

No. 74034-2

COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON

In re the Marriage of:

VIKAS LUTHRA,

Appellant,

vs.

ARADHNA FORREST (fka ARADHNA LUTHRA)

Respondent,

FILED
July 15, 2016
Court of Appeals
Division I
State of Washington

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

BRIEF OF APPELLANT

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TABLE OF CONTENTS

I.	ASSIGNMENT OF ERRORS	4
II.	STATEMENT OF ISSUES	7
III.	STATEMENT OF FACTS	10
A.	The Order Of Child Support In This Matter From 7/8/10 Stipulated The Father Was To Pay Mother Basic Child Support Of \$534/Month, And An Additional \$166/Month In Pass Through Payment To Cover Day Care Expenses Incurred By Mother, But Required Quarterly Reconciliation Of These Expenses Including Verification Of Expenses From Mother. The Order Also Required Both Parties To Bring Any Disputes Related To Such Expenses Before J. Salmi Or Her Designate. Neither Parent Had Previously Filed To Modify This Child Support Order.....	10
B.	The Parties' Parenting Plan From 9/9/2013 Provided The Father With Alternative Weekend Visitation With His Son During The School Year, But Specifically "Suspended" His Mid-Week Residential Visitation Time With The Child, Until Father Received Appropriate Treatment For His Obsessive Compulsive Disorder Diagnosis. The Parenting Plan Contained No Other Ramifications In The Event The Father Did Not Meet This Requirement. In October 2015, The Court Instead "Punished" The Father By Ordering Him To Perform 30 Days Of "Work Crew" Service (Which It Eventually Increased To A Total Of 75 Days) With The King County Department Of Corrections	12
IV.	ARGUMENTS	14
V.	CONCLUSION	26

TABLE OF AUTHORITIES

CASES

In Chase v. Chase, 444 P.2d 145, 74 Wash. 2d 253 (1968)

In re Marriage of James, 903 P.2d 470, 79 Wash. App. 436 (Ct. App. 1995).

Marriage of Thompson, 97 Wn. App. 873, 878, 988 P.2d 499 (1999).

Marriage of Michael, 145 Wn. App. 854, 859 ¶9, 188 P.3d 529 (2008)

Calbaquinto, 100 Wn.2d at 329

Malfait v. Malfait, 54 Wn.2d 413, 416, 418, 341 P.2d 154 (1959)

In re Custody of Smith, 969 P. 2d 21 - Wash: Supreme Court 1998"

In the Matter of Parenting and Support of CKM-S, No. 59706-0-I (Wash. Ct. App. Mar. 17, 2008)

STATUTES

RCW 26.09.260

RCW 26.09.175

RCW 7.21

RCW 7.21.010

RCW 7.21.020

RCW 7.21.030

RCW 7.21.040

RCW 7.21.050

RCW 26.09.160

I. ASSIGNMENT OF ERRORS

1. The trial court erred in entering its Orders on Aug 27th, 2015 finding Appellant Luthra (father) in Contempt for failing to pay the disputed \$10,900 in back child care pass through payment to Forrest, (CP 254-259) when Forrest had failed to first follow the dispute resolution process outlined in the Child Support Order. (CP 13)

2. The trial court erred in finding Luthra intentionally failed to comply with the intensive home based OCD treatment provision of the 7/8/10 orders in its orders on 8/27/15 (CP 254-259), 10/20/15 (CP 350-353), 1/28/16 (Sub no. 431-433, Supp. CP ___), 3/18/16 (Sub no. 445, Supp. CP ___), 4/7/16 (CP 569-571) and 6/13/16 (Sub no. 467, Supp. CP ___)

3. The trial court erred in unilaterally modifying the Parenting Plan Final Order (PP) (Amended on 9/9/13) (Sub no. 298, Supp. CP ___) on 10/20/15 by sentencing Appellant to 30 days of Work Crew (CP 353) for failure to make

“substantial progress in commencing OCD treatment”, and later increasing the total Work Crew Sentence to 75 days (VR-4 Page 8, Line 20-21) when the only provision in the Final Parenting Plan for such failure was spelled out as “The father’s mid-week visits will stop until the father is in compliance with the court’s orders regarding treatment” (Sub no. 298, Supp. CP __)

