors only:

18. Respondent is **Restrained** from removing from the state the minors named in the table above these minors only:

19. The respondent will be allowed visitations as follows: As allowed under the provisions of the Final Parenting Plan entered under this case number.

Petitioner may request modification of visitation if respondent fails to comply with treatment or counseling as ordered by the court.

If the person with whom the child resides a majority of the time plans to relocate the child, that person must comply with the notice requirements of the Child Relocation Act. Persons entitled to time with the child under a court order may object to the proposed relocation. See RCW 26.09, RCW 26.10 or RCW 26.26 for more information.

Warnings to the Respondent: A violation of provisions 1 through 6 of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject you to arrest. If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, you may be subject to criminal prosecution in federal court under 18 U.S.C. §§ 2261, 2261A, or 2262.

A violation of provisions 1 through 6, 14, or 15 of this order is a gross misdemeanor unless one of the following conditions apply: Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. Also, a violation of this order is a class C felony if you have at least two previous convictions for violating a protection order issued under Titles 7, 10, 26 or 74 RCW.

If you are convicted of an offense of domestic violence, you will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. § 922(g)(9); RCW 9.41.040.

You Can Be Arrested Even if the Person or Persons Who Obtained the Order Invite or Allow You to Violate the Order's Prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

WACIC Data Entry

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to Seattle County Sheriff's Office City Police Department **Where Petitioner Lives** which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

Service

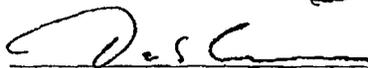
- The clerk of the court shall also forward a copy of this order on or before the next judicial day to _____ County Sheriff's Office City Police Department **Where Respondent Lives** which shall personally serve the respondent with a copy of this order and shall promptly complete and return to this court proof of service.
- Petitioner shall serve this order by mail publication.
- Petitioner shall make private arrangements for service of this order.
- Respondent appeared and was informed of the order by the court; further service is not required.

- Law enforcement shall assist petitioner in obtaining:
 - Possession of petitioner's residence personal belongings located at: the shared residence respondent's residence other: _____
 - Custody of the above-named minors, including taking physical custody for delivery to petitioner.
 - Possession of the vehicle designated in paragraph 7, above.
 - Other: _____
- Other: _____

This Order is in Effect Until the Expiration Date on Page One.

If the duration of this order exceeds one year, the court finds that an order of one year or less will be insufficient to prevent further acts of domestic violence.

Dated: 1/11/11 at 3:45 a.m./p.m.



Judge/Commissioner

Presented by:

Marlene Grist 1/11/11
Petitioner Date

I acknowledge receipt of a copy of this Order:

Jamshon Hussaini
Respondent Date

Victor L. Ambrose
Attorney Name / WSBA# 30650

Attorney Name / WSBA#

The petitioner or petitioner's lawyer must complete a Law Enforcement Information Sheet (LEIS).

APPENDIX 6

Judgment & Order Striking Petitioner's Hearing and Granting
CR 11 Sanctions Against Petitioner –

Judge Dean Lum, King County Superior Court

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FILED
KING COUNTY, WASHINGTON

ORIGINAL

JUL 13 2010

SUPERIOR COURT CLERK
SUNG KIM
DEPUTY

SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

Honorable Dean Lum
Hearing Date: Friday, July 9, 2010
Without Oral Argument
Non-Moving Party

IT IS ORDERED that moving party
is required to provide a copy of this
order to all parties who have
appeared in the case.

In re the Marriage of:

FANTAHUEN HUSSEIN

Petitioner,

and

MARINA GLISIC,

Respondent.

No. 09-3-07867-3 SEA

JUDGMENT & ORDER STRIKING PETITIONER'S
HEARING AND GRANTING CR 11 SANCTIONS
AGAINST PETITIONER

Clerk's action required

I. JUDGMENT SUMMARY

A. Judgment creditor	<u>Marina Glisic</u>
B. Judgment debtor	<u>Fantahuen Huessein</u>
C. Principal judgment amount	\$ _____
D. Interest to date of judgment	\$ _____
E. Attorney fees	\$ <u>1,250.00</u>
F. Costs	\$ <u>35.00</u>
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 <u>12</u> % per annum	
J. Attorney for judgment creditor	<u>Kristofer L. Amblad</u>
K. Attorney for judgment debtor	<u>Pro Se</u>
L. Other:	

