

No. (44263-9-II)

THE COURT OF APPEALS
DIVISION II
OF THE STATE OF WASHINGTON

JOHN ERIC NELSON

Appellant/Petitioner

vs.

CONNIE LOUISE ACKER

Respondent

2013 JUL 26 11:11:03
STATE OF WASHINGTON
BY  DEPUTY

COURT OF APPEALS
DIVISION II

BRIEF OF APPELLANT

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BRIEF OF THE APPELLEE

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I. ASSIGNMENTS OF ERROR

A. ASSIGNMENT OF ERROR NO. ONE:

DID THE COURT ERR OR ABUSE ITS DISCRETION IN ORDERING JOHN NELSON TO PAY CHILD SUPPORT TO BAILEY NELSON AND HAYDEN NELSON AFTER BAILEY AND HAYDEN ATTAINED THE AGE OF MAJORITY AND HAD GRADUATED FROM HIGH SCHOOL?

B. ASSIGNMENT OF ERROR NO. TWO:

DID THE COURT ERR OR ABUSE ITS DISCRETION BY NOT SUSPENDING POSTSECONDARY CHILD SUPPORT FOR BAILEY AND HAYDEN WHEN BAILEY AND HAYDEN FAILED TO COMPLY TO THE CONDITIONS OF RCW 26.19.090?

C. ASSIGNMENT OF ERROR NO. THREE:

DID THE COURT ERR OR ABUSE ITS AUTHORITY IN ORDERING JOHN NELSON TO RETRO PAY BAILEY AND HAYDEN BASED UPON SPECULATION THAT BAILEY AND HAYDEN WOULD ATTEND COLLEGE?

D. ASSIGNMENT OF ERROR NO. FOUR:

DID THE COURT ERR IN RULING JOHN NELSON TO PAY BAILEY NELSON POST-SECONDARY CHILD SUPPORT AND PROVIDE MEDICAL COVERAGE FOR HER AFTER SHE LEGALLY EMANICIPATED HERSELF FROM THE APPELLANT?

E. ASSIGNMENT OF ERROR NO. FIVE:

DID THE COURT ERR IN BASING THE APPELLANT'S PRIOR INCOME TO INCLUDE A SECOND JOB FROM OCTOBER 2009 - NOVEMBER 2012 AFTER IT MADE A DECISION NOT TO INCLUDE A SECOND JOB FROM NOVEMBER 2012 TO CURRENT DATE BASED ON HOUSE BILL 1794?

F. ASSIGNMENT OF ERROR NO. SIX:

DID THE COURT ERR IN FAILING TO ENFORCE THE DUTY AND IMPOSE THE BREACH OF THE DUTY TO THE RESPONDENT IN CONTEMPT OF COURT AFTER CONNIE ACKER STATED SHE DID NOT HAVE THE DOCUMENTATION THAT SHE WAS REQUIRED TO BRING TO THE NOVEMBER 2012 HEARING PER THE SUBPOENA DUCES TECUM?

G. ASSIGNMENT OF ERROR NO. SEVEN:
DID THE DIVISION OF CHILD SUPPORT ERR IN FOLLOWING RCW 26.18.050 WHEN THEY VIOLATED THE APPELLANT'S RIGHTS AND RESPONSIBILITIES BY NOT SCHEDULING THEIR OWN HEARING WHEN THE APPELLANT ASKED DCS NOT TO ENFORCE THE LIEN ON HIS PROPERTY AND NOTICE OF REPORT TO CREDIT BUREAUS WHEN THIS CASE WAS FILED WITH THE APPEALS COURT?

II. ISSUES

A. DID THE COURT AWARDED POST-SECONDARY CHILD SUPPORT AS MANDATORY WHEN THE MOTION CAUSED A FINANCIAL HARDSHIP ON THE APPELLANT?

B. DID THE COURT CORRECTLY APPLY THE DOCTRINE OF RCW 26.19.090 WHEN BAILY AND HAYDEN FAILED TO COMPLY TO THE CONDITIONS OF THE RCW?

C. WHERE THE RCW 26.19.090 STATES POST-SECONDARY CHILD SUPPORT IS AUTOMATICALLY SUSPENDED DURING THE PERIOD(S) THE CHILD FAILS TO COMPLY, DID THE COURT FOLLOW THE RCW WHEN IT ORDERED THE APPELLANT TO RETRO PAY DURING THE VIOLATED PERIOD(S)?

D. SHOULD THE COURT HAVE AWARDED BAILEY NELSON (NOW ACKER) POST-SECONDARY CHILD SUPPORT AND MEDICAL COVERAGE WHEN SHE EMANICIPATED HERSELF FROM THE APPELLANT IN JUNE 13, 2012?

E. WERE THE SUPPORT ORDERS (PARTICULARLY FROM OCTOBER 2009 TO NOVEMBER 2012) FOR THE APPELLANT'S INCOME CALCULATION INCORRECT BY INCLUDING HIS SECOND JOB?

F. SHOULD THE COURT HAVE ENFORCED THE DUTY AND IMPOSE THE BREACH OF THE DUTY TO THE RESPONDENT FOR FAILING TO PROVIDE THE DOCUMENTS REQUESTED IN THE SUBPOENA DUCES TECUM?

G. SHOULD THE DIVISION OF CHILD SUPPORT REMOVE THE LIEN ON PROPERTY AND NOTICE OF REPORT TO CREDIT BUREAUS FROM THE APPELLANT'S RECORDS UNTIL THE APPEALS CASE IS DECIDED?

III. STATEMENT OF THE CASE

On January 24, 1997, Appellant, John Nelson, filed for divorced from Connie Acker. The divorce was finalized on December 8, 1997 with joint custody of their children, Bailey Nelson (age 6 at the time) and Hayden Nelson (age 3 at the time). Connie Acker was awarded as the custodial parent and pursuant to the parties' divorce, Mr. Nelson was ordered to pay Ms. Acker \$349 per month for the support of the parties' children.

The Appellant is a part-time flex postal clerk for the United States Postal Service (USPS) in Cascade Locks, Oregon and has been since May of 1986. When the Appellant was ordered to pay child support after his divorce in December 1997, he was doing OK financially working for the USPS. From 1997 to May of 2001, he lived off of his tax returns, credit cards, and annual leave to make ends meet. He had to find a second job to afford the child support payments and pay his bills for he could not do both. He was able to find a second job at A & J Market in Stevenson, Washington in May 2001. In March of 2006, the Respondent took the Appellant to court to increase his child support amount since he was working a second job. The Respondent has consistently taken the Appellant back to court every two years to increase his child support amount. The Appellant continued to live off of his credit cards and tax returns and by the time his children reach their senior year of high school, he was tapped out financially. He could no longer afford an attorney to represent him and he started to get behind on his bills in 2009. In April of 2011, he had learned about the passing of House Bill 1794 where a second job could not be considered income when figuring child support payments if it could be proven that the second job was used to help with child support. In fact, the only reason he got the second job was to keep up with his child support payments. He had hoped to quit his second job after his child support obligations were met. At the last hearing on October 12, 2012, Judge Altman made the decision NOT to include the Appellant's second job at A & J as part of his income for two reasons: (1) House Bill 1794 and (2) due to economic hardships, A & J Market had not schedule

him to work since July of 2012. In fact, as of October 2012, the Appellant was laid off from A & J Market due to reduction in force.

The Appellant submitted at the October 12, 2012 hearing a revised Child Support Calculation Sheets from October 1, 2009 to current, that would show his new, reduced child support amount by removing his second job (EXHIBIT X, 19 pp). Judge Altman did not consider the revised Child Support Calculation Sheets from October 1, 2009 to current that resulted in an overpayment of child support nor did the judge consider Mr. Nelson's Financial Declaration submitted to the courts on March 27, 2012 (EXHIBIT Z, 7 pp).

Bailey Nelson, daughter to the Appellant and Respondent turned 18 on February 11, 2009. The Respondent petition the court regarding post secondary support. The Appellant received notification of this petition through his attorney at that time, Anthony Connors, on January 13, 2009. A Response to Petition for Modification of Child Support was filed on behalf of the Appellant by Anthony Connors on February 17, 2009. The Appellant denied the Respondent's 1.4 admission because there was no proof that their daughter was enrolled in a college and that Bailey needed his support. Based on RCW 26.19.090 the court cannot adequately consider the factors of this RCW if the Appellant is not given the proper documentation of: proof of enrollment, class registration, and grades (EXHIBIT A, 4 pp).

In addition, Mr. Nelson wanted to exercise his rights in RCW 26.19.090 (1), "The child support schedule shall be advisory and not mandatory for postsecondary educational support." We emphasize not mandatory because postsecondary education support should not cause a financial hardship as stated in RCW 26.09.170 (6) (a), "An order of child support may be modified one year or more after it has been entered without a showing of substantially changed circumstances: If the order in practice works a severe economic hardship on either party or the child."

As in the case of *Golay v. Golay* 35 Wn.2d 122, 123-24, 210 P.2d 1022 (1949) (mentioned in *Childers v. Childers* 89 Wn.2d 592 (1978) 575 P.2d 201) (EXHIBIT Y, 2 pp):

(Rephrased) The appellant's station in life, however, is such that the obligation should not be placed upon him by law against his will. However, the father in this instance is not a rich man, and from the

evidence in the record, can scarcely spare any money from his own needs abuse of discretion in so ordering under the facts of this case."

On March 27, 2009, Anthony Connors sent the Respondent another letter about how to proceed with post secondary education support pursuant to RCW 26.19.090, meaning, the Appellant must be given proper documentation proving that Bailey is enrolled, registered for classes, and her grades (EXHIBIT B, 1 pg). There was no response.

On September 1, 2009, the Appellant still had no proof that Bailey was registered for classes or even accepted at any college (per RCW 26.19.090 (3) so the Appellant stopped paying Bailey's portion of the child support amount pursuant RCW that states, "...The court-ordered postsecondary education support shall be automatically suspended during the period or periods the child fails to comply with these conditions." (EXHIBIT C, 1 pg).

The Appellant paid his child support payments for Bailey (and his 14 year-old son Hayden) directly to the Respondent via a personal check from the time of their divorce in 1997 through September 1, 2009. When the Appellant did not receive any proof that Bailey was attending college, he automatically suspended his support payments for Bailey. The Appellant had every right to stop these payments per RCW 26.19.090. He continued his child support payments to the Respondent for his son Hayden (EXHIBIT D, 2pp).

In March of 2009, the Appellant filed a motion to change the custody of his son for Hayden expressed he wanted to live with the Appellant and not the Respondent (EXHIBIT E, 23pp). A hearing was scheduled on April 1, 2010. In the meantime, the Appellant's attorney received a letter from the Respondent on October 7, 2009 where she confirms that the Appellant stopped payment on support for his daughter Bailey. However, the Respondent still does not provide proof of enrollment or class registration per RCW 26.19.090 for Bailey (EXHIBIT F, 2 pp).

On October 21, 2009, the Appellant's attorney replies to the Respondent indicating that he does not understand what she is proposing in regards to post-secondary child support for Bailey considering that the Appellant has not received proof of enrollment or class registration documents (EXHIBIT G, 1 pg).

A letter dated October 22, 2009 is received from the Respondent explaining her position on Bailey attending college (EXHIBIT H, 2 pp). However, this letter is her position and is not a true reflection of the Appellant's position on his daughter attending college. The Appellant disagreed with her statements, especially when she says that their daughter has a right to choose whatever college she wants to attend. In reality, the Appellant would not be able to afford to send his kids to college if the Respondent and him were still married. The Appellant works for the United States Post Office as a part-time flexible clerk. His hours are uncertain as the USPS has cut back on any extra hours for part-time flexible employees. The Appellant would be suggesting to his children that they should attend a community college, just as their mother and he did, and that he would help out a little as in the means of paying for their books but the rest of their college costs would have to come from them working and/or scholarships and/or student loans. This letter dated October 22, 2009 makes no mention or proof that Bailey is attending college.

On October 29, 2009, the Appellant's attorney receives a letter from the Respondent with attachments of Bailey's confirmation application for FAFSA and a letter from the financial aid department from Linfield College (EXHIBIT I, 3 pp). This is the first time the Appellant hears of Bailey possibly being a student at Linfield. As the Appellant's attorney has kept referring to the RCW 26.19.090, these documents are not proof or valid documents that Bailey is enrolled at Linfield nor it is a copy of her registered classes

On April 1, 2010, the Appellant and Respondent had a hearing on the Order of Child Support and Custody for his son Hayden and to address the issue of RCW 26.19.090 where the Respondent and his daughter had violated. As of April 1, 2010, the Appellant had not received any proof that Bailey was enrolled at Linfield, her class registrations, or her grades. The Appellant's attorney told this to Judge Reynolds. To the shock and dismay of the Appellant, Judge Reynolds signed Final Orders on April 1, 2010 for the Appellant to pay back support for Bailey in the amount of \$4,542 since he believed Bailey was attending school, even though the Appellant still had no proof or any documentation that he was entitled to per RCW 26.19.090 (EXHIBIT J, 13 pp).

Judge Reynolds told the Respondent that she and Bailey had until May 28, 2010 (the next hearing date) to provide the Appellant with transcripts, proof of enrollment, and a class registration.

On May 28, 2010, the Appellant still did not have the documentation he was entitled to according to RCW 26.19.090. The Appellant brought a copy of the Consent for Release of Information form provided to him by Linfield College and gave it to the Respondent. The Judge gave the Respondent and Bailey another month to comply to RCW 26.19.090. During this hearing, Judge Altman informed the Appellant that he could not take the law into his own hands and just stop paying his post-secondary child support. The Appellant was told he had to come to court to do this. There is no RCW that states the Appellant must go to court to stop post-secondary child support when the child does not comply with RCW 26.19.090. The RCW states that support stops immediately when the child has not complied and since the Appellant was mailing personal checks directly to the Respondent, he was within his parental rights to stop payments when the RCW was not being adhere to.

On June 25, 2010, the Appellant received a copy of a Declaration signed by his daughter, Bailey Nelson, explaining that she was told in March of 2010 to give him access to her records and she refers to her Exhibit 1 (EXHIBIT K, 1 pg). However, Exhibit 1 is dated May 25, 2010, three days before their May 28 hearing. Looking at her Exhibit 1, she has given the Appellant limited access to her school records and more access has been given to her mother and step-father (EXHIBIT L, 3 pp). This is in violation of RCW 26.09.225 (1) where both parents are to have full and equal access to the education records. The Appellant clearly did not have equal access to Bailey's records.

