

No. 69250-0-1

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

CHAD CLARK, Appellant,

v.

ELIZABETH PAGE, Respondent.

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR WHATCOM COUNTY
#09-5-00127-5

BRIEF OF RESPONDENT

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COURT OF APPEALS
STATE OF WASHINGTON
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ORIGINAL

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INTRODUCTION

This is an appeal from a parentage action under RCW Ch. 26.26. Appellant Chad Clark, acting pro se, challenges various provisions of Superior Court Judge Charles Snyder's findings of fact and conclusions of law, order of child support, and final parenting plan. (Attached as Appendices A, B, and C). Appellate courts defer to trial courts in parentage actions for good reason. The trial judge hears the witnesses testify, considers all the evidence, and decides what is just and equitable under the circumstances. Only when a trial court abuses its discretion does an appellate court intervene.

In his appeal, appellant Chad Clark reargues his case, but cannot prove the trial court abused its discretion. The court made reasonable judgments -- and had jurisdiction to make them. Respondent Elizabeth Page respectfully requests the Court to affirm the trial court, award reasonable attorney's fees on review, and dismiss this appeal.

I. RESTATEMENT OF ISSUES PRESENTED

Mr. Clark's appeal presents three issues:

A. Under RAP 9.2(b), "if the party seeking review intends to urge that a verdict or finding of fact is not supported by the

evidence, the party should include in the record all evidence relevant to the disputed verdict or finding.” Mr. Clark has failed to provide transcripts of the testimony presented at trial. Has he failed to perfect the record, barring any challenge to the findings?

B. “Orders setting forth child support obligations in paternity actions are reviewed for abuse of discretion.” In re Parentage of J.M.K., 155 Wn.2d 374, 394, 119 P.3d 840 (2005). Judge Snyder ordered Mr. Clark to pay the standard calculation, \$410.66 per month in child support for his daughter. Did the trial court abuse its discretion by imposing the standard amount?

C. “A trial court's rulings dealing with the provisions of a parenting plan are reviewed for abuse of discretion.” In re Marriage of Littlefield, 133 Wn.2d 39, 46, 940 P.2d 1362 (1997). The trial court’s final parenting plan gives Mr. Clark significant time with his daughter and carefully delineates school and vacation schedules. Did the trial court abuse its discretion by not providing Mr. Clark with more residential time?

II. STATEMENT OF FACTS

A. Mr. Clark and Ms. Page Never Married or Lived Together

Appellant Chad Clark and Respondent Elizabeth Page had a brief relationship in 2008 that led to Ms. Page becoming pregnant. On June 21, 2009, she gave birth to their daughter, V.L.P. Although Mr. Clark and Ms. Page will parent V.L.P. for the rest of their lives, they do not have a relationship separate from this. As the trial court found,

at no time did the parents engage in a substantial social relationship; they did not live together and they experienced compatibility issues from the beginning. The child neither resided in the same household with both parents nor did the parents ever co-parent as a couple.

(Findings of Fact ¶ 2.10(1); CP 146) (Appendix A). The trial court's orders concern two parents who have always had separate households.

B. The Three Day Trial Over Custody and Support

After two years of pre-trial wrangling, on November 15, 16, and 17, 2011, the parties tried this parentage action in Whatcom County Superior Court. They disputed custody, visitation and child support. At the close of testimony, Judge Snyder ruled on the terms of a parenting plan and child support order. His oral ruling is

the only transcript from trial. Mr. Clark did not transcribe the witnesses' testimony, and the appellate record contains no exhibits or materials from the trial.

Judge Snyder's oral ruling laid the foundation for the written orders that would follow. He began by noting that while both were good parents, Mr. Clark and Ms. Page disagreed deeply.

I must say that I think both of the parents in this case are very intelligent, appropriate, and engaged people. You have both gone farther, much farther than the average parent in learning about and in becoming knowledgeable about what's going on with your child and you and your relationship, and that's a good thing.

(11/17/11 VRP at 3).

But "you're not very good at dealing with each other, and that's obvious." (11/17/11 VRP at 3). Although he gave his findings in neutral language, Judge Snyder noted much of the conflict coming from Mr. Clark's inability to compromise.

I think in watching this trial, I would have to say as a comment that I got a sense from Mr. Clark's questioning of Ms. Page that to some extent, it was accusatory and judgmental, focused on trying to cast her in an obstructive light. I think it offers a glimpse into the approach that's been going on between the two of you up to today.

It appears to me that that approach is more about possession rather than it is about relationships. It's more about time than about what is happening and

the quality of time, what goes on in the time, and I think that's something you need to get past.

(11/17/11 VRP at 6-7).

The court then made specific findings under RCW 26.09.187, the criteria for establishing a permanent parenting plan. (11/17/11 VRP at 10-17). Given these factors, V.L.P.'s young age, and the history of parental conflict, Judge Snyder decided against a 50/50 split of parenting time.

So my conclusions are with regards to the parenting plan that it is in the best interests of V.L.P. to have increasing contact with her father over time; that an equal 50/50 time arrangement and schedule that provides for that is not required for Mr. Clark to have a healthy, loving, and secure and strong relationship with her.

I find that and I conclude that the mother has been the parent with the greatest responsibility of not only caring for the child but meeting her developmental needs up to now.

(11/17/11 VRP at 17). The court then established the parenting schedule based on V.L.P.'s age and developmental level.

(11/17/11 VRP at 19-25).

Finally, the court addressed child support. (11/17/11 VRP at 32). At the time, Mr. Clark worked only part-time at Costco.

I do believe, however, that you have an option for more hours as you noted, at least you can volunteer for more at Costco. You hope it will turn into full-time

work. You have a history of working full time, which I think you've done.

So I'm going to impute to you at 40 hours a week rather than the 25 you're actually working at \$11 an hour rather than \$15 an hour.

(11/17/11 VRP at 32). The court directed Ms. Page's counsel to present written orders.

C. The Dispute Over Final Orders

In four post-trial hearings, the trial court repeatedly ruled on Mr. Clark's objections to the proposed written orders. First, on June 1, 2012, the court took 45 minutes to review the proposed parenting plan line-by-line. (6/1/12 VRP at 2-58). The court then addressed proposed findings and conclusions. Mr. Clark argued that the proposed findings were filled "with a lot of opinion, false statements, just inaccuracies." (6/1/12 VRP at 59). After discussing a few of Mr. Clark's objections, Judge Snyder explained the purpose of entering findings.

At some point in time, the Court basically has to tell you what I think is appropriate in terms of findings, and I think that there is little value in taking these apart word by word. We could spend days doing that, and maybe or maybe not come to some sort of a conclusion that everybody is happy with, but it's not my job to make everybody happy. It's my job to put together something that reflects what the evidence showed and what my belief was of the case.

(6/1/12 VRP at 64-65).

