No. 74569-7

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re the Marriage of:

NATHAN CHOI,

Appellant,

v.

JOSEPHENE CHOI,

Respondent.

PETITION FOR REVIEW BY THE SUPREME COURT OF THE COURT OF APPEALS

FOR BOTH THEIR UNPUBLISHED OPPINION AND THEIR DENIAL OF ACCEPTING SUPPLEMENTAL RECORDS WHILE REYING ON THE SUPPLEMENTAL RECORDS OF THE PETITIONER

FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON
2017 AUG -4 PM 4:54

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pro se

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TABLE OF CONTENTS

A. Identity of Petitioner 1
B. Citation to Court of Appeals 1
C. Issues Presented for Review 7
D. Statement of the Case 7
E. Argument 7
F. Conclusion 18
G. Appendix

Identity of Petitioner

Nathan Choi, Pro se Respondent

Citation to Court of Appeals Decision.

ORDER DENYING MOTION FOR RECONSIDERATION Dated July 5, 2017

ORDERED that the Motion for reconsideration is denied.

Order Dated July 5, 2017 by Division 1 Court of Appeals

ORDER DENYING RENEWED
MOTION TO STRIKE PORTIONS OF
BRIEF OF RESPONDENT AND
SUPPLEMENTAL DESIGNATION OF
CLERK'S PAPERS OR IN THE
ALTERNATIVE ALLOW APPELLANT
TO DESIGNATE ADDITIONAL
CLERK'S PAPERS IN REPLY AND
ALLOW AN UPDATED BRIEF TO CITE
THE ADDITIONAL CLERK'S PAPERS

Because the opinion filed on April 24, 2017 addressed the "Motion to Strike Portions of Brief of Respondent and Supplemental Designation of Clerk's Papers," we deny the renewed motion.

Page 3 of Unpublished Opinion Dated April 24, 2017

Footnote 3

[3]The reply brief was due on January 31, 2017. We strike the 55-page reply brief filed on April 11, 2017 as untimely. In re Disciplinary Proceeding Against Donohoe, 90 Wn.2d 173, 174-75, 580 P.2d 1093 (1978) (striking reply brief as untimely).

Page 7 of Unpublished Opinion Dated April 24, 2017

A party may supplement the appellate record if the initial record is not sufficiently complete to permit a decision on the merits of the issues presented for review. RAP 9.6(a), .10. Because absent review of the pleadings we cannot determine if the appeal of the parenting plan and motion to relocate is moot, we deny Nathan's motion to strike the supplemental designation of clerk papers. "'A case is moot if a court can no longer provide effective relief.'" In re Marriage of Homer,151 Wn.2d 884, 891, 93 P.3d 124 (2004) (quoting Orwick v. City of Seattle,103 Wn.2d 249, 253, 692 P.2d 793 (1984).7

Page 9 of Unpublished Opinion Dated April 24, 2017

Footnote 7

7 Nathan also filed a motion to strike Josephene's statement of the case for violation of RAP 10.3.
A commissioner referred the motion to the panel. To the extent that Josephene's factual assertions are
not supported by the record, we do not consider those assertions.

Page 9 of Unpublished Opinion Dated April 24, 2017

Footnote 8

8Nathan filed a motion to supplement the record with an unrelated August 17, 2016 police report concerning an investigation of alleged sexual abuse. The names of the alleged victim and the suspect are redacted. Because the motion to supplement the record does not meet the requirements of RAP 9.11(a), we deny the motion. See Auto. United Trades Org. v. State,175 Wn.2d 214, 235 n.5, 285 P.3d
52 (2012).

Page 9 of Unpublished Opinion Dated April 24, 2017

Nathan argues the court erred by not imposing mandatory parenting plan restrictions under RCW 26.09.191(1) and (2) based on Josephene's use of corporal punishment. We review parenting plan decisions for manifest abuse of discretion. In re Marriage of Black, No. 92994-7, 2017 WL 1292014, at

*6 (Wash. April 6, 2017); In re Marriage of Chandola,180 Wn.2d 632, 642, 327 P.3d 644 (2014); In re Marriage of Katare,175 Wn.2d 23, 35, 283 P.3d 546 (2012). A trial court abuses its discretion only if its decision is manifestly unreasonable or based on untenable grounds or untenable reasons. Black,2017 WL 1292014, at *6; Katare,175 Wn.2d at 35. Nathan bears the " 'heavy burden of showing a manifest abuse of discretion.'" In re Marriage of Kim,179 Wn. App. 232, 240, 317 P.3d 555 (2014) (quoting In re Marriage of Landry,103 Wn.2d 807, 809, 699 P.2d 214 (1985)).

Pages 10 and 11 of Unpublished Opinion Dated April 24, 2017

RCW 26.09.191(1) and (2) are mandatory provisions that require the imposition of restrictions in a parenting plan. RCW 26.09.191(1) prohibits the court from requiring mutual decision-making or dispute resolution other than court action if a parent has physically abused a child or has a history of domestic violence. RCW 26.09.191(2)(a)(ii) requires the court to limit a parent's residential time with a child if the parent has physically abused the child.

The record supports the court's decision not to impose parenting plan restrictions on Josephene under RCW 26.09.191(1) or (2). "Mere accusations, without proof, are not sufficient to invoke the restrictions under the statute." In re Marriage of Caven,136 Wn.2d 800, 809, 966 P.2d 1247 (1998). The court's unchallenged findings establish Nathan "exaggerated . . . the extent to which his wife used physical discipline on the children." As to the RCW 26.09.191 restrictions, the GAL testified there was a question about the degree of physical discipline. The GAL testified that "in view of what I understood to be the Korean culture," Josephene's use of corporal

punishment could be "just regular parental disciplining of the children." The GAL said he did not "know for sure whether there was the domestic violence by Ms. Choi." Substantial evidence supports the decision not to impose restrictions under RCW 26.09.191(1) or (2).

Page 11 of Unpublished Opinion Dated April 24, 2017

Nathan relies on In re Marriage of C.M.C.,87 Wn. App. 84, 940 P.2d 669 (1997), to argue the court erred in not imposing parenting plan restrictions under RCW 26.09.191(1) and (2). C.M.C.does not support his argument. In C.M.C.,we held imposition of restrictions under RCW 26.09.191(1) requires finding a history of domestic violence. C.M.C.,87 Wn. App. at 86. The court held that although a "history of domestic violence" under RCW 26.09.191(1) is not defined, the phrase is "intended to exclude 'isolated, de minimus incidents which could technically be defined as domestic violence.'" C.M.C.,87 Wn. App. at 88 (quoting 1987 PROPOSED PARENTING ACT,REPLACING THE CONCEPT OF CHILD CUSTODY, Commentary and Text29 (1987)). Here, unlike in C.M.C.,the court did not find there was a history of physical abuse or domestic violence.

Page 13 of Unpublished Opinion Dated April 24, 2017

Nathan argues the court erred by ignoring the statutory presumption in favor of allowing him to relocate with the children and improperly focusing on the best interests of the children. Contrary to his argument, the record shows the court considered the rebuttable presumption and complied with the relocation statute. The GAL testified that under the CRA, there is a presumption that the residential parent will be permitted to relocate but "the other parent can rebut that presumption." The parties also addressed the rebuttable presumption in both opening and closing arguments. The court specifically found, "[The detrimental effect of the proposed relocation

would outweigh any benefit of the change to the children and the father."10

Page 13 and 14 of Unpublished Opinion Dated April 24, 2017

Nathan also asserts the court did not address statutory factors 3, 6, 8, and 9 of RCW 26.09.520 and the record does not support the court's findings. We disagree. The court entered findings on each of the statutory factors, including factors 3, 6, 8, and 9, and substantial evidence supports the court's findings.

With respect to factors 1 and 3, the court found, "The children have equally strong bonds with both parents and it would be devastating for them to have the bond with their mother severed." Regarding factor 2, the court's unchallenged findings establish "[t]here has been no prior agreement of the parties that such a move would be made." With respect to factor 4, the findings state, "There are no RCW 26.09.191
resections on either of the parties."