The Appellant tried all summer to get access to Bailey's transcripts with no success. She did not set the Appellant up properly on Linfield's computer system. When the Appellant brought this to the court's attention, Bailey and the Respondent were given until August 2, 2010 to mail him copies of the educational records he was entitled to. By August 12, 2010, he still did not have the documentation and yet he was still ordered to pay post-secondary child support. The Appellant filed a declaration on August 12, 2010 indicating that he had not received the educational records and he contacted Linfield College Admissions Office directly and requested these items (EXHIBIT M, 1 pg). The Admissions Office informed him that Bailey was not registered for the Fall term of

2010. So again, RCW 26.19.090 had been violated and at this time, the Appellant had requested the courts to automatically suspend his post-secondary child support effective June 1, 2010, as Judge Altman had informed him earlier.

The post-secondary support did not cease. On August 27, 2010, the Respondent filed a Declaration in Opposing the Appellant's order to stop post-secondary child support because amongst many other issues, she wanted the paragraph 3.23 to read that she would assist Bailey in providing access to the documents to the Appellant (even though the Judge ordered the Respondent to get him these documents) (EXHIBIT N, 2 pp). August 27, 2010 is much after the date of August 2, 2010 and the Respondent was not held accountable for not complying to the court orders and yet, the Appellant was still paying for post-secondary child support for his daughter who has not provided any documentation of her educational records to him for over a year-and-a-half.

The Appellant's last ditch effort to obtain access to Bailey's records was made on September 2, 2010 where he contacted Linfield College (EXHIBIT O, 1 pg). He was informed that the school could not tell him if she was enrolled or not because she did not give him access to her records. Therefore, the RCW 26.19.090 was still in non-compliance since she was to register for Fall classes in April of 2010.

At the end of September of 2010, for the first time, the Appellant finally received educational records from Bailey per RCW 26.19.090 that he had been trying to get since February of 2009. The Appellant should have not been ordered to pay post-secondary support for Bailey until he received the education records. His rights have been violated and he is asking for the support from June 2009 through August of 2010 be reimbursed to him by the Respondent of \$4,926.86 (EXHIBIT P, 1 pg).

On April 1, 2010, Mr. Nelson filed a request for his child support payments to be made through the Washington State Department of Social and Health Services for he no longer wanted to mail personal checks to Ms. Acker. His request was granted.

On August 3, 2012 the Appellant and the Respondent were at a hearing for a motion she filed for Order of Modification of Child Support because their son Hayden had graduated from high school and there was an intent

for him to attend college. Again, the Appellant found himself in the same situation with his son as with his daughter that his son was not accepted or enrolled at any college when he graduated from high school.

Since there was no proof that Hayden was attending college, Department of Social and Health Services stopped Mr. Nelson's child support payments and closed his case at the end of June.

The Appellant and the Respondent attended another hearing on October 12, 2012 to determine if his son was actually going to college and an opportunity for the Respondent to correct the Final Orders of the Modification of Child Support. Judge Altman ordered Mr. Nelson to retro-pay post-secondary child support for Hayden from July 2012 to August 2012 in the amount of \$835.38 even though there is no RCW stating that a child is entitled to retro pay when they do not comply to RCW 26.09.090. At this hearing, the Respondent had included a second job as part of his income but Judge Altman ordered her to remove the second job per House Bill 1794. She refigured a new amount for both children. At this hearing, Judge Altman had asked the Respondent if she had paid her portion of her ordered child support directly to her children. She hesitated and said yes. Another hearing was scheduled for November 2, 2012.

In the meantime, the Appellant discovered that his daughter had legally emancipated herself from him as of June 13, 2012 (EXHIBIT Q, 5 pp). He was able to obtain copies of the Petition for Change of Name from the Skamania County District courthouse and discovered the announcement on her Facebook page through a friend (EXHIBIT R, 3 pp). Once Bailey learned of her father discovering her emancipation, she immediately removed the announcement from her Facebook page.

According to RCW 13.64.010 (EXHIBIT S, 8 pp), it states a minor who is sixteen years of age or older and who is a resident of this state may petition in the superior court for a declaration of emancipation. At the end of Chapter 13.64 RCW under the Title Emancipation, paragraph 5, states that, "...Washington's statute is that it requires proof of the minor's ability to manage her own affairs, particularly financial....." and continues in paragraph 6 stating, "...the statute explicitly states that the minor has no access to child support once emancipated...." . Under definition from Debrina Washington, once a child is emancipated, (...the parent no longer has obligation to provide child support for the child...). The only reason a

The Appellant's son Hayden, began his first semester at Montana State University August of 2012. He received his first semester grades December 31, 2012 where he received an F in a core class, Technical Mathematics (EXHIBIT V, 2 pp). According to Montana State University Credit Load Definition, a full-time student is 12 credits or more (EXHIBIT W, 6 pp). Hayden received an F in this math class which results in no credits earned and therefore is not considered full-time. He received a total of 10 credits for his first term. According to the definition of RCW 26.19.090, a child must be a full-time student to receive post-secondary support. Hayden was not full-time and received an F therefore, child support for Hayden should have ceased as of January 1, 2013 until he is in compliance with the conditions of the RCW.

The Appellant had a conversation with Hayden after he returned home for the summer and informed the Appellant that he did not pass another class and he doesn't think he will be continuing college. To this date, the Appellant has not received his son's Spring semester grades nor any documentation showing proof of class registration and enrollment for Fall of 2013. The Appellant viewed the Montana State University website registration calendar and students could schedule for Fall classes as early as March 1. Since the Appellant does not have proof that his son is continuing college, then his support payments should cease immediately according to RCW 26.19.090.

In this appeal, the Appellant is asking for reimbursement of child support payments for Hayden in the amount of \$2,506.14 (January 2013 - June 2013) for non-compliance of RCW 26.19.090.

IV. ARGUMENT

THE COURT SHOULD DENY THE SUPERIOR COURT OF WASHINGTON COUNTY OF SKAMANIA'S DECISION BECAUSE RCW 26.19.090 STATES THAT STANDARDS FOR POSTSECONDARY EDUCATIONAL SUPPORT AWARDS ARE ADVISORY AND NOT MANDATORY, THAT POSTSECONDARY CHILD SUPPORT IS AUTOMATCIALLY SUSPENDED DURING THE PERIOD OR PERIODS THE CHILD FAILS TO COMPLY TO RCW 26.19.090, THAT DURING THE PERIOD OR PERIODS THE CHILD DOES NOT COMPLY THEY ARE NOT ENTITLED TO

RETRO CHILD SUPPORT PAY; ACCORDING TO RCW 13.64 AND RCW 26.09.170 A CHILD IS NOT ENTITLED TO CHILD SUPPORT OR MEDICAL CONVERAGE AND ANY PROVISIONS OF SUPPORT OF THE CHILD ARE TERMINATED BY EMANCIPATION; HOUSE BILL 1794 STATES THAT WHEN CONFIGURING INCOME FOR CHILD SUPPORT THE FIGURE SHOULD NOT INCLUDE A SECOND JOB, OVERTIME, OR VACATION PAY AND THE WASHINGTON STATE CHILD SUPPORT SCHEDULE WORKSHEET PREPARED BY THE RESPONDENT INCLUDES THOSE AMOUNTS; THE SUBPOENA DUCES TECUM SERVED TO THE RESPONDENT DID NOT BRING THE REQUIRED DOCUMENTS AND THE COURT DID NOT ENFORCE THE DUTY AND IMPOSE THE BREACH OF THE DUTY TO THE RESPONDENT THE APPROPRIATE SANCTION; DIVISION OF CHILD SUPPORT (DCS) ILLEGALLY FILED A LIEN ON PROPERTY AND NOTICE OF REPORT TO CREDIT BUREAUS WHEN THIS CASE WAS FILED WITH THE APPEALS COURT AND DCS DID NOT SCHEDULE THEIR OWN HEARING WITH THE OBLIGOR ACCORDING TO RCW 26.18.050 AND VIOLATED THE NONCUSTODIAL PARENT'S RIGHTS AND RESPONSIBILITIES.

A. (1) RCW 26.19.090 (1) states, "The child support schedule shall be advisory and not mandatory for postsecondary education support." Postsecondary educational support should not cause a financial hardship as stated in RCW 26.09.170 (6)(a), "An order of child support may be modified one year or more after it has been entered without a showing of substantially changed circumstances: If the order in practice works a severe economic hardship on either party or the child." Ordering postsecondary education support has been a financial hardship to the appellant as his financial statements have shown this.

B. (2) Based on RCW 26.19.090 the court cannot adequately consider the factors of this RCW if the noncustodial parent is not given the proper documentation of: Proof of enrollment, class registration, and grades and, "The court-ordered postsecondary education support shall be automatically suspended during the period or periods the child fails to comply with these conditions." The Respondent failed to supply these documents from February 17, 2009 to September 2010 for their daughter, Bailey, and therefore the Appellant stopped his child support payments to Bailey on September 1, 2009. The Respondent also failed to supply these documents from March 7, 2012 to October 12, 2012 for their son, Hayden,

and the DCS had stopped the child support payments and closed the file on Hayden as of June 2012. The court ordered the Appellant to retro pay postsecondary education support during these time periods once it was determined that the children were indeed attending college. This is violation of RCW 26.19.090 and thenoncustodial parental rights.

C. (3) The Appellant should not be required to pay postsecondary child support for Hayden from December 2012 to current date due to violation of RCW 26.19.090. The Appellant received a copy from the Respondent of Hayden's first semester grades at Montana State University and Hayden failed his Technical Mathematics class. According to Montana State University Credit Load Definition, a full-time student is 12 credits or more. Hayden received a total of 10 credits for his first term, therefore was not considered full-time. This is violation of RCW 26.19.090 where a child must be a full-time student to receive postsecondary education support. To date, the Appellant has not received Hayden's grades for his spring semester nor proof of enrollment or class registration for the fall term at Montana State University or any other accredited college. Hayden had a conversation with the Appellant indicating that he may not continue college. If this is the case, the Appellant should not be ordered to pay postsecondary education support due to the Respondent's violation of RCW 26.19.090.

D. (4) On June 13, 2012, their daughter, Bailey, legally emancipated herself from the Appellant. By definition of Emancipation and Child Support Payments, along with RCW 26.09.170(3), RCW 13.64.010, and RCW 13.64.060. According to RCW 13.64.010, it states a minor who is sixteen years of age or older and who is a resident of this state may petition in the superior court for a declaration of emancipation. At the end of Chapter 13.64 RCW under the Title Emancipation, paragraph 5, states that, "...Washington's statute is that it requires proof of the minor's ability to manage her own affairs, particularly financial....." and continues in paragraph 6 stating, "...the statute explicitly states that the minor has no access to child support once emancipated...." . Under definition from Debrina Washington, once a child is emancipated, (...the parent no longer has obligation to provide child support for the child...). The only reason a child would continue to receive child support payments beyond emancipation is for one of two reasons: Special needs of the child (meaning the adult child is with special needs) and two, Divorce of a minor child. Bailey does not have special needs and is not a minor but of majority of age. Lastly, Under RCW 13.64.060 (a) states, "The

termination of parental obligations of financial support, care, supervision, and any other obligation) and RCW 26.09.170 (3) states, "Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child." Bailey has completely abandoned the relationship with the Appellant since she was a sophomore in high school and she is completely economically independent. Therefore, the Appellant is entitled to reimbursement of postsecondary support payments to Bailey and should be allowed to remove her from his health insurance plan.

E. (5) According to the Washington State Legislature passed Engrossed Substitute House Bill 1794 effective October 1, 2009, overtime hours, vacation pay, and/or a second job are to be excluded from the gross monthly income calculations when it can be proven that the overtime hours and/or second job would cease if the child support obligation would also cease. The Appellant is a part-time flexible postal clerk for the United States Post Office (USPS) in Cascade Locks, Oregon. Any hours worked at other post offices outside of Cascade Locks is considered an secondary job according to USPS. For the Appellant to pay both child support payments and his bills, he needed to find a second job, work extra hours and turn in accrued annual leave to maintain his standard of living. The judge ordered that the Respondent remove the Appellant's second job at A&J Market from the income calculations, a decision made on the final orders dated November 2, 2012. The Respondent, however, did not remove the Appellant's extra hours and annual leave at the USPS from the income calculation and the judge did not order it to be removed. This is violation of the House Bill 1794. If the judge ordered A&J Market to be removed from the income calculations, he should have also ordered the extra hours outside of Cascade Locks and his annual leave to also be removed from the income calculations. The Appellant can prove that he would not turn in accrued annual leave nor work extra hours outside of Cascade Locks if he did not have a child support obligation.

F. (6) The Respondent was subpoena on October 24, 2012 to provide documents of proof that she paid her children directly the child support amounts per the court order and any records of any college savings and proof that her name is not on the children's bank accounts. At the November 2, 2012 hearing the judge asked the Respondent for these documents. Her response was that she did not have these documents nor any proof that these documents existed. However, the judge never

enforced the duty or impose the breach of the duty to the Respondent. This is in violation of the Subpoena Duces Tecum.

G. (7) The Division of Child Support (DCS) has filed a lien and Notice of Report to Credit Bureaus on the Appellant without scheduling a hearing on reasonable cause according to RCW 26.18.050 (1). This is violation of the Appellant's rights and responsibilities where he is entitled to a hearing, especially after he received the Notice of Report to Credit Bureaus, he phoned the DCS within 10 days of February 11, 2013, to dispute the Notice. His reasoning was due the fact that the Appellant filed a Notice of Appeals with Washington State Court of Appeals, Division Two on December 3, 2012 and therefore, asked DCS in February 2013 to stop enforcement of the recent support order per the DCS Noncustodial Parent's Rights and Responsibilities, Adjudicative Proceeding (2).

V. CONCLUSION

The Court erred in granting Connie Acker's and Bailey Nelson's (Acker) request for post-educational child support for the reasons outline and argued above.

That Order of the Superior Court should be reversed and this matter should be remanded for purposes of returning to Mr. Nelson all of the post-secondary support he paid to Connie Acker (for Hayden) and Bailey Nelson (Acker) between June 1, 2009 and the time the case is reconsidered.

That Court erred in granting Bailey Nelson (Acker) postsecondary child support and medical coverage after evidence was presented that she legally emancipated herself from the Appellant. Mr. Nelson should be returned all of the post-secondary support and medical coverage he paid to Bailey Nelson (Acker) between June 13, 2012 to June 30, 2013.