The court accepted Ms. Page's proposed findings, with a few modifications. (6/1/12 VRP at 68) ("so with those changes, I'm inclined to adopt Mr. Beaty's findings and conclusions"). The parties hoped to return to court later that day to enter final orders.

Instead, the parties had a second hearing on June 29, 2012. When Mr. Clark attempted to reargue his objections to the parenting plan, the court refused to reopen the issue.

I'm not prepared to sit here for another half an hour, 45 minutes like we did last time and go through this piece by piece. We did that. I gave you my response.

I think the only question here is are there specific points that you can point to the record where Mr. Beaty's documents are inconsistent with what the Court said the last time you were here?

(6/29/12 VRP at 2). The court directed Mr. Clark to provide a red-lined version of his objections to the proposed orders, as required under Whatcom County Local Rule 54(f)(3). (6/29/12 VRP at 6).

The parties returned for a third post-trial hearing on August 3, 2012. Mr. Clark agreed to entry of the findings of fact and the support order. (8/3/12 VRP at 2). On the parenting plan, Mr. Clark raised 14 objections, including asking the court to reconsider its residential schedule. (8/3/12 VRP at 8) ("you're essentially asking

me to reconsider my decision, and this is not the time to do that”).

Finally, on October 26, 2012, the parties returned for a fourth hearing on the parenting plan. Mr. Clark again attempted to reargue the residential schedule, and Judge Snyder declined to reconsider.

I've spent three hours already trying to get these entered. I have looked at Ms. Krug's [Ms. Page's attorney]. I think they're really close. I think they're probably correct, and you've pointed out small details, and that's all, and if you haven't got anything today, I'm going to sign her order, and you can bring a motion for reconsideration. I'm not going to spend any more hours trying to get this order entered, because you aren't just willing to follow what the Court ordered.

(10/26/12 VRP at 19). The court entered the final parenting plan at the close of this hearing.

Mr. Clark did not file a motion for reconsideration and now appeals the findings of fact, support order and parenting plan.

ARGUMENT

III. STANDARD OF REVIEW

As in dissolution actions, this Court reviews final orders in a parentage action for abuse of discretion.

[T]rial court decisions in a dissolution action will seldom be changed upon appeal. Such decisions are difficult at best. Appellate courts should not encourage appeals by tinkering with them. The

emotional and financial interests affected by such decisions are best served by finality. The spouse who challenges such decisions bears the heavy burden of showing a manifest abuse of discretion on the part of the trial court. The trial court's decision will be affirmed unless no reasonable judge would have reached the same conclusion.

Marriage of Landry, 103 Wn.2d 807, 809-810, 699 P.2d 214 (1985);

In re Parentage of J.M.K., 155 Wn.2d 374, 394, 119 P.3d 840 (2005) (“orders setting forth child support obligations in paternity actions are reviewed for abuse of discretion”).

IV. THE TRIAL COURT ACTED WELL WITHIN ITS DISCRETION

A. Mr. Clark Cannot Challenge The Findings Of Fact

Mr. Clark has failed to transcribe the trial testimony or designate any trial exhibits. Under RAP 9.2, “if the party seeking review intends to urge that a verdict or finding of fact is not supported by the evidence, the party should include in the record all evidence relevant to the disputed verdict or finding.” Not doing so undermines the Court’s ability to rule on the merits.

Although parties have a right to represent themselves, “pro se litigants are bound by the same rules of procedure and substantive law as attorneys.” Westberg v. All-Purpose Structures Inc., 86 Wn. App. 405, 411, 936 P.2d 1175 (1997). One critical requirement is providing an adequate record for review. “An

appellate court may decline to address a claimed error when faced with a material omission in the record.” State v. Wade, 138 Wn.2d 460, 465-466, 979 P.2d 850 (1999).

This is more than a technical error. Mr. Clark must prove that substantial evidence in the record does not support the trial court’s findings. By not providing the trial transcript, Mr. Clark has forfeited his right to review on the merits.

We do not reach the merits of this issue because Allemeier failed to provide us with a sufficient trial record. The party seeking review has the burden of perfecting the record so that this court has before it all of the evidence relevant to the issue. RAP 9.2(b); State v. Jackson, 36 Wn. App. 510, 516, 676 P.2d 517 (1984), affirmed, 102 Wn.2d 689, 689 P.2d 76 (1984). Without the trial record, it is not possible to view the statement in context with the rest of the evidence presented so as to determine whether Allemeier was prejudiced. Error without prejudice is not grounds for reversal.

Allemeier v. University of Washington, 42 Wn. App. 465, 472-473, 712 P.2d 306 (1985).

Creating an adequate record is Mr. Clark’s burden, not Ms. Page’s. “A party seeking appellate review has the burden of providing the appellate court with all evidence in the record relevant to the issue before the court.” Starczewski v. Unigard Ins. Group,

61 Wn. App. 267, 276, 810 P.2d 58 (1991). Providing some but not all the evidence is insufficient.

The trial record provided to us is incomplete. We have been provided with none of the exhibits admitted at trial. Moreover, we have not been provided with a record of the testimony of numerous witnesses. In such a situation, our ability to fairly evaluate the findings in light of the record before the trial court is compromised. Thus, we treat the findings as verities.

In re Custody of A.F.J., 161 Wn. App. 803, 807 n.2, 260 P.3d 889 (2011).

The appropriate consequence for this failure is to uphold the trial court's findings and dismiss Mr. Clark's appeal. Marriage of Haugh, 58 Wn. App. 1, 6, 790 P.2d 1266 (1990) ("because the factual basis for imposing the contempt sanction is not in the record, it is impossible to review the issues Mr. Haugh raises"); Morris v. Woodside, 101 Wn.2d 812, 815, 682 P.2d 905 (1984) ("the findings of fact are thus verities and binding upon this Court").

In his opening brief, Mr. Clark assigns 12 errors to the trial court's findings of fact and conclusions of law. (Opening Brief at 5-11). He provides no facts to support his claimed errors. Instead, he argues that the trial court agreed with Ms. Page's evidence, not his.

The court made inadequate findings without explanation of any kind how it reached its conclusions. The court seemed to focus upon the Respondent/Mother's contentions and/or upon statements from evaluators [*which based their decisions solely upon statements from Respondent*]. Nothing could be more prejudicial!

(Opening Brief at 26). But the trial court weighs the evidence at trial, and this Court does not reweigh the evidence on appeal.

The trial court carefully analyzed the respective positions of the parties, exercised its discretion and rendered a thoughtful decision. That ends the matter.

Landry, 103 Wn.2d at 810.

Substantial evidence supports the trial court's findings of fact. And Mr. Clark's actions on appeal add further support. Mr. Clark has failed to satisfy his burden.

B. The Support Order Applies The Standard Amount

The trial court's order of child support set Mr. Clark's monthly obligation at \$410.66, the standard calculation. (Support Order ¶ 3.6; CP 153) (Appendix B). Mr. Clark challenges the support order on six grounds, none of which are persuasive. (Opening Brief at 11-12).