> Regarding factors 5 and 6, the court found, in pertinent part:
> [T]he father's desire to move to Hawaii reflects his own personal desire and would disregard the children's wishes and their best interests. The request is not one made in good faith if good faith is taken to encompass consideration of those factors.

As to factors 6 and 7, the court found, "A move to Hawaii would not result in any enhancement of the children's opportunities and quality of life." Regarding factor 8, the court's unchallenged findings acknowledge, "Skype and Facetime have improved the quality of transoceanic communications." With respect to factors 7, 9, and 10, the court found, "Mr. Choi

can find employment (likely self-employment as in the past) here that is more favorable than the purported low-pay job offer in Hawaii."

Page 14 of Unpublished Opinion Dated April 24, 2017

Josephine testified Nathan did not make "the request to relocate the children in good faith" because "only he wants [to] go back" to Hawaii. The GAL testified it was Nathan's "decision and desire to go back to Hawaii" and "the Weather is the concern that draws Mr. Choi to want to return to Hawaii." The GAL report states, "Nathan's overriding interest has been himself and not his children."

Page 15 of Unpublished Opinion Dated April 24, 2017

The court's unchallenged findings establish Nathan "obtained a license to practice law in Washington and he has done so." A law firm in Hawaii offered to pay Nathan an annual salary of $60,000. But the testimony established Nathan earned approximately $10,000 a month working as an attorney in Bellevue. The GAL testified that because Nathan practices immigration law, "he could practice here as well as he could practice in Hawaii."

Page 15 of Unpublished Opinion Dated April 24, 2017

The court did not abuse its discretion in denying Nathan's request to relocate to Hawaii.

Page 15 of Unpublished Opinion Dated April 24, 2017

Property Distribution

The court did not abuse its discretion by awarding the five Hawaii condominiums valued at a total of $1,227,000 to Josephene.

V Issues Presented for Review.

There are many issues brought before this Supreme Court. The first and most repeated fault of the Appellate Court is whether they used the right standard of review as established by this Supreme Court and multiple Published Decisions of the Appellate Court
The next issue is whether it was correct for them to strike Respondent's Reply brief because.
The Appelate Court does not follow Legislative Statutes or Judiciary Law and concurs with findings in contradiction to the evidence. It even concurs with Conclusions that are not supported by the Findings.
Moreover, Although the appellate court states it does not consider the facts stated to supplement Josephene Choi's record, it allows her to supplement her records and uses the facts that she states as part of their opinion.

VI Statement of the Case.

This is a Divorce Case where the Evidence Produced lead to Findings that show children were "unquestionably" beaten to the point where they could not even sit down. Yet the Court does not impose the required RCW 26.09.191 restrictions as required and then makes Conclusions of Law that contradict the Findings. The Court fails to enumerate all the Factors and apply the presumption of relocation. This is also a DeNovo Review. The Appellate Court did not make these reviews and is not abiding by the established Case Law in the State of Washington.

VII Argument.

Order Dated July 5, 2017 by Division 1 Court of Appeals

ORDER DENYING RENEWED
MOTION TO STRIKE PORTIONS OF
BRIEF OF RESPONDENT AND
SUPPLEMENTAL DESIGNATION OF
CLERK'S PAPERS OR IN THE
ALTERNATIVE ALLOW APPELLANT

TO DESIGNATE ADDITIONAL
CLERK'S PAPERS IN REPLY AND
ALLOW AN UPDATED BRIEF TO CITE
THE ADDITIONAL CLERK'S PAPERS

Because the opinion filed on April 24, 2017 addressed the "Motion to Strike Portions of Brief of Respondent and Supplemental Designation of Clerk's Papers," we deny the renewed motion.

The first mistake is that in Child Custody Cases, the Washington Supreme Court has stated that they need all the light and guidance possible and that additional evidence after the trial will be accepted in Child Custody Cases. Moreover, the Appellate Court is being inconsistent. Their opinion states, in page 8 of their Unpublished opinion

> A party may supplement the appellate record if the initial record is not sufficiently complete to permit a decision on the merits of the issues presented for review. RAP 9.6(a), .10. Because absent review of the pleadings we cannot determine if the appeal of the parenting plan and motion to relocate is moot, we deny Nathan's motion to strike the supplemental designation of clerk papers.

Thus they are basically finding an excuse to accept the Petitioner's Supplemental Record and looking for a way to refuse the Respondent's. This is simply unfair. The Appellate Court needs the Respondent's Supplemental Records to make a determination as well, and thus they are violating their own rules of Appellate Procedure

In any event, this is a Child Custody case and the Appellate Court is in conflict with Established Case Law. Both of our supplemental records should be accepted.

Page 3 of Unpublished Opinion Dated April 24, 2017, Footnote 3

[3]The reply brief was due on January 31, 2017. We strike the 55-page reply brief filed on April 11, 2017 as untimely. In re

Disciplinary Proceeding Against Donohoe,90 Wn.2d 173, 174-75, 580 P.2d 1093 (1978) (striking reply brief as untimely).

The brief was timely mailed and it should have been reviewed. The RAP requires that the brief be mailed timely. It does not require that the Appellate Court receive the Reply by any cutoff date. Thus, the Appellate Court is in conflict with its own rules by striking the Respondent's Reply Brief.

Page 8 of Unpublished Opinion Dated April 24, 2017

A party may supplement the appellate record if the initial record is not sufficiently complete to permit a decision on the merits of the issues presented for review. RAP 9.6(a),.10. Because absent review of the pleadings we cannot determine if the appeal of the parenting plan and motion to relocate is moot, we deny Nathan's motion to strike the supplemental designation of clerk papers. "'A case is moot if a court can no longer provide effective relief.'" In re Marriage of Homer,151 Wn.2d 884, 891, 93 P.3d 124 (2004) (quoting Orwick v. City of Seattle,103 Wn.2d 249, 253, 692 P.2d 793 (1984).7

Once again, the Appellate Court is in conflict with it's own rules.

Page 9 of Unpublished Opinion Dated April 24, 2017, Footnote 7

7 Nathan also filed a motion to strike Josephene's statement of the case for violation of RAP 10.3. A commissioner referred the motion to the panel. To the extent that Josephene's factual assertions are not supported by the record, we do not consider those assertions.

This Footnote is in conflict with the established law of allowing supplemental records in Child Custody cases and is in contradicts what is stated in the body of their opinion. Despite what this footnote states, the body of the opinion uses and relies on these supplemental assertions in their opinion. The Opinion refers to the Protective Order multiple times and therefore this statement cannot be true.

Page 9 of Unpublished Opinion Dated April 24, 2017

Footnote 8

Footnote 8 Nathan filed a motion to supplement the record with an unrelated August 17, 2016 police report concerning an investigation of alleged sexual abuse. The names of the alleged victim and the suspect are redacted. Because the motion to supplement the record does not meet the requirements of RAP 9.11(a), we deny the motion. See Auto. United Trades Org. v. State,175 Wn.2d 214, 235 n.5, 285 P.3d 52 (2012).

The Appellate Court is in conflict with the Law allowing supplementing the record for Child Custody cases. It's also in conflict with itself by allowing Josephene's Supplemental Records.

Page 9 of Unpublished Opinion Dated April 24, 2017

Nathan argues the court erred by not imposing mandatory parenting plan restrictions under RCW 26.09.191(1) and (2) based on Josephene's use of corporal punishment. We review parenting plan decisions for manifest abuse of discretion. In re Marriage of Black, No. 92994-7, 2017 WL 1292014, at *6 (Wash. April 6, 2017); In re Marriage of Chandola,180 Wn.2d 632, 642, 327 P.3d 644 (2014); In re Marriage of Katare,175 Wn.2d 23, 35, 283 P.3d 546 (2012). A trial court abuses its discretion only if its decision is manifestly unreasonable or based on untenable grounds or untenable reasons. Black,2017 WL 1292014, at *6; Katare,175 Wn.2d at 35. Nathan bears the " 'heavy burden of showing a manifest abuse of discretion.'" In re Marriage of Kim,179 Wn. App. 232, 240, 317 P.3d 555 (2014) (quoting In re Marriage of Landry,103 Wn.2d 807, 809, 699 P.2d 214 (1985)).

