

No. 74034-2

COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON

In re the Marriage of:

VIKAS LUTHRA,

Appellant,

vs.

ARADHNA FORREST (fka ARADHNA LUTHRA),

Respondent.

CONSOLIDATED APPEAL FROM THE SUPERIOR COURT
FOR KING COUNTY
THE HON. SEAN P' O'DONNELL

REPLY BRIEF OF APPELLANT (w/corrected CPs)

PRO SE

By: Vikas Luthra

12624 SE 83rd Court
Newcastle, WA 98056
Phone: (425) 793-8900

Pro Se for Appellant

TABLE OF CONTENT

I. INTRODUCTION..... 1
II. REPLY TO RESTATEMENT OF ISSUES.....2
III. REPLY ARGUMENTS SUMMARY3
IV. REPLY ARGUMENT CASE LAW7
V. CONCLUSION14

TABLE OF AUTHORITIES

CASES

In re MB, 3 P.3d 780, 101 Wash. App. 425 (Ct. App. 2000).
.....7, 8, 9, 10, 11
In State v. Koome, 530 P.2d 260, 84 Wash. 2d 901 (1975)..... 12
Roe v. Wade, 410 U.S. 113, 35 L.Ed.2d 147, 93 S.Ct. 705 (1973)
..... 12
Doe v. Bolton, 410 U.S. 179, 35 L.Ed.2d 201, 93 S.Ct. 739 (1973)
..... 12
Roe v. Wade, supra at 153..... 12
Griswold v. Connecticut, 381 U.S. 479, 485, 14 L.Ed.2d 510, 85
S.Ct. 1678 (1965).....13
Smith v. Seibly, 72 Wn.2d 16, 17, 21, 431 P.2d 719 (1967).....13
Jackson v. Indiana, 406 U.S. 715, 32 L.Ed.2d 435, 92 S.Ct. 1845
(1972)...13
Stanley v. Illinois, supra at 658.....13

Fay v. Nw. Airlines, Inc., 115 Wn.2d 194, 200-01, 796 P.2d 412
(1990)..... 14

STATUTES AND OTHER AUTHORITIES

RAP 18.9(a).....14

I. INTRODUCTION

The Respondents Brief cleverly attempts to confuse the issues before this court. Appellant Luthra is not asking this Court to adjudicate if the Parenting Plan Final Order from July 2010 or subsequent “**Parenting Plan Final Order (PP) Amended on 9/9/2013**” was proper. The issues before this court raised on Appeal are clearly and specifically outlined in Appellants Opening Brief on Page 4-6 (I. Assignment of Errors, # 1-6.)

In addition, Respondent’s Counsel in her Introduction attempts to paint Appellant Luthra as litigious, but fails to acknowledge that the case docket amply demonstrates that her Client “Aradhna Forrest” has been the party who has been intransigent at the Trial Court level and has filed in excess of “8” (**EIGHT**) Trial Court Motions prior to the Contempt of Court Motion which is the subject of this appeal, to needlessly engage the father in costly litigation.

II. REPLY TO RESTATEMENT OF ISSUES

1. The documentary record in front of the Trial Court did not demonstrate that Luthra intentionally failed to comply with the parties 2010 Child Support Order. Evidence supporting the prior agreement of the parties was well documented and submitted to the trial court for reference.

2. Other than hearsay assertions by Forrest, the Trial Court lacked any record before it that demonstrated that Luthra intentionally failed to comply with the 2010 or 2013 Parenting Plan provisions, related to his mental health treatment.

3, 4, 5: (Cumulative Response)

Luthra is not challenging the Trial Court's Authority in Statute to enter sanctions to coerce compliance with its orders. He is instead appealing the basis and logic behind the Trial Court ordering him to perform 75 days of "work crew" in this specific case.

6. The request for award for Attorney's Fees & Costs on Appeal by Forrest lacks basis and merit.

III. REPLY ARGUMENTS SUMMARY

There was a clear and well documented agreement regarding child care expenses between the parties. As Appellant previously demonstrated, Forrest failed to uphold the Rule of Law in this case, and hence the judgement of legal fees against Luthra at the trial court was a reversible error.