First, the court appropriately imputed income to Mr. Clark. Under RCW 26.19.071, "the court shall impute income to a parent when the parent is voluntarily unemployed or voluntarily

underemployed.” As noted above, the trial court found that Mr. Clark had a work history of full time employment and was only working part-time at Costco. The court appropriately imputed a full-time income to Mr. Clark; it would have committed error if it did not.

Second, under RCW 26.19.071(3)(u), the court must include rent as a source of income. Although Mr. Clark believes it is unfair to include his rental income, the statute leaves no discretion.

Finally, Mr. Clark’s remaining objections all challenge the trial court’s discretionary decisions. (Opening Brief at 11-12; objections n-r). He fails to show these decisions were manifestly unjust.

C. The Parenting Plan Is Reasonable And Appropriate

Mr. Clark alleges 10 errors in the court’s parenting plan. (Opening Brief at 12-22) (Final Parenting Plan; CP 198) (Appendix C). These arguments restate his repeated requests post-trial for more residential time with his daughter. None are legal errors that this Court should review on appeal.

In matters dealing with the welfare of children, trial courts are given broad discretion. Trial courts are given this broad discretion because they have the great advantage of personally observing the parties. The trial court’s disposition of a case involving rights of custody and visitation will not be disturbed on appeal unless the court manifestly abused its

discretion. Abuse of discretion is defined as discretion exercised on untenable grounds or for untenable reasons.

Marriage of Luckey, 73 Wn. App. 201, 207-208, 868 P.2d 189 (1994) (citations omitted).

In his oral ruling, Judge Snyder addressed the statutory criteria for establishing a permanent parenting plan. (11/17/11 VRP at 10-17). Mr. Clark disagrees with the court's findings, but does not provide substantial evidence contradicting them. Instead, he expresses his unhappiness with the outcome. Because the court carefully drafted a reasonable parenting plan, no grounds exist for this Court to adjust the residential schedule more to Mr. Clark's preference.

V. MS. PAGE DESERVES AN AWARD OF REASONABLE ATTORNEYS' FEES

Under RCW 26.09.140, "upon any appeal, the appellate court may, in its discretion, order a party to pay for the cost to the other party of maintaining the appeal and attorneys' fees in addition to statutory costs." This Court awards reasonable attorneys' fees after examining "the arguable merit of the issues on appeal and the financial resources of the respective parties." Marriage of Booth, 114 Wn.2d 772, 780, 791 P.2d 519 (1990).

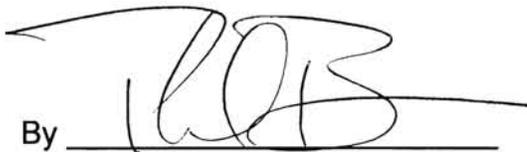
An award is appropriate here for two reasons. First, Mr. Clark's flawed appeal merely restates arguments the trial court rejected. The appeal does not provide compelling arguments that the trial court abused its discretion. Second, the appeal has further delayed closure of this parentage action. Given Mr. Clark's inability to let go of his arguments, an award of fees is appropriate.

CONCLUSION

Judge Charles Snyder in his oral ruling urged the parties to "be willing to make changes, to be flexible, to give to the other parent." (11/17/11 VRP at 34). Rather than take heed, Appellant Chad Clark has refused to accept the reasonable decisions of the trial court. Washington law gives substantial deference to trial judges in cases like this. Respondent Elizabeth Page respectfully requests the Court to affirm the trial court's orders, award reasonable attorneys' fees on review, and dismiss this appeal.

DATED this 22nd day of July, 2013.

BURI FUNSTON MUMFORD, PLLC

By 
Philip J. Buri, WSBA #17637
Attorney for Respondent

DECLARATION OF SERVICE

The undersigned declares under penalty of perjury under the laws of the State of Washington that on the date stated below, I mailed or caused delivery of Brief of Respondent to:

Chad Clark
1100 Ross Road
Bellingham, WA 98226

DATED this 22nd day of July, 2013.

A handwritten signature in black ink, appearing to read 'P. Buri', is written over a horizontal line.

Philip Buri

APPENDIX A

FILED IN OPEN COURT

08-03-2012

WHATCOM COUNTY CLERK

By [Signature]
Deputy

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Superior Court of Washington
County of WHATCOM

In re the Parentage of:
Virginia Lynn Clark-Page
Child,

CHAD CLARK
Petitioner,

And

ELIZABETH PAGE
Respondent: Mother

No. 09-5-00127-5

Findings of Fact and Conclusions
of Law on Petition for Parenting
Plan and Child Support Order

I. Basis for Findings

The findings are based upon a hearing held on November 15, 16 and 17, 2011. The following people attended:

- Mother
- Mother's Attorney
- Acknowledged Father
- Dr. Susan Kane-Ronning
- Father's Sister

II. Findings of Fact

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

2.1 Notice and Basis of Personal Jurisdiction Over the Parties

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1 All parties necessary to adjudicate the issues were served with a copy of the summons
2 and petition and are subject to the jurisdiction of this court. The facts below establish
3 personal jurisdiction over the parties:

- 4 1. The mother and acknowledged father engaged in sexual intercourse in the state
5 of Washington as a result of which the child was conceived.
- 6 2. Respondent was personally served with summons and petition within this state.
- 7 3. Respondent resided with the child in this state.

8 **2.2 Acknowledgement and Findings of Paternity**

9 The court finds that Chad Clark is the father of Virginia Clark-Page.

10 **2.3 The Child Affected in This Action**

11 This action affects:

12 Virginia Clark-Page

13 **2.4 Basis for Jurisdiction Over the Child**

14 This court has jurisdiction over the child for the reasons below.

- 15 1. This state is the home state of the child because the child lived in Washington with a
16 parent or a person acting as a parent for at least six consecutive months immediately
17 preceding the commencement of this proceeding.
- 18 2. The child and the parents or the child and at least one parent or person acting as a
19 parent, have significant connection with the state other than mere physical presence;
20 and substantial evidence is available in this state concerning the child's care,
21 protection, training and personal relationships and the child has no home state
22 elsewhere.
- 23 3. No other state has jurisdiction.

24 **2.5 Child Support**

1 The child is in need of support and child support should be set pursuant to the
2 Washington State Child Support Schedule. The Order of Child Support signed by the
3 court on N/A and the child support worksheet which has been approved by the court are
4 incorporated by reference in these findings.

5 **2.6 Residential Schedule/Parenting Plan** 

6 The residential schedule/parenting plan signed by the court on 6-29-12 is
7 approved and incorporated as part of these findings.