That Court erred in not enforcing the duty or impose the breach of duty to the Respondent when she failed to comply with the subpoena at the November 2012 hearing. The Court should subject the Respondent accountable in contempt of court for violating the Subpoena Duces Tecum by not providing the required documents stated in the subpoena.

This Court should reverse the decision of the Division of Child Support by removing the lien against the Appellant's property and the Notice of Report to Credit Bureaus, specifically obtaining his IRS tax refund, until a final decision is made with this court and/or his entitled right to dispute the decision with a scheduled hearing.

John Eric Nelson, Appellant

CHILDERS v. CHILDERS

89 Wn.2d 592 (1978)

575 P.2d 201

JOYCE E. CHILDERS, Petitioner,

v.

LELAND E. CHILDERS, Respondent.

No. 44555.

father to provide funds for a college education for his minor daughter whose custody was in the mother. We quote extensively the reasoning, at pages 178, 182-83:

As to the amount of education that should be considered necessary, courts have never laid down a hard and fast rule.....

Applying the rule as stated by the courts and the text-writers, it will be seen that the question of what sort of an education is necessary, being a relative one, the court should determine this in a proper case from all the facts and circumstances.

Nor should the court be restricted to the station of the minor in society, but should, in determining this fact, take into consideration the progress of society, and the attendant requirements upon the citizens of today.... An opportunity [in the 1800's] for a common school education was small, for a high school education less, and for a college education was almost impossible to the average family, and was generally considered as being only within

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the reach of the most affluent citizens. While there is no reported case, it is hardly to be doubted that the courts at that time would have even held that a high school education was not necessary, inasmuch as very few were able to avail themselves of it. But conditions have changed greatly in almost a century that has elapsed since that time. Where the college graduate of that day was the exception, today such a person may almost be said to be the rule.... That it is the public policy of the state that a college education should be had, if possible, by all its citizens, is made manifest by the fact that the state of Washington maintains so many institutions of higher learning at public expense. It cannot be doubted that the minor who is unable to secure a college education is generally handicapped in pursuing most of the trades or professions of life, for most of those with whom he is required to compete will be possessed of that greater skill and ability which comes from such an education.

That assisting a child with a college education, though at times referred to as a necessary, will not be a duty of support of all parents, but is circumstantial, is learned from *Golay v. Golay*, 35 Wn.2d 122, 123-24, 210 P.2d 1022 (1949):

[The rule is] that the expense of educating a child is included among the necessities for which a parent can be held liable. The quality and the quantity of necessities for which a parent is liable has been

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LELAND E. CHILDERS, Respondent.

No. 44555.

gauged in American and English Jurisprudence from time immemorial by the parents' station in life. Upon the question of education as a necessity, we would undoubtedly be constrained to hold that as far as the compulsory school attendance law applies, a parent would be liable in any case. A rich man, well able to pay, might very well be held for a college education of an extended and expensive sort. However, the father in this instance is not a rich man, and from the evidence in the record, can scarcely spare any money from his own needs.

Voluntary parental sacrifices to enable children to attend college are very common. The appellant's station in life, however, is such that the obligation should not be placed upon him by law against his will.

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Thus, it has long been the law in Washington that a divorced parent may have a duty of support for college education if it works the parent no significant hardship and if the child shows aptitude. This duty is no longer limited by minority, hence the court need not resort to the stratagem used in *Underwood v. Underwood*, 162 Wn. 204, 298 P. 318 (1931) wherein we ordered the father to contribute to a trust fund during the child's minority so as to secure for the child a college education during his majority. The legislature having removed the jurisdictional disablement, the court is now free to order whatever is necessary and fair after full inquiry into the facts and circumstances.

We turn to the issue of the claimed constitutional infirmity which the Court of Appeals raised and decided *sua sponte*. The fact that married parents may legally bid their children "a fiscal farewell" at age 18 when some divorced parents may be legally required to provide financial support when they are able but do not choose to do so, led the Court of Appeals to its conclusion. The fact that most married parents choose willingly to make financial sacrifices for their children's education, including college and regardless of age, seems to have been disregarded.³

It is not the policy of this State to require divorced parents to provide adult children with a college education in all circumstances. If an absolute duty of support for such a purpose were imposed on divorced parents, there would perhaps be an unreasonable classification. Instead, what

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exists is the long standing special powers the courts have had (in equity, regardless of legislation) over the children of broken homes to assure that their disadvantages are minimized.



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RULE ER 904
ADMISSIBILITY OF DOCUMENTS

(a) Certain Documents Admissible. In a civil case, any of the following documents proposed as exhibits in accordance with section (b) of this rule shall be deemed admissible unless objection is made under section (c) of this rule:

(1) A bill, report made for the purpose of treatment, chart, record of a hospital, doctor, dentist, registered nurse, licensed practical nurse, physical therapist, psychologist or other health care provider, on a letterhead or billhead;

(2) A bill for drugs, medical appliances or other related expenses on a letterhead or billhead;

(3) A bill for, or an estimate of, property damage on a letterhead or billhead. In the case of an estimate, the party intending to offer the estimate shall forward a copy to the adverse party with a statement indicating whether or not the property was repaired, and if it was, whether the estimated repairs were made in full or in part and attach a copy of the receipted bill showing the items of repair and amounts paid;

(4) A weather or traffic signal report, or standard United States government table;

(5) A photograph, x-ray, drawing, map, blueprint or similar documentary evidence;

(6) A document not specifically covered by any of the foregoing provisions but relating to a material fact and having equivalent circumstantial guaranties of trustworthiness, the admission of which would serve the interests of justice.

(b) Notice. Any party intending to offer a document under this rule must serve on all parties a notice, no less than 30 days before trial, stating that the documents are being offered under Evidence Rule 904 and shall be deemed authentic and admissible without testimony or further identification, unless objection is served within 14 days of the date of notice, pursuant to ER 904(c). The notice shall be accompanied by (1) numbered copies of the documents and (2) an index, which shall be organized by document number and which shall contain a brief description of the document along with the name, address and telephone number of the document's author or maker. The notice shall be filed with the court. Copies of documents that accompany the notice shall not be filed with the court.

(c) Objection to Authenticity or Admissibility. Within 14 days of notice, any other party may serve on all parties a written objection to any document offered under section (b), identifying each document to which objection is made by number and brief description.

(1) If an objection is made to a document on the basis of authentication, and if the court finds that the objection was made without reasonable basis, the offering party shall be entitled to an award of expenses and reasonable attorney fees incurred as a result of the required proof of authentication as to each such document determined to be authentic and offered as an exhibit at the time of trial.

(2) If an objection is made to a document on the basis of admissibility, the grounds for the objection shall be specifically set forth, except objection on the grounds of relevancy need not be made until trial. If the court finds that the objection was made without reasonable basis and the document is admitted as an exhibit at trial, the court may award the offering party any expenses incurred and reasonable attorney fees.

(d) Effect of Rule. This rule does not restrict argument or proof relating to the weight to be accorded the evidence submitted, nor does it restrict the trier of fact's authority to determine the weight of the evidence after hearing all of the evidence and the arguments of opposing parties.

[Adopted effective September 18, 1992; amended effective October 29, 1993; January 27, 1998.]

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RCW 26.19.090

Standards for postsecondary educational support awards.

(1) The child support schedule shall be advisory and not mandatory for postsecondary educational support.

(2) When considering whether to order support for postsecondary educational expenses, the court shall determine whether the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child, the child's needs, the expectations of the parties for their children when the parents were together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought and the parents' level of education, standard of living, and current and future resources. Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together.

(3) The child must enroll in an accredited academic or vocational school, must be actively pursuing a course of study commensurate with the child's vocational goals, and must be in good academic standing as defined by the institution. The court-ordered postsecondary educational support shall be automatically suspended during the period or periods the child fails to comply with these conditions.

(4) The child shall also make available all academic records and grades to both parents as a condition of receiving postsecondary educational support. Each parent shall have full and equal access to the postsecondary education records as provided in RCW 26.09.225.

(5) The court shall not order the payment of postsecondary educational expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical, or emotional disabilities.

(6) The court shall direct that either or both parents' payments for postsecondary educational expenses be made directly to the educational institution if feasible. If direct payments are not feasible, then the court in its discretion may order that either or both parents' payments be made directly to the child if the child does not reside with either parent. If the child resides with one of the parents the court may direct that the parent making the support transfer payments make the payments to the child or to the parent who has been receiving the support transfer payments.

[1991 sp.s. c.28 § 7, 1990 1st ex.s. c.2 § 9]

Notes:

Severability -- Effective date -- Captions not law -- 1991 sp.s. c. 28: See notes following RCW 26.09.100.

Effective dates -- Severability -- 1990 1st ex.s. c. 2: See notes following RCW 26.09.100.

RCW 26.09.225

Access to child's education and health care records.

(1) Each parent shall have full and equal access to the education and health care records of the child absent a court order to the contrary. Neither parent may veto the access requested by the other parent.

(2) Educational records are limited to academic, attendance, and disciplinary records of public and private schools in all grades kindergarten through twelve and any form of alternative school for all periods for which child support is paid or the child is the dependent in fact of the parent requesting access to the records.

(3) Educational records of postsecondary educational institutions are limited to enrollment and academic records necessary to determine, establish, or continue support ordered pursuant to RCW 26.19.090.

[1991 sp.s. c.28 § 3; 1990 1st ex.s. c.2 § 18, 1987 c.460 § 17]

Notes:

Severability -- Effective date -- Captions not law -- 1991 sp.s. c 28: See notes following RCW 26.09.100.

Effective dates -- Severability -- 1990 1st ex.s. c 2: See notes following RCW 26.09.100.

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[1991 sp.s. c 28 § 3; 1990 1st ex.s. c 2 § 18; 1987 c 460 § 17.]

Notes:

Severability -- Effective date -- Captions not law -- 1991 sp.s. c 28: See notes following RCW 26.09.100.

Effective dates -- Severability -- 1990 1st ex.s. c 2: See notes following RCW 26.09.100.

RCW 26.09.170

Modification of decree for maintenance or support, property disposition -- Termination of maintenance obligation and child support -- Grounds

(1) Except as otherwise provided in RCW 26.09.670(7), the provisions of any decree respecting maintenance or support may be modified. (a) Only as to installments accruing subsequent to the petition for modification or motion for adjustment except motions to compel court-ordered adjustments, which shall be effective as of the first date specified in the decree for implementing the adjustment, and, (b) except as otherwise provided in this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance or registration of a new domestic partnership of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

(4) Unless expressly provided by an order of the superior court or a court of comparable jurisdiction, provisions for the support of a child are terminated upon the marriage or registration of a domestic partnership to each other of parties to a paternity order, or upon the remarriage or registration of a domestic partnership to each other of parties to a decree of dissolution. The remaining provisions of the order, including provisions establishing paternity, remain in effect.

(5)(a) A party to an order of child support may petition for a modification based upon a showing of substantially changed circumstances at any time.

(b) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(6) An order of child support may be modified one year or more after it has been entered without a showing of substantially changed circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child;

(b) If a party requests an adjustment in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based;

(c) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or

(d) To add an automatic adjustment of support provision consistent with RCW 26.09.100.

(7)(a) If twenty-four months have passed from the date of the entry of the order or the last adjustment or modification, whichever is later, the order may be adjusted without a showing of substantially changed circumstances based upon:

(i) Changes in the income of the parents; or

(ii) Changes in the economic table or standards in chapter 20.10 RCW.

(b) Either party may initiate the adjustment by filing a motion and child support worksheets.

(c) If the court adjusts or modifies a child support obligation pursuant to this subsection by more than thirty percent and the change would cause significant hardship, the court may implement the change in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a motion for another adjustment under this subsection may be filed.

(8)(a) The department of social and health services may file an action to modify or adjust an order of child support if public assistance money is being paid to or for the benefit of the child and the child support order is at least twenty-five percent above or below the appropriate child support amount set forth in the standard calculation as defined in RCW 26.09.011 and reasons for the deviation are not set forth in the findings of fact or order.

(b) The department of social and health services may file an action to modify or adjust an order of child support in a nonassistance case if:

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Chapter 13.64 RCW

EMANCIPATION OF MINORS

Chapter Listing

RCW Sections

- 13.64.010 Declaration of emancipation.
- 13.64.020 Petition for emancipation -- Filing fees.
- 13.64.030 Service of petition -- Notice -- Date of hearing.
- 13.64.040 Hearing on petition.
- 13.64.050 Emancipation decree -- Certified copy -- Notation of emancipated status.
- 13.64.060 Power and capacity of emancipated minor.
- 13.64.070 Declaration of emancipation -- Voidable.
- 13.64.080 Forms to initiate petition of emancipation.
- 13.64.900 Effective date -- 1993 c 294.
- 13.64.901 Construction -- Chapter applicable to state registered domestic partnerships - - 2009 c 521.

13.64.010

Declaration of emancipation.

Any minor who is sixteen years of age or older and who is a resident of this state may petition in the superior court for a declaration of emancipation.

[1993 c 294 § 1.]

13.64.020

Petition for emancipation — Filing fees.

(1) A petition for emancipation shall be signed and verified by the petitioner, and shall include the following information: (a) The full name of the petitioner, the petitioner's birthdate, and the state and county of birth; (b) a certified copy of the petitioner's birth certificate; (c) the name and last known address of the petitioner's parent or parents, guardian, or custodian; (d) the petitioner's present address, and length of residence at that address; (e) a declaration by the petitioner indicating that he or she has the ability to manage his or her financial affairs, including any supporting information; and (f) a declaration by the petitioner indicating that he or she has the ability to manage his or her personal, social, educational, and nonfinancial affairs, including any supporting information.

(2) Fees for this section are set under RCW

36.18.014.

[1995 c 292 § 7; 1993 c 294 § 2.]

13.64.030**Service of petition — Notice — Date of hearing.**

The petitioner shall serve a copy of the filed petition and notice of hearing on the petitioner's parent or parents, guardian, or custodian at least fifteen days before the emancipation hearing. No summons shall be required. Service shall be waived if proof is made to the court that the address of the parent or parents, guardian, or custodian is unavailable or unascertainable. The petitioner shall also serve notice of the hearing on the department if the petitioner is subject to dependency disposition order under RCW

13.34.130. The hearing shall be held no later than sixty days after the date on which the petition is filed.

[1993 c 294 § 3.]