The Respondent's Brief (in Section III – Restatement of the Case) also argues at length about the extent of Luthra's emotional impairment because of his OCD diagnosis in 2010. It goes on to emphasize that the father's midweek visitation reinstatement was conditioned on his making progress in intensive OCD treatment. However, it fails to acknowledge that on **5/22/2013**, in compliance with that order, Luthra, who had participated in and made progress in treatment, submitted sworn affidavits from his (WA State Licensed) Psychiatrist (Dr. Nguyen) and Therapists (Rhonda Griffin,

LMHC and Nancy Eveleth, LMHC) from Valley Medical Center in Renton, WA, affirming to the court his continued participation and progress in intensive OCD treatment. (CP 933-945)

Instead of acknowledging the father's efforts to manage his OCD, Forrest blatantly continued her vendetta against the child's father, by "pushing away the goal post" (challenging the reinstatement of mid-week visits with his son) by arguing that the aforementioned licensed mental health practitioners lacked expertise to properly treat OCD. It is noteworthy that Forrest did so despite having no medical expertise, nor any related qualifications to make such assessments. Neither did Forrest provide any evidence of specific negative impact of Luthra spending additional (midweek visitation) time with his Son. She simply objected to further her personal agenda at the expense of the wellbeing of the child.

Forrest's ongoing litigiousness and intransigence in this case is clearly evidenced by her numerous frivolous and senseless Motions at the Trial Court to date, eight (8) of which Luthra listed in

his filings to that (trial) court on 5/1/2014 (CP 952-954) and in another filing. (CP 1022-1023.)

In her brief here, Forrest's Counsel goes on at length to inject selective excerpts only from the opinion of Dr. Teresa Hastings (Parenting Evaluator in this case from 2009) to justify her position and prognosis of Luthra's OCD as evaluated back in 2009. Unfortunately, as has been previously shared with this court, Dr. Hastings was a highly compromised/tainted witness who had already had her Medical License suspended **twice** in WA by our State's Department of Health prior to her involvement in this case. **(Attached EXHIBIT A)**

On the contrary, in the court hearings in 2015, in sworn affidavits, Dr. Nguyen, Ms. Griffin and Ms. Eveleth - experienced expert mental health professionals (who practice at Valley Medical Center, in Renton, WA) informed the court that the specific "home based" OCD treatment recommended by Dr. Hastings was not readily available in the State. (CP 200 Line 2-9 or **Attached EXHIBIT B**) Through his financial filings (CP 641-749) Luthra had

also demonstrated that he lacked the financial ability to pay for any treatment not covered by his health insurance provider. However, based only on hearsay evidence submitted by Forrest (CP 288-289) (suggesting that home based OCD treatment was available) the Court abused its discretions in finding Luthra in contempt regarding the OCD Treatment provision of the Parenting Plan. The court also went on to impose egregious sanctions against Luthra and imposed purge conditions which were outside his control. Whether a purge condition exceeds the court's authority or violates a contemnor's due process rights are questions of law, and should be reviewed de novo.

On Page 3, last paragraph of her brief in September, 2016, Novotny incorrectly states "To this day, the father has disregarded Judge Fleck's order." On the contrary, on 7/16/2016, in a Sworn Declaration to the court, Luthra informed the court of additional efforts he made to find a therapist who met the courts expectations and that he had engaged the services of Dr. Yie-Wen "Yvonne" Kuan (PhD) for treatment of his OCD. (CP 1066-1067) Even though the court was made aware of this progress, and thereafter

did not reset the matter for further contempt review hearings, in a procedural failing, Luthra has had to continue to work 1 day/week doing CWP duty (25 days completed so far.) In the interim, Luthra has also consistently seen Dr. Kuan and participated in all her medical directives per the court orders.

IV. REPLY ARGUMENT CASE LAW

A. In an analogous case related to court ordered treatment programs (just as expected here from Luthra to purge the trial court finding him in contempt in regards to compliance with treatment requirements of the Parenting Plan) as part of purge conditions:

In re MB, 3 P.3d 780, 101 Wash. App. 425 (Ct. App. 2000) this court opined:

“Another difficulty lies in the fact the condition required R.H. both to enroll in and be accepted by a treatment program. The contemnor must carry the keys of the prison door in her own pocket. R.H.'s acceptance into a program was not within her sole control. If R.H.'s ability to purge herself of the contempt is dependent upon the actions of a third party, the purpose of civil contempt is defeated.

For these reasons, the treatment purge condition was punitive and therefore unlawful.”

Similarly here, the Court expected Luthra to find a treatment program that met its requirements and be accepted into and afford the same – even though acceptance into such a treatment was not within the direct control of Luthra, nor it being covered by his health

insurance coverage. This purge condition was therefore punitive and unlawful.

