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COURT OF APPEALS
DIVISION ONE

MAY 23 2016

NO. 73897-6-I

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION ONE

PARENTING OF A.C.

MISTY RAE CURRY

Respondent.

v.

CHANDLER HAAKON CLOUGH

Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR KING COUNTY

The Honorable Susan Amini, Judge

RESPONSE TO OPENING BREIF OF APPELANT

Misty Rae Curry, Respondent
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COURT OF APPEALS DIV 1
STATE OF WASHINGTON

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I. ASSIGNMENT OF ERROR

ASSIGNMENT OF ERROR No.1:

The trial court did not enter error or ignore the petitioners parenting plan.

Both parties entered what they believe would be in the child's best interest and were unable to agree to a parenting plan. Both parties went to trial before Judge Amini, in which she heard and concluded what the court found was best for the child. The petitioner did not understand the extreme of both parents' actions, and agrees with the current parenting plan that was set in place by Judge Susan Amini.

ASSIGNMENT OF ERROR No.2:

The trial court did not error in making a domestic violence findings claim.

The court finds a testimony of the mother to be more credible and complete as to the incidents of domestic violence between the parties and

finds that the father committed acts of domestic violence against the mother.

ASSIGNMENT OF ERROR No.3:

The court did not make error when it made a restriction on the respondent's residential visitation. The court made the restrictions to be completed so it can benefit the child.

ASSIGNMENT OF ERROR No.4:

The court did not make error based on results of admitted unreasonable actions of Misty Curry. The court heard both testimonies of Misty Curry and Chandler Clough and based on the decisions of what to be more credible.

ASSIGNMENT OF ERROR No.5:

Misty Curry did not lie to the court. Misty Curry paid for the mistakes of not confirming Court and did not intentionally make those mistakes, rather was misinformed.

ASSIGNMENT OF ERROR No.6:

Chandler Clough was found guilty in his acts of domestic violence from testimony.

II. ARGUMENT

Assignment of Error Response

No. 1

Chandler Clough denied the parenting plan Misty Curry originally requested for. Since the final order made by Judge Susan Amini was placed on July 20, 2015, Chandler received less time with our daughter, with a more detailed parenting plan and course of action to be completed. Since Chandler Clough does not agree with the current parenting plan, he now wants to go back and file for change, now agreeing with the original plan from Misty Curry. When I, Misty Curry, filed the original parenting plan, I was unaware of how truly bad the co-parenting situation was. Misty Curry and Chandler Clough have shown they have not been able to successfully co-parent without the help from a structured plan guided by the court. I, Misty Curry do not agree with any prior parenting plans previously submitted. The plans were not in the child's best interest and a lot of conflict happened in front of the child when a similar temporary

parenting plan was in place. The current parenting plan is more structured. For example, all of the conflict happened at exchanges. Alex Riske (Chandler's fiancé) and Chandler Clough would bully Misty Curry during exchanges, even one time both standing on each side of the car while Misty was trying to calm down the child when she was crying and putting her in her car seat so they could leave. More incidents similar occurred. Judge Amini placed a temporary order, stating that only Chandler was allowed at the exchanges and neither party was allowed to speak to one another. At the very first exchange, Chandler and Alex showed up, disregarding the order, stating they were going to take the child to Chuck-E-Cheese. They both did not follow strict instructions. Judge Amini stated the father has been the instigator and the agitator at the exchanges and that the father's actions at the exchanges have caused further stress for the child. **CP: [Findings/Concl of Law (Parenting Plan) (FNFCL)-Page 8 of 9 WPF 15.0400 Mandatory (6/2008)-RCW 26.26 737.]**

The current parenting plan made drastic changes and limitations to the exchanges. The respondent, Misty, no longer has fear of what will happen or who will be at the exchanges. I feel more comfortable knowing the supervisor is there to monitor the conversations and actions. Misty also feels more comfortable knowing the child will return to her at the end of the exchange without argument. In past incidents, Chandler has withheld the child until he is done talking and getting what he wants to hear from the conversation. It was never an easy pick up. He would hold the child in the house until he was done talking and ready for the child to come out to the mother. Even twice, refusing to let the mother pick up the child. The police were called. In the temporary parenting plan it was the mother's scheduled day, but it was disregarded. The court found that the father has inability to have a respectful behavior towards the mother. CP:

[Findings/Concl of Law (Parenting Plan) (FNFCL)- Page 7 of 9 WPF

PS 15.0400 Mandatory (6/2008)-RCW 26.26 375]