13.64.040**Hearing on petition.**

(1) The hearing on the petition shall be before a judicial officer, sitting without a jury. Prior to the presentation of proof the judicial officer shall determine whether: (a) The petitioning minor understands the consequences of the petition regarding his or her legal rights and responsibilities; (b) a guardian ad litem should be appointed to investigate the allegations of the petition and file a report with the court.

(2) For the purposes of this section, the term "judicial officer" means: (a) A judge; (b) a superior court commissioner of a unified family court if the county operates a unified family court; or (c) any superior court commissioner if the county does not operate a unified family court. The term does not include a judge pro tempore.

[2001 c 161 § 1; 1993 c 294 § 4.]

13.64.050**Emancipation decree — Certified copy — Notation of emancipated status.**

(1) The court shall grant the petition for emancipation, except as provided in subsection (2) of this section, if the petitioner proves the following facts by clear and convincing evidence: (a) That the petitioner is sixteen years of age or older; (b) that the petitioner is a resident of the state; (c) that the petitioner has the ability to manage his or her financial affairs; and (d) that the petitioner has the ability to manage his or her personal, social, educational, and nonfinancial affairs.

(2) A parent, guardian, custodian, or in the case of a dependent minor, the department, may oppose the petition for emancipation. The court shall deny the petition unless it finds, by clear and convincing evidence, that denial of the grant of emancipation would be detrimental to the interests of the minor.

(3) Upon entry of a decree of emancipation by the court the petitioner shall be given a certified copy of the decree. The decree shall instruct the petitioner to obtain a Washington driver's license or a Washington identification card and direct the department of licensing make a notation of the emancipated status on the license or identification card.

[1993 c 294 § 5.]

13.64.060**Power and capacity of emancipated minor.**

(1) An emancipated minor shall be considered to have the power and capacity of an adult, except as provided in subsection (2) of this section. A minor shall be considered emancipated for the purposes of, but not limited to:

(a) The termination of parental obligations of financial support, care, supervision, and any other obligation the parent may have by virtue of the parent-child relationship, including obligations imposed because of marital dissolution;

- (b) The right to sue or be sued in his or her own name;
- (c) The right to retain his or her own earnings;
- (d) The right to establish a separate residence or domicile;
- (e) The right to enter into nonvoidable contracts;
- (f) The right to act autonomously, and with the power and capacity of an adult, in all business relationships, including but not limited to property transactions;
- (g) The right to work, and earn a living, subject only to the health and safety regulations designed to protect those under age of majority regardless of their legal status; and
- (h) The right to give informed consent for receiving health care services.

(2) An emancipated minor shall not be considered an adult for: (a) The purposes of the adult criminal laws of the state unless the decline of jurisdiction procedures contained in RCW

13.40.110 are used or the minor is tried in criminal court pursuant to *RCW 13.04.030(1)(e)(iv); (b) the criminal laws of the state when the emancipated minor is a victim and the age of the victim is an element of the offense; or (c) those specific constitutional and statutory age requirements regarding voting, use of alcoholic beverages, possession of firearms, and other health and safety regulations relevant to the minor because of the minor's age.

[1994 sp.s. c 7 § 436; 1993 c 294 § 6.]

Notes:

***Reviser's note:** RCW 13.04.030 was amended by 1997 c 341 § 3, changing subsection (1)(e)(iv) to subsection (1)(e)(v).

Finding -- Intent -- Severability -- 1994 sp.s. c 7: See notes following RCW 43.70.540.

Effective date -- 1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460: See note following RCW 9.41.010.

13.64.070

Declaration of emancipation — Voidable.

A declaration of emancipation obtained by fraud is voidable. The voiding of any such declaration shall not affect any obligations, rights, or interests that arose during the period the declaration was in effect.

[1993 c 294 § 7.]

13.64.080

Forms to initiate petition of emancipation.

The administrative office of the courts shall prepare and distribute to the county court clerks appropriate forms for minors seeking to initiate a petition of emancipation.

[2005 c 282 § 28; 1993 c 294 § 8.]

13.64.900

Effective date — 1993 c 294.

This act shall take effect January 1, 1994.

[1993 c 294 § 11.]

13.64.901**Construction — Chapter applicable to state registered domestic partnerships — 2009 c 521.**

For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships.

[2009 c 521 § 44.]

RCW 13.64.010
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(e) The right to enter into nonvoidable contracts;

(f) The right to act autonomously, and with the power and capacity of an adult, in all business relationships, including but not limited to property transactions;

(g) The right to work, and earn a living, subject only to the health and safety regulations designed to protect those under age of majority regardless of their legal status; and

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[2009 c 521 § 44.]

Emancipation

Washington's emancipation statute was implemented within the last decade. As such, there is little information by way of case law or law review articles on this statute. However, along with California and Michigan's statutes, it will provide guidance for an effective emancipation statute.

Washington's emancipation statute, effective January 1, 1994, is very focused on the minor as the important party rather than the parents. Under this statute, only a minor over the age of 16 years is eligible to petition the superior court.³⁷⁰ The statute does not specifically state that parents cannot petition, although most states that allow parents to petition explicitly say so. Also, the statute requires the petition for emancipation to contain the present address and length of residence of the petitioner; the name and last known address of the parents, guardian, or custodian; and a declaration by the petitioner that indicates her ability to manage her own financial, social, personal, and educational affairs, including any supporting information.³⁷¹ After this information is considered by the court, emancipation is granted if the petitioner proves by clear and convincing evidence that she is at least 16 years of age, a resident of the state, and is able to manage her financial, educational, personal, and social affairs.³⁷² Furthermore, the court shall deny an emancipation petition, opposed by the minor's parent, guardian, custodian or department, "unless it finds, by clear and convincing evidence, that denial of the grant of emancipation would be detrimental to the interests of the minor."³⁷³

The statute is very specific in terms of service and procedure.³⁷⁴ Procedurally, emancipation is granted after a hearing before a "judicial officer."³⁷⁵ In 2001, this section was rewritten to expand the number of persons who are qualified to preside over emancipation hearings. Previous to this, the section provided that only a "judge" could preside over the hearing, sitting without a jury.³⁷⁶ The minor must demonstrate to the judicial officer that she understands her rights and responsibilities, and the consequences of emancipation, prior to the granting of the petition.³⁷⁷ Further, the allegations of the petition are investigated, and a report is filed with the court by a court-appointed GAL.³⁷⁸ The appointment of a GAL is important here again not only because it is strong evidence that the statute is youth-oriented, but that it contains depth of thought and detail of the legislature.

After being granted emancipation, the minor is entitled to retain her own earnings, enter into contracts, and purchase real estate. Also, similar to the Michigan statute, Washington's statute identifies areas of the law where the minors, even though emancipated, will not be considered adults. These areas mostly encompass criminal law and statutory age requirements surrounding voting and alcohol consumption and purchase.³⁷⁹

The strength of Washington's statute is that it requires proof of the minor's ability to manage her own affairs, particularly financial, the court appoints a GAL, and allegations of the petition are investigated. Similar to the Michigan statute, these requirements help to ensure that the minor understands the rights and responsibilities and limitations of emancipation, and allows input from outside persons to assist the judiciary in making informed decisions about what is in the best interest of the child. The required ability to support oneself, coupled with evidence of emotional and social maturity, give the court a certain degree of discretion when considering emancipation, but not so much that these criteria are rendered meaningless. These requirements serve two beneficial functions: first, they place limits on the court's discretionary latitude because these factors must be present for the minor to even petition. This is beneficial because

the statute, and the resulting court order, are more likely to be able to withstand an attack because they are specific without being probative. Second, the prerequisites filter out minors who may be trying to emancipate themselves but yet are not ready to handle the responsibilities of the status. The last above-stated status seems to serve this function as well, in that it appears to be a test of maturity.

Unfortunately, the statute explicitly states that the minor has no access to child support once emancipated, which evinces the nationwide opinion that once minors are emancipated they should be able to support themselves financially. In other words, if parents' control over their children is effectively destroyed by the court, parents should then also be financially free of their obligations of support.

Few emancipation statutes provide this level of detail. There are several provisions and general goals that should serve as a model for Massachusetts were it to consider formulating an emancipation statute. Since this statute is less than 10 years old, a search of legislative history and intent by next year's Law Office would be beneficial.

Footnotes

... ³²⁰

Wash. Rev. Code § 13.64.010 (2001).

... ³²¹

Id. § 13.64.020 (1)(a)-(f).

... ³²²

Id. § 13.64.050 (1).

... ³²³

Id. § 13.64.050 (2).

... ³²⁴

Id. § 13.64.030.

... ³²⁵

“judicial officer” includes (a) A judge; (b) a superior court commissioner of a unified family court if the county operated a unified family court; or (c) any superior court commissioner if the county does not operate a unified family court. The term does not include a judge pro tempore. *Id.* § 13.64.040(2).

... 376

Id. § 13.64.040(1)

... 377

Id. § 13.64.040(1)(a).

... 378

Id. § 13.64.040(1)(b)

... 379

Id. § 13.64.060(2)(b)-(c).

Emancipation and Child Support Payments

What Happens to Child Support Payments When a Child is Emancipated?

From Debrina Washington

Generally, when a child reaches the age of majority - age 18, or 21 for some states - the child is considered emancipated, meaning a parent no longer has the obligation to provide child support for the child. However, there are times when a child is emancipated before the age of majority. In such cases, parents may wonder how the emancipation impacts child support payments. Here is some information about what happens to child support payments when a child is emancipated:

Reasons Why a Child Would be Emancipated

Emancipation of a minor occurs when a child is freed from the care of a parent. Essentially, the parent no longer has responsibility for the child. A child may self-emancipate for any of the following reasons:

- Marriage
- Military service
- Complete abandonment of the parental home
- Economic independence

As long as a child is still in the care and custody of a parent, it's fair to say that it's impossible for a child to be emancipated. Therefore, parents have the obligation to continue to support a child until the child reaches the age of majority. A parent's obligation to continue to provide child support payments will continue until the child reaches the age of majority.

Child Support Payments Beyond Emancipation

It's possible that parents may be obligated to continue child support payments beyond the age of majority. A court may order a parent to continue child support payments beyond emancipation for the following reasons:

- Special needs of the child - A court may order a parent to continue support payments for an adult child with special needs.
- Divorce of a minor child - Although a child may marry, some courts have found that if the child divorces and needs care and custody, the child may still be entitled to child support.

Chapter 13.64 RCW

13.64.060

Power and capacity of emancipated minor.

(1) An emancipated minor shall be considered to have the power and capacity of an adult, except as provided in subsection (2) of this section. A minor shall be considered emancipated for the purposes of, but not limited to:

(a) The termination of parental obligations of financial support, care, supervision, and any other obligation the parent may have by virtue of the parent-child relationship, including obligations imposed because of marital dissolution;

Washington Child Support
New WA Support Laws about
Washington Guidelines
Child Support Deviations
Determination of Income
Daycare and Child Care
Temporary Support
Child Support Modification
Post Secondary Support
Income Tax Exemption
Past Due or Back Support
What if I Am Unemployed?
WA Child Support Errors

Questions about Washington State Child Support?
Talk to a lawyer today.

(206) 682-8383 ~ Seattle

(253) 444-5541 ~ Tacoma

(360) 350-4626 ~ Olympia

Washington Child Support Laws

CHILD SUPPORT SCHEDULE CHANGES Effective 10/01/2009

Child support is the amount of money paid by a child's parents to support that child. To a large degree, a parent's child support obligation is determined by reference to the Washington State Child Support Schedule. The amount of child support is based on the combined net monthly income of the parents.

Each parent's child support obligation is determined in proportion to their net monthly income. The non-residential parent would be required to transfer money to the residential parent according to the calculations of the child support schedule. As the main source for the determination of obligations for child support, any changes to the child support schedule can have noticeable impact on a parent's portion of child support.

During the 2009 legislative session, the Washington State Legislature passed Engrossed Substitute House Bill 1794. This bill made substantial changes to the Washington State Child Support Schedule, which became effective October 01, 2009. These changes are highlighted below:

- The basic support obligation no longer includes health care, day care, or special child-rearing expenses.
- The 5% presumption of ordinary health care costs has been removed from the basic support amount. All health care costs are now allocated according to the parent's proportional basic support obligation under the economic table.
- The minimum basic support obligation has risen to \$1,000 combined monthly net income. The minimum presumption of child support has increased to \$50 per child per month.
- The tables have been expanded to \$12,000 of combined monthly net income and the entire table has been made presumptive.
- Voluntary retirement contributions up to \$5,000 are allowable if there has been a pattern of contributions over the previous year.
- Allows overtime hours to be excluded from gross monthly income calculations under certain conditions.
- Support obligations for all of a parent's biological or legal children are limited to 45% of their net income, except for good cause. Each child is entitled to a pro rata share of the income for all the children in the case before the court.

- Makes other changes to the manner income may be imputed.

These changes could have a significant effect on your Washington Child Support Order. Our divorce and family law attorneys are here to assist you with any WA state child support matter from initial support determinations or modifications to filing motions for contempt for non-payment.

Contact our offices if you would like to have your Washington Child Support order reviewed due to changes under the new regulations.

Washington Child Support Lawyer and Divorce Attorney Laurie G. Robertson.

RCW 26.18.050

Failure to comply with support or maintenance order — Contempt action — Order to show cause — Bench warrant — Continuing jurisdiction.

(1) If an obligor fails to comply with a support or maintenance order, a petition or motion may be filed without notice under RCW 26.18.040 to initiate a contempt action as provided in chapter 7.21 RCW. If the court finds there is reasonable cause to believe the obligor has failed to comply with a support or maintenance order, the court may issue an order to show cause requiring the obligor to appear at a certain time and place for a hearing, at which time the obligor may appear to show cause why the relief requested should not be granted. A copy of the petition or motion shall be served on the obligor along with the order to show cause.

(2) Service of the order to show cause shall be by personal service, or in the manner provided in the civil rules of superior court or applicable statute.

(3) If the order to show cause served upon the obligor included a warning that an arrest warrant could be issued for failure to appear, the court may issue a bench warrant for the arrest of the obligor if the obligor fails to appear on the return date provided in the order.

(4) If the obligor contends at the hearing that he or she lacked the means to comply with the support or maintenance order, the obligor shall establish that he or she exercised due diligence in seeking employment, in conserving assets, or otherwise in rendering himself or herself able to comply with the court's order.

(5) As provided in RCW 26.18.040, the court retains continuing jurisdiction under this chapter and may use a contempt action to enforce a support or maintenance order until the obligor satisfies all duties of support, including arrearages, that accrued pursuant to the support or maintenance order.