In additional detailed analysis of Contempt of Court Rulings in: *In re MB, 3 P.3d 780, 101 Wash. App. 425 (Ct. App. 2000)* this court opined:

Distinguishing Punitive from Remedial Contempt

“Washington's general contempt statute provides for either "punitive" or "remedial" sanctions. A punitive sanction is imposed to punish a past contempt of court for the purpose of upholding the authority of the court. A remedial sanction is imposed for the purpose of coercing performance when the contempt consists of failure to perform an act that is yet in the person's power to perform. Remedial sanctions are civil rather than criminal and do not require criminal due process protections...”

...”A contempt sanction involving imprisonment remains coercive, and therefore civil, if the contemnor is able to purge the contempt and obtain his release by committing an affirmative act. In other words, the contemnor "carries the keys of his prison in his own pocket" and can let himself out simply by obeying the court order. As long as there is an opportunity to purge, the fact that the sentence is determinate does not render the contempt punitive. On the other hand, a prison term of a determinate length which does not provide the contemnor an opportunity to purge is generally considered punitive, and thus criminal. Courts may not impose criminal contempt sanctions unless the contemnor has been afforded the same due process rights afforded other criminal defendant. This includes initiation of a criminal action by filing of charges by the prosecutor, assistance of counsel, privilege against self-incrimination, and proof beyond a reasonable doubt.”

B. In this case, Forrest’s trial court counsel repeatedly petitioned the court to send Luthra to jail. The record of the hearings in this case and the related VR clearly confirm that Forrest’s Counsel here acted as the “substitute” prosecutor at the hearings. This was a violation of Luthra’s due process rights.

In re MB, 3 P.3d 780, 101 Wash. App. 425 (Ct. App. 2000) this court

opined

“Judges have inherent power “(1) to punish summarily contemptuous conduct occurring in the presence of the court; (2) to enforce orders or judgments in aid of the court’s jurisdiction; and (3) to punish violations of orders or judgments. The court’s inherent powers may not be nullified by statute. But neither may courts deviate from the statutory scheme unless the statutory powers are in some specific way inadequate. Otherwise, a resort to inherent powers effectively nullifies the statutes.”

...“Unless the legislatively prescribed procedures and remedies are specifically found inadequate, courts should adhere to them and are not free to create their own.”

... We emphasize, too, that although inherent contempt power may be used where the statutory powers are inadequate, the due process requirements remain the same. In other words, due process prohibits a court from using either statutory or inherent power to justify its actions if the contempt sanctions are themselves punitive, unless the contemnor is afforded criminal due process protections, including the safeguards of a criminal trial.”

...” both the rules of evidence and due process require that contempt findings be based on sworn testimony.

...“We review a contempt finding for abuse of discretion. A court abuses its discretion when its decision is manifestly unreasonable or based on untenable grounds. A finding of contempt will be upheld as long as a proper basis can be found. Except in R.T.’s case, it is not the findings of contempt that are challenged, but the purge conditions (R.T. challenges both). Fashioning a condition that meets the test set forth above, and deciding whether the condition is satisfied, are matters for the exercise of the court’s discretion. Whether a purge condition exceeded the court’s authority or violated a contemnor’s due process rights, however, are questions of law, which are reviewed de novo.”

C. The trial court here also failed to follow statutory requirements when sentencing Luthra to 75 days of work crew in this case. Especially considering Appellants OCD disability was related to contamination/germs, the trial court sentencing him to “work-crew for 75 days” (which forcefully exposed him to the very “triggers” of his OCD) was clearly excessive,

abusive, and manifestly a cruel and unusual punishment.

This very Appellate Court has previously observed in other cases, that when relying on its inherent contempt powers, the court must enter a finding as to why the statutory remedy is inadequate and articulate a reasonable basis for believing why some other specific period of incarceration would not be appropriate. Here, the trial court failed to articulate its reasoning for the 75 day CWP sentence. Failing to do so was a reversible error. In addition, Luthra was entitled to Criminal Due Process protections at his contempt hearings. The trial court failed to afford him the same as well.

When evaluating purge conditions, this court has also opined in *In re MB, 3 P.3d 780, 101 Wash. App. 425 (Ct. App. 2000)* :

“This condition must meet three requirements. First, it must be designed to serve remedial aims; that is, it must be directed at obtaining future compliance. Second, the condition must be within the power of the child to fulfill. Third, the condition must be reasonably related to the cause or nature of the child's contempt.”