The Appellate Court is in Conflict by using the wrong standard of review. The Honorable William Downing's Findings of Facts State:

The standard of review for arriving at Conclusions of Law from Findings of Facts is De Novo. Nevertheless, Finding that sever beatings did occur and then concluding that RCW 26.09.191 does not apply is an abuse of discretion. This is the same thing as Finding that Olympia is

the capital of Washington, then concluding that Capital of Washington is not in Thurston County.

Pages 10 and 11 of Unpublished Opinion Dated April 24, 2017

RCW 26.09.191(1) and (2) are mandatory provisions that require the imposition of restrictions in a parenting plan. RCW 26.09.191(1) prohibits the court from requiring mutual decision-making or dispute resolution other than court action if a parent has physically abused a child or has a history of domestic violence. RCW 26.09.191(2)(a)(ii) requires the court to limit a parent's residential time with a child if the parent has physically abused the child.

The record supports the court's decision not to impose parenting plan restrictions on Josephene under RCW 26.09.191(1) or (2). "Mere accusations, without proof, are not sufficient to invoke the restrictions under the statute." In re Marriage of Caven, 136 Wn.2d 800, 809, 966 P.2d 1247 (1998). The court's unchallenged findings establish Nathan "exaggerated . . . the extent to which his wife used physical discipline on the children." As to the RCW 26.09.191 restrictions, the GAL testified there was a question about the degree of physical discipline. The GAL testified that "in view of what I understood to be the Korean culture," Josephene's use of corporal punishment could be "just regular parental disciplining of the children." The GAL said he did not "know for sure whether there was the domestic violence by Ms. Choi." Substantial evidence supports the decision not to impose restrictions under RCW 26.09.191(1) or (2).

Once again this Court is simply in conflict with the Established Law. The findings of facts say

The GAL testified that the mother more likely than not shoved a sock in one of the children's mouth and caused the injuries as pictured in Exhibit 109 by repeatedly beating the child with a wooden hairbrush. If this is not in what RCW 26.09.191 and RCW 9A.16.110 is attempting to prevent, it appears that it is only to stop potential death. The GAL has found that Josephene Choi attempted to hit the Children with an Aluminum Baseball Bat on multiple occasions and threatened to make them handicap. In that same GAL report Josephene states she does not know where that bat came from but does recall Nathan using it to kill 300 pound marlin in Hawaii with it.

In any event, This Court has specifically stated in The Korean Culture is not the Standard in Washington State and thus the Appellate Court is in Conflict with the Established Law. Even Korean Law prohibits mothers

from repeatedly beating children with wooden sticks causing bruises and welts that last over a week, preventing the child from even sitting....multiple times per month so they will get better grades. Please see the GAL report and his testimony. He clearly testified that he did not understand how hitting them was so they will study more.

Page 11 of Unpublished Opinion Dated April 24, 2017

Nathan relies on In re Marriage of C.M.C.,87 Wn. App. 84, 940 P.2d 669 (1997), to argue the court erred in not imposing parenting plan restrictions under RCW 26.09.191(1) and (2). C.M.C.does not support his argument. In C.M.C.,we held imposition of restrictions under RCW 26.09.191(1) requires finding a history of domestic violence. C.M.C.,87 Wn. App. at 86. The court held that although a "history of domestic violence" under RCW 26.09.191(1) is not defined, the phrase is "intended to exclude 'isolated, de minimus incidents which could technically be defined as domestic violence.'" C.M.C.,87 Wn. App. at 88 (quoting 1987 PROPOSED PARENTING ACT,REPLACING THE CONCEPT OF CHILD CUSTODY, Commentary and Text29 (1987)). Here, unlike in C.M.C.,the court did not find there was a history of physical abuse or domestic violence.

The Court's Findings of Facts State

> **there is no challenging the statements clearly, repeatedly and voluntarily made by all the children** to the GAL One child reported bruises or welts with pain and discoloration lasting a week or more. **The physical discipline unquestionably occurred** and its seriousness has not yet been fully appreciated by the mother who has yet to complete the anger management/parenting classes that have been urged upon her. Thus, this remains as a dominant concern.

The Appellate Court is arriving at the same incorrect conclusions of law from Findngs that Clearly Spell Out, "**The physical discipline unquestionably occurred**" Specifically Found a History of Domestic Violence. The Physcial Disipline that the Findings are referring to are the ones listed in the GAL Report which state.

JdC. reported to the GAL that he was hit by his mother with the shoehorn *(Photo of Large Wooden Shoehorn CP 103)* approximately four to five times a month. On some occasions she would hit him ten to twenty times on his rear end. Sometimes he was struck on the arm. He admitted that sometimes he got bruises or welts and that the pain and discoloring sometimes lasted a week or a week and a half. JdC. said that it sometimes would hurt when he sat down and he would wince. (Emphasis added.) CP 289, 315.

JdC. disclosed to the GAL that his mother had never actually hit him with the aluminum bat but that she had threatened to hit him. According to JdC., she said that she would hit him with the bat and that preferred that he be "handicapped" to having a "bad attitude." CP 289.

HdC said that she gets hit once a month or more often. She remembered that she had been threatened by her mother on a few occasions with the bat and that her father had intervened and not allowed Josephene to use the bat"_CP 290

HnC said, "I don't want to talk about" CP 288

HnC said she did not want to talk about it because the GAL found that Josephene Choi threaten each of the children before they met him and instructed them to say exactly, "I don't want to talk about" as faithfully done by the youngest.

Page 13 of Unpublished Opinion Dated April 24, 2017

Nathan argues the court erred by ignoring the statutory presumption in favor of allowing him to relocate with the children and improperly focusing on the best interests of the children. Contrary to his argument, the record shows the court considered the rebuttable presumption and complied with the relocation statute. The GAL testified that under the CRA, there is a presumption that the residential parent will be permitted to relocate but "the other parent can rebut that presumption." The parties also addressed the rebuttable presumption in both opening and closing arguments. The court specifically found, "[The detrimental effect of the proposed relocation would outweigh any benefit of the change to the children and the father."10

The record does not show anywhere where that Presumption was applied. This is in contradiction to clearly established Legislative Statute and Judiciary Law. The Law requires that All the factors are spelled out and that the "Boiler Plate" "[The detrimental effect of the proposed relocation would outweigh any benefit of the change to the children and the father." Is insufficient. This is in contradiction to established Case Law.

Page 13 and 14 of Unpublished Opinion Dated April 24, 2017

Nathan also asserts the court did not address statutory factors 3, 6, 8, and 9 of RCW 26.09.520 and the record does not support the court's findings. We disagree. The court entered findings on each of the statutory factors, including factors 3, 6, 8, and 9, and substantial evidence supports the court's findings.

With respect to factors 1 and 3, the court found, "The children have equally strong bonds with both parents and it would be devastating for them to have the bond with their mother severed." Regarding factor 2, the court's unchallenged findings establish "[t]here has been no prior agreement of the parties that such a move would be made." With respect to factor 4, the findings state, "There are no RCW 26.09.191
resections on either of the parties."

Regarding factors 5 and 6, the court found, in pertinent part:

> [T]he father's desire to move to Hawaii reflects his own personal desire and would disregard the children's wishes and their best interests. The request is not one made in good faith if good faith is taken to encompass consideration of those factors.

As to factors 6 and 7, the court found, "A move to Hawaii would not result in any enhancement of the children's opportunities and quality of life." Regarding factor 8, the court's unchallenged findings acknowledge, "Skype and Facetime have improved the

quality of transoceanic communications." With respect to factors 7, 9, and 10, the court found, "Mr. Choi can find employment (likely self-employment as in the past) here that is more favorable than the purported low-pay job offer in Hawaii."

Factor 3 is comparative. Thus the statement....., With respect 3, the court found, "The children have equally strong bonds with both parents and it would be devastating for them to have the bond with their mother severed." Is an inappropriate determination in conflict with the Law.