[2008 c 6 § 1030; 1993 c 426 § 5; 1989 c 373 § 22; 1984 c 260 § 5.]

Notes:

Part headings not law – Severability – 2008 c 6: See RCW 26.60.900 and 26.60.901.

Severability – 1989 c 373: See RCW 7.21.900.



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
DIVISION OF CHILD SUPPORT (DCS)

Noncustodial Parent's Rights and Responsibilities

The Division of Child Support (DCS):

1. Establishes and enforces child support orders and medical support obligations.
2. Reviews child support orders for possible modification.
3. Receives, records, and distributes child support payments through the Washington State Support Registry (WSSR).

Noncustodial Parent

You are a noncustodial parent. A noncustodial parent is a natural father, or an acknowledged adoptive or adjudicated father, a natural mother, or an adjudicated or adoptive mother who must provide financial support for dependent children. State and federal laws impose this duty.

Child Support Payments

Usually, you will have to pay child support. After DCS serves you a notice requiring you to pay child support, DCS credits your account only for payments made to the WSSR, another state court or child support agency, or a tribal court or child support agency.

1. Tell DCS immediately if another state or tribal child support agency or a state or tribal court asks you to make child support payments to them.
2. Do not send payments to anyone other than the address for the WSSR listed below unless DCS tells you in writing that we closed your case.

You must make all support payments to the Washington State Support Registry (WSSR). You may pay by any of the following methods:

1. Payroll deduction. Most support orders allow DCS to collect support by payroll deduction or require payment through the WSSR. If your order allows DCS to do so, DCS will try to collect support by payroll deduction.
2. Personal check, money order, certified check, or cashier's check. Send all check and money order payments to:

WASHINGTON STATE SUPPORT REGISTRY
PO BOX 45868
OLYMPIA WA 98504-5868
3. Electronic Funds Transfer (EFT).
 - a. EFT allows automatic deduction of your support payments from your checking or savings account each month.
 - b. For more information about EFT, call 800-468-7422.
4. Internet.
 - a. An Internet payment allows deduction of your support payment from your checking or savings account.
 - b. For more information about Internet payments, visit the DCS web site at www.childsupportpayment.dshs.wa.gov.
5. Credit or Debit card. For more information about using this payment option, visit the DCS web site at www.childsupportpayment.dshs.wa.gov.

If your bank returns one of your checks or fails to honor an EFT or Internet payment because of nonsufficient funds, DCS will accept future payments only by cash, money order, cashier's check, certified check, or payroll deduction.

Include your case number and account number IN _____ on all payments and correspondence.

DCS will not credit your account for payments sent to anyone other than WSSR, a tribal court or child support agency, or another state's court or child support agency. **DCS will not credit your account for money paid directly to the other party to the support order.**

If you have legal reasons for not providing financial support for your children or if DCS mistakenly involved you in this process, notify DCS immediately.

Medical Support Obligations

If your support order requires you to provide health insurance for your children, DCS will take action to enforce your obligation. If your support order requires you to pay cash medical support, DCS will establish the dollar amount you are required to pay and collect that amount.

1. Tell DCS immediately if anything changes regarding your health insurance coverage for the children named in your support order.
2. Cash medical support includes a proportionate share of unreimbursed medical expenses and a medical premium share (cash payment) if required by your order when health insurance is not provided.

If your support order requires the custodial parent to provide health insurance coverage or to pay for uninsured medical expenses, you can apply for full child support enforcement services and:

1. Ask DCS to enforce the custodial parent's obligation to provide health insurance. DCS may enforce the obligation depending on the circumstances of your case.
2. Ask DCS to collect uninsured medical expenses including copayments, deductibles, and premiums as defined in WAC 388-14A-1020 from the custodial parent.

If your support order does not require the custodial parent to provide health insurance, a medical premium share, or to pay for uninsured medical expenses, as defined in WAC 388-14A-1020, you can apply to DCS to review your order for modification or you can petition for modification on your own.

Types of Appeals

Conference Board. A conference board is an administrative (noncourt) DCS process used to resolve many disputes, explain policies, and clarify facts.

1. A conference board may review both court-ordered and noncourt-ordered child support cases.
2. A conference board may issue a decision without a meeting with you. If you have a meeting, you may discuss your case with DCS management who may overrule prior DCS decisions. A conference board can change some actions taken by DCS staff but cannot change actions required by law.

Adjudicative Proceeding (hearing). A hearing is also an administrative (noncourt) process. A hearing is more formal than a conference board but less formal than a court action.

1. State law only offers a hearing for some situations. If DCS serves you a notice, the notice tells you if you have a right to a hearing. An Administrative Law Judge (ALJ) presides at a hearing. ALJs are not DCS employees.
2. In a hearing, an ALJ reviews your case and rules on your dispute. To stop DCS from enforcing your support order, you must ask for a hearing within 20 days (if you received the notice in Washington State) or within 60 days (if you received the notice outside Washington State) after you receive your notice.
 - a. You can ask for a hearing after the 20 or 60 day limit. DCS will enforce your support order until we receive a hearing decision. DCS will not refund any money collected while awaiting a hearing decision.
 - b. If you ask for a hearing more than one year after you receive your notice, you will need to show good cause (a good reason for making a late request). The ALJ may not grant your late request. However, you may have a right to a modification of your future child support obligation even if you do not have a good reason for a late hearing request.
3. You will be mailed a copy of the ALJ's decision. The ALJ's decision will contain information about your appeal rights.
4. If appropriate, DCS will tell both parties to your support order when we receive a request for a hearing. Both parties may take part in the hearing.

If you have questions:
DIVISION OF CHILD SUPPORT
PO BOX 11520
TACOMA WA 98411-5520

Within _____ calling area _____

Outside _____ calling area _____

TTY/TDD services available for the speech or hearing impaired.

Visit our web site at: www.dshs.wa.gov/dcs

No person, because of race, color, national origin, creed, religion, sex, age, or disability, shall be discriminated against in employment, services, or any aspect of the program's activities. This form is available in alternative formats upon request.

FG VER: (1.5)

LAW OFFICE OF ANTHONY H. CONNORS

1000 East Jewett Boulevard
Post Office Box 1116
White Salmon, WA 98672

WSBA No. # 0052
Phone: 509 193 2500
Fax: 509 193 1112

January 13, 2009

John Nelson
Post Office Box 418
Carson, WA 98610

Re: Support Modification

John:

The present child support order (see paragraphs 3.13 and 3.14) states that either party may petition the court regarding post secondary (college) support, so long as the petition is filed before the child turns 18 or finishes high school whichever happens last.

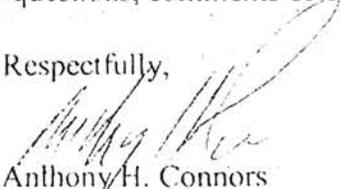
What a court will do when it receives such a petition is to try and figure out what the parties would have done had they stayed together. That is, had you and Connie stayed together, how much help would you have given Bailey under the circumstances. Those circumstances include how much each of you is earning, where Bailey is going to school, how much help she is receiving in the form of loans, scholarships, whether you and Connie went to college, etc. Obviously, this is awfully discretionary with the court and it is tough for the court. However, it absolutely does not mean, as Connie suggests, that you and Connie are "...obligated to pay fees and costs not covered by scholarships/loans."

Moreover, it is true that your support for Hayden will likely go up, even as your overall support goes down. That is because the "chart" assumes that one child costs more to support than one half of two children. Using the same incomes and percentages as the present 2006 support order has, your support for support payment to Connie would be \$406 (as compared to \$394) before any credits for health insurance, etc.

I simply do not know what you and Connie would have done in terms of helping the kids with college had you stayed together. Certainly it is worth talking to Connie and seeing if you can work out something about what you will pay for Hayden when Bailey leaves and what you will pay to the school or Bailey for her college education. However, it is important that Connie understand from the outset that there is no legal obligation for the two of you to fully subsidize your children's college education.

Please do not hesitate to call with any further questions, comments or concerns.

Respectfully,


Anthony H. Connors

AHC:kb

EXHIBIT A
1 OF 4

LAW OFFICE OF ANTHONY H. CONNORS

1000 East Jewett Boulevard
Post Office Box 1116
White Salmon, WA 98672

WSBA No. #20735
Phone: 509/493-2921
Fax: 509/493-1345

February 17, 2009

Connie Acker
3526 SW Corbett Avenue
Portland, OR 97239

Re: Nelson v. Acker; Modification of Child Support
Skamania County Superior Court Cause No. 97-3-00013-6

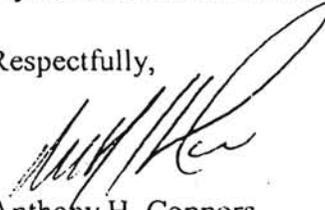
Ms. Acker:

As you can see by the enclosed response, John will agree to your proposed modification of child support so long as there is an automatic adjustment to Hayden only on September 1, 2009. This assumes Bailey will be at home until she starts school next fall.

Please understand that John is not opposed to helping Bailey defray her college expenses, but his ability to do so will be limited. It is also, of course, very difficult to know how much help Bailey may well need until it is a bit clearer where she will go and what sort of assistance, in terms of scholarships and loans and employment, will be available to her. John is willing to reserve on this issue until July or so when the court may make a more informed ruling. If all this is agreeable, I will be happy to prepare the necessary paperwork, including reserving on Bailey's postsecondary educational support.

Thank you for your attention. Please advise at your earliest convenience.

Respectfully,


Anthony H. Connors

AHC:kb
Enclosure
pc: John Nelson

EXHIBIT A
2 OF 4

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7 SUPERIOR COURT OF WASHINGTON
8 COUNTY OF SKAMANIA
9

10 In re:

11 JOHN ERIC NELSON,

Petitioner,

12 and

13 CONNIE LOUISE ACKER,

Respondent.

No. 97-3-00013-6

14
15 **RESPONSE TO PETITION FOR
16 MODIFICATION OF
17 CHILD SUPPORT
18 (RSP)**

15 To: **CONNIE LOUISE ACKER.**

16 1. **Admissions and Denials**

17 The allegations of the petition in this matter are *admitted* or *denied* as follows (check only one
18 for each paragraph):

19 Paragraph of the Petition

20 1.1 Admitted Denied Lacks Information
21 1.2 Admitted Denied Lacks Information
22 1.3 Admitted Denied Lacks Information
23 1.4 Admitted Denied Lacks Information
24 1.5 Admitted Denied Lacks Information
25 1.6 Admitted Denied Lacks Information

26 Each allegation of the petition that is denied, is denied for the following reasons (list separately):

27 1.4 is admitted in that the previous order was entered more than two years ago and there
28 is a need to extend support beyond the child's 18th birthday to allow the older child, Bailey, to
complete high school and that either or both parents should be required to maintain or provide
health insurance coverage consistent with RCW 26.09.105.

Resp to Pet for Mod of Child Suppt (RSP) - Page 1 of 2
WPF DRPSCU 06.0300 Mandatory, (6/2008) - CR 8; RCW 26.09.175

LAW OFFICE OF ANTHONY H. CONNORS
1000 East Jewett Blvd., P.O. Box 1116
White Salmon, Washington 98677
509/493-2921 FAX 509/493-1345

EXHIBIT A 3 OF 4

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1.4 is denied and responded to as lacks information because petitioner and motion respondent father does not agree that the oldest child should be dependent and relying upon her parents for the reasonable necessities of life and so in need of post secondary educational support if she attends college. At this point, father does not know which school the child may attend and what scholarships or loans will be available to her and thus submits that the court cannot adequately consider the factors of RCW 26.19.090 (2) without much of that information.

Father has a Bachelor of Science from University of Portland – acquired after an Associate's Degree from Clark College in Vancouver. His degrees were acquired by a combination of athletic scholarship and work. Mother has an Associate's Degree from Clark College and worked while attending school.

2. Request for Relief

- Does not apply.
 The court should modify the order of child support by:

Pursuant to child support worksheets submitted and providing for an automatic downward modification to one child effective September 1, 2009, if the older child attends college. The court should revisit, and the petitioner agrees to reserve, postsecondary education when adequate information is available.

- If the modification is granted, it should not start on the date the petition was filed because:

- it will result in an overpayment of child support.
 it will result in an underpayment of child support.
 other:

3. Notice of Further Proceedings

Notice of all further proceedings in this matter should be sent to the address below.

Dated: February 17, 2009

Notice to party: you may list an address that is not your residential address where you agree to accept legal documents. Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.

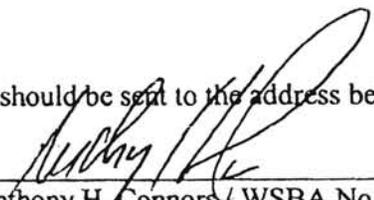

Anthony H. Connors / WSBA No. 20785
Attorney for Petitioner Father
1000 East Jewett Boulevard/Post Office Box 1116
White Salmon, WA 98672
509/493-2921
fax: 509/493-1345

EXHIBIT A
4 OF 4

LAW OFFICE OF ANTHONY H. CONNORS

1000 East Jewett Boulevard
Post Office Box 1116
White Salmon, WA 98672

WSBA No. #20785
Phone: 509/493-2921
Fax: 509/493-1315

**COPY FOR YOUR
INFORMATION**

March 27, 2009

Connie Acker
3526 SW Corbett Avenue
Portland, OR 97239

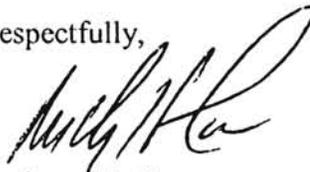
Re: Nelson v. Acker; Modification of Child Support
Skamania County Superior Court Cause No. 97-3-00013-6

Connie:

I sent you a letter on February 17, 2009. Please advise as to how you want to proceed with your action to modify child support.

Thank you for your attention. Please do not hesitate to call with any questions, comments or concerns.

Respectfully,



Anthony H. Connors

AHC:kb

pc: John Nelson

11/10/09

John Nelson

EXHIBIT B

1 OF 1

RCW 26.19.090

Standards for postsecondary educational support awards.

(1) The child support schedule shall be advisory and not mandatory for postsecondary educational support.

And I want to exercise my right

(2) When considering whether to order support for postsecondary educational expenses, the court shall determine whether the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs; the expectations of the parties for their children when the parents were together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought; and the parents' level of education, standard of living, and current and future resources. Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together.