4. The trial court erred by imposing “Cruel and Unusual Punishment” (in violation of State and Federal Statutes Protecting Persons with Disabilities) and manifestly abused its discretion in sentencing Appellant – who suffers from a mental health condition (Obsessive Compulsive Disorder – resulting in irrational and extreme fear of germs/contamination/dirt) to perform 75 days in total thus far (30 days in its’ orders from 10/20/15 (CP 353) + 30 days in its’ orders from 3/18/16 (Sub no. 445, Supp. CP __) + 15 days in its’ orders from 6/13/16 (Sub no. 467, Supp. CP __) of Work Crew (manual labor) with King County Department of Corrections.

This “uncontrolled” and required over-exposure to dirt and filth (while doing landscaping and litter pickup (VR-3 22, Line 16-21) detrimentally jeopardized the mental health and well-being of Appellant (VR-3, Page 14, Line 20-24) and was improperly positioned as “incentive” (VR-3 Page 7, Line 1-2, Page 9, Line 12-13) by the court to encourage Appellant to seek different mental health treatment than what was being prescribed and administered by his Professionally Licensed Expert Medical team! (CP 111-123)

5. The trial court erred in allowing the Respondents Counsel (Mr. David S. Law, WSBA No 22338) to act as de facto “Prosecutor” in the contempt proceedings against Luthra for non-residential provisions of the Parenting Plan.
6. The trial court erred in prejudicially inviting a legal fees request from Forrest’s Counsel at the hearings. (VR-2, Page 32, Line 5 and VR-3, Page 23 Line 14-15)

II. STATEMENT OF ISSUES

1. The parents (Forrest and Luthra) had a **documented mutual financial agreement** facilitated by their Co-Parenting therapist Dr. Naomi Oderberg, (CP 116-117) which required each parent to get approval from the other when spending funds they expected to get reimbursed for (child care and or extra-curricular expenses above and beyond the basic child support of \$534) (Sub no. 387, CP__) in compliance with the Original Order of Child Support from 7/8/10.(CP 8-18) Did the trial court err by retroactively modifying the terms of that mutual agreement between the parties when entering its ruling on 8/27/15, wherein it ordered the father to pay mother for expenses she claimed she had incurred, but never substantiated with receipts or any other documentation (as required by the terms of the Child Support Order and also the subsequent mutual agreement between the parties facilitated by Dr. Oderberg?)

The Child Support Order required all disputes regarding

reimbursement of child care expenses (CP 13, end of page footnote) to be brought before J. Salmi or her appointee in writing. Did the trial court lack jurisdiction in the matter as a result per the Laws of the Case?

2. The parties Parenting Plan (Sub no. 305, Supp. CP __) required “disputes between the parties, other than child support disputes, shall be submitted to arbitration by Lawrence Besk or Cheryl Russell, whoever is first available” for ADR. The mother had not followed this provision of the Parenting Plan when bringing her Motion for Contempt against the father regarding his OCD therapy. Did the trial court as a result lack jurisdiction in the matter relating to father’s OCD treatment per the Laws of the Case?

3. Without presence of verifiable evidence (preponderance of evidence) that intensive “home based OCD therapy” was locally available and that the father had in bad faith (willingly failed) to engage in the same, did the trial court abuse its discretion by finding Luthra in contempt of court

regarding this specific provision of the Parenting Plan and Findings of Facts in this case?

4. The Parenting Plan from 9/9/2013 (Sub no. 298, Supp. CP__) specifically withheld mid-week visitation reinstatement from father till he participated in and offered evidence of his engagement in mental health therapy outlined in the Findings of Facts in the case from 7/8/10. Did the trial court err in unilaterally Modifying the Parenting Plan (law of this case) which imposed restriction on the father to reinstate mid-week visitation) till he engaged in the court ordered therapy – by now instead ordering him to serve 30 days of “Work Crew” in its ruling on Oct 20th, 2015? Did the Court violate provisions of RCW 26.09.260 in doing so, and does that subsequent order (which punished the father yet **“again”**) violate Double Jeopardy Provisions of the law?