The implied Purge Condition in this matter also expected Luthra to seek therapy – as specified by the original court orders – from a psychologist/provider who he himself has no control over (in dictating the modality of how the therapist would chose to treat his

condition; where she would offer this treatment - at home, or in an office; and using what medical technique.) This expectation was unreasonable since Luthra clearly had no reasonable means of ordering a therapist (medical practitioner) to use a particular modality/technique/location over another.

D. Court's imposition of additional requirements not originally included as part of the purge condition was punitive in effect and purpose, and therefore unlawful.

In re MB, 3 P.3d 780, 101 Wash. App. 425 (Ct. App. 2000):

“Second, in rejecting C.W.’s first paper as inadequate, the court imposed content requirements not originally described. The purge condition is not subject to ongoing modification and increasing onerousness. The court has discretion to determine whether the contemnor has satisfied the purge condition, but the court must state its expectations with sufficient clarity to communicate what is required. Here, the court’s imposition of additional requirements not originally included as part of the condition was punitive in effect and purpose, and therefore unlawful.”

“Another deficiency is that the commissioner’s “ongoing” finding of contempt does not specify how long D.M. must refrain from running away in order to purge the contempt. The contemnor must be able to purge the contempt (and the threat of a detention sanction) within some definite time frame. Instead, the order appears to contemplate the possibility of keeping D.M. in detention periodically throughout her adolescence, so long as the commissioner believes she is likely to run away from placement.”

...

Very similarly here, while Luthra demonstrated to the Court that he was attempting to find a therapist that meets the Court’s

expectations, the Court kept finding him in Contempt and increasing his Work Crew sentence (from 30 days to 75 days!). This was clearly imposition of an unlawful punitive sentence, without the statutory due-process protections.

E. The trial courts imposition of a “specific” treatment regimen – which contradicted the recommendation of expert medical professionals in the mental health field (Dr. Nguyen, Ms. Griffin and Ms. Eveleth) is a violation of the 14th Amendment of the US Constitution.

In State v. Koome, 530 P.2d 260, 84 Wash. 2d 901 (1975)

“In [Roe v. Wade, 410 U.S. 113, 35 L.Ed.2d 147, 93 S.Ct. 705 \(1973\)](#), and [Doe v. Bolton, 410 U.S. 179, 35 L.Ed.2d 201, 93 S.Ct. 739 \(1973\)](#), the United States Supreme Court held that “the Fourteenth Amendment’s concept of personal liberty and restrictions upon state action” contains a right of privacy which “is broad enough to encompass a woman’s decision whether or not to terminate her pregnancy.” [Roe v. Wade, supra at 153](#). Following a long line of its cases the court characterized this right, like others involving control of one’s reproductive functions, as “fundamental.”

A logical question is raised when the abridgment of fundamental rights is justified by some "compelling state interest" which it furthers. **If it is not, its impact constitutes a violation of due process.** Here, the State failed to cite any compelling state interest in imposition of its therapeutic requirements when entering its contempt orders in 2015-2016 hearings. In doing so, Appellant

Luthra's equal protection clause safeguards guaranteed by the US and State Constitution were violated by the orders of the Trial Court.

"State restrictions on fundamental freedoms must be narrowly drawn to conform to the legitimate state interests to be furthered, and must not sweep too broadly over the exercise of privacy rights. [Griswold v. Connecticut, 381 U.S. 479, 485, 14 L.Ed.2d 510, 85 S.Ct. 1678 \(1965\)](#); [Roe v. Wade, 410 U.S. 113, 155, 35 L.Ed.2d 147, 93 S.Ct. 705 \(1973\)](#).

Substituting its own wisdom in Medical Diagnosis and treatment, while ignoring the expert opinion of qualified Licensed Mental Health Professionals was a reversible error by the trial court.

"If professional responsibility is not safeguard enough, the common law requires that physicians determine that a minor's decision to consent to any form of medical care, including abortion, is adequately informed and considered, and civil liability is available to enforce this injunction. [Smith v. Seibly, 72 Wn.2d 16, 17, 21, 431 P.2d 719 \(1967\)](#). Whatever additional guaranty of the "quality" of the abortion decision is necessary may be provided by other less drastic state requirements. If parental supervision is considered valuable in itself, perhaps the State could make a certificate of parental consultation prerequisite to a minor's abortion. A demand for parental consent, backed by the power of the criminal law of the state, is not necessary and cannot be constitutionally justified."