The Appellate Court states that there were no 191 restrictions found for Factor 4. That is correct. There were no such findings made. This Fact is in conflict with the law. The statute and case law is clear when RCW 26.09.191 restrictions must be imposed. It must be imposed when a Mother repeatedly beats her child with a wooden stick to cause welts and bruises lasting over a week and telling them that she prefers to make them handicap. The fact that she threatened them to lie that these acts did not happen to the GAL is irrelevant.

As to Factors 5 and 6, the Case Law requires a Finding Based on the Evidence. Josephene Clearly states at trial, She can go anywhere including Africa, implying that is the worst place in the world to go. Then she further states she has NO reason not to relocate and that she has nothing holding her here. The GAL also testifies that there is no reason why Josephene cannot move. Nathan on the other hand has made millions in Hawaii and anticipates doing so again. He is close with the Chief Justice of the State of Hawaii, the Governors, Senators, and Executives at the Largest Banks. He has made more money in Hawaii Real Estate within 3 years of his life than 99.99 percent of this world will ever make their entire life. This is uncontested. It is also uncontested that he only took losses in Washington Real Estate. Nathan can find a job in Washington, but he can make substantially more money in Hawaii and his relocation is in Good Faith, while the Respondent's opposition shows she is willing to goto Africa but not Hawaii.

The Appellate Court states, "With respect to factors 7, 9, and 10, the court found, "Mr. Choi can find employment (likely self-employment as in the past) here that is more favorable than the purported low-pay job offer in Hawaii." This response does not correlate with what RCW 26.09.520 states. Thus, they are in conflict with the established case law

stating that each and every factor must enumerated. The trial court and the appellate court has failed to follow the established case law.

Page 14 of Unpublished Opinion Dated April 24, 2017

Josephine testified Nathan did not make "the request to relocate the children in good faith" because "only he wants [to] go back" to Hawaii. The GAL testified it was Nathan's "decision and desire to go back to Hawaii" and "the Weather is the concern that draws Mr. Choi to want to return to Hawaii." The GAL report states, "Nathan's overriding interest has been himself and not his children."

Please see the arguments stated above. Nathan has a widowed mother residing in a 4 bedroom house by herself. She needs his help. She has recently had a stroke and has difficulties with English and with getting around. Nathan Choi's overriding interest is NOT himself.

Page 15 of Unpublished Opinion Dated April 24, 2017

The court's unchallenged findings establish Nathan "obtained a license to practice law in Washington and he has done so." A law firm in Hawaii offered to pay Nathan an annual salary of $60,000. But the testimony established Nathan earned approximately $10,000 a month working as an attorney in Bellevue. The GAL testified that because Nathan practices immigration law, "he could practice here as well as he could practice in Hawaii."

This is reason for Relocation. Why would Nathan want to make 100s of thousands of dollars as an attorney when he can make Millions of Dollars in Hawaii Real Estate? This is uncontested. It is also uncontested that both the parties agreed not to purchase medical insurance for the children and that they would bring the Children to Korea in the event of medical emergency. The parties are of Korean decent and can obtain or currently has a Korean Green Card. Nathan took this Job because it gives his children the Medical Insurance that Josephene all of a sudden has made a big issue out of. But most of all, this is a very Prestigious Firm that has where the former governor of the State of Hawaii is a Partner. It was never intended for Nathan to do the "Grunt Work." At this job, Nathan will have inside information on Hawaii Real Estate because this firm focuses on

Foreclosure. Nathan never has and never intends to make a lot of money by practicing law. He wants Medical Insurance for his children and Information for continuing his Highly, Extremely, and Consistently Profitable Real Estate Ventures.

Page 15 of Unpublished Opinion Dated April 24, 2017

The court did not abuse its discretion in denying Nathan's request to relocate to Hawaii.

The Appellate Court is in conflict with established case law when it concurs with facts that are clearly unsubstantiated by the record. It is uncontested that Nathan has over 100 relatives in Hawaii and is heavily connected in the Business Community and Political Community in Hawaii. Josephene testifies in Court that "Nathan is Famous" in Hawaii.

Page 15 of Unpublished Opinion Dated April 24, 2017

Property Distribution

The court did not abuse its discretion by awarding the five Hawaii condominiums valued at a total of $1,227,000 to Josephene.

It is uncontested that Nathan Choi goes to Hawaii often and needs a place there. Thus, all 5 of the Hawaii Condominiums should not have been awarded to Josephene. At least 2 of them should have gone to Nathan.

Conclusion.

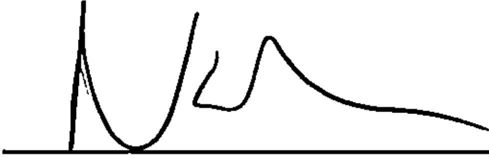
Please excuse the tone of this Request for Review if it is harsh at times. The drafter's life has been detrimentally impacted by the Appellate Court's decision and is emotionally involved because it is his own case. It is clear that the Appellate Court is not following Established Case Law and is even contradicting itself in its opinion. I ask that an Order be Issued Allowing relocation of the Children, Imposing RCW 26.09.191 Restrictions against Josephene Choi, and finally Granting Nathan Choi to 2 of the 5 Condos in Hawaii.

Appendix.

Please find attached the Orders as well as the RCWs

DATED this 4th day of Aug, 2017.

Respectfully submitted:



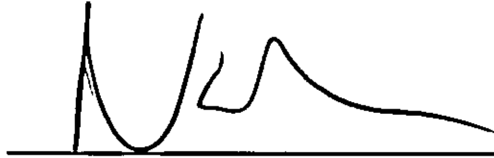
Nathan Choi, pro se

Appendix.

Please find attached the Orders as well as the RCWs

DATED this 4th day of Aug, 2017.

Respectfully submitted:



Nathan Choi, pro se

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

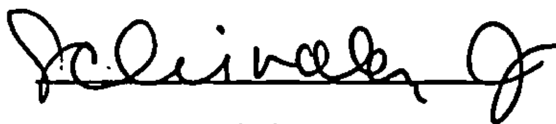
In the Matter of the Marriage of JOSEPHENE CHOI, Respondent, and NATHAN CHOI, Appellant.	No. 74569-7-I ORDER DENYING RENEWED MOTION TO STRIKE PORTIONS OF BRIEF OF RESPONDENT AND SUPPLEMENTAL DESIGNATION OF CLERK'S PAPERS OR IN THE ALTERNATIVE ALLOW APPELLANT TO DESIGNATE ADDITIONAL CLERK'S PAPERS IN REPLY AND ALLOW AN UPDATED BRIEF TO CITE THE ADDITIONAL CLERK'S PAPERS

The appellant Nathan Choi filed a "Renewed Motion to Strike Portions of Brief of Respondent and Supplemental Designation of Clerk's Papers or in the Alternative Allow Appellant to Designate Additional Clerk's Papers in Reply and Allow an Updated Brief to Cite the Additional Clerk's Papers." The respondent Josephene Choi filed an answer to the motion. Because the opinion filed on April 24, 2017 addressed the "Motion to Strike Portions of Brief of Respondent and Supplemental Designation of Clerk's Papers," we deny the renewed motion. Now, therefore, it is hereby

ORDERED that the Renewed Motion to Strike Portions of Brief of Respondent and Supplemental Designation of Clerk's Papers or in the Alternative Allow Appellant to Designate Additional Clerk's Papers in Reply and Allow an Updated Brief to Cite the Additional Clerk's Papers is denied.

Dated this 5th day of July, 2017.

FOR THE COURT:



Judge

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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

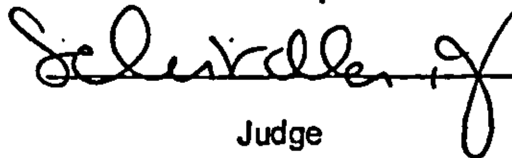
In the Matter of the Marriage of JOSEPHENE CHOI, Respondent, and NATHAN CHOI, Appellant.	No. 74569-7-I ORDER DENYING MOTION FOR RECONSIDERATION

The appellant Nathan Choi filed a motion for reconsideration. The respondent Josephene Choi filed an answer to the motion for reconsideration. A majority of the panel determined that the motion should be denied. Now, therefore, it is hereby

ORDERED that the motion for reconsideration is denied.