5. Did the trial court improperly and prejudicially err by inviting Forrest’s Counsel on multiple occasions during

multiple contempt review hearings in this case, to ask for legal fee judgement against Luthra? (VR-2, Page 32, Line 5 and VR-3, Page 23 Line 14-15)

III. STATEMENT OF FACTS

- A. The Order Of Child Support In This Matter From 7/8/10 Stipulated The Father Was To Pay Mother Basic Child Support Of \$534/Month, And An Additional \$166/Month In Pass Through Payment To Cover Day Care Expenses Incurred By Mother, But Required Quarterly Reconciliation Of These Expenses Including Verification Of Expenses From Mother. The Order Also Required Both Parties To Bring Any Disputes Related To Such Expenses Before J. Salmi Or Her Designate. Neither Parent Had Previously Filed To Modify This Child Support Order.

This Child Support Order (CP 11) in Section 3.6 (Standard Calculation) lists father's monthly obligation to mother in the amount of \$534. In Section 3.15 (CP 13 the order estimated daycare expenses of \$332/month to be shared equally between the parties. However, this portion of the order also states:

“day care in excess of \$332/mo to be paid within 10 days by father upon receipt of verification of expenses from mother” and “quarterly, father shall also submit expenses he incurs on the same time schedule” and “Disputes to be submitted to J. Salmi or her appointee in writing”

The parties had ongoing disagreements about the Child Support Order provisions relating to daycare and miscellaneous expenses. In 2011, on the request and suggestion of the mother (Forrest), the parties mutually agreed via their then Co-Parenting Therapist (Dr. Naomi Oderberg) on 11/21/11 (Sub no. 387, CP __) that:

“if there are potential charges for non-essential activities, you both must contact the other parent and get approval before expecting reimbursement for the activity.”

After an initial few months, the mother failed to provide father with reconciliation of any miscellaneous expenses/child care expenses on a monthly/quarterly or annual basis. (Sub no. 387 CP __) The father’s obligation of \$166/month in day-care expenses over those 44 months (Nov 2011 to June 2015) would have amounted to \$7,304, while the total amount of past due support (including pass through day care expenses) was \$10,900. Mother did not bring the past due pass through payment dispute to J. Salmi before approaching the Trial Court.

B. The Parties' Parenting Plan From 9/9/2013 Provided The Father With Alternative Weekend Visitation With His Son During The School Year, But Specifically "Suspended" His Mid-Week Residential Visitation Time With The Child, Until Father Received Appropriate Treatment For His Obsessive Compulsive Disorder Diagnosis. The Parenting Plan Contained No Other Ramifications In The Event The Father Did Not Meet This Requirement. In October 2015, The Court Instead "Punished" The Father By Ordering Him To Perform 30 Days Of "Work Crew" Service (Which It Eventually Increased To A Total Of 75 Days) With The King County Department Of Corrections

Post the divorce in July 2010, and after the subsequent entry of the "Amended Parenting Plan" in this matter on 9/9/13, Appellant engaged in and participated in OCD treatment with Rhonda Griffin (LMHC), Nancy Eveleth (LMHC) and Dr. Triet Nguyen (DO Psychiatry). All 3 of these medical professionals – 2 LMHC's (Licensed Mental Health Counselor) and a Doctor of Psychiatry are Washington State Licensed Medical Professionals who specialize in Mental Health treatment. Each of the 3 professional involved in the care of the father, submitted sworn affidavits (CP 111-123) to the court informing the court of his continued participation in and progress in managing his OCD treatment under their care.

Forrest did not submit any written or verifiable evidence that “home based intensive OCD treatment” ordered by the court was indeed available and reasonably affordable by the father. She also did not offer any authoritative definition of what specifically would be considered as “home based intensive OCD treatment.” There was no before the court proving that the treatment obtained by the father from Dr. Nguyen, Ms. Griffin and Ms. Eveleth was inadequate for treating his mental health condition, or that the fathers OCD was (even remotely) negatively impacting the parties’ child.