8 **2.7 Reimbursement**

9 Does not apply.

10 **2.8 Continuing Restraining Order**

11 Does not apply.

12 **2.9 Protection Order**

13 Does not apply.

14 **2.10 Findings Regarding the Parenting Plan**

15 1. At no time did the parents engage in a substantial social relationship; they did not live
16 together and they experienced compatibility issues from the beginning. The child
17 neither resided in the same household with both parents nor did the parents ever co-
18 parent as a couple. The court finds that at trial the child is 29 months old and is a
19 healthy, robust child within normal development limits. She is well bonded with both of
20 her parents. She has lived since birth primarily with her mother but has had short
21 and frequent weekly contact with her father. The mother has been the historical
22 primary care parent and is the person to whom the child turns as her preferred
23 caregiver. The child at this age is in the pre-verbal stage, able to express some
24 preferences, but is unable to express feelings and has no concept of time. The court

1 finds that each parent is a fit and proper person to parent this child but since the birth
2 of the child, parental conflict has existed and continues unremediated to such an
3 extent that it presents an obstacle towards shared parenting. The parents have not
4 been able to alleviate their ongoing conflicts through time despite repeated mediation
5 sessions, two settlement conferences and both individual and joint counseling. In
6 addition Mr. Clark filed a contempt motion, concerning make up time and did not
7 prevail.

8 3. The court finds that this parental conflict, lack of communication and the difficulties
9 ensuing at transitions causes confusion, anxiety and fear for the child. The father
10 continues to thwart cooperation by focusing on the mother's personal life, his claim to
11 equal parenting time and on his own frustrations about past events. In the face of
12 such a position by the father, the mother has tended to withdraw from contact with
13 him and be less communicative. They have essentially been deadlocked for over two
14 years.

15 4. The court finds that the parental conflict arose primarily from Mr. Clark's unbending
16 expectations when all experts observing the situation are of the opinion his
17 expectations and preferences were not in the child's best interests. Communication
18 between the parties is very poor and there is no foundation for problem solving or the
19 management of parenting details. Each parent offers the asset of extended families,
20 but those two groups have not reached out to each other. Based on the testimony of
21 Dr. Kane-Ronning and Mr. Dooley the court finds any increased contact between Mr.
22 Clark and the child needs to be based upon the child's developmental status and her
23 age. There is significant unresolved conflict between both parents over issues
24 regarding the child; scheduling, what is appropriate for her, timing needs, how to

1 adjust when adjustments are necessary, pre-school, day care, exchange of
2 information, and boundaries.

3 5. The court finds that the child has had trouble in her transitions from visits. She cries,
4 needs to be held and looks for comfort, and she cannot tell you what is going on.

5 The court adopts the recommendation of Dr. Kane-Ronning in that regard; to provide
6 that wherever feasible the father is to pick up the child from the pre-school or the
7 school or when not in pre-school for the delivering parent to transport the child to the
8 other parent.

9 6. The court finds agreed temporary orders were entered by the court that specifically
10 included the Thanksgiving and Christmas holiday for 2011.

11 III. CONCLUSIONS OF LAW

12 1. The court concludes that a parenting plan consistent with the Whatcom County
13 Residential Guidelines should be entered. The court concludes that due to the level
14 of parental conflict the mother should have final decision making authority. The plan
15 approved by the court will address the high level of parental conflict and encourage
16 each parent to maintain a loving, stable and nurturing relationship with the child, best
17 addresses the parental conflict issues established at trial, and lays a foundation for
18 the future.

19 2. The court should adopt the child support work sheet reflecting the incomes of the
20 parties and enter an appropriate final child support order.

21 3. The court should grant a judgment in favor of Respondent Page for the sum of
22 \$1369.64 as and for Petitioner Clark's unpaid uninsured health and dental care costs
23 for the period from 1-1-09 through 6-30-11. Interest will not accrue through 5-31-12.

24 3.1 Jurisdiction

25 The court has jurisdiction to enter an order in this matter.

Findings/Concl of Law (Parenting Plan) (FNFL) - Page 5 of 6
WPF PS 15.0400 (6/2006) - RCW 26.26.375

ROBERT E. BEATY
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1 **3.2 Disposition**

2 The court shall enter an order that:

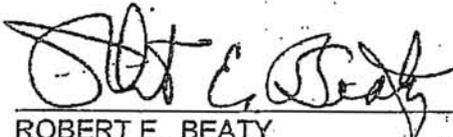
- 3 1. Makes provision for a residential schedule/parenting plan, or past and current
- 4 support, and health insurance coverage for the child.
- 5 2. Makes provision for reimbursement for support or assistance provided to the child,
- 6 for expenses incurred on behalf of the child.

7
8 Dated: August 3, 2012

9 
10 Judge/Commissioner

11 Presented by:

Approved for entry:
Notice of presentation waived:

12 
13 6/29/12
14 ROBERT E. BEATY Date
Signature of Lawyer
WSBA No.5542

15  As to form only
16 CHAD CLARK Date
Signature of Party
Pro Se

APPENDIX B

FILED IN OPEN COURT

08-03-2012

WHATCOM COUNTY CLERK

By [Signature]
Deputy

Superior Court of Washington
County of WHATCOM

In re the Parentage of:
Virginia Lynn Clark-Page
Child,
CHAD CLARK
And
ELIZABETH PAGE
Respondent: Mother
Petitioner,

No. 09-5-00127-5
Order of Child Support
(ORS)
Final Order (ORS)
Clerk's Action Required

I. Judgment Summary

1.1 Judgment Summary for Child Support/Day Care/Uninsured Health Care Costs

Does not Apply.

1.2 Judgment Summary for Medical Support

Does not Apply.

II. Basis

2.1 Type of Proceeding

This order is entered under a petition for establishment of parentage:

Judgment and order on petition for establishment of parentage and granting

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1 other relief.

2 **2.2 Child Support Worksheet**

3 The child support worksheet which has been approved by the court is attached to this
4 order and is incorporated by reference or has been initialed and filed separately and is
5 incorporated by reference.

6 **III. Findings and Order**

7 **3.1 Child for Whom Support is Required**

8 Name (first/last) Age

9 Virginia Lynn Clark-Page 2

10 **3.2 Person Paying Support (Obligor)**

11 Name (first/last): Chad Clark
12 Birth date: 06-10-1975
13 Service Address: 1100 Ross Rd.
Bellingham, WA 98226

14 *The Obligor Parent Must Immediately File With the Court and the Washington
15 State Child Support Registry, and Update as Necessary, the Confidential
Information Form Required by RCW 26.23.050.*

16 *The Obligor Parent Shall Update the Information Required by Paragraph 3.2
17 Promptly After Any Change In the Information. The Duty to Update the
Information Continues as Long As Any Monthly Support Remains Due or Any
Unpaid Support Debt Remains Due Under This Order.*

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

20 C. The net income of the obligor is imputed at \$2,505.48 because:

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

23 Set by wage history and rental income.

24 **3.3 Person Receiving Support (Obligee)**

25 Name (first/last): Elizabeth Page

Ord of Child Support(TMORS, ORS) - Page 2 of 10
WPF PS 01.0500 Mandatory (6/2010) - RCW 26.26.132

ROBERT E. BEATY
Attorney at Law
2331 Elm St.
Bellingham, WA 98225
(360) 676-1215

1 Birth date: 08-18-1969
2 Service Address: 417 Gladstone St.
3 Bellingham, WA 98225

4 **The Obligee Must Immediately File With the Court and the Washington State Child**
5 **Support Registry, and Update as Necessary, the Confidential Information Form**
6 **Required by RCW 26.23.050;**

7 **The Obligee Shall Update the Information Required by Paragraph 3.3 Promptly**
8 **After Any Change in the Information. The Duty to Update the Information**
9 **Continues as Long as Any Monthly Support Remains due or Any Unpaid Support**
10 **Debt Remains Due Under This Order.**

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

- 13 A. Actual Monthly Net Income: \$3,156.47. The obligor may be able to seek
14 reimbursement for day care or special child rearing expenses not actually
15 incurred. RCW 26.19.080.