No.2

The court did make findings of domestic violence. "The court finds the testimony of the mother to be more credible and complete as to the incidence of domestic violence against the mother." **CP: [Findings/Conclusion of Law (Parenting Plan) FNFCL)-Page 4 of 9 WPF PS 15.0400 Mandatory (6/2008)-RCW 26.26 375]**. Chandler Clough makes the statement that some of the acts being prior to the birth of the child, yet he does not deny them, only that the accusations are irrelevant. Chandler is unaware that even though some of the acts have been prior to our daughter's birth, they have continued into her childhood. Chandler Clough lived in California when the first domestic violence act happened in front of the child. He has stated there is no record, no proof or evidence of the acts, and that they ever happened. He has not once owned up to his actions, even during the private conversations with Misty Curry. The court stated that the father did not take responsibility for having had a part in the incidents that caused arguments at the exchanges during the father's

testimony. CP: [Findings/Concl of Law (Parenting Plan) (FNFCL)-

Page 8 of 9 WPF PS 15.0400 Mandatory (6/2008)-RCW 26.26 375]. In

the current parenting plan, the court asked the father to complete a

Domestic Violence Offender Treatment Program at a state certified

treatment program. Chandler Clough completed an online DV course that

was not state certified or approved by Judge Amini. Since, Chandler has

not taken any steps to completing any treatment currently. I believe our

co-parenting will become better once the mother can trust him again when

he can finally admit to the acts of domestic violence, but since he is

denying them we are stuck. Chandler and his fiancé are currently

expecting a new child to join their family within the next few months. I

would hope both him and his fiancé would want him to successfully

complete the program so the unborn child and their growing family do not

have to endure the acts of domestic violence that Aria and Misty Curry

have.

No. 3

Regarding the accusation of jealousy, I, Misty Curry, am not jealous of Chandler's new relationship, or the relationship our daughter has with both Chandler Clough and Alex Riske. They believe me to be jealous when I am truly concerned. Alex Riske has not followed court orders given in the past, which tells me she disregards the time Chandler has with his daughter. When she came to the pick up, Chandler suffered the consequences. As did she. Both of their time is taken away, and in the end because of their bullying actions, the child suffered. Chandler and Alex do not respect me as our child's mother. They have posted nasty comments about Misty Curry on social media. Saying "you love the child support more than the child" and " you think she won't remember this, but there will be pictures and stories to tell." Those things were posted by Chandler's fiancé, Alex Riske. They have shown the lack of respect by not only their words, but their actions. This causes great concern with what is

being told and portrayed to my daughter. I started seeing drastic changes with her attitude. One incident was when the mother picked up the child from her schedule time with her father. After only being in the car together for two minutes, our daughter randomly said, "You don't control my life". I, Misty, was shocked. I told her that I am her mother, she's just a kid, and I do control her life. She then responded with "no, I only listen to daddy." I then realized what she was told, and dropped the conversation. Since the new parenting plan has been established, I have no more concerning behavioral issues or concerning comments from our daughter. I want her to have a healthy relationship with her father and step mom, but not at the risk of them damaging my daughter's relationship with her mother.

Chandler has also tried to damage the relationship of Misty's family, who have watched and provide a daycare for Aria since birth. Chandler made comments about sexual abuse, claiming my grandfather was the abuser. Forcing Misty to take Aria to Seattle Children's Hospital and a specialist for examination. After two visits and two exams, they found no signs of

sexual abuse. Misty's grandfather and grandmother are the main childcare providers. Chandler has also made accusations of Misty's mother, Janice, stating she was unfit to be around Aria because of the medications she is currently taking. Judge Amini reviewed the list, none to be concerning. Chandler's intentions were to make it so that he could be the one to watch Aria when Misty was unavailable, by making hurtful, false claims. Which is partially why Judge Amini ordered a mental health evaluation, which Chandler has not yet completed.

No. 4

Judge Amini issued a temporary parenting plan that only Chandler was allowed to be at the pick ups and drop off's because of the effects on the child witnessing arguments. Chandler showed up at Misty Curry's home, knocked, then opens the front door without permission and picked up the child. Misty and Chandler were not allowed to speak, so Misty said, "hold on!" Then grabbed a piece of paper and wrote, "do not open my front

door, Alex is not supposed to be here, I didn't get to say goodbye to Aria."

Misty then handed Chandler the note and they left. Only reason for ignoring court order was that they were taking the child to Chuck-E-Cheese. Judge Amini had the child's best interest in reducing conflict, but both Chandler and his fiancée ignored the order showing that Chandler does not have any respect for the court system.

No. 5

In the beginning of this whole process, Misty Curry was unaware of proper procedures to take when filing motions and confirming trial dates. It was settled in court and since it was an inconvenience to Chandler of Misty's mistake, I was ordered to pay half of his attorney's fees of \$1500.00 to Nored Law. Since have been paid off. This does not have any effect on the current issues or has anything to do with the current parenting plan.

No. 6

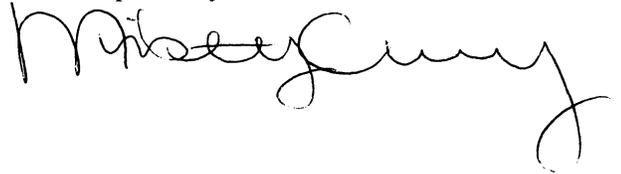
The court made a finding of domestic violence. If Chandler would like to continue forth with trial for the domestic violence act, I, Misty Curry, do not decline going forth.

III. CONCLUSION

The respondent respectfully denies the need for change in the current parenting plan. Chandler Clough needs to complete the orders asked by Judge Amini for the safety and stability of Aria and his future child. The current parenting plan is in-depth and designed for what is best for the child and to reduce or eliminate conflict.

Dated this 23rd day of May, 2016

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Misty Rae Curry". The signature is written in a cursive style with a large, looping initial "M".

Misty Rae Curry, Respondent