II. ORDER

THIS MATTER came before the assigned judge, the Honorable Dean Lum, pursuant to the
Petitioner's Motion to Vacate Order for Protection and Motion for Temporary Order. In response, the
Respondent filed a Motion to Strike Petitioner's Hearing and requested CR 11 Sanctions against the
Petitioner. Oral argument was not requested. The Court considered the Petitioner's Motion and

JUDGMENT & ORDER STRIKING PETITIONER'S HEARING
AND GRANTING CR 11 SANCTIONS AGAINST PETITIONER
Page 1 of 3

Northwest Justice Project
401 Second Avenue S, Suite 407
Seattle, Washington 98104
Phone: (206) 464-1519 Fax: (206) 624-7501

1 Declaration for Temporary Order, Amended Motion and Declaration for Order Vacating Protection
2 Order and supporting materials; Respondent's Motion to Strike Hearing, Request for CR 11 Sanctions,
3 and Declaration of Respondent's Counsel in opposition to the Petitioner's motions; the Declaration
4 Kristofer L. Amblad RE Attorney's Fees; and any documents filed by Petitioner in reply, and the court
5 file.

6 Based on the foregoing, the Court FINDS as follows:

7 1. The Petitioner's motions were improperly filed before this court, were not timely served on
8 the Respondent pursuant to KCLFLR 6, and did not properly comply with CR 60. Accordingly, his
9 hearing should be stricken.

10 2. The Respondent's request for CR 11 sanctions should be granted. The Petitioner's motions
11 are not well-grounded in fact, are not warranted by existing law, and were filed for the improper purpose
12 of harassing and intimidating the Respondent. Sanctions are needed to deter the Petitioner from filing
13 baseless motions again in this case.

14 3. The Petitioner should be required to pay the Respondent's attorney's fees and costs in
15 responding to his motions as a sanction pursuant to CR 11.

16 4. Other:
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18
19

20 Based on the foregoing findings and pursuant to CR 11, the Court ORDERS as follows:

21 1. The Respondent's Motion to Strike Petitioner's hearing is Granted; and

22 2. Respondent's request for CR 11 sanctions is granted. Petitioner shall pay the Respondent's
23 attorney fees and expenses that she incurred in responding to the Petitioner's motion as set forth in the
24 Judgment Summary above.

JUDGMENT & ORDER STRIKING PETITIONER'S HEARING
AND GRANTING CR 11 SANCTIONS AGAINST PETITIONER
Page 2 of 3

Northwest Justice Project
401 Second Avenue S, Suite 407
Seattle, Washington 98104
Phone: (206) 464-1519 Fax: (206) 624-7501

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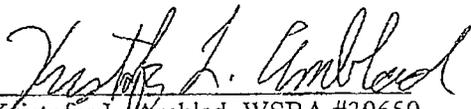
3. Other:

Dated: 7/12/10


Honorable Dean S. Lum

Presented by:

NORTHWEST JUSTICE PROJECT


Kristofer L. Amblad, WSBA #30650
Attorney for Respondent Marina Glisic

APPENDIX 7

Order Granting Respondent's Motion in Limine –
Judge Dean Lum, King County Superior Court

Honorable Dean Lum
Hearing Date: November 22, 2010
Hearing Time: Time of trial
Moving Party

FILED
KING COUNTY, WASHINGTON

NOV 29 2010

SUPERIOR COURT CLERK

~~Superior Court~~

DEPUTY

Debra Bailey

SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

In re the Marriage of:

FANTAHUEN HUSSEIN

Petitioner,

and

MARINA GLISIC

Respondent.

No. 09-3-07867-3 SEA

**ORDER GRANTING
RESPONDENT'S MOTION IN
LIMINE**

THIS MATTER came regularly before the Honorable Dean Lum of the above-entitled court for pre-trial hearing on the Respondent's Motion in Limine. The Court considered the Respondent's Motion and Declaration of Counsel in Support of Motion in Limine and attached exhibits; all documents, if any, submitted in response by the Petitioner; and all documents, if any, submitted in reply by the Respondent. Based on the foregoing, the Court hereby ORDERS as follows:

1. The Respondent's Motion in Limine is GRANTED.
2. The Petitioner has not demonstrated good cause or offered a reasonable excuse for his failure to disclose witnesses 1.7 through 1.21 in the Joint Statement of Evidence as required by KCLCR 26(b) and the deadlines in the Order Setting Case Schedule. Accordingly, the Petitioner is prohibited from calling the following witnesses at trial:

The Court finds that petitioner has not demonstrated good cause or offered a reasonable excuse for his failure to disclose witnesses 1.7 through 1.21 in the Joint Statement of Evidence as required by KCLCR 26(b) and the deadlines in the Order Setting Case Schedule. Accordingly, the

con.
(DSD)