The father on the other hand submitted detailed sworn affidavits from experienced Mental Health Practitioners (CP 111-123) confirming that “home based” treatment was not available locally, and was also not needed based on the current (negligible) impact of the father’s well managed OCD diagnosis – as assessed by State Licensed Qualified Mental Health Experts..

IV. ARGUMENTS

1. A Trial Court cannot modify a Child Support Order unless it complies with the requirements of RCW 26.09.260 and RCW 26.09.175

In Chase v. Chase, 444 P.2d 145, 74 Wash. 2d 253 (1968)

*In a situation warranting modification of child support or alimony, the court may make the modification effective either as of the time of filing the petition or as of the date of the decree of modification, or as of a time in between, but it may not modify the decree retroactively. This is in keeping with the general rule widely held in this country and prevailing in this state that provisions for 260*260 alimony, support and child support on a decree of divorce are not subject to retrospective modification and that any modification allowed must be prospective. Wilburn v. Wilburn, 59 Wn.2d 799, 370 P.2d 968 (1962); Pishue v. Pishue, 32 Wn.2d 750, 203 P.2d 1070 (1949); Sanges v. Sanges, 44 Wn.2d 35, 265 P.2d 278 (1953); and Koon v. Koon, 50 Wn.2d 577, 313 P.2d 369 (1957).*

In this instance, the trial court erred by modifying the Child Support Order retroactively to 2011, and finding the father in contempt for failure to pay portions of the day care expenses by ignoring the reconciliation or receipts provision of the original support order, as well as ignoring the documented mutual agreement between the parties regarding obtaining the other's prior approval before incurring such expenses.

In re Marriage of James, 903 P.2d 470, 79 Wash. App. 436 (Ct. App. 1995).

“PROCEDURE FOR FINDING A PARTY IN CONTEMPT

A court in a dissolution proceeding has the authority to enforce its decree in a contempt proceeding. Punishment for contempt of court is within the sound discretion of the trial court, and this court will not reverse a contempt order absent an abuse of that discretion. In re Marriage of Mathews, 70 Wash.App. 116, 126, 853 P.2d 462, review denied, 122 Wash.2d 1021, 863 P.2d 1353 (1993). A trial court abuses its discretion by exercising it on untenable grounds or for untenable reasons. Mathews, 70 Wash.App. at 127, 853 P.2d 462.

RCW 26.09.160(2)(b) provides that a court shall find a party in contempt when "the court finds after hearing that the parent, in bad faith, has not complied with the order establishing residential provisions for the child". Richard argues that this means a party cannot be found in contempt without a written finding that the party intentionally violated a court order or did so in bad faith. We agree."

Similarly, in this instance, the trial court failed to enter any written findings that the mutual agreement between the parties was void, or that the mother had complied with the provision requiring validation of expenses incurred or ADR required by the Child Support Order. Neither did the court enter findings that the father in bad faith ignored the evidence submitted by the mother, and was simply willfully failing to make support payments related to the day care expenses. The Court also did not address the jurisdictional issue arising from the mother's failure to raise a written dispute for ADR before J. Salmi per requirements of the Support Order. (CP 13)

During the same period in question, father did pay the mother ~ **\$23,000** in basic child support (\$534 (basic support) x 44 months = \$23,496). Clearly, the dispute before the court at the hearings was related to the unsupported miscellaneous (childcare pass through expenses.) In compliance with the courts findings on 8/27/16 (CP 254-259) father also properly submitted a detailed supplemental financial declaration as required by the court (CP 641-749). Did the trial court here then err by ignoring the law of the case when entering its orders?

Barring a written finding by the trial court that the mutual agreement between the parties' (facilitated by Dr. Naomi Oderberg) was invalid, or a proper modification of the Child Support Order provisions regarding reconciliation (validation) of expenses incurred or bypassing of ADR requirements, did the Trial Court err by entering its finding that the father owed mother back child support of \$10,900 + related interest of \$1,979.79 and therefore was in contempt? Did the Court properly compute what portion of the dispute was unpaid child support vs miscellaneous (pass through) day care

expense?