"The equal protection clause parallels the due process demand for adequate justification of state abridgement of fundamental rights. [Jackson v. Indiana, 406 U.S. 715, 32 L.Ed.2d 435, 92 S.Ct. 1845 \(1972\)](#); [Stanley v. Illinois, supra at 658](#). It also imposes the further requirement that classifications impacting on personal liberties be drawn narrowly and in conformance with the state purposes they are intended to serve."

F. Forrest's Fee request at Appeal lacks merit and basis.

An Appellate Court may order a party filing a frivolous appeal "to pay terms or compensatory damages" to the opposing party. RAP 18.9(a). "An appeal is frivolous if there are no debatable issues upon which reasonable minds might differ and it is so totally devoid of merit that there was no reasonable possibility of reversal." [Fay v. Nw. Airlines, Inc., 115 Wn.2d 194, 200-01, 796 P.2d 412 \(1990\).](#)

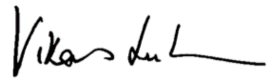
However, this case does not pass the frivolous appeal test. On the contrary, the merits of Luthra's appeal are clearly detailed and argued in his opening and reply brief and he cites appropriate case law. Therefore this court should deny the Respondents fee request.

V. CONCLUSION

The contempt findings were based on hearsay evidence, demonstrate an abuse of discretion by the trial court, fail Constitutional scrutiny and violate due process and equal protection rights of Appellant. Based on the arguments in his opening brief and this reply brief, this court should reverse the trial court's order finding Luthra in Contempt.

Dated this 12th day of January, 2017 in NewCastle, WA.

Respectfully Submitted by:

A handwritten signature in black ink, appearing to read "Vikas Luthra". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Vikas Luthra (Pro Se Appellant)

12624 SE 83rd Ct.
NewCastle, WA 98056

EXHIBIT A

** EXHIBIT A **



Provider Credential Search

[Health Professions Home](#) / [Glossary](#) / [FAQs](#) / [File a Complaint](#)

The Washington Department of Health presents this information as a service to the public. This site provides disciplinary actions taken. It allows viewing and downloading of related legal documents since July 1998. Contact our Customer Service Center at (360) 236-4700 for information on actions before July 1998. This information comes directly from our database. It is updated daily.

This site is a Primary Source for Verification of Credentials.

[\[Search again?\]](#) [\[Back\]](#) [\[Home\]](#)

Credential Information for: **Hastings, Teresa L**

Credential	Credential Type	First Issue Date	Last Issue Date	Expiration Date	Credential Status	Enforcement Action
PY00002375	Psychologist License	07/26/1999	09/04/2009	09/20/2010	EXPIRED	Yes

Master Case	Document Type
M2008-117343	Release from Informal Disposition
M2008-117343	Stmt of Allegations
M2008-117343	Informal Disposition

Disclaimer

The absence or presence of information in this system does not imply any recommendation, endorsement, or guarantee of competence of any health care professional, the mere presence of such information does not imply a practitioner is not competent or qualified.

[DOH Home](#) | [HSQA Online Search](#) | [Access Washington](#) | [Privacy Notice](#) | [Disclaimer/Copyright Information](#) | [Contact us](#)

© February 2008 - Washington State Department of Health - All Rights Reserved (V.2.1.02042014)

Comments or questions? [Submit an Inquiry](#)

EXHIBIT B

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY**

In re the Marriage of:

ARADHNA FORREST,
FKA: Aradhna Luthra

Petitioner,

and

VIKAS LUTHRA,

Respondent.

Cause No. 09-3-04289-0 KNT

DECLARATION OF TRIET NGUYEN
(DCLR)

I am submitting this affidavit as a follow up to my letter to the Court written on Oct 18th, 2011, as well as a sworn affidavit in this matter, submitted to the Court on April 16th, 2013 regarding Mr. Vikas Luthra, a patient of mine at the UW Medicine and Valley Medical Center's Psychiatry & Counseling Clinic in Renton, WA. I am a Washington State Department of Health licensed, Board Certified Osteopathic Physician & Surgeon since 2006, and my medical practice is solely focused on treating Psychiatric illnesses.