Dated this 5th day of July, 2017.

FOR THE COURT:



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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

In the Matter of the Marriage of JOSEPHENE CHOI,	)	No. 74569-7-I
Respondent,	)	
and	)	UNPUBLISHED OPINION
NATHAN CHOI,	)	
Appellant.	)	FILED: April 24, 2017

SCHINDLER, J. — Nathan Choi challenges the parenting plan, denial of the motion for relocation, and division of property. We affirm in all respects.

Nathan and Josephene Choi met in 1996 while Nathan was a law student at the University of Hawaii.[1] Nathan and Josephene married on May 5, 1997. Nathan graduated from law school in 1999. Nathan practiced law in Honolulu. Nathan focused on immigration law and also engaged in extensive "business dealings" with clients. Josephene worked as an administrative assistant and paralegal in his law office.

Nathan and Josephene had three children. A son, J.E.C., born in 2002; and two daughters, H.H.Y.C., born in 2004, and H.Y.U.C., born in 2007.

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[1] We refer to the parties by their first names for purposes of clarity and mean no disrespect by doing so.

Nathan and Josephene purchased five condominiums in Honolulu and an apartment in Seoul, South Korea. In 2008, Nathan and Josephene purchased a commercial building in Tacoma, Washington, for $1.4 million.

In 2009, Nathan and Josephene decided to move to Bellevue, Washington. The couple purchased a house in Bellevue. Nathan and Josephene also purchased two condominiums in Bellevue. Nathan and Josephene enrolled their three children in school. Josephene played a larger role as the caregiver for the three children. Nathan obtained a license to practice law in Washington and practiced immigration law. They later sold one of the Bellevue condominiums.

On December 12, 2014, Nathan and Josephene filed a joint petition for dissolution of the marriage. Nathan prepared pleadings. The pleadings "greatly compromise[d] [Josephene's] property rights and expressly forfeit[ed] her parental rights." The petition for dissolution of the marriage stated the parties "already divided and separated their assets." The parenting plan stated, " 'Father shall have all parental rights of children. Mother shall have no parental rights.' " Josephene moved into the Bellevue condominium. Nathan stayed with the children in the Bellevue house.

Josephene retained an attorney and on February 18, 2015, filed an "Amended Petition for Dissolution of Marriage" and an amended parenting plan. Josephene asked the court to appoint a guardian ad litem (GAL) and enter a restraining order against Nathan. In opposition, Nathan filed a declaration accusing Josephene of "physically abus[ing] the children."

On March 12, a superior court commissioner entered an order appointing a GAL. The order states the children will remain with Nathan pending the GAL report. The

order gives Josephene unsupervised residential time with the children every other weekend. The order states neither parent shall "use physical discipline on the children."

On May 18, Nathan filed a "Notice of Intended Relocation of Children." Nathan stated he wanted to relocate to Hawaii with the children. According to Nathan, the relocation gives him "the best opportunity and support to practice law."

Josephene objected to the relocation. Josephene asserted the request to relocate the children was "not brought in good faith." Josephene argued that based on the RCW 26.09.520 factors, "the detrimental effects of allowing the children to move with the relocating person outweigh the benefits of the move to the children and the relocating person." Josephene states the children "are enrolled in wonderful schools. Our daughters are in a gifted program, and our son was able to enter International School, where the curriculum and teachers are among the best in the country." Josephene states, "The children are flourishing in their present environment at school." Josephene asserts, "A relocation to Hawaii, away from me, would be devastating for the children." According to Josephene, although Nathan "could make a great deal of money practicing law," he "chooses not to practice any more" and there is "no advantage to his moving to Hawaii for business reasons."

The GAL issued a report and addressed the motion to relocate. The GAL concluded, "Nathan's overriding interest" in relocating "has been himself and not his children."

> Nathan claims to be a religious person whose primary interest has been and is the children and their education. His statements ring hollow.
>
> For example, the children are enrolled in the highly rated Bellevue School District. Both before and at the beginning of this divorce process, Nathan was anxious to take the children and return to Hawaii to live. He prefers the weather in Hawaii and professes to dislike the Pacific

> Northwest. He claims the children can have as good an education or better in Hawaii. But that would require enrolling the children in very expensive private schools. It is my opinion that Nathan's overriding interest has been himself and not his children.

The GAL concluded the "overriding concern about Josephene" is a history of physically disciplining the children. The GAL states that all three children told him that Josephene "hit" or "spanked" them. The GAL states Josephene "denied the extent of the physical abuse of the children" and said she was "simply disciplining the children more strictly than American parents."

In the report, the GAL states Department of Social and Health Services social worker Anna Pennington told him that the children "feel safe with their mother and that there is no current physical abuse occurring."

> Ms. Pennington related that Nathan keeps telling her that the children say that they are abused by their mother. Ms. Pennington told me that the children were frustrated with Nathan about him attempting to lead the discussion when she visited their home. Contrary to what Nathan had told me, Ms. Pennington indicated that the kids never told her that they are afraid of their mother. . . . She also related that when she spoke with the children in mid-August they reported that they feel safe with their mother and that there is no current physical abuse occurring with either their mother or father.

The GAL concluded it was "difficult" for him "to know after speaking with each parent whether the physical disciplining of the children was more than just parental disciplining of the children." The GAL recommended that neither parent "use corporal punishment or physically discipline the children." The GAL recommended that "pending the completion of the 2015-2016 school year," the children "continue to reside with their father" and "reside with their mother on alternate weekends."

Nathan, Josephene, and the GAL testified during the four-day trial on the dissolution and motion to relocate. The court admitted into evidence a number of exhibits.

Nathan testified that Josephene was "very abusive" and often hit the children to discipline them. According to Nathan, he "can't be a lawyer" in Washington because he did not "know the laws here" and the civil rules were "completely different." The court admitted into evidence a letter from a law firm in Honolulu offering to employ Nathan at an annual salary of $60,000.

Josephene testified the family moved to Bellevue "for [the] children's education" because Hawaii does not have a good public school system. Josephene testified the quality of life and the opportunities available to the children were "much better" in Washington than in Hawaii. Josephene testified that on average, Nathan made about $10,000 per month working as an attorney while they lived in Bellevue. Josephene testified that Nathan was the only one who wanted to return to Hawaii. Josephene stated that if Nathan were permitted to relocate to Hawaii with the children, she would not "have any relationship" with the children.

Josephene testified the allegations of physical abuse were not true. Josephene said she "didn't hurt" the children and "just disciplined them." Josephene admitted she hit J.E.C. "one time or two times" and hit H.H.Y.C. "[o]ne time."

The GAL testified that he "hesitantly" recommended the children reside with Nathan but was not "opposed to some sort of sharing or more residential time for Ms. Choi." In response to the question of whether he believed the court should impose parenting plan restrictions against Josephene under RCW 26.09.191, the GAL stated

there was "some question of whether or not and the degree of which there has been the physical disciplining." The GAL testified there was "no independent verification" of the alleged discipline and "in view of what I understood to be the Korean culture," the discipline could be "just regular parental disciplining of the children."

The GAL testified that Nathan should not be allowed to relocate with the children to Hawaii. The GAL testified he did not believe the request to relocate to Hawaii was made in good faith. According to the GAL, the "weather is the concern that draws Mr. Choi to want to return to Hawaii." The GAL said the schools in Bellevue were "probably preferable" to the schools in Hawaii and the children were doing well in school. The GAL said he believed Nathan's ability to practice law in Hawaii might be "restricted" because of his previous business transactions. The GAL testified that because immigration law is primarily federal law, Nathan "could practice here."

The court did not impose restrictions under RCW 26.09.191. The court notes the use of "corporal punishment on the children" as a concern. However, the court found that Nathan "clearly has exaggerated both the extent to which his wife used physical discipline on the children and his supposed contemporaneous disapproval."

The court entered a parenting plan designating Nathan as the residential parent and giving Josephene residential time with the children every other weekend from Friday after school until Monday morning.