2. The Trial Court Abused Its Discretion by Unilaterally Modifying (23 months after entry of the Modified Final Parenting Plan) the penalty stipulated in the Parenting Plan Orders if father failed to engage in its' (Court's) interpretation of intensive OCD treatment modality.

“A trial court does not have the authority to modify even its own decree in the absence of conditions justifying the reopening of the judgment.” *Marriage of Thompson*, 97 Wn. App. 873, 878, 988 P.2d 499 (1999). Here, the trial court improperly modified (in October 2015) the Final Parenting Plan (from 9/9/2013) by ordering the father to “Work Crew” for his apparent failure to participate in the home based OCD therapy as interpreted by the court, when the decree of dissolution clearly only withheld from the father “reinstating mid-week visitation” till he complied with the court’s therapy orders. In effect, after already being denied 6 years of mid-week visitation, the court further punished the father for the same mistake by ordering him to “work crew”.

Despite the preponderance of evidence from his therapists (CP 111-123) and undeniable evidence of his normalcy (evidenced by facts, such as father’s role in the Child’s PTSA Board), when

finding the father in contempt of court for violating the “home based” treatment provision of the Parenting Plan, the trial court in its orders on 10/20/15 (**CP 353**) sentenced the father to 30 days of Work Crew on weekends. Was Luthra being punished yet again for the same violations in 2015? Is this a permissible modification of the Parenting Plan from 2013 without properly following the due-process requirements of RCW 26.09.260.

- 3. Even If The Trial Court Only “Clarified” The Parenting Plan By Imposing New incentive for the Father to engage in therapy the court required, The Trial Court violated the Double Jeopardy Principles by ordering father to work crew, when he had already paid for this apparent violation by having his mid-week visitation with the child withheld for 6 years.**

Even if the trial court’s order was not a modification of the parenting plan, the trial court nonetheless erred in clarifying the parenting plan and imposing new penalty on the father.

“A clarification of a dissolution decree is reviewed de novo.”

Marriage of Michael, 145 Wn. App. 854, 859 ¶9, 188 P.3d 529 (2008).

In this instance, the Credibility of the Therapists involved was weighed by review of their Sworn Affidavits before the Court. (CP 111-123) This Appellate Panel is in a position to do so here as well. Each mental health specialist had clearly outlined that home-based therapy (as generally practiced in Mental Health industry) was unavailable in such cases and not reimbursable by health insurance, and that father was already engaged (and progressing) in adequately tailored therapy with them to treat his OCD. In the absence of contradicting un-refutable evidence showing otherwise, did the trial court abuse its discretion in entering its findings and orders on 8/27/15 (CP 254-259) and 10/20/15 (CP 350-353) and in its subsequent related orders on 1/28/16, 3/18/16, 4/7/16 and 6/13/16?

Was this additional punishment imposed on the father also an abuse of discretion by the trial court, and in violation of **double jeopardy** principles? (The court had effectively already withheld **6 years** of mid-week visitation from the father for purportedly not complying with its intensive OCD treatment related orders from 2010).

The mother had neither claimed in writing, nor offered evidence during the hearings of any specific ongoing negative impact of father's "improperly treated OCD" (purportedly) on the child. Therefore, it would appear that the trial court here simply imposed the initial 30 days of work crew (subsequently increased to 75 days!) on father as a means to "punish" the father for making "no substantial progress on commencing OCD treatment" per its own unsupported calculation.

"Custody and visitation privileges are not to be used to penalize or reward parents for their conduct." **Cabalquinto**, 100 Wn.2d at 329. It is the best interests of the child, not the conduct of the parents, which is the "paramount" consideration in making decisions relating to parenting. **Calbaquinto**, 100 Wn.2d at 329; see also **Malfait v. Malfait**, 54 Wn.2d 413, 416, 418, 341 P.2d 154 (1959) (reversing trial court decision limiting father's visitation rights as a punishment based on the trial court's determination that the father was "arrogant and selfish").