(3) The child must enroll in an accredited academic or vocational school, must be actively pursuing a course of study commensurate with the child's vocational goals, and must be in good academic standing as defined by the institution. The court-ordered postsecondary educational support shall be automatically suspended during the period or periods the child fails to comply with these conditions.

(4) The child shall also make available all academic records and grades to both parents as a condition of receiving postsecondary educational support. Each parent shall have full and equal access to the postsecondary education records as provided in RCW 26.09.225.

(5) The court shall not order the payment of postsecondary educational expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical, or emotional disabilities.

(6) The court shall direct that either or both parents' payments for postsecondary educational expenses be made directly to the educational institution if feasible. If direct payments are not feasible, then the court in its discretion may order that either or both parents' payments be made directly to the child if the child does not reside with either parent. If the child resides with one of the parents the court may direct that the parent making the support transfer payments make the payments to the child or to the parent who has been receiving the support transfer payments.

[1991 sp.s. c 28 § 7; 1990 1st ex.s. c 2 § 9.]

Notes:

Severability -- Effective date -- Captions not law -- 1991 sp.s. c 28: See notes following RCW 26.09.100.

Effective dates -- Severability -- 1990 1st ex.s. c 2: See notes following RCW 26.09.100

RCW 26.09.225

Access to child's education and health care records.

(1) Each parent shall have full and equal access to the education and health care records of the child absent a court order to the contrary. Neither parent may veto the access requested by the other parent.

(2) Educational records are limited to academic, attendance, and disciplinary records of public and private schools in all grades kindergarten through twelve and any form of alternative school for all periods for which child support is paid or the child is the dependent in fact of the parent requesting access to the records.

(3) Educational records of postsecondary educational institutions are limited to enrollment and academic records necessary to determine, establish, or continue support ordered pursuant to RCW 26.19.090.

[1991 sp.s. c 28 § 3; 1990 1st ex.s. c 2 § 18; 1987 c 460 § 17.]

Notes:

EXHIBIT C

3888
11/25/2010
National Park

JOHN E. NELSON 10-96
81 DOGWOOD ST.
P.O. BOX 418 509-427-5428
CARSON, WA 98610

Pay to the order of Cornie Acker \$ 150.00
One hundred - fifty AND 00/100

FIRST INDEPENDENT
CLIENT HELP LINE 360-888-4200

SMART CHECKING PLUS

John E. Nelson

⑆123305378⑆ 2⑆ 0008832⑆ 03888 ⑆0000015000⑆

Date 01-29-2010 Account 2100088324 Deposits Account 0
Amount 150.00 Serial 3888 Sequence 2503500055340 TranCode 0
Transit/Routing 123305378

3875
12/18/2009
National Park

JOHN E. NELSON 10-96
81 DOGWOOD ST.
P.O. BOX 418 509-427-5428
CARSON, WA 98610

Pay to the order of Cornie Acker \$ 450.00
Four hundred - fifty AND 00/100

FIRST INDEPENDENT
CLIENT HELP LINE 360-888-4200

SMART CHECKING PLUS

John E. Nelson

⑆123305378⑆ 2⑆ 0008832⑆ 03875 ⑆0000015000⑆

Date 01-04-2010 Account 2100088324 Deposits Account 0
Amount 450.00 Serial 3875 Sequence 1501900052720 TranCode 0
Transit/Routing 123305378

3865
11/25/2009
National Park

JOHN E. NELSON 10-96
81 DOGWOOD ST.
P.O. BOX 418 509-427-5428
CARSON, WA 98610

Pay to the order of Cornie Acker \$ 346.00
Three hundred - forty six AND 00/100

FIRST INDEPENDENT
CLIENT HELP LINE 360-888-4200

SMART CHECKING PLUS

John E. Nelson

⑆123305378⑆ 2⑆ 0008832⑆ 03865 ⑆0000034600⑆

Date 12-03-2009 Account 2100088324 Deposits Account 0
Amount 346.00 Serial 3865 Sequence 2504400081790 TranCode 0
Transit/Routing 123305378

3852
10/30/2009
National Park

JOHN E. NELSON 10-96
81 DOGWOOD ST.
P.O. BOX 418 509-427-5428
CARSON, WA 98610

Pay to the order of Cornie Acker \$ 346.00
Three hundred - forty six AND 00/100

FIRST INDEPENDENT
CLIENT HELP LINE 360-888-4200

SMART CHECKING PLUS

John E. Nelson

⑆123305378⑆ 2⑆ 0008832⑆ 03852 ⑆0000034600⑆

Date 11-05-2009 Account 2100088324 Deposits Account 0
Amount 346.00 Serial 3852 Sequence 2503500055840 TranCode 0
Transit/Routing 123305378

3825
10/6/2009
National Park

JOHN E. NELSON 10-96
81 DOGWOOD ST.
P.O. BOX 418 509-427-5428
CARSON, WA 98610

Pay to the order of Cornie Acker \$ 346.00
Three hundred - forty six AND 00/100

FIRST INDEPENDENT
CLIENT HELP LINE 360-888-4200

SMART CHECKING PLUS

John E. Nelson

⑆123305378⑆ 2⑆ 0008832⑆ 03825 ⑆0000034600⑆

Date 10-09-2009 Account 2100088324 Deposits Account 0
Amount 346.00 Serial 3825 Sequence 2503300050190 TranCode 0
Transit/Routing 123305378

2112 02652
US Bank (A.F.D.M.)
1700 E Energy Blvd
Portland, OR 97233
P1230002204

JUN 27 10

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ENT=0960 TRC=0977

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4158853757

C. Nelson

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01042010
ENT=1950 TRC=1950 PK=05

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ACCT 00153603736544

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C. Nelson

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S/T 034 10 99 PRT 13
ACCT 00153603736544

4236899399

C. Nelson

2116 57510
11/16/2009
National Park

0121720250

12399229 11032189 1931
S/T 034 10 99 PRT 13
ACCT 00153603736544

3532994297

C. Nelson

2352 09971
US Bank (A.F.D.M.)
1700 E Energy Blvd
Portland, OR 97233
P1230002204

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12399229 10992689 2138
S/T 034 10 99 PRT 13
ACCT 00153603736544

4232523278

C. Nelson

EXHIBIT D
10f2

JOHN E. NELSON, 10-96
81 DOGWOOD ST.
P.O. BOX 418 509-427-5428
CARSON, WA 98610

3819

9/15/1 2009

Connie Acker \$ 346.00

Three hundred forty six AND 00/100

FIRST INDEPENDENT
CLIENT HELP LINE 360-888-4200

SMART CHECKING PLUS

Child Support Pmt J E Nelson
⑆123305378⑆ 2⑆00088324⑆ 03819 ⑆0000034600⑆

Date 09-21-2009 Account 2100088324 Deposit Account 0
Amount 346.00 Serial 3819 Sequence 1500800003390 TranCode 0
Transit/Routing 123305378

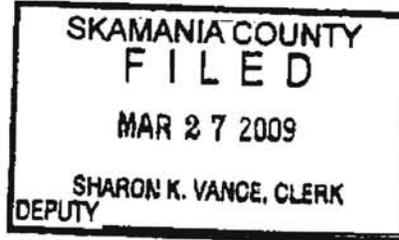
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2151 74504

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EXHIBIT D



Superior Court of Washington
County of Skamania

In re:
JOHN ERIC NELSON

No. 97-3-00013-6

Petition for Modification/
Adjustment of Custody Decree/
Parenting Plan/Residential
Schedule
(PTMD)

and
Petitioner,

CONNIE LOUISE ACKER

Respondent.

Para. 2.14: check box if petition is
attached for:

- Order for protection DV (PTORPRT)
- Order for protection UH (PTORAH)

1.1 Identification of Requesting Party/Parties

Name (first/last) John Nelson Birth date 01-25-1961

Last known residence (county and state only) Skamania, Washington

Name (first/last) Birth date

Last known residence (county and state only) Skamania, Washington

1.2 Identification of Other Party/Parties

Name (first/last) Connie Acker Birth date 04-10-1962

Last known residence (county and state only)

Name (first/last) Birth date

Last known residence (county and state only)

Name (first/last) Birth date

Last known residence (county and state only)

1.3 Dependent Children

Name (first/last) Hayden Nelson _____ Age 15 _____

Name (first/last) _____ Age _____

II. Basis

2.1 Petition for an Order Modifying Custody Decree/Parenting Plan/Residential Schedule

This is a petition for an order modifying the prior custody decree/parenting plan/residential schedule in this matter and approving the proposed parenting plan/residential schedule, which is filed with this petition.

2.2 Adequate Cause

There is adequate cause for hearing the petition for modification.

2.3 Child Support

Does not apply.

Child support should be modified or established if the court grants the petition to modify the parenting plan or residential schedule. A child support worksheet and financial declaration must be filed with this action. RCW 26.09.170.

2.4 Jurisdiction and Venue

The court has proper jurisdiction and venue.

The requesting party/parties reside(s) in (county and state only) Skamania, Washington _____

The children reside in (county and state only) Skamania, Washington _____

The other party/parties reside(s) in (county and state only) _____

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2.5 Jurisdiction Over Proceeding

This court has jurisdiction over this proceeding for the reasons below:

- This court has exclusive continuing jurisdiction. The court has previously made a child custody, parenting plan, residential schedule or visitation determination in this matter and retains jurisdiction under RCW 26.27.211.
- This state is the home state of the children because:
 - the children lived in Washington with a parent or a person acting as a parent for at least six consecutive months immediately preceding the commencement of this proceeding.
 - the children are less than six months old and have lived in Washington with a parent or a person acting as parent since birth.
 - any absences from Washington have been only temporary.
 - Washington was the home state of the children within six months before the commencement of this proceeding and the children are absent from the state but a parent or person acting as a parent continues to live in this state.
- The children and the parents or the children and at least one parent or a person acting as a parent have significant connection with the state other than mere physical presence, and substantial evidence is available in this state concerning the children's care, protection, training and personal relationships, and:
 - The children have no home state elsewhere.
 - The children's home state has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under RCW 26.27.261 or .271.
- All courts in the children's home state have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the children under RCW 26.27.261 or .271.
- No other state has jurisdiction.
- This court has temporary emergency jurisdiction over this proceeding because the children are present in this state and the children have been abandoned or it is necessary in an emergency to protect the children because the children, or a sibling or parent of the children is subjected to or threatened with abuse. RCW 26.27.231.
- There is a previous custody determination that is entitled to be enforced under this chapter or a child custody proceeding has been commenced in a court of a state having jurisdiction under RCW 26.27.201 through 26.27.221. The requirements of RCW 26.27.231(3) apply to this matter. This state's jurisdiction over the children shall last until (date) _____.
- There is no previous custody determination that is entitled to be enforced under this chapter and a child custody proceeding has not been commenced in a court of a state having jurisdiction under RCW 26.27.201 through 26.27.221. If an

action is not filed in (potential home state) _____
by the time the child has been in Washington for six months,
(date) _____, then Washington's jurisdiction
will be final and continuing.

Other:

2.6 Uniform Child Custody Jurisdiction and Enforcement Act Information

<u>Name of Child</u>	<u>Parent's Name</u>	<u>Parent's Name</u>
Hayden Nelson	John Nelson (Father)	Connie Acker (Mother)

During the last five years, the children have lived:

- in no place other than the state of Washington and with no person other than the requesting party or the other party.
- in the following places with the following persons (list each place the children lived, including the state of Washington, the dates the children lived there and the names of the persons with whom the children lived. The present addresses of those persons must be listed in the required Confidential Information Form.):

Claims to custody or visitation:

- The requesting party does not know of any person other than the other party who has physical custody of, or claims to have custody or visitation rights to, the children.
- The following persons have physical custody of, or claim to have custody or visitation rights to, the children (list their names and the children concerned below and list their present addresses in the Confidential Information Form. Do not list the other party.):

Involvement in any other proceeding concerning the children:

- The requesting party has not been involved in any other proceeding regarding the children.
- The requesting party has been involved in the following proceedings regarding the children (list the court, the case number, and the date of the judgment or order):

Other legal proceedings concerning the children:

- The requesting party does not know of, any other legal proceedings concerning the children.
- The requesting party knows of, the following legal proceedings that concern the children (list the children concerned, the court, the case number, and the kind of proceeding):

2.7 Custody Decree or Parenting Plan/Residential Schedule

The Custody Decree/Parenting Plan/Residential Schedule was entered on (date) December 8, 1997_ at (county and state) Skamania, Washington. A certified copy of the Custody Decree/Parenting Plan /Residential Schedule to be modified is filed with or attached to this petition, if the decree or plan to be modified was entered in another county or state.

2.8 Modification Under RCW 26.09.260(1), (2)

- Does not apply.
- The custody decree/parenting plan/residential schedule should be modified because a substantial change of circumstances has occurred in the circumstances of the children or the other party and the modification is in the best interests of the children and is necessary to serve the best interests of the children. This request is based on the factors below.
 - The parties agree to the modification.
 - The children have been integrated into my family with the consent of the other party in substantial deviation from the decree/parenting plan/residential schedule.
 - The children's environment under the custody decree/parenting plan/residential schedule is detrimental to the children's physical, mental or emotional health and the harm likely to be caused by a change in environment is outweighed by the advantage of a change to the children.
 - The other party has been found in contempt of court at least twice within three years because the party failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

2.9 Modification or Adjustment Under RCW 26.09.260(4) or (8)

- Does not apply.

- The custody decree/parenting plan/residential schedule should be **modified** because the reduction or restriction of the residential time for the person with whom the child does not reside a majority of the time would serve and protect the best interests of the child using the criteria in RCW 26.09.191, as described here:

- The custody decree/parenting plan/residential schedule should be **adjusted** because the nonresidential party has voluntarily failed to exercise residential time for one year or more and the adjustment is in the best interest of the children.

2.10 Adjustments to Residential Provisions Under RCW 26.09.260(5)(a) and (b)

- Does not apply.
- The custody decree/parenting plan/residential schedule should be adjusted because a substantial change in circumstances of either parent or of the child has occurred and the proposed modification to the custody decree/parenting plan/residential schedule is in the best interest of the children and is a minor modification in the residential schedule that does not change the residence the children are scheduled to reside in the majority of the time and:
- is not more than 24 full days in a calendar year; or
 - is based on a change of residence of the parent with whom the child does not reside a majority of the time or an involuntary change in work schedule by a party which makes the residential schedule in the parenting plan impractical to follow.