The court found the motion to relocate was not made in good faith. The court denied Nathan's request to relocate to Hawaii with the children. The findings of fact and conclusions of law state, in pertinent part:

> The request [to relocate] is not one made in good faith if good faith is taken to encompass consideration of those [RCW 26.09.520] factors. The

> children have equally strong bonds with both parents and it would be devastating for them to have the bond with their mother severed. There has been no prior agreement of the parties that such a move would be made. There are no RCW 26.09.191 restrictions on either of the parties. A move to Hawaii would not result in any enhancement of the children's opportunities and quality of life over what they have in their present circumstances. The Court is convinced that Mr. Choi can find employment (likely self-employment as in the past) here that is more favorable than the purported low-pay job offer in Hawaii. It is true that Skype and Facetime[2] have improved the quality of transoceanic communications . . . but consideration of the statutory factors does not produce a conclusion in favor of relocation. To the contrary, the Court concludes that the detrimental effect of the proposed relocation would outweigh any benefit of the change to the children and the father.

The court awarded the house in Bellevue and the apartment in South Korea to Nathan. The Court awarded the five condominiums in Hawaii and the condominium in Bellevue to Josephene. The Court ordered the Tacoma commercial building sold and the proceeds distributed 60 percent to Josephene and 40 percent to Nathan.

Nathan filed a notice of appeal on January 14, 2016. Nathan challenges the decision not to impose parenting plan restrictions under RCW 26.09.191, denial of the request to relocate, and the award of property.[3]

Motion to Strike

Nathan filed a motion to strike the supplemental designation of the pleadings that Josephine filed. Josephine designated the May 19, 2016 "Petition for Order for Protection"; the May 19, 2016 "Temporary Order for Protection and Notice of Hearing"; and the July 21, 2016 "Order for Protection."

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[2] Skype and Facetime are live video chat and long-distance voice calling services.

[3] The reply brief was due on January 31, 2017. We strike the 55-page reply brief filed on April 11, 2017 as untimely. In re Disciplinary Proceeding Against Donohoe, 90 Wn.2d 173, 174-75, 580 P.2d 1093 (1978) (striking reply brief as untimely).

The Petition for Order for Protection states Nathan was arrested on May 18, 2016 for assaulting J.E.C. and J.E.C. had "a concussion discovered after a CT[4] scan."[5] Josephine states Nathan "threatened to kill me while in Hawaii" and she is "afraid that [Nathan] will retaliate against me and the children for calling 911."

The Order for Protection prohibits Nathan "from coming near and from having any contact whatsoever" with Josephine and the three children.[6] The Order for Protection suspends the parenting plan and gives Josephine "temporary care, custody, and control" of the children. The Order for Protection states the order is effective until July 21, 2017.

A commissioner directed the parties to address the motion to strike in briefing and referred the motion to the panel. Josephine argues in her brief that because the Order for Protection prohibits Nathan from having any contract with the children until July 21, 2017, the argument that the court erred by not imposing RCW 26.09.191 restrictions and denying the motion to relocate are moot.

A party may supplement the appellate record if the initial record is not sufficiently complete to permit a decision on the merits of the issues presented for review. RAP 9.6(a), .10. Because absent review of the pleadings we cannot determine if the appeal of the parenting plan and motion to relocate is moot, we deny Nathan's motion to strike the supplemental designation of clerk papers. " 'A case is moot if a court can no longer

[4] Computerized tomography.

[5] The Petition for Order for Protection states, in pertinent part:

Nathan Choi was arrested on May 18, 2016 after hitting our son, [J.E.C.,] on the head or slamming his head against the wall. [J.E.C.] was taken to Overlake Hospital emergency. I picked up [H.Y.U.C.] and [H.H.Y.C.], who are staying with me and should not be returned to their father[']s residence.

[6] The Order for Protection states, "The police reports corroborate the children's statements and father changes his story as he testifies. The mother's allegations are supported and credible."

provide effective relief.' " In re Marriage of Horner, 151 Wn.2d 884, 891, 93 P.3d 124 (2004) (quoting Orwick v. City of Seattle, 103 Wn.2d 249, 253, 692 P.2d 793 (1984).[7]

Because the Order for Protection suspends the parenting plan until only July 21, 2017, the appeal of the parenting plan and motion to relocate is not moot. We also note the "Order on Adequate Cause for Non-parent Custody" states the July 21, 2016 Order for Protection and the contrary parenting plan provisions designating Nathan as the residential parent establish adequate cause to "move forward to a full hearing or trial." The Order on Adequate Cause requires the parties to obtain a parenting plan evaluation and to file a motion for a hearing or trial.[8]

Parenting Plan

Nathan argues the court erred by not imposing mandatory parenting plan restrictions under RCW 26.09.191(1) and (2) based on Josephene's use of corporal punishment. We review parenting plan decisions for manifest abuse of discretion. In re Marriage of Black, No. 92994-7, 2017 WL 1292014, at *6 (Wash. April 6, 2017); In re Marriage of Chandola, 180 Wn.2d 632, 642, 327 P.3d 644 (2014); In re Marriage of Katare, 175 Wn.2d 23, 35, 283 P.3d 546 (2012). A trial court abuses its discretion only if its decision is manifestly unreasonable or based on untenable grounds or untenable reasons. Black, 2017 WL 1292014, at *6; Katare, 175 Wn.2d at 35. Nathan bears the " 'heavy burden of showing a manifest abuse of discretion.' " In re Marriage of Kim, 179

[7] Nathan also filed a motion to strike Josephene's statement of the case for violation of RAP 10.3. A commissioner referred the motion to the panel. To the extent that Josephene's factual assertions are not supported by the record, we do not consider those assertions.

[8] Nathan filed a motion to supplement the record with an unrelated August 17, 2016 police report concerning an investigation of alleged sexual abuse. The names of the alleged victim and the suspect are redacted. Because the motion to supplement the record does not meet the requirements of RAP 9.11(a), we deny the motion. See Auto. United Trades Org. v. State, 175 Wn.2d 214, 235 n.5, 285 P.3d 52 (2012).

Wn. App. 232, 240, 317 P.3d 555 (2014) (quoting In re Marriage of Landry, 103 Wn.2d 807, 809, 699 P.2d 214 (1985)).

"We treat the trial court's findings of fact as verities on appeal so long as they are supported by substantial evidence." Black, 2017 WL 1292014, at *6; In re Marriage of Thomas, 63 Wn. App. 658, 660, 821 P.2d 1227 (1991). Evidence is substantial when it is sufficient to " 'persuade a fair-minded person of the truth of the matter asserted.' " Black, 2017 WL 1292014, at *6 (quoting Chandola, 180 Wn.2d at 642); In re Marriage of Burrill, 113 Wn. App. 863, 868, 56 P.3d 993 (2002). "So long as substantial evidence supports the finding, it does not matter that other evidence may contradict it." Burrill, 113 Wn. App. at 868. This court does not review the trial court's credibility determinations or weigh conflicting evidence. Black, 2017 WL 1292014, at *6; In re Marriage of Meredith, 148 Wn. App. 887, 891 n.1, 201 P.3d 1056 (2009); In re Marriage of Rich, 80 Wn. App. 252, 259, 907 P.2d 1234 (1996). Unchallenged findings are verities on appeal. In re Marriage of Brewer, 137 Wn.2d 756, 766, 976 P.2d 102 (1999).

RCW 26.09.191(1) and (2) are mandatory provisions that require the imposition of restrictions in a parenting plan. RCW 26.09.191(1) prohibits the court from requiring mutual decision-making or dispute resolution other than court action if a parent has physically abused a child or has a history of domestic violence. RCW 26.09.191(2)(a)(ii) requires the court to limit a parent's residential time with a child if the parent has physically abused the child.