Further, the trial court's imposition of "work crew" as (administered by King County Department of Corrections) for punishment for contempt is especially egregious given that the

court was sentencing the father to perform the very tasks that were the triggers of his OCD – contamination/germs/dirt, etc.. Was imposition of such a “Cruel and Unusual Punishment” properly tailored to incentivize the father to find an OCD therapist who would administer the court ordered therapy, using the methods and protocol that the court was deeming necessary? With all due respect, does a Judicial Officer (despite infinite wisdom of the law) understand and have expertise in delicate matters related to mental health afflictions, their ramifications and or their resulting consequences? Is it fair and proper for a Judicial Officer to profess to know the nuances of mental health treatment better than a Qualified and State Licensed mental health expert? Or did the court here simply exceed its remand, and overreach its authority because of its dislike for the Appellant?

Do mental health diagnosis based (WA RCW 26.09.191) restrictions on a Parent in Washington State Parenting Plan allow King County Superior Court of Washington to unreasonably violate the Constitutionally guaranteed civil liberties of a citizen, and absorb upon itself the role of a qualified medical professional – in diagnosing, and administering modalities of medical care? Can a

trial court in a similar case (with WA RCW 26.09.191 restrictions) properly (based upon its own assessment) order a Cancer Patient to undergo Radiation, when their licensed Oncologists recommends Chemotherapy as more suitable? Would it also be permissible for a trial court to order such a Cancer Patient to 75 days of work crew, unless they start obtaining “radiation” therapy? Or did the trial court here clearly abuse its discretion?

4. The trial court erred by allowing Forrest’s Counsel to act as *de facto* Prosecuting Attorney in bringing and arguing father’s alleged contempt of court and failed to follow the provisions of RCW’s regarding Contempt Proceedings and fee awards.

A trial court draws its general civil contempt powers from Chapter 7.21 RCW. In WA State, RCW 7.21.010 defines Contempt of Court, Punitive Sanctions and Remedial Sanctions as:

RCW 7.21.010

Definitions.

The definitions in this section apply throughout this chapter:

(1) "Contempt of court" means intentional:

(a) Disorderly, contemptuous, or insolent behavior toward the judge while holding the court, tending to impair its authority, or to interrupt the due course of a trial or other judicial proceedings;

(b) Disobedience of any lawful judgment, decree, order, or process of the

court;

(c) Refusal as a witness to appear, be sworn, or, without lawful authority, to answer a question; or

(d) Refusal, without lawful authority, to produce a record, document, or other object.

(2) "Punitive sanction" means a sanction imposed to punish a past contempt of court for the purpose of upholding the authority of the court.

(3) "Remedial sanction" means a sanction imposed for the purpose of coercing performance when the contempt consists of the omission or refusal to perform an act that is yet in the person's power to perform.

In this case, there was no allegation of, nor evidence of Luthra violating 1(a), 1(c), or 1(d) of this statute. In the event the court intended to rely on subsection 1(b) of this statute, both the associated Punitive and Remedial Sanctions imposable upon the father would have to comply with provisions of RCW 7.21.020, 7.21.030, 7.21.040 and 7.21.050. There is no evidence in the record to suggest the court relied upon or followed these provisions.

The other source of statutory authority for contempt findings in this matter could be drawn from RCW 26.09.160:-

RCW 26.09.160 Failure to comply with decree or temporary injunction—Obligation to make support or maintenance payments or permit contact with children not suspended—

Penalties.

***In re Marriage of James*, 903 P.2d 470, 79 Wash. App. 436 (Ct. App. 1995)** an esteemed panel of this very court, clearly laid out the procedure for finding a party in contempt per RCW 26.09.160.

Also, in an extensive analysis of a parent's fundamental right to autonomy in child rearing:

"In re Custody of Smith, 969 P. 2d 21 - Wash: Supreme Court 1998"

"it is undisputed that parents have a fundamental right to autonomy in child rearing decisions. The United States Supreme Court has long recognized a constitutionally protected interest of parents to raise their children without state interference. See Meyer v. Nebraska, 262 U.S. 390, 399, 43 S.Ct. 625, 67 L.Ed. 1042, 29 A.L.R. 1446 (1923) (The liberty interest guaranteed by the Fourteenth Amendment includes freedom "to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children....")....