16 3.4 Service of Process

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

23 3.5 Transfer Payment

24 The obligor parent shall pay the following amounts per month for the following child:

25 <u>Name</u>	<u>Amount</u>
Virgina Lynn Clark-Page	\$410.66
Total Monthly Transfer Amount	\$410.66

The Obligor Parent's Privileges to Obtain or Maintain a License, Certificate,
Registration, Permit, Approval, or other Similar Document Issued by a Licensing
Entity Evidencing Admission to or Granting Authority to Engage in a Profession,
Occupation, Business, Industry, Recreational Pursuit, or the Operation of a Motor
Vehicle May Be Denied or May Be Suspended if the Obligor Parent Is Not in
Compliance with This Support Order as Provided in Chapter 74.20A Revised Code
of Washington.

1 **3.6 Standard Calculation**

2 \$410.66 per month. (See Worksheet line 17.)

3 **3.7 Reasons for Deviation From Standard Calculation**

4 Does not apply

5 **3.8 Reasons Why Request for Deviation Was Denied**

6 Does not apply.

7 **3.9 Starting Date and Day to be Paid**

8 Starting Date 6-1-12

9 Day(s) of the month support is due: 1st & 15th of each month

10 **3.10 Incremental Payments**

11 Does not apply.

12 **3.11 Making Support Payments**

13 Select Enforcement and Collection:

14 1. Enforcement and collection: The Division of Child Support (DCS) provides support
15 enforcement services for this case because:

- 16 a. This is a case in which a parent has requested services from DCS,
17 a parent has signed the application for services from DCS on the last page
18 of this support order.

19 b. Support payments shall be made to:

20 Washington State Support Registry
21 P.O. Box 45868
22 Olympia, WA 98504
23 Phone: 1-800-922-4306
24 or 1-800-442-5437

25 2. A party required to make payments to the Washington State Child Support Registry
will not receive credit for a payment made to any other party or entity. The obligor

1 parent shall keep the registry informed whether he or she has access to health
2 insurance coverage at reasonable cost and, if so, to provide the health insurance
3 policy information.

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

9 **3.12 Wage Withholding Action**

10 Withholding action may be taken against wages, earnings, assets, or benefits, and liens
11 enforced against real and personal property under the child support statutes of this or
12 any other state, without further notice to the obligor parent at any time after entry of this
13 order unless an alternative provision is made below:

14 [If the court orders immediate wage withholding in a case where DCS does not provide
15 support enforcement services, a mandatory wage assignment under Chapter 26.18
16 RCW must be entered and support payments must be made to the Support Registry.]

17 Wage withholding, by notice of payroll deduction or other income withholding action
18 under Chapter 26.18 RCW or Chapter 74.20A RCW, without further notice to the
19 obligor, is delayed until a payment is past due, because:

20 The Division of Child Support provides support enforcement services for this case
21 [see 3.11] and there is good cause [as stated below under "Good Cause"] not to
22 require immediate income withholding which is in the best interests of the child and,
23 in modification cases, previously ordered child support has been timely paid:

24 The Division of Child Support does not provide support enforcement services for this
25

1 case [see 3.11] and there is good cause [as stated below under "Good Cause"] not
2 to require immediate income withholding:

3 Good Cause:

4 **3.13 Termination of Support**

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

8 **3.14 Post Secondary Educational Support**

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

11 **3.15 Payment for Expenses not Included in the Transfer Payment**

12 Chad Clark shall pay 44.3% and Elizabeth Page shall pay 55.7% (each parent's
13 proportional share of income from the Child Support Schedule Worksheet, line 6) of the
14 following expenses incurred on behalf of the child listed in Paragraph 3.1:

- 15 1. Day care.
16 2. Educational expenses.

17 Payments shall be made to the provider within 5 days of invoice.

18 **3.16 Periodic Adjustment or Modification of Support**

19 Child support shall be adjusted periodically as follows:

- 20 a. Child support may be modified by petition for modification or motion for
21 adjustment at any time upon a showing of a substantial change of
22 circumstances.
23 b. Support may be modified one year or more after it has been entered without a
24 showing of a substantial change of circumstances:

i. If the order works a severe economic hardship on either party or the child:

ii. For an age category change;

iii. If the child is still in high school, upon a finding that there is a need to extend support beyond age 18 to complete high school.

c. To require, make provision for, or modify health insurance coverage.

2. Support orders may be modified every 24 months based upon changes of income of the parties without a showing of a substantial change of circumstances.

3.17 Income Tax Exemptions

Tax exemptions for the child shall be allocated as follows:

To the mother in 2011 and odd numbered years in the future and to the father in even numbered years provided he is current in his child support and day care obligation for the calendar year.

3.18 Medical Support - Health Insurance

Each parent shall provide health insurance coverage for the child listed in paragraph

3.1, as follows:

3.18.1 Health Insurance

A. Evidence

B. Findings about insurance:

The court makes the following findings:

Chad Clark (Parent's Name)	Elizabeth Page (Parent's Name)	Check at least one of the following findings for each parent.
	[X]	Insurance coverage for the child is available and accessible to this parent at \$102 cost (child's portion of the premium, only).

C. Parties' obligations:

The court makes the following orders:

Chad Clark (Parent's Name)	Elizabeth Page (Parent's Name)	Check at least one of the following options for each parent.
[]	[X]	This parent shall provide health insurance coverage for the child that is available through employment or is union-related as long as the cost of such coverage does not exceed 25% of this parent's basic support obligation.
[X]	[]	This parent shall be excused from the responsibility to provide health insurance coverage and from the responsibility to provide monthly payment towards the premium because: insurance is not available through his employer.

D. Both parties' obligation:

If the child is receiving state-financed medical coverage, the Division of Child Support may enforce the responsible parent's monthly premium.

The parent(s) shall maintain health insurance coverage, if available for the child listed in paragraph 3.1, until further order of the court or until health insurance is no longer available through the parents' employer or union and no conversion privileges exist to continue coverage following termination of employment.