The record supports the court's decision not to impose parenting plan restrictions on Josephene under RCW 26.09.191(1) or (2). "Mere accusations, without proof, are not sufficient to invoke the restrictions under the statute." In re Marriage of Caven, 136

Wn.2d 800, 809, 966 P.2d 1247 (1998). The court's unchallenged findings establish Nathan "exaggerated . . . the extent to which his wife used physical discipline on the children." As to the RCW 26.09.191 restrictions, the GAL testified there was a question about the degree of physical discipline. The GAL testified that "in view of what I understood to be the Korean culture," Josephene's use of corporal punishment could be "just regular parental disciplining of the children." The GAL said he did not "know for sure whether there was the domestic violence by Ms. Choi." Substantial evidence supports the decision not to impose restrictions under RCW 26.09.191(1) or (2).

Nathan relies on In re Marriage of C.M.C., 87 Wn. App. 84, 940 P.2d 669 (1997), to argue the court erred in not imposing parenting plan restrictions under RCW 26.09.191(1) and (2). C.M.C. does not support his argument. In C.M.C., we held imposition of restrictions under RCW 26.09.191(1) requires finding a history of domestic violence. C.M.C., 87 Wn. App. at 86. The court held that although a "history of domestic violence" under RCW 26.09.191(1) is not defined, the phrase is "intended to exclude 'isolated, de minimus incidents which could technically be defined as domestic violence.' " C.M.C., 87 Wn. App. at 88 (quoting 1987 PROPOSED PARENTING ACT, REPLACING THE CONCEPT OF CHILD CUSTODY, Commentary and Text 29 (1987)). Here, unlike in C.M.C., the court did not find there was a history of physical abuse or domestic violence.

Relocation

Nathan contends the court erred in denying his request to relocate to Hawaii with the children. We review denial of a motion for relocation for abuse of discretion. Horner, 151 Wn.2d at 893. Under the child relocation act (CRA), RCW 26.09.405

through .560, "[t]here is a rebuttable presumption that the intended relocation of the child will be permitted." RCW 26.09.520. The burden of persuasion and the burden of production are on the parent opposing relocation. In re Marriage of McNaught, 189 Wn. App. 545, 556, 359 P.3d 811 (2015). To rebut the presumption, the parent must demonstrate that "the detrimental effect of the relocation outweighs the benefit of the change to the child and the relocating person." RCW 26.09.520. To "ensure that trial courts consider the interests of the child and the relocating person within the context of the competing interests and circumstances required by the CRA," trial courts "must consider each of the child relocation factors." Horner, 151 Wn.2d at 895; RCW 26.09.520.[9] But the factors are "not weighted" or listed in any particular order. RCW 26.09.520; Horner, 151 Wn.2d at 894. The factors "serve as a balancing test between many important and competing interests and circumstances involved in relocation

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[9] The factors the court must consider are:

(1) The relative strength, nature, quality, extent of involvement, and stability of the child's relationship with each parent, siblings, and other significant persons in the child's life;

(2) Prior agreements of the parties;

(3) Whether disrupting the contact between the child and the person with whom the child resides a majority of the time would be more detrimental to the child than disrupting contact between the child and the person objecting to the relocation;

(4) Whether either parent or a person entitled to residential time with the child is subject to limitations under RCW 26.09.191;

(5) The reasons of each person for seeking or opposing the relocation and the good faith of each of the parties in requesting or opposing the relocation;

(6) The age, developmental stage, and needs of the child, and the likely impact the relocation or its prevention will have on the child's physical, educational, and emotional development, taking into consideration any special needs of the child;

(7) The quality of life, resources, and opportunities available to the child and to the relocating party in the current and proposed geographic locations;

(8) The availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent;

(9) The alternatives to relocation and whether it is feasible and desirable for the other party to relocate also;

(10) The financial impact and logistics of the relocation or its prevention; and

(11) For a temporary order, the amount of time before a final decision can be made at trial.

RCW 26.09.520.

matters." Horner, 151 Wn.2d at 894. "In absence of evidence to the contrary, we assume the trial court discharged its duty and considered all evidence before it." In re Marriage of Croley, 91 Wn.2d 288, 291, 588 P.2d 738 (1978).

Nathan argues the court erred by ignoring the statutory presumption in favor of allowing him to relocate with the children and improperly focusing on the best interests of the children. Contrary to his argument, the record shows the court considered the rebuttable presumption and complied with the relocation statute. The GAL testified that under the CRA, there is a presumption that the residential parent will be permitted to relocate but "the other parent can rebut that presumption." The parties also addressed the rebuttable presumption in both opening and closing arguments. The court specifically found, "[T]he detrimental effect of the proposed relocation would outweigh any benefit of the change to the children and the father."[10]

Nathan also asserts the court did not address statutory factors 3, 6, 8, and 9 of RCW 26.09.520 and the record does not support the court's findings. We disagree. The court entered findings on each of the statutory factors, including factors 3, 6, 8, and 9, and substantial evidence supports the court's findings.

With respect to factors 1 and 3, the court found, "The children have equally strong bonds with both parents and it would be devastating for them to have the bond with their mother severed." Regarding factor 2, the court's unchallenged findings establish "[t]here has been no prior agreement of the parties that such a move would be made." With respect to factor 4, the findings state, "There are no RCW 26.09.191 resections on either of the parties."

[10] Emphasis added.

Regarding factors 5 and 6, the court found, in pertinent part:

> [T]he father's desire to move to Hawaii reflects his own personal desire and would disregard the children's wishes and their best interests. The request is not one made in good faith if good faith is taken to encompass consideration of those factors.

As to factors 6 and 7, the court found, "A move to Hawaii would not result in any enhancement of the children's opportunities and quality of life." Regarding factor 8, the court's unchallenged findings acknowledge, "Skype and Facetime have improved the quality of transoceanic communications." With respect to factors 7, 9, and 10, the court found, "Mr. Choi can find employment (likely self-employment as in the past) here that is more favorable than the purported low-pay job offer in Hawaii."

Substantial evidence supports the findings. According to the GAL, it is "clear" that Josephene "is far more involved with [H.H.Y.C. and H.Y.U.C] than their father." The GAL states it is "clear from conversations with the children that their mother had been the primary caregiver handling matters on a day-to-day basis."

Josephine testified Nathan did not make "the request to relocate the children in good faith" because "only he wants [to] go back" to Hawaii. The GAL testified it was Nathan's "decision and desire to go back to Hawaii" and "the weather is the concern that draws Mr. Choi to want to return to Hawaii." The GAL report states, "Nathan's overriding interest has been himself and not his children."

The unchallenged findings establish the children "are all enrolled in the excellent public schools of Bellevue and are doing well." Josephene testified the quality of life and the opportunities available to the children are "much better" in Washington, and Seattle has "[many] more opportunities" than Hawaii. Josephene testified the family moved to Bellevue "for [the] children's education" and Hawaii does not have a good

public school system. The GAL testified the children are doing well in school and "like where they are," and the schools in Bellevue are "probably preferable" to the schools in Hawaii. Nathan admitted that the schools in Bellevue are "slightly better" than the schools in Hawaii.

The court's unchallenged findings establish Nathan "obtained a license to practice law in Washington and he has done so." A law firm in Hawaii offered to pay Nathan an annual salary of $60,000. But the testimony established Nathan earned approximately $10,000 a month working as an attorney in Bellevue. The GAL testified that because Nathan practices immigration law, "he could practice here as well as he could practice in Hawaii."

The court did not abuse its discretion in denying Nathan's request to relocate to Hawaii.

Property Distribution

Nathan argues the court erred by awarding the five Hawaii condominiums to Josephene. The court divides property and distributes the parties' property in a manner that is "just and equitable." RCW 26.09.080. The statute requires the trial court to consider all relevant factors including, but not limited to, the following:

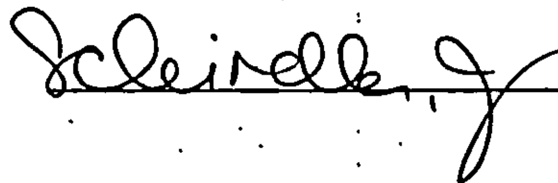
> (1) The nature and extent of the community property;
> (2) The nature and extent of the separate property;
> (3) The duration of the marriage . . . ; and
> (4) The economic circumstances of each spouse . . . at the time the division of property is to become effective, including the desirability of awarding the family home . . . to a spouse . . . with whom the children reside the majority of the time.