2.11 Adjustments to Residential Provisions Under RCW 26.09.260(5)(c), (7), (9)

- Does not apply.

This section only applies to a person with whom the child does not reside a majority of the time who is seeking to increase residential time.

2.11.1 Parent subject to limitations under RCW 26.09.191(2) or (3)

- The residential time of (name) John Nelson is not subject to limitations.
- The residential time of (name) _____ is subject to limitations. This parent demonstrates a substantial change in circumstances specifically related to the basis for the limitation.

2.11.2 Parent Required to Complete Evaluations, Treatment, Parenting or Other Classes

- (Name) _____ is not required under the existing Parenting Plan/Residential Schedule to complete evaluations, treatment, parenting or other classes.
- (Name) _____, is required by the existing Parenting Plan/Residential Schedule to complete evaluations, treatment, parenting or other classes. This parent has fully complied with such requirements as described here:

2.11.3 Adjustment to Residential Provision Under RCW 26.09.260(5)(c)

- The Custody Decree/Parenting Plan/Residential Schedule should be adjusted because a substantial change in circumstances of (parent's name) _____ or (child(ren)'s name(s)) _____ has occurred. The proposed modification to the Custody Decree/Parenting Plan/Residential Schedule is in the best interest of the children. It is a minor modification in the residential schedule that does not change the residence the children are scheduled to reside in the majority of the time. The increase is more than 24 full days but less than 90 overnights per year total. The Custody Decree/Parenting Plan/Residential Schedule does not provide reasonable time with the nonprimary residential party.

2.12 Adjustments to Nonresidential Provisions Under RCW 26.09.260(10)

- Does not apply.
- The following nonresidential provisions of the parenting plan should be adjusted because there is a substantial change of circumstances of either party or of the children and the adjustment is in the best interest of the children:
- Dispute resolution.
 - Decision making.
 - Transportation arrangements.
 - Other:

2.13 Substantial Change in Circumstance

(You must complete this part if you request a modification or adjustment in paragraphs 2.8, 2.10, 2.11.1, 2.11.3 or 2.12.)

The requested modification or adjustment of the custody decree/parenting plan/residential schedule is based upon the following substantial change in circumstance:

Our son Hayden (age 15) has deeply expressed his desire to live with me (his dad) as the primary resident due to the years of emotional and physical abuse brought on him by his mother. His older sister, Bailey (age 18) resides with their mother and has also physically and emotionally abused Hayden. Hayden is unhappy and experiences a high level of stress living with his mom and sister. Hayden's friends will not call or come over when he is staying with his mom because they do not care for her. His friends will wait until he is with me to invite him to do activities or come over to visit Hayden when he is with me. When Hayden is with me, he is relaxed, happy and enjoys himself. He feels no stress and is treated with respect. There are no disciplinary problems when Hayden is with me. Hayden does not want to go back to his mom's house when his visitation time with me is over.

2.14 Protection Order

- Does not apply.
- There is a protection order between the parties filed in case number _____, court _____, which expires on (date) _____.
- The court should grant the domestic violence antiharassment petition for order for protection:
 - attached to this petition.
 - filed separately under this case number case number _____.

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If you need immediate protection, contact the clerk/court for RCW 26.50 Domestic Violence forms or RCW 10.14 Antiharassment forms.

2.15 Servicemembers Civil Relief Act Statement

2.15.1 A. Service member status -- (name of other party) _____:

- is not a service member;
- is on active duty in the U.S. armed forces (excluding National Guard and reserves);
- is on active duty and is a National Guard member or a Reservist residing in Washington;
- is not on active duty in the U.S. armed forces (excluding National Guard and reserves);
- is not on active duty and is a National Guard member or a Reservist residing in Washington;
- I am unable to determine whether the other party is or is not on active duty in the U.S. armed forces;
- I am unable to determine whether the other party is or is not on active duty as a National Guard member or a Reservist residing in Washington.

B. Factual basis:

- See the attached Defense Man Power Data Center Report obtained from <https://www.dmdc.osd.mil/scra/owa/home>.
- Other factual basis:

C. As indicated above, the other party is on active duty and (check all that apply):

- The other party is represented by an attorney.
- The court has appointed an attorney to represent the other party.
- A stay of these proceedings has has not been entered by the court.

2.15.2 A. Dependent of a service member status -- (name of other party) _____:

- is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;
- is not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;
- I am unable to determine whether the other party is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.

B. Factual basis:

- The other party failed to respond to a notice to him or her as a dependent of a person in Military Service that was served on mailed by first class mail on (date) _____, therefore he or she should be presumed not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.
- Other factual basis:

Joinder

I, _____, join in the petition. I understand that by joining in the petition, a decree or judgment and order may be entered in accordance with the relief requested in the petition unless, prior to the entry of the decree or judgment and order, a response is filed and served.

I waive notice of entry of the decree.

I demand notice of all further proceedings in this matter. Further notice should be sent to the following address (you may list an address that is not your residential address where you agree to accept legal documents):

Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.

Date Signature Print Name

I, _____, join in the petition. I understand that by joining in the petition, a decree or judgment and order may be entered in accordance with the relief requested in the petition unless, prior to the entry of the decree or judgment and order, a response is filed and served.

I waive notice of entry of the decree.

I demand notice of all further proceedings in this matter. Further notice should be sent to the following address (you may list an address that is not your residential address where you agree to accept legal documents):

Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.

Date Signature Print Name

I, _____, join in the petition. I understand that by joining in the petition, a decree or judgment and order may be entered in accordance with the relief requested in the petition unless, prior to the entry of the decree or judgment and order, a response is filed and served.

I waive notice of entry of the decree.

I demand notice of all further proceedings in this matter. Further notice should be sent to the following address (you may list an address that is not your residential address where you agree to accept legal documents):

EXHIBIT E
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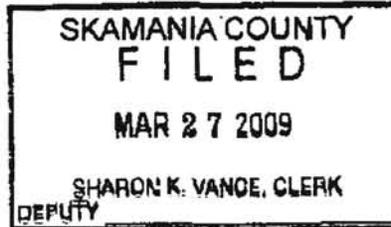
Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.

Date

Signature

Print Name

EXHIBIT E
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Superior Court of Washington
County of *Skamania*

In re the Marriage of:
 In re the Domestic Partnership of:

JOHN ERIC NELSON
and
CONNIE LOUISE ACKER
Petitioner,
Respondent.

No. 97-3-00013-6

Parenting Plan
 Proposed (PPP)
 Temporary (PPT)
 Final Order (PP)

This parenting plan is:

- the final parenting plan signed by the court pursuant to a decree of dissolution, legal separation, or declaration concerning validity signed by the court on this date or dated _____.
- the final parenting plan signed by the court pursuant to an order signed by the court on this date or dated _____, which modifies a previous parenting plan or custody decree.
- a temporary parenting plan signed by the court.
- proposed by (name) John Eric Nelson

It Is Ordered, Adjudged and Decreed:

I. General Information

This parenting plan applies to the following children:

<u>Name</u>	<u>Age</u>
Hayden Acker Nelson	15

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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(ren) and the right to make decisions for the child(ren).

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

- Does not apply.
- The petitioner's respondent's residential time with the child(ren) shall be limited or restrained completely, and mutual decision-making and designation of a dispute resolution process other than court action shall not be required, because this parent a person residing with this parent has engaged in the conduct which follows:
 - Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions (this applies only to parents, not to a person who resides with a parent).
 - Physical, sexual or a pattern of emotional abuse of a child.
 - A history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

2.2 Other Factors (RCW 26.09.191(3))

- Does not apply.
- The petitioner's respondent's involvement or conduct may have an adverse effect on the child(ren)'s best interests because of the existence of the factors which follow:
 - Neglect or substantial nonperformance of parenting functions.
 - A long-term emotional or physical impairment which interferes with the performance of parenting functions as defined in RCW 26.09.004.
 - A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions.
 - The absence or substantial impairment of emotional ties between the parent and child.
 - The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development.
 - A parent has withheld from the other parent access to the child for a protracted period without good cause.
 - Other:

III. Residential Schedule

The residential schedule must set forth where the child(ren) shall reside each day of the year, including provisions for holidays, birthdays of family members, vacations, and other special occasions, and what contact the child(ren) shall have with each parent. Parents are encouraged to create a residential schedule that meets the developmental needs of the child(ren) and individual needs of their family. Paragraphs 3.1 through 3.9 are one way to write your residential schedule. If you do not use these paragraphs, write in your own schedule in Paragraph 3.13.

3.1 Schedule for Children Under School Age

- There are no children under school age.
 Prior to enrollment in school, the child(ren) shall reside with the petitioner respondent, except for the following days and times when the child(ren) will reside with or be with the other parent:
- from (day and time) Friday 6:00 p.m. to (day and time) Monday 8:00 a.m.
- every week every other week the first and third week of the month
 the second and fourth week of the month other:
- from (day and time) _____ to (day and time) _____
- every week every other week the first and third week of the month
 the second and fourth week of the month other:

3.2 School Schedule

Upon enrollment in school, the child(ren) shall reside with the petitioner respondent, except for the following days and times when the child(ren) will reside with or be with the other parent:

- from (day and time) Friday 6:00 p.m. to (day and time) Monday 8:00 a.m.
- every week every other week the first and third week of the month
 the second and fourth week of the month other:
- From (day and time) _____ to (day and time) _____
- every week every other week the first and third week of the month
 the second and fourth week of the month other:

- The school schedule will start when each child begins kindergarten first grade
 other:
High School Spring Term

3.3 Schedule for Winter Vacation

The child(ren) shall reside with the petitioner respondent during winter vacation, except for the following days and times when the child(ren) will reside with or be with the other parent:

4:00 – 11:00 p.m. Christmas Eve

3.4 Schedule for Other School Breaks

The child(ren) shall reside with the petitioner respondent during other school breaks, except for the following days and times when the child(ren) will reside with or be with the other parent:

Spring Break – During odd years, the nonresidential parent shall have the child from 5:00 p.m. the day school is out until 7:00 p.m. the next Wednesday. During even years, the nonresidential parent shall have the child from 7:00 p.m. the Wednesday until 5:00 p.m. the following Sunday.

3.5 Summer Schedule

Upon completion of the school year, the child(ren) shall reside with the petitioner respondent, except for the following days and times when the child(ren) will reside with or be with the other parent:

- Same as school year schedule.
 Other:

3.6 Vacation With Parents

- Does not apply.
 The schedule for vacation with parents is as follows:

3.7 Schedule for Holidays

The residential schedule for the child(ren) for the holidays listed below is as follows:

	With Petitioner (Specify Year <u>Odd/Even/Every</u>)	With Respondent (Specify Year <u>Odd/Even/Every</u>)
New Year's Day	Every _____	_____
Martin Luther King Day	Every _____	_____
Presidents' Day	Every _____	_____
Memorial Day	Every _____	_____
July 4th	Odd _____	Even _____
Labor Day	Every _____	_____
Veterans' Day	Odd _____	Even _____
Thanksgiving Day	Odd _____	Even _____
Christmas Eve	_____	Every _____
Christmas Day	Every _____	_____
_____	_____	_____
_____	_____	_____

- For purposes of this parenting plan, a holiday shall begin and end as follows (set forth times):
- Holidays which fall on a Friday or a Monday shall include Saturday and Sunday.
- Other:

3.8 Schedule for Special Occasions

The residential schedule for the child(ren) for the following special occasions (for example, birthdays) is as follows:

	With Petitioner (Specify Year <u>Odd/Even/Every</u>)	With Respondent (Specify Year <u>Odd/Even/Every</u>)
Mother's Day _____	_____	Every _____
Father's Day _____	Every _____	_____
Mother's Birthday _____	_____	Every _____
Father's Birthday _____	Every _____	_____
Hayden's Birthday _____	Odd _____	Even _____
Easter _____	Odd _____	Even _____

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- Other: Parent's day shall be from 9:00 a.m. to 6:00 p.m. if the date falls on a weekend; 5:00 p.m. to 6:00 p.m. if the date falls during the week.

3.9 Priorities Under the Residential Schedule

- Does not apply because one parent has no visitation or restricted visitation.
 Paragraphs 3.3 - 3.8, have priority over paragraphs 3.1 and 3.2, in the following order:

- Rank the order of priority, with 1 being given the highest priority:

<input type="checkbox"/> winter vacation (3.3)	<input type="checkbox"/> holidays (3.7)
<input type="checkbox"/> school breaks (3.4)	<input type="checkbox"/> special occasions (3.8)
<input type="checkbox"/> summer schedule (3.5)	<input type="checkbox"/> vacation with parents (3.6)

- Other:
Special Occasions have priority over holidays; holidays have priority over other visitation schedules.

3.10 Restrictions

- Does not apply because there are no limiting factors in paragraphs 2.1 or 2.2.
 The petitioner's respondent's residential time with the children shall be limited because there are limiting factors in paragraphs 2.1 and 2.2. The following restrictions shall apply when the children spend time with this parent:

If physical and emotional abuse continue, residential time with child will cease.

- There are limiting factors in paragraph 2.2, but there are no restrictions on the petitioner's respondent's residential time with the children for the following reasons:

3.11 Transportation Arrangements

Transportation costs are included in the Child Support Worksheets and/or the Order of Child Support and should not be included here.

Transportation arrangements for the child(ren), between parents shall be as follows:

Father to pick up child at mother's; mother to pick up child at father's.

3.12 Designation of Custodian

The children named in this parenting plan are scheduled to reside the majority of the time with the petitioner respondent. This parent is designated the custodian of the child(ren) 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

3.14 Summary of RCW 26.09.430 - .480, Regarding Relocation of a Child

This is a summary only. For the full text, please see RCW 26.09.430 through 26.09.480.

If the person with whom the child resides a majority of the time plans to move, that person shall give notice to every person entitled to court ordered time with the child.

If the move is outside the child's school district, the relocating person must give notice by personal service or by mail requiring a return receipt. This notice must be at least 60 days before the intended move. If the relocating person could not have known about the move in time to give 60 days' notice, that person must give notice within 5 days after learning of the move. The notice must contain the information required in RCW 26.09.440. See also form DRPSCU 07.0500, (Notice of Intended Relocation of A Child).

If the move is within the same school district, the relocating person must provide actual notice by any reasonable means. A person entitled to time with the child may not object to the move but may ask for modification under RCW 26.09.260.

Notice may be delayed for 21 days if the relocating person is entering a domestic violence shelter or is moving to avoid a clear, immediate and unreasonable risk to health and safety.