I have read and am familiar with the Parenting Plan in the custody of Akshay (Vikas

1 Luthra's Son) from July, 2010, and from September, 2013, as well as the Findings of Facts
2 entered by the Court in 2010. Mr. Luthra has been my patient for treatment of Obsessive
3 Compulsive Disorder (contamination / cleanliness related) diagnosis since 2008. Per my
4 medical directive, Mr. Luthra also sees Ms. Rhonda Griffin (OCD/Anxiety Therapist) and Ms.
5 Nancy Evclth (Anxiety Therapist) at our clinic in Renton on a consistent basis.
6

7
8 Per his treatment plan at our Clinic, and in compliance with the spirit of the Parenting
9 Plan Orders and Findings of Fact in his case, Mr. Luthra continues to see me regularly to
10 manage and adjust (as needed) his prescription medicines, and sees Ms. Griffin and Ms.
11 Evclth per their directives based on ongoing medical assessments.
12

13
14 In the entirety of my interactions with Mr. Luthra, I have never witnessed, any
15 untoward behavior from him. Also, in our routine Clinic Case Management meetings, I have
16 never heard of any concerns from the other Clinician's here regarding his condition, or
17 become aware of concerns about the safety and emotional well-being of Mr. Luthra, or those
18 around him (including his young Son).
19

20
21 In my medical assessment (based on my 10+ years of experience in dealing with
22 various levels of Psychiatric illnesses - which result from chemical imbalances in the human
23 brain), I am confident in informing the Court, that Mr. Luthra's OCD is well managed, and
24 that he is committed to, and in full compliance with the prescribed medical plan to manage his
25 diagnosis.
26

1
2 While home-based OCD therapy was recommended in this case by the Court in 2010,
3 the Psychiatric and Behavioral Health Counselling Community recognizes that such care is
4 extremely hard to find, and very expensive to obtain (often uncovered by health insurance). It
5 is also commonly known that only extremely severe cases of Psychiatric Disability (which
6 are covered by Medicaid) allow Medical Practitioner's to offer home visits to patients. Mr.
7 Luthra does not (even remotely) exhibit that extreme level of psychiatric disability, which
8 would justify in-patient/home-care.
9

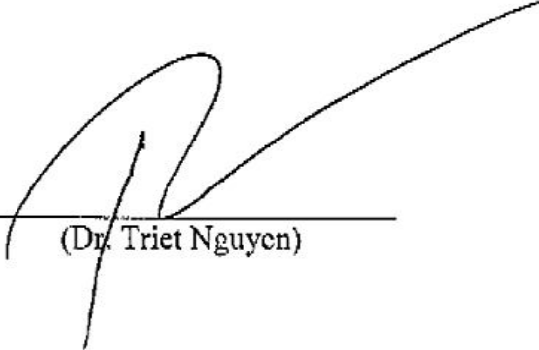
10
11 It is our assessment that Mr. Luthra will continue to sustain the huge reduction in his
12 OCD symptoms from when I started seeing him at our clinic in 2008. Ms. Griffin's approach
13 of Cognitive Behavioral Therapy, Exposure Response Prevention, and Lifespan Integration
14 Therapy has worked very effectively for Vikas, and his ongoing work with Ms. Eveleth, to
15 manage overall anxiety issues, has also been extremely effective.
16
17

18 Overall, I have no reservations in recommending to this Court that Mr. Luthra be
19 allowed regular, unsupervised, normal visitations and interactions with his Son (like any other
20 parent.) There is simply no medical basis (or concern) to withhold such opportunities from
21 him at this time.
22
23

24 I declare under penalty of perjury under the laws of the state of Washington that the
25 foregoing is true and correct to the best of my knowledge.
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Signed at Renton, WA on July 16th, 2015



(Dr. Triet Nguyen)

1
2
3
4
5
6
7
8 **SUPERIOR COURT OF WASHINGTON**
FOR KING COUNTY

9 In re the Marriage of:

10 ARADHNA FORREST,
11 FKA: Aradhna Luthra

12 Pctitioner,

13 and

14 VIKAS LUTHIRA,

15 Respondent.

Cause No. 09-3-04289-0 KNT

16
17
18
19
20
21
22
23
24
25
26
DECLARATION OF RHONDA GRIFFIN
(DCLR)

I am a licensed Psychotherapist in Washington State, since 1995, and have a Master's degree in Applied Behavioral Science from Bastyr University. I have professionally worked with individuals, couples and families to help treat depression, anxiety, addictions etc. I currently work as a Licensed Mental Health Counselor at UW Medicine and Valley Medical Center's Psychiatry and Counseling Clinic in Renton, WA.