RCW 26.09.080.

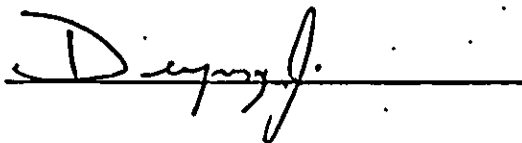
We review the division of property for abuse of discretion. In re Marriage of Muhammad, 153 Wn.2d 795, 803, 108 P.3d 779 (2005). The trial court has "broad discretion in distributing the marital property" and its decision will be reversed only if exercised on untenable grounds or for untenable reasons. In re Marriage of Rockwell, 141 Wn. App. 235, 242-43, 170 P.3d 572 (2007). "The trial court is in the best position to assess the assets and liabilities of the parties" and to determine what constitutes an equitable outcome. Brewer, 137 Wn.2d at 769.

Here, the court concluded the children should remain in the family home in Bellevue and awarded the house, valued at $1.2 million, to Nathan. "The family residence in Bellevue . . . has long been home to the children and should remain so. It is valued at $1,200,000 and will be awarded to the husband." The court did not abuse its discretion by awarding the five Hawaii condominiums valued at a total of $1,227,000 to Josephene.

We affirm in all respects.



WE CONCUR:



RCW 9a.16.100

Use of force on children—Policy—Actions presumed unreasonable.

It is the policy of this state to protect children from assault and abuse and to encourage parents, teachers, and their authorized agents to use methods of correction and restraint of children that are not dangerous to the children. However, the physical discipline of a child is not unlawful when it is reasonable and moderate and is inflicted by a parent, teacher, or guardian for purposes of restraining or correcting the child. Any use of force on a child by any other person is unlawful unless it is reasonable and moderate and is authorized in advance by the child's parent or guardian for purposes of restraining or correcting the child.

The following actions are presumed unreasonable when used to correct or restrain a child: (1) Throwing, kicking, burning, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) interfering with a child's breathing; (5) threatening a child with a deadly weapon; or (6) doing any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks. The age, size, and condition of the child and the location of the injury shall be considered when determining whether the bodily harm is reasonable or moderate. This list is illustrative of unreasonable actions and is not intended to be exclusive.

[1986 c 149 § 1.]

RCW 26.09.520

Basis for determination.

The person proposing to relocate with the child shall provide his or her reasons for the intended relocation. There is a rebuttable presumption that the intended relocation of the child will be permitted. A person entitled to object to the intended relocation of the child may rebut the presumption by demonstrating that the detrimental effect of the relocation outweighs the benefit of the change to the child and the relocating person, based upon the following factors. The factors listed in this section are not weighted. No inference is to be drawn from the order in which the following factors are listed:

(1) The relative strength, nature, quality, extent of involvement, and stability of the child's relationship with each parent, siblings, and other significant persons in the child's life;

(2) Prior agreements of the parties;

(3) Whether disrupting the contact between the child and the person with whom the child resides a majority of the time would be more detrimental to the child than disrupting contact between the child and the person objecting to the relocation;

(4) Whether either parent or a person entitled to residential time with the child is subject to limitations under RCW 26.09.191;

(5) The reasons of each person for seeking or opposing the relocation and the good faith of each of the parties in requesting or opposing the relocation;

(6) The age, developmental stage, and needs of the child, and the likely impact the relocation or its prevention will have on the child's physical, educational, and emotional development, taking into consideration any special needs of the child;

(7) The quality of life, resources, and opportunities available to the child and to the relocating party in the current and proposed geographic locations;

(8) The availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent;

(9) The alternatives to relocation and whether it is feasible and desirable for the other party to relocate also;

(10) The financial impact and logistics of the relocation or its prevention; and

(11) For a temporary order, the amount of time before a final decision can be made at trial.

[2000 c 21 § 14.]

NOTES:

Intent—Captions not law—2000 c 21: See notes following RCW **26.09.405.**

RCW 26.09.191

Restrictions in temporary or permanent parenting plans.

*** CHANGE IN 2017 *** (SEE 1543-S.SL) ***

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) a history of acts of domestic violence as defined in *RCW **26.50.010(1)** or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(2)(a) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in *RCW **26.50.010(1)** or an assault or sexual assault which causes grievous bodily harm or the fear of such harm; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW **9A.44.076** if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW **9A.44.079** if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW **9A.44.086** if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW **9A.44.089**;

(E) RCW **9A.44.093**;

(F) RCW **9A.44.096**;

(G) RCW **9A.64.020** (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter **9.68A** RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in *RCW **26.50.010(1)** or an assault or sexual assault that causes grievous bodily harm or the fear of such harm; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW **9A.44.076** if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) RCW **9A.44.079** if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises residential time in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's

best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have residential time with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised residential time has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of residential time between the parent and the child, and after consideration of

evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised residential time has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of residential time between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection 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. If the court expressly finds based on the evidence that limitations on the residential time with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful

conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits residential time under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

(a) A parent's neglect or substantial nonperformance of parenting functions;

(b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;

(c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

(d) The absence or substantial impairment of emotional ties between the parent and the child;

(e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;

(f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or

(g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In cases involving allegations of limiting factors under subsection (2)(a)(ii) and (iii) of this section, both parties shall be screened to determine the appropriateness of a comprehensive assessment regarding the impact of the limiting factor on the child and the parties.

(5) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

(6) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

(7) For the purposes of this section:

(a) "A parent's child" means that parent's natural child, adopted child, or stepchild; and

(b) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

[2011 c 89 § 6; 2007 c 496 § 303; 2004 c 38 § 12; 1996 c 303 § 1; 1994 c 267 § 1. Prior: 1989 c 375 § 11; 1989 c 326 § 1; 1987 c 460 § 10.]

NOTES:

***Reviser's note:** RCW 26.50.010 was alphabetized pursuant to RCW 1.08.015(2)(k), changing subsection (1) to subsection (3).

Effective date—2011 c 89: See note following RCW 18.320.005.

Findings—2011 c 89: See RCW 18.320.005.

Part headings not law—2007 c 496: See note following RCW 26.09.002.

Effective date—2004 c 38: See note following RCW 18.155.075.

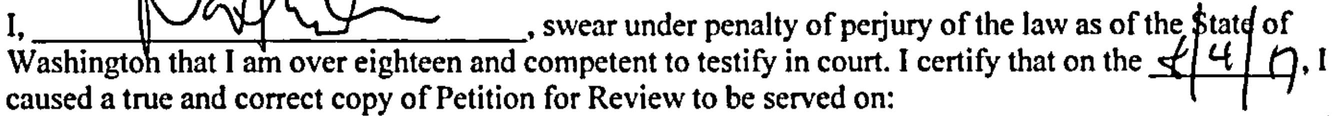
Effective date—1996 c 303: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 30, 1996]." [1996 c 303 § 3.]

Effective date—1994 c 267: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 1, 1994]." [1994 c 267 § 6.]

COURT OF APPEALS FOR THE STATE OF WASHINGTON

DIVISION ONE

In re the Marriage of:	)	No. 74569-7
NATHAN CHOI, Appellant,	)	King. Co.#14-3-08013-5
	)	Certificate of Service
and	)	
JOSEPHENE CHOI, Respondent.	)	



CERTIFICATION OF SERVICE

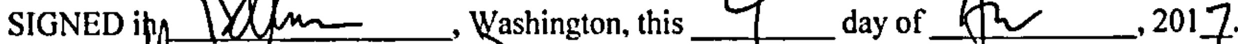
I, ______________, swear under penalty of perjury of the law as of the State of Washington that I am over eighteen and competent to testify in court. I certify that on the 8/4/17, I caused a true and correct copy of Petition for Review to be served on:

Gary Taylor, WSBA # 6305
2033 6th Ave. Suite 800
Seattle, WA 98121
(206) 448-4983
gjt777@aol.com

VIA FIRST CLASS MAIL, postage prepaid.

FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON
2017 AUG -4 PM 4:55

SIGNED in ______________, Washington, this 4 day of ______, 2017.



Nathan Choi Pro Se