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

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

If proof that health insurance coverage is available or not available is not provided within 20 days, the parent seeking enforcement or the Department of

1 Social and Health Services may seek direct enforcement of the coverage
2 through the other parent's employer or union without further notice to the other
3 parent as provided under Chapter 26.18, RCW.

4 **3.18.2 Change of Circumstances and Enforcement**

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

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

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

22 A parent seeking to enforce the obligation to provide health insurance coverage may
23 apply for support enforcement services from the Division of Child Support; file a motion
24 for contempt (use form WPF DRPSCU 05.0100, Motion/Declaration for an Order to
25

1 Show Cause re Contempt); or file a petition.

2 **3.19 Uninsured Medical Expenses**

3 Both parents have an obligation to pay their share of uninsured medical
4 expenses.

5 Chad Clark shall pay 44.3% of uninsured medical expenses (unless stated
6 otherwise, that parent's proportional share of income from the Worksheet, line 6)
7 and Elizabeth Page shall pay 55.7% of uninsured medical expenses (unless
8 stated otherwise, that parent's proportional share of income from the Worksheet,
9 line 6).

10 **3.20 Back Child Support**

11 Back child support that may be owed is not affected by this order.

12 Back interest that may be owed is not affected by this order.

13 **3.21 Past Due Unpaid Medical Support Judgment.**

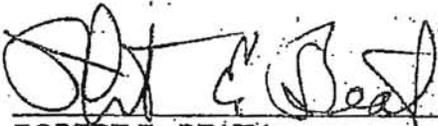
14 Chad Clark is obligated to pay \$1,369.64 for unpaid day care and uninsured health care
15 costs of the child for the period 1-1-09 through 6-30-11. No interest will accrue on this
16 obligation through 5-31-12. Payment of the obligation is acknowledged as of 6-4-12.
17

18
19 Dated: August 3, 2012

20 
Judge/Commissioner

21 Presented by:

22 Approved for entry:
23 Notice of presentation waived:

24 
ROBERT E. BEATY
Signature of Lawyer,
WSBA No. 5542

25  As to form only
CHAD CLARK
Signature of Party
Pro Se

Ord of Child Support(TMORS, ORS) - Page 10 of 10
WPF PS 01.0500 Mandatory (6/2010) - RCW 26.26.132

ROBERT E. BEATY
Attorney at Law
2331 Elm St.
Bellingham, WA 98225
(360) 676-1215

Washington State Child Support Schedule Worksheets

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

Mother Elizabeth Page
County WHATCOM

Father Chad Clark
Case No. 09-5-00127-5

Child(ren) and Age(s): Virginia Lynn Clark-Page, 2		
Part I: Income (see Instructions, page 6)		
1. Gross Monthly Income	Father	Mother
a. Wages and Salaries	\$1,892.00	\$3,551.00
b. Interest and Dividend Income	-	-
c. Business Income	-	-
d. Maintenance Received	-	-
e. Other Income	\$850.00	-
f. Imputed Income	-	-
g. Total Gross Monthly Income (add lines 1a through 1f)	\$2,742.00	\$3,551.00
2. Monthly Deductions from Gross Income		
a. Income Taxes (Federal and State) Tax Year: Manual	\$129.63	\$193.90
b. FICA (Soc. Sec. + Medicare)/Self-Employment Taxes	\$106.89	\$200.63
c. State Industrial Insurance Deductions	-	-
d. Mandatory Union/Professional Dues	-	-
e. Mandatory Pension Plan Payments	-	-
f. Voluntary Retirement Contributions	-	-
g. Maintenance Paid	-	-
h. Normal Business Expenses	-	-
i. Total Deductions from Gross Income (add lines 2a through 2h)	\$236.52	\$394.53
3. Monthly Net Income (line 1g minus 2i)	\$2,505.48	\$3,156.47
4. Combined Monthly Net Income (line 3 amounts combined)	\$5,661.95	
5. Basic Child Support Obligation (Combined amounts →) Virginia Lynn Clark-Page \$825.00	\$825.00	
6. Proportional Share of Income (each parent's net income from line 3 divided by line 4)	.443	.557

Part II: Basic Child Support Obligation (see Instructions, page 7)		
7. Each Parent's Basic Child Support Obligation without consideration of low income limitations (Each parent's Line 6 times Line 5.)	\$365.47	\$459.53
8. Calculating low income limitations: Fill in only those that apply.		
Self-Support Reserve: (125% of the Federal Poverty Guideline.)	\$1,164.00	
a. Is combined Net Income Less Than \$1,000? If yes, for each parent enter the presumptive \$50 per child.	-	-
b. Is Monthly Net Income Less Than Self-Support Reserve? If yes, for that parent enter the presumptive \$50 per child.	-	-
c. Is Monthly Net Income Greater Than Self-Support Reserve? If yes, for each parent subtract the self-support reserve from line 3. If that amount is less than line 7, then enter that amount or the presumptive \$50 per child, whichever is greater.	-	-
9. Each parent's basic child support obligation after calculating applicable limitations. For each parent, enter the lowest amount from line 7, 8a - 8c, but not less than the presumptive \$50 per child.	\$365.47	\$459.53
Part III: Health Care, Day Care, and Special Child Rearing Expenses (see Instructions, page 8)		
10. Health Care Expenses	Father	Mother
a. Monthly Health Insurance Paid for Child(ren)	-	\$102.00
b. Uninsured Monthly Health Care Expenses Paid for Child(ren)	-	-
c. Total Monthly Health Care Expenses (line 10a plus line 10b)	-	\$102.00
d. Combined Monthly Health Care Expenses (line 10c amounts combined)		\$102.00
11. Day Care and Special Expenses		
a. Day Care Expenses	-	-
b. Education Expenses	-	-
c. Long Distance Transportation Expenses	-	-
d. Other Special Expenses (describe)	-	-
	-	-
	-	-
e. Total Day Care and Special Expenses (Add lines 11a through 11d)	-	-
12. Combined Monthly Total Day Care and Special Expenses (line 11e amounts Combined)		
13. Total Health Care, Day Care, and Special Expenses (line 10d plus line 12)		\$102.00
14. Each Parent's Obligation for Health Care, Day Care, and Special Expenses (multiply each number on line 6 by line 13)	\$45.19	\$56.81
Part IV: Gross Child Support Obligation		
15. Gross Child Support Obligation (line 9 plus line 14)	\$410.66	\$516.34
Part V: Child Support Credits (see Instructions, page 9)		
16. Child Support Credits		
a. Monthly Health Care Expenses Credit	-	\$102.00
b. Day Care and Special Expenses Credit	-	-