I have thoroughly read the 2010 Parenting Evaluation, Findings of Fact, and Parenting Plan (court docs) in this case (from 2010, and 2013) and am well aware of the concerns the

1 expressed by the Court, in its previous orders, as they relate to 12 year old Akshay.

2
3 As a mental health clinician with nearly 20 years of professional experience, I work in
4 out-patient settings with patients dealing with varying degrees of disability resulting from
5 mental health issues, and have developed expertise in treating a variety of anxiety disorders
6 including obsessive compulsive disorder (OCD) over the last decade. In addition, as part of
7 Washington State (Department of Health) Mandated licensing requirements, I frequently
8 participate in seminars and continuing education classes to keep informed of the latest in
9 mental health treatment protocols. The requirement for Mr. Luthra's symptomology to be
10 treated with an in home treatment modality is, in my opinion, unnecessary and is extremely
11 difficult to find a provider that offers this level of service or a health insurance company that
12 will cover such services in an outpatient setting.
13

14
15 Mr. Luthra has been my patient for 4+ years, and I currently see him on a bi-monthly
16 basis for therapeutic counseling. Mr. Luthra was diagnosed with Obsessive Compulsive
17 Disorder (related to contamination / cleanliness) and his symptoms overlap with the typical
18 Anxiety Disorders as outlined in the American Psychiatry Association's Diagnostic and
19 Statistical Manual of Mental Disorders (DSM-V). I coordinate his care and treatment regimen
20 with Dr. Triet Nguyen (DO, Psychiatrist) and Ms. Nancy Eveleth (therapist) at our clinic in
21 Renton.
22

23
24 To manage and treat symptoms of his Obsessive Compulsive Disorder, I use exposure-
25 response prevention, cognitive behavior therapy, and lifespan integration therapy in my
26

1 sessions with Mr. Luthra. Per the reporting of Mr. Luthra's ex-wife, his major issues prior to
2 the dissolution of their marriage in 2010 stemmed from OCD. It is my opinion that Mr.
3 Luthra was at that time exhibiting anxiety induced reactions amplified by the stressful and
4 strained relationship between he and his ex-wife. With prescription medication administered
5 under the care of Dr. Nguyen, and with the consistent (and as needed) therapeutic counseling
6 sessions with Ms. Evclth and I, Mr. Luthra's OCD and anxiety issues are now managed and
7 moderated.
8

9
10 The stressors of the contentious nature of the relationship with Mr. Luthra's ex-wife,
11 the challenges he faces in meeting the unrealistic therapeutic protocol requirements as
12 recommended by the court and the restrictions of access to his son are a source of anxiety for
13 him. He has been forthright in acknowledging the impact this situation has had on him by
14 addressing it in therapy and has made progress in learning how to better manage his behavior
15 under duress and plans to continue to do so. These are improvements that I would offer to the
16 court on Mr. Luthra's behalf
17

18
19 Mr. Luthra demonstrates a healthy emotional connection to his son, and has not
20 exhibited behavior resulting from OCD that causes me concern for the ongoing well-being of
21 Akshay and or others around him. On the contrary, Mr. Luthra volunteers in the community
22 and demonstrates adequate coping skills that confirm to me that his OCD is properly
23 managed.
24
25
26

1 In summary, based on my observations of his behavior, and his ongoing compliance with my
2 therapeutic directive, I am confident that Mr. Luthra continues to manage his OCD symptoms
3 effectively on a daily basis. I see no reason for Mr. Luthra and his Son to be restricted from
4 having a normal and unfettered access to each other.
5

6
7 I declare under penalty of perjury under the laws of the state of Washington that the
8 foregoing is true and correct to the best of my knowledge.
9

10 Signed at Renton, WA on July 16th, 2015

11
12 
13 (Rhonda Griffin)
14
15
16
17
18
19
20
21
22
23
24
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY**

In re the Marriage of:

ARADHNA FORREST,
FKA: Aradhna Luthra

Petitioner,

and

VIKAS LUTHRA,

Respondent.

