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The Court Of Appeals

Of The State Of Washington

Marlene McReynolds,

State Of Washington,

Respondent,

VS.

Robert L. McReynolds,

Petitioner,

Brief Of Petitioner

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Court Of Appeals, Division I
State Of Washington

Robert L McReynolds, Petitioner, VS. Marlene McReynolds, State Of Washington, Respondent,	NO. 95-3-02058-9 KNT Case #67955-4-1 Petition of Brief

Comes now petitioner, Robert L. McReynolds, in an appeal of the king county superior court decision.

A) Statement of the case:

1.) Current child support has been terminated, as all children are over 18 and have graduated from high school. The division of child support (DCS) is collecting back support that accrued under past child support orders.

2.) The division of child support did not collect current support from the petitioner from April 2000 to April 2004, at the request of the mother.

3.) The mother then re-opened her case, requesting back child support, as she claimed that the petitioner did not pay her full support directly while DCS was not collecting. DCS began collecting back child support for the 2000 to 2004 time period.

4.) Petitioner requested a conference board through the administrative process at DCS. He requested that he be given credit for payments made directly to the mother from April 2000 to April 2004. The conference board issued its decision on august 2010. In its decision, the conference board granted the petitioner a credit of $7550.00 based on the evidence provided of direct payments from 2000 to 2004.

5.) Petitioner objected to the conference board's decision. A letter from the conference board September 27, 2010, explains why the conference board would not grant a larger credit.

6.) Mr. McReynolds sought relief in the king county superior court from back child support calculated owing for the April 2000 to April 2004 time frame.

7.) The mother responded to petitioner request for relief and stated in her response that her living arrangements was an agreement between petitioners parents and herself.

8.) The superior court denied Mr. McReynolds' request for the following 3 reasons:

1.) The court cannot retroactively modify support.

2.) The father's request for credit for back support paid was adjusted through the administrative process of DCS with a final decision on 09/29/2010 and no appeal was taken from that decision.

3.) No evidence to support the father's claim was presented in this record that he paid all support due.

B) Argument:

1.) The King County Superior Court can offer Petitioner equitable relief.

Mr. McReynolds filed a motion in Superior Court for equitable relief from a back child support debt. The Superior Court dismissed Petitioners motion stating that "This court cannot retroactively modify support."

In re marriage of Watkins court found that:

In special circumstances, however, Washington courts will apply traditional equitable principals to mitigate the harshness of particular claims for retrospective support if it will not work on injustice.

2.) Petitioner did appeal the conference boards decision.

Mr. McReynolds did appeal DCS' conference boards decision, and exhausted his state remedies before filing the motion with the King County Superior Court. The DCS conference board's second letter, in regards to Petitioner appeal, stated that Mr. McReynolds would have to seek relief from the Superior Court.

3.) Petitioner did present evidence to the Superior Court.

Mr. McReynolds presented the Superior Court with an affidavit from his employer during the 2000 to 2004 time frame.

Ms. McReynolds responded to Petitioners motion by admitting to an agreement between herself and Petitioners parents.

Petitioner asserts that the agreement was that, Petitioner's employer, also his Father, would deduct child support from his paycheck to pay directly to the Mother at her request. Petitioner's Father asserts that as Petitioners employer, he collected $36,000 from 2000 to 2004. Also, that the Mother agreed to pay for living in his home and childcare that was provided by Petitioner's Mother (Admitted by Ms McReynolds).

The child support was collected by Petitioner's employer, and the Mother waited over 6 years to request this support.

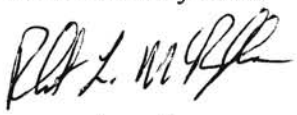
Petitioner is harmed by this wait as all financial records of these payments have become unattainable.

C) Demand for relief:

Petitioner requests relief in the form of credit for these payments, so that he may not have to pay this debt twice due to the lengthy wait and unavailable records.

Respectfully submitted this 18th day of December, 2012

Robert McReynolds



12/18/2012

Washington State Court of Appeals, Division I

Robert L. McReynolds,
Petitioner,

No. 95-3-02058-9 KNT
Case # 67955-4-1

vs.
Marlene McReynolds,
State of Washington,
Respondent,

Certificate of Service

I certify under penalty of perjury under the laws of the state of Washington that on this 18th day of December, 2012, I caused a true and correct copy of the forgoing brief to be served on:

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