c. Other Ordinary Expenses Credit (describe)	-	-
d. Total Support Credits (add lines 16a through 16c)	-	\$102.00
Part VI: Standard Calculation/Presumptive Transfer Payment (see Instructions, page 9)		
17. Standard Calculation (line 15 minus line 16d or \$50 per child whichever is greater)	\$410.66	\$414.34
Part VII: Additional Informational Calculations		
18. 45% of each parent's net income from line 3 (.45 x amount from line 3 for each parent)	\$1,127.47	\$1,420.41
19. 25% of each parent's basic support obligation from line 9 (.25 x amount from line 9 for each parent)	\$91.37	\$114.88
Part VIII: Additional Factors for Consideration (see Instructions, page 9)		
20. Household Assets (List the estimated value of all major household assets.)	Father's Household	Mother's Household
a. Real Estate	-	-
b. Investments	-	-
c. Vehicles and Boats	-	-
d. Bank Accounts and Cash	-	-
e. Retirement Accounts	-	-
f. Other: (describe)	-	-
	-	-
	-	-
21. Household Debt (List liens against household assets, extraordinary debt.)		
a.	-	-
b.	-	-
c.	-	-
d.	-	-
e.	-	-
f.	-	-
22. Other Household Income		
a. Income Of Current Spouse or Domestic Partner (if not the other parent of this action)		
Name	-	-
Name	-	-
b. Income Of Other Adults in Household		
Name	-	-
Name	-	-
c. Gross Income from overtime or from second job the party is asking the court to exclude per Instructions, page 8		
	-	-
d. Income Of Child(ren) (if considered extraordinary)		
Name	-	-
Name	-	-

Other Factors For Consideration (continued) (attach additional pages as necessary)

Signature and Dates

I declare, under penalty of perjury under the laws of the State of Washington, the information contained in these Worksheets is complete, true, and correct.

Mother's Signature

[Handwritten Signature]
Father's Signature

Date

City

8-3-12
Date

Bellingham
City

Judicial/Reviewing Officer

Date

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

Photocopying of the worksheet is permitted.

WSCSS-Worksheets - Mandatory (CSW/CSWP) 07/2011 Page 5 of 5

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APPENDIX C

FILED IN OPEN COURT

11/20/20

WHATCOM COUNTY CLERK

By _____
Deputy

Superior Court of Washington
County of WHATCOM

In re the Parentage of:

Virginia Lynn Clark-Page
Child,

CHAD CLARK
Petitioner,

And

ELIZABETH PAGE
Respondent.

No. 09-5-00127-5

Mother's

Final Parenting Plan

This parenting plan is a parenting plan signed by the court pursuant to an order entered on October 26, 2012.

It Is Ordered, Adjudged and Decreed:

I. General Information

This parenting plan applies to the following child:

<u>Name</u>	<u>Age</u>
Virginia Lynn Clark-Page	3 years old

Parenting Plan (PPP, PPT, PP) - Page 1 of 15
WPF PS 01.0400 Mandatory (6/2008) - RCW 26.26.130,
26.09.016 181.167.194

Kascha Elizabeth Krug
1500 A.E. College Way #431
Mount Vernon, WA 98273
Telephone 360.424.6380

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ii. Basis for Restrictions

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

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

Not Applicable.

2.2 Other Factors (RCW 26.09.191(3))

Not Applicable.

iii. Residential Schedule

3.1 Schedule for Children Under School Age

The child will reside with the Mother, except for the following other dates and times:

3 Years of Age to 5 Years of Age:

Every other week, the father shall have from Saturday at 10 AM to Monday at 10 AM, when he takes her to preschool or the mother's home if requested

On opposite weeks, Father shall have from 4:15 ~ 7:15 PM Tuesday and Thursday.

Reasonable adjustments will be made for either parent's work related travel.

3.2 School Schedule

The child will attend school in the school district of the Mother and will reside with the Mother, except for the following other dates and times:

5 Years of Age to 8 Years of Age.

Every other week, the father shall have Saturday at 10 AM to start of school Monday

AM or 10 AM if requested.

On opposite weeks, Father shall have from after school until 7:15 PM Wednesdays.

Reasonable adjustments will be made for either parent's work related travel

6 Years of Age to 16 Years of Age:

Every other week, the father shall have from Friday after school activities to start of school Monday AM, or 10 AM if there is no school.

On opposite weeks, Father shall have from after school until 7:15 PM Wednesday.

Reasonable adjustments will be made for either parent's work related travel.

3.3 Schedule for Winter Vacation

1. During preschool, the Holiday Schedule in 3.7 will overlay the regular schedule in 3.1.
2. When the child starts Kindergarten, the school district calendar in which she attends school will be used to establish the winter break period. On odd years, the child will reside with the Father from after school the first day of winter break until 6PM Christmas Eve, and the Mother will have from 6:00 PM December 24th to start of school. The schedule will reverse in even years.

3.4 Schedule for Other School Breaks

Once primary school is started the parents will share breaks equally attached to the normal weekends; noon Wednesday as the default time for the exchange, assuming a break of a full week.

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3.5 Summer Schedule

The child will reside with the Mother except for the following dates and times:

Ages 1-5 - As set forth in Section 3.6. *(Handwritten initials: M, C, H)*

Ages 5-8

The child shall reside with the Father for an additional ten overnights during the summer, in parts or consecutively, by agreement of the parents. The parents are to resolve the issue by May 15th of each year; if they cannot agree the default shall be that the time be taken during the first full week after school lets out until the ten days are fulfilled. Total time away from the Mother will not exceed seven days consecutively. After the first seven days the child shall be with the Mother from Friday at 10 AM until Monday at 10 AM, then return to the Father for the remainder of his days.

Ages 8-18

The child shall reside with the Father for 3 weeks, or 21 days, in addition to the regular schedule in 3.1 during the summer. The parties shall agree to the dates by May 15th of each year; if they cannot agree the default as of May 16th shall be that the time be taken during the first week of each summer month until the 21 days are fulfilled.

3.6 Vacation With Parents

Notice of vacation must be given to the other parent 30 days in advance, except when the vacation occurs during the summer months, when it must be declared by May 15th or be agreed to by both parties.

In addition to the Summer schedule outlined in 3.5:

Parenting Plan (PPP, PPT, PP) - Page 4 of 15
WPF PS 01.0400 Mandatory (6/2008) - RCW 26.26.130,
26.09.016, 181, 187, 194

Kascha Elizabeth Krug
1500 A.F. College Way #451
Mount Vernon, WA 98273
Telephone 360.424.6380

Ages 3-6

The Father shall designate two of his regular residential weekends per year to be extended from Thursday through Monday start of school or 10 AM if there is no school. No compensatory time will be required by the Mother.

The Mother may designate two vacation events per year which do not interfere with the Father's weekend residential time. No compensatory time will be required by the Father.

Ages 8-16

Each parent shall be entitled to a one week vacation during each calendar year that does not significantly interrupt school attendance. No compensatory time will be required by either parent.