Cause No. 09-3-04289-0 KNT

**DECLARATION OF NANCY EVELETH
(DCLR)**

I am a licensed Mental Health Counselor in Washington State and have been employed as a psychotherapist since 1986. I have a BA from Pacific Lutheran University and a Master's degree in Psychology and Counseling from Antioch University in Seattle. I have worked in a variety of medical and mental health settings during my professional career including an inpatient mental health program, in outpatient mental health clinics and in private practice. I have also been the Manager of Psychiatry & Counseling Clinic at UW Medicine and Valley Medical Center for several years.

Psychiatry & Counseling Clinic

UW Medicine

VALLEY
MEDICAL CENTER

1 As the largest out-patient Mental Health Clinic of our kind in Washington State,
2 Valley's Psychiatry and Counselling Clinic has 19 experienced professionals who specialize
3 in treatment for all types and severities of mental health issues. As a practicing clinician for
4 nearly 3 decades, I specialize in depression and anxiety disorder management for adult clients.
5 As part of my continuing education, I also frequently attend educational seminars which help
6 me keep abreast of the latest developments in mental health care.
7

8
9 I have been working with Vikas Luthra for over a decade (currently I see him bi-
10 monthly in a one-to-one therapeutic session), and am intricately aware of his Obsessive
11 Compulsive Disorder, the way in which it manifests in his behaviors, as well as his progress
12 and compliance with the therapeutic plan coordinated under the care of Psychiatrist Dr. Triet
13 Nguyen (DDO) and Rhonda Griffin (OCD Therapist) at our clinic. I have also previously read
14 through the Findings of Fact, and Parenting Plan (court docs) in this matter from both 2010,
15 and 2013.
16

17
18 Over the last 4 years, based on Mr. Luthra's engagement in his psychotherapy sessions and
19 anti-anxiety medication prescribed by Dr. Nguyen, I am confident in reporting to the court
20 that Mr. Luthra's OCD is well managed and has minimal to negligible impact on his daily
21 life. His condition now, and its resulting manifestations, do not create any impediments to his
22 ability to care for his 12 year old son – Akshay, that I am aware of.
23

24
25 As evidence of his progress in therapy over the last several years, it is to be noted that
26

**Psychiatry &
Counseling Clinic**

UW Medicine

VALLEY
MEDICAL CENTER

1 apart from his professional work, Vikas has been volunteering as a Member of the PTA Board
2 and Safety Committee at his son's school for 4 years. He also travels domestically and
3 internationally for business, and has taken many vacations with Akshay since 2010. I have
4 also run into Vikas and Akshay at the local Costco where I was able to observe the interaction
5 between the two of them which appeared genuinely caring and loving. Even when not in a
6 one-to-one counseling session with me, Vikas has kept me informed (via email and photos) of
7 his activities and plans related to his son.
8

9
10 As a Licensed Mental Health Counselor, and Washington State Mandated Reporter, I
11 have never encountered an instance in the last 5 years, where I felt concerned about the safety
12 or well-being of Vikas and/or his son, Akshay, while in Vikas's care.
13

14
15 In summary, based on my knowledge of his behavior, what I've observed in his
16 sessions with me and his report of his how he is reacting to OCD triggers, it is my
17 professional opinion that Vikas Luthra's OCD is well managed, and has negligible impact on
18 his daily life. I am not aware of any reason why his time and involvement with his son
19 Akshay should not be restricted in any manner.
20

21
22 I declare under penalty of perjury under the laws of the state of Washington that the
23 foregoing is true and correct to the best of my knowledge.
24

25 Signed at Renton, WA on July 16th, 2015
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Nancy Eveleth 7/17/15
(Nancy Eveleth)

DECLARATION OF SERVICE

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

That on ___January 12th , 2017, I arranged for service of the foregoing Appellants Amended Opening and Amended Reply Brief to the court and to the parties to this action as follows:

WA Court of Appeals – Div 1 600 University St One Union Square Seattle, WA 98101-1176 Fax: 206-464-7750	<input checked="" type="checkbox"/> E-Filed <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered
Patricia Novotny 3418 NE 65 th Street, Suite A Seattle, WA 98115 (206) 525-0711	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> Email <input type="checkbox"/> Hand Delivered
David S. Law Attorney at Law Skellenger Bender, P.S. 1301 – Fifth Avenue, Suite 3401 Seattle, WA 98101 (206) 623-6501	<input type="checkbox"/> E-Mail <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> Email <input type="checkbox"/> Hand Delivered

DATED at NewCastle, Washington this 12th day of January, 2017



Vikas Luthra