...The state may act pursuant to its authority to protect citizens from injuries inflicted by third persons or to protect its citizens from threats to health and safety. Thus, in the context of family life, the state's police power gives it the authority to require the vaccination of children against communicable diseases over the objection of their fit parents. See Prince, 321 U.S. at 166-67, 64 S.Ct. 438

*...The state's other source of authority to intrude on a family's autonomy is its *parens patriae* power. As *parens patriae* the state acts from the viewpoint and in the interests of the child. Like the state's police power the state may act only pursuant to its *parens patriae* power where a child has been harmed or where there is a threat of harm to a child."*

In contrast, this case presents no such compelling interest of the state to force Appellant Luthra to seek mental health treatment from a different provider (using different modalities) than the ones he was already working with. There was no available evidence to show that Luthra's failing to seek a different mental health therapists than the ones he had an established relationship with (for the last several years) was in the best interest of the Child. Instead, here, the Court allowed Forrest's Counsel to use portions of the language in the Parenting Plan Orders to impede and violate the best interest of Luthra's own mental health. The court in effect allowed Mr. David S. Law (Forrest's Counsel) to act as a State Prosecutor, leading Contempt charges against Appellant Luthra, and urging repeatedly that the Court send the father to jail for supposedly violating a non-residential portion of the Parenting Plan Order.

The bias of the court was further evidences, by its repeated invitation from Mr. Law at the hearings in January, March and June to seek legal fees (VR-2, Page 32, Line 5 and VR-3, Page 23 Line 14-15) Was the court fair in its dealings with both parties at the hearings, or was it prejudiced from the onset against the father? In

addition, when entering its legal fee award on 8/27/15, 1/28/16, 4/7/16 and 6/13/16, the court even failed to provide sufficient findings and conclusions to develop an adequate record for a review of a fee award.

**IN THE MATTER OF PARENTING AND SUPPORT OF CKM-S, No. 59706-0-1
(Wash. Ct. App. Mar. 17, 2008).**

Although an award based on Sauve's overall intransigence throughout the proceedings is not patently unreasonable in light of this record, there is no finding whether the award was based on intransigence or necessity and ability to pay or some other reason. Further, there is no explanation of how the trial court arrived at the \$10,000 as an appropriate amount. The trial court must provide sufficient findings and conclusions to develop an adequate record for a review of a fee award. Mahler v. Szucs, 135 Wn.2d 398, 435, 957 P.2d 632, 966 P.2d 305 (1998)

V. CONCLUSION

Appellant Pro Se in this cause is a respected member of society (manages an IT Services Company, been a speaker on Information Technology and Parenting related issues at numerous local school events, has been interviewed in TV Programs domestically and internationally, and is the President of the PTSA Board of his Child's Middle School.) While he readily acknowledges that he suffers from mental health disability - OCD related to cleanliness, he is highly functional despite his diagnosis

and is properly managing his condition with proper medical care. However, the Courts in this ongoing saga have continued to unreasonably discriminate against him despite his well-managed disability.

The mere diagnosis of a mental health condition (specifically cleanliness related OCD in this case) does not give the State of Washington a right to order ongoing violation of the Civil Liberties of this Appellant without factual findings supporting and justifying such encroachment of his freedoms. A whole host of State & Federal Non-Discrimination, ADA, Due Process and Disparate Impact laws are getting violated by Trial Court Orders in this Case.

This Appellate Panel should therefore reverse the Contempt Orders and Designated Fee Judgments of the trial court in this matter.

Dated this 15th Day of July, 2016



Vikas Luthra (Pro Se Appellant)

DECLARATION OF SERVICE

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

That on July 15th, 2016, I arranged for service of the foregoing Amended Brief of Appellant and Exhibits to COA, Division I to the parties to this action as follows:

Office of Clerk King County Superior Court Kent Regional Justice Center 401 4 th Avenue No., Room 2C Kent, WA 98032	<input checked="" type="checkbox"/> E-Filed <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered
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Signed on this 15th day of July, 2016



Vikas Luthra (Pro Se)