3.7 Schedule for Holidays

Unless otherwise agreed and beginning January of 2012:

	Mother	Father
Fourth of July	**	All
Christmas Day	Odd	Even
Christmas Eve	Even	Odd
Thanksgiving Day	Even	Odd
Easter Day	Even	Odd
New Year's Day	**	All
New Year's Eve	Odd	Even

1. On unspecified holidays or in-service days in which the child's preschool or school is closed, the Father shall have the right of first refusal for residential time on that day if

Handwritten notes:
1/2012
exclusive of holidays
cc

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1 child care is required. If the Father is not available, the Mother may select her own child
2 care.

- 3
4 2. Prior to Kindergarten, Thanksgiving Day begins Wednesday end of preschool to 7:00
5 PM on Thursday. At start of school, it will then be Wednesday at 6:00 PM to Sunday at
6 6:00 PM.
- 7 3. At start of Kindergarten, New Year's Day and New Year's Eve will default to the Winter
8 Vacation schedule and alternate years between the parents per the break schedule.
- 9 4. For purposes of this parenting plan, a holiday shall begin and end as follows unless
10 otherwise specified or agreed upon by the parties:

11 Fourth of July shall be from 10:00 AM 7/4 to 10 AM 7/5 or start of school or preschool.

12 Thanksgiving Day begins Wednesday after school or preschool to Thursday at 7:00 PM

13 Christmas Eve shall be from 6:00 PM December 23 to 6:00 PM December 24

14 Christmas Day shall be from 6:00 PM on 12/24 to 6:00 PM 12/25

15 New Year's Eve shall be 10:00 AM December 31 to 10:00 AM January 1

16 New Year's Day shall be from 10:00 AM to 6 PM

17 Easter Day shall be from 10:00 AM Easter Sunday to 6:00 PM
18
19
20
21

1 3.8 Schedule for Special Occasions

2

	With Mother	With Father
3 Mother's Day	X	
4 Father's Day		X
Child's Birthday	Odd	Even

- 5 1. Mother's Day and Father's Day will be an overnight period, the default being from 10:00
6 AM Sunday to Monday start of school or preschool.
- 7 2. The Child's Birthday will be consistent with the regular week day schedule when it falls
8 on a week day, and from 10:00 AM to 6:00 PM when it falls on a weekend day. *Handwritten: HFC, 20, and initials*
- 9 3. In 2015, when Father's Day and the child's birthday coincide, the child shall be
10 with the Father.

11

12 3.9 Priorities Under the Residential Schedule

13 In residential schedule, paragraphs 3.3-3.8, have priority over paragraphs 3.1
14 and 3.2, in the following order:

15 Ranked in the order of priority, with 1 being given the highest priority:

- 16 Special occasions (3.8) 1
17 Specified holidays (3.7) 2
18 Vacation with parents (3.6) 5
19 Summer schedule (3.5) 6
20 Schedule for winter vacation (3.3) 3
21 Other school breaks (3.4) 4

22 3.10 Restrictions

- 23 1. The child will not be transported outside of the state of Washington without notifying the
24 other parent 10 days in advance.

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2. Citizenship status and passport status changes related to the child will be reported to either parent immediately.

3. The State of Washington, United States of America, is the habitual residence of the minor child within the meaning of the Hague Convention on the Civil Aspects of International Child Abduction. Violation of this order may subject the party in violation to civil and criminal penalties.

3.11 Transportation Arrangements

As a rule, the delivering parent shall bring the child to the other parent's primary residence. On weekday/school day visits, the Father will pick the child from the daycare and return to the Mother's residence.

3.12 Designation of Custodian

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

3.13 Other:

1. The Mother resides in Whatcom County. The Mother's employment requires travel. Adjustments for travel may be necessary to support the Mother's employment. The schedule will be adjusted when necessary for the mother's work-related travel.

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

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

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

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

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

13 An objection may be filed by using the mandatory pattern form WPF DRPSCU
14 07.0700, (Objection to Relocation/Petition for Modification of Custody Decree/Parenting
15 Plan/Residential Schedule). The objection must be served on all persons entitled to time
16 with the child.

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

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

1 person or a child.

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3 **IV. Decision Making**

4 **4.1 Day to Day Decisions**

5 Day to day decisions regarding the child shall be made by either parent in accordance
6 with the residential arrangement.

7
8 **4.2 Major Decisions**

9 Major decisions regarding the child shall be made as follows:

10
11 Education decisions mother father joint
12 Religious decisions mother father joint
13 Medical decisions mother father joint
14 Daycare/Preschool mother father joint

15
16 **4.3 Restrictions in Decision Making**

- 17 1. One parent is opposed to mutual decision making, and such opposition is reasonably
18 based on the history of parental conflict.
- 19 2. Due to the parent's inability to communicate and cooperate with each other in parenting
20 the child, joint decision making may be impractical. Major decisions will not be delayed
21 due to disagreement between the parents. After reasonable attempts to come to
22 agreement, the Mother may make timely decisions in the interest of the child

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3 V. Dispute Resolution
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5 i Disputes between the parties, other than child support disputes, will attempt to be
6 resolved by mediation with the Whatcom Dispute Resolution Center, unless the Center
7 no longer exists and another mediator is agreed upon. The parties will share the out of
8 pocket costs of mediation 50/50.

9 In the dispute resolution process:

- 10 (a) Preference shall be given to carrying out this Parenting Plan.
11 (b) Unless an emergency exists, the parents shall use the designated process
12 to resolve disputes relating to implementation of the plan, except those
13 related to financial support.
14 (c) A written record shall be prepared of any agreement reached in counseling
15 or mediation and of each arbitration award and shall be provided to each
16 party.
17 (d) If the court finds that a parent has used or frustrated the dispute resolution
18 process without good reason, the court shall award attorney's fees and
19 financial sanctions to the other parent.
20 (e) The parties have the right of review from the dispute resolution process as
21 outlined in this plan to the superior court.

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3 VI. Other Provisions
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- 5 a. The child shall be in residence with the parents at such other times as the parties may
6 mutually agree.
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8 b. Each parent agrees to exert every reasonable effort to maintain free access and
9 unhampered contact and communication between the child and the other parent, and to
10 promote the emotions of affection, love, and respect between the child and the other
11 parent.
12
13 c. Each parent shall provide the other parent within 24 hours with receipt of all information
14 regarding the welfare of the child, including physical and mental health, extracurricular
15 activities, etc. Emergent medical circumstances must be reported to the other parent
16 within an hour.
17
18 d. Neither parent shall advise the child of the status of child support payments or other
19 legal matter regarding the parent's relationship.
20
21 e. Neither parent shall use the child, directly or indirectly, to gather information about the
22 other parent or take verbal or written messages to the other parent.
23
24 f. Acceptance or waiver of any deviations from the provisions of this Parenting Plan shall
25 *not constitute acceptance or waiver of subsequent deviations from this plan.* The
provisions of this plan shall remain in effect until modified by an appropriate written order
entered in a Superior Court.