ORIGINAL

Order Granting Respondent's Motion in Limine
Page 1 of 2

Northwest Justice Project
401 Second Avenue S, Suite 407
Seattle, Washington 98104
Phone: (206) 464-1519 Fax: (206) 624-7501

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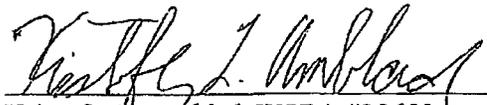
- a. Kevin Johnson
- b. Alemeshet Wolde
- c. Abune Lukas
- d. Yonas Seifu
- e. Paul T. Stoebe, Financial Manager, Chase Bank (f/k/a Washington Mutual), Rainier Avenue Branch
- f. Fikru Kifle
- g. Paul Tan
- h. Girma Haile-Luel
- i. Michael Niguse
- j. Records Custodian, Bank of America, Seattle Main Branch
- k. Records Custodian, Washington Federal Savings Bank
- l. Records Custodian, JP Morgan Chase Bank (f/k/a Washington Mutual)
- m. Emergency Room Doctor/Attending Physician for Marina Glisic, Harborview Medical Center
- n. Medical Records Clerk, Harborview Medical Center
- o. Insurance Billing Specialist, Harborview Medical Center

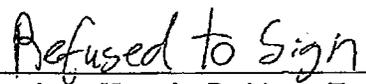
3. The Petitioner is prohibited from offering at trial exhibits 12, 13, and 14 in the Joint Statement of Evidence because copies were not provided to the Respondent in compliance with KCLCR 4(j), the Order Setting Case Schedule and the Order on Pre-Trial Conference.

OSU
KA

DATED: 11/22/10


JUDGE DEAN LUM

Presented by:
NORTHWEST JUSTICE PROJECT

Kristofer L. Amblad, WSBA #30650
Attorney for Respondent Marina Glisic

Copy Received:

Fantahuen Hussein, Petitioner/Father

APPENDIX 8

Notation Ruling on Motion –
Commissioner Mary Neel, Court of Appeals

The Court of Appeals
of the
State of Washington

RICHARD D. JOHNSON,
Court Administrator/Clerk

DIVISION I
One Union Square
600 University Street
Seattle, WA
98101-4170
(206) 464-7750
TDD: (206) 587-5505

April 6, 2011

VIA US MAIL

Fantahuen M. Hussein
7330 45th Avenue S.
Seattle, WA 98118

VIA E-MAIL

Kristofer L Amblad
NW Justice Project
401 2nd Ave S Ste 407
Seattle, WA, 98104-3811

CASE #: 66656-8-1
Fantahuen M. Hussein, Appellant v. Marina Glisic, Respondent

Counsel:

The following notation ruling by Commissioner Mary Neel of the Court was entered on April 5, 2011, regarding appellant's motion for order of indigency and to proceed on appeal at public expense:

"The filing fee is waived. But in view of the trial court order that appellant is not indigent except for waiver of the filing fee, appellant's request for the expenditure of public funds is denied. Appellant's request for a stay is denied, as the trial court has already considered and rejected the request. Appellant must file proof of service of his motion and is reminded he must file proof of service with every document he files."

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

APPENDIX 9

Order Denying Motion to Modify and Request for Relief from
Order –

Court of Appeals

THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

In re the Marriage of:)
)
FANTAHUEN M. HUSSEIN,)
)
Appellant,)
)
and)
)
MARINA GLISIC,)
)
Respondent.)

No. 66656-8-1

ORDER DENYING MOTION
TO MODIFY AND
REQUEST FOR RELIEF
FROM ORDER

FILED
COURT OF APPEALS DIVISION ONE
STATE OF WASHINGTON
2011 JUN 28 PM 2:51

Appellant Fantahuen Hussein has filed a motion to modify the Commissioner's April 5, 2011, ruling denying his requests for an expenditure of public funds on appeal and a stay of the final parenting plan and domestic violence protection order. Respondent Marina Glisic has filed a response in which she requests modification of the Commissioner's waiver of the filing fee. Appellant has filed a reply to Respondent's response. We have considered the motion and request for relief under RAP 17.7 and have determined that both should be denied. Now, therefore, it is hereby

ORDERED that Appellant's motion to modify and Respondent's request for relief are denied.

Done this 28th day of June 2011.

FILED
COURT OF APPEALS DIVISION ONE
STATE OF WASHINGTON
2012 FEB -3 PM 4:31

Cox, J.

Dyer, C.J.

Glisic