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

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

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

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

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

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

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

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

IV. Decision Making

4.1 Day-to-Day Decisions

Each parent shall make decisions regarding the day-to-day care and control of each child while the child is residing with that parent. Regardless of the allocation of decision making in this parenting plan, either parent may make emergency decisions affecting the health or safety of the children.

4.2 Major Decisions

Major decisions regarding each child shall be made as follows:

Education decisions	<input checked="" type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint
Non-emergency health care	<input checked="" type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint
Religious upbringing	<input checked="" type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint
_____	<input type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint
_____	<input type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint
_____	<input type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint
_____	<input type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint

_____ petitioner respondent joint
_____ petitioner respondent joint

4.3 Restrictions in Decision Making

- Does not apply because there are no limiting factors in paragraphs 2.1 and 2.2 above.
- Sole decision making shall be ordered to the petitioner respondent for the following reasons:
- A limitation on the other parent's decision making authority is mandated by RCW 26.09.191 (See paragraph 2.1).
 - Both parents are opposed to mutual decision making.
 - One parent is opposed to mutual decision making, and such opposition is reasonably based on the following criteria:
 - (a) The existence of a limitation under RCW 26.09.191;
 - (b) The history of participation of each parent in decision making in each of the areas in RCW 26.09.184(4)(a);
 - (c) Whether the parents have demonstrated ability and desire to cooperate with one another in decision making in each of the areas in RCW 26.09.184(4)(a); and
 - (d) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.
- There are limiting factors in paragraph 2.2, but there are no restrictions on mutual decision making for the following reasons:

V. Dispute Resolution

The purpose of this dispute resolution process is to resolve disagreements about carrying out this parenting plan. This dispute resolution process may, and under some local court rules or the provisions of this plan must be used before filing a petition to modify the plan or a motion for contempt for failing to follow the plan.

- Disputes between the parties, other than child support disputes, shall be submitted to (list person or agency):
- counseling by _____, or

mediation by Gorge Mediation of Hood River, Oregon, if this box is checked and issues of domestic violence or child abuse are present, then the court finds that the victim requested mediation, that mediation is appropriate and that the victim is permitted to have a supporting person present during the mediation proceedings, or

arbitration by _____.

The cost of this process shall be allocated between the parties as follows:

- _____% petitioner _____% respondent.
 based on each party's proportional share of income from line 6 of the child support worksheets.
 as determined in the dispute resolution process.

The dispute resolution process shall be commenced by notifying the other party by written request certified mail other:

In the dispute resolution process:

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

No dispute resolution process, except court action is ordered.

VI. Other Provisions

- There are no other provisions.
 There are the following other provisions:

VII. Declaration for Proposed Parenting Plan

- Does not apply.
- (Only sign if this is a proposed parenting plan.) I declare under penalty of perjury under the laws of the state of Washington that this plan has been proposed in good faith and that the statements in Part II of this Plan are true and correct.

John E. Nelson
 Petitioner

3/27/09
 Date and Place of Signature

 Respondent

 Date and Place of Signature

VIII. Order by the Court

It is ordered, adjudged and decreed that the parenting plan set forth above is adopted and approved as an order of this court.

WARNING: Violation of residential provisions of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under RCW 9A.40.060(2) or 9A.40.070(2). Violation of this order may subject a violator to arrest.

When mutual decision making is designated but cannot be achieved, the parties shall make a good faith effort to resolve the issue through the dispute resolution process.

If a parent fails to comply with a provision of this plan, the other parent's obligations under the plan are not affected.

Dated: _____

Judge/Commissioner

Presented by: _____

Approved for entry: _____

 Signature of Party or Lawyer/WSBA No.

 Signature of Party or Lawyer/WSBA No.

 Print Name

 Print Name

EXHIBIT E
23 OF 23

CONNIE L. ACKER
3518 S.W. Corbett Avenue
Portland, OR 97239

October 7, 2009

VIA FAX and REGULAR MAIL

Anthony H. Connors
Attorney at Law
PO Box 1116
White Salmon, WA 98672

**COPY FOR YOUR
INFORMATION**

Re: Nelson and Acker
Child Support Modification

Dear Mr. Connors:

As you are aware, I filed a Petition for Child Support Modification in February, 2009. Subsequently, your client filed his petition for change of custody. I have taken no additional action on the support modification awaiting the outcome of your client's custody modification. Unfortunately, your client's custody modification proceeding has dragged on far too long.

Your client has now decided to reduce his support payments by half commencing September 1, 2009. This is unacceptable. Our daughter is in college and needs his support. I assume Mr. Nelson is still covering Bailey under his medical insurance. If this is not the case, please contact me immediately so that I may take immediate action to cover her.

Here is my settlement offer: I will forego asking for additional support for Bailey's college expenses, although I still believe it is Mr. Nelson's obligation as her father to assist her with her college expenses in addition to his monthly support obligation. I will however, require, that Mr. Nelson continue paying child support for Bailey and Hayden while they attend college. I don't want to have to visit this matter again when Hayden turns 18, so I would like to resolve the issue with Hayden as well. In addition, Mr. Nelson would continue to cover Bailey and Hayden under his health insurance while they attend college.

Please discuss this matter with your client. If he is willing to accept this offer, please provide me with copies of Mr. Nelson's 2007 and 2008 tax returns to verify his income and calculate the support obligation.

Connie L. Acker

503.341.9279 (cell) • 509.427.4278 (home)

EXHIBIT F

1 OF 2

LAW OFFICE OF ANTHONY H. CONNORS

1000 East Jewett Boulevard
Post Office Box 1116
White Salmon, WA 98672

WSBA No. #20735
Phone: 509-493-2921
Fax: 509-493-1315

**COPY FOR YOUR
INFORMATION**

October 21, 2009

Connie Acker
3526 SW Corbett Avenue
Portland, OR 97239

Re: Nelson v. Acker; Modification of Child Support
Skamania County Superior Court Cause No. 97-3-00013-6

Connie:

The Court may order post secondary education expenses after considering the various factors in RCW 26.19.090. Your letter of October 7, 2009 does not specify how much you or John would pay and to whom.

I do not mean to sound offensive but I do not understand what you are proposing with sufficient particularity to productively respond.

Please advise what you think should be paid by each of you, to whom and why and I will be happy to talk to John about it.

Respectfully,

*MAILED IN HIS ABSENCE
TO AVOID DELAY*

KMB

Anthony H. Connors

AHC:kb

pc: John Nelson

EXHIBIT G

1 OF 1

CONNIE L. ACKER
 3518 S.W. Corbett Avenue
 Portland, OR 97239

October 22, 2009

VIA FAX ONLY - 509.493.1345

COPY FOR YOUR INFORMATION

Anthony H. Connors
PO Box 1116
White Salmon, WA 98672

Re: Nelson and Acker
Modification of Chil Support

Dear Mr. Connors:

I will attempt to more-clearly explain my position so that you and your client can understand what I am proposing.

1. Bailey is 18 years old.
2. Bailey is a dependent. She continues to rely on her parents for the reasonable necessities of life while she is attending college. Her auto insurance must be paid and her dentist and medical bills after insurance coverage must be paid. Additional food is purchased on her behalf to supplement her meal plan at college. She continues to need clothing, shoes, makeup, etc.; the needs of an average 18-year-old.
3. When Mr. Nelson and I were together, we expected that both our children would attend college, whether this was a community college, state university or private college. Bailey chose a private college, Linfield College. Bailey is enrolled full-time at an accredited college, she is pursuing the study of elementary education, and she is in good standing academically.
4. Bailey is a bright, talented, and hard-working young woman. She has the right to decide which college she attends. In making that choice, she is aware that she will finish college owing student loans. She also understands that she needs to work during the summer and, in fact, has work study at Linfield. She applied and received some scholarships her senior year of high school that defrayed a portion of her first-year college expenses.

Connie L. Acker
 503.341.9279 (cell) • 509.427.4278 (home)

EXHIBIT H
1 OF 2

CONNIE L. ACKER
3518 S.W. Corbett Avenue
Portland, OR 97239

5. I attended a community college. I had no wish to do otherwise. Bailey has the aptitude and drive to attend college and have a different experience. I was assisted financially by my parents all through my college career. My parents paid my car payment and insurance, provided gas money, paid my insurance and medical/dental bills not covered by insurance, etc. I have an associate's degree.

6. Mr. Nelson attended both community college and a university. He was also assisted during his college career by his parents. Mr. Nelson also received social security funds because his father was over 65. These social security funds were support for Mr. Nelson while he attended college. Mr. Nelson has a bachelor's degree.

7. Mr. Nelson and I have a middle-class standard of living and we are both able to continue working for many years.

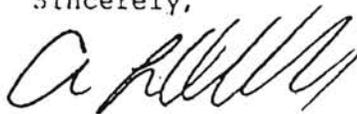
8. Had Mr. Nelson and I stayed together, we would be providing Bailey with continuing support while she is in college.

9. I am requesting that Mr. Nelson and I continue to provide support for Bailey through her college career or age 23, whichever shall occur first. "Support" means support equally from each of her parents monthly based upon the Washington State Child Support Guidelines. The support due each parent would be calculated using the child support guidelines after reviewing Mr. Nelson's 2007 and 2008 income tax returns.

10. I would prefer that Mr. Nelson provide this monthly support to me so that I may continue to pay Bailey's expenses. This would allow Bailey to continue to put her time and energy into her academics. However, if Mr. Nelson is unwilling to do this, he can deposit this support directly into Bailey's checking account and she will be responsible for paying her expenses.

Again, because Mr. Nelson has discontinued his monthly support payment for Bailey, I would like to resolve this matter as soon as feasible. Please respond to my latest letter on or before October 30, 2009.

Sincerely,



Connie L. Acker

Connie L. Acker

503.341.9279 (cell) • 509.427.4278 (home)

EXHIBIT H
2 OF 2

CONNIE L. ACKER
3518 S.W. Corbett Avenue
Portland, OR 97239

October 29, 2009

VIA FAX ONLY

Anthony H. Connors
Attorney at Law
PO Box 1116
White Salmon, WA 98672

COPY FOR YOUR
INFORMATION

Re: Nelson and Acker
Child Support Modification

Dear Mr. Connors:

Enclosed are the following:

1. FAFSA Expected Family Contribution (EFC). Our EFC equals \$18,709.
2. Linfield College's financial award letter.

Bailey was awarded Federal work study in the amount of \$2,520 for the 2009-10 academic year. However, there are so many students looking for work study on campus that she has been unable to work the total hours needed during her first "pay period". She was recently required to pay \$250 to cover this delinquency. This trend will most likely continue throughout her first academic year.

Please immediately provide me with dates you are available so that I may note this matter on the court docket. I am unwilling to delay this matter further while Mr. Nelson makes his decision.

Sincerely,



Connie L. Acker

Enclosures
cla

cc: [faded]
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[faded]

[faded text]

Connie L. Acker
503.341.9279 (cell) • 509.427.4278 (home)

EXHIBIT I
1 OF 3



Review FAFSA and Apply Signatures

FAFSA on the Web Submission Confirmation

Congratulations, Bailey! Your FAFSA was successfully submitted to Federal Student Aid.

We recommend that you print and keep this page for your records. If you don't have a printer, write down the COMPLETE confirmation number as proof that Federal Student Aid received your FAFSA.

Your confirmation number is: F 531231585 NE 01/21/2009 21:39:12

Your Data Release Number (DRN) is: 0488

Begin a New Application With Your Parents' Information Already Filled In

If you provided information about your parents and they'd like to fill out a FAFSA for another child at this time, select begin a new application with the parents' information already filled in. All of your parents' information (except for the signature) will be copied to the new application.

Your estimated Expected Family Contribution (EFC) is: 18708

Your estimated EFC is based on the information you provided on this FAFSA. It may change depending on your school's verification of information you provided. The EFC is not the amount of money that you or your family must provide. Rather, you should think of the EFC as an index that schools use to determine your eligibility for federal student aid.

For more information about the EFC, go to www.studentaid.ed.gov, select "Funding" then "Student Aid Eligibility" and scroll down to "How will I know what I'm eligible for?"

Based on your estimated EFC and current Federal Pell Grant requirements, your EFC indicates that you are not eligible to receive the Federal Pell Grant.

However, your financial aid award may include other federal student aid like low-interest student loans and work-study opportunities, depending on which federal student aid programs your school participates in. You might also be eligible for funds from your state or school. All of this is in addition to any private scholarships you may receive. For additional information about scholarships or other sources of aid visit www.studentaid.ed.gov.

What Happens Now?

A. Your FAFSA will be processed within 3 to 4 days. You can check the status of your application by selecting **Check Status of a Submitted FAFSA or Print Signature Page** under the **FAFSA Follow-Up** section of the home page.

B. Receive and review your Student Aid Report (SAR).

If you provided a valid e-mail address, you will receive a notification e-mail with instructions on how to view your 2009-2010 SAR online. You can also print a copy by selecting **View and Print Your Student Aid Report** under the **FAFSA Follow-up** section of the home page.

If you did not provide an e-mail address, we will mail you a paper 2009-2010 SAR.

C. Enter our address into your e-mail address book.

Some e-mail providers will only deliver messages to your inbox if the sender's address is listed in your address book. Add our originating address to your address book: FederalStudentAidFAFSA@cpemail.ed.gov.

D. Making corrections if necessary

If you discover you've made a mistake after submitting your 2009-2010 application, you must wait until your application has been processed before you can make corrections. If you have a PIN, you can access and correct your processed FAFSA information by selecting **Make Corrections to a Processed FAFSA** under the **FAFSA Follow-up** section of the home page.

[PRINT HELP](#)

[EXIT TO FAFSA HOME](#)

[NEED HELP?](#)

Site Last Updated: Saturday, January 17, 2009

EXHIBIT I
2 OF 3

CHANGE PASSWORD | LOG OUT | MAIN MENU | STUDENTS MENU | CONTACT US

CURRENT STUDENTS

October 28, 2009

Ms. Bailey A. Nelson
Unit: 3199
Linfield College
McMinnville OR 97128

Dear Bailey:

Linfield College is pleased to offer you financial aid for the 2009 academic year. Your award for the year consists of the following:

	TOTAL	2009FA	2010SP
Linfield College Grant	12000.00	6000.00	6000.00
Leadership/Service Scholarship	1000.00	500.00	500.00
Federal Work Study	2520.00	1260.00	1260.00
Priv. Scholarship #1	600.00	300.00	300.00
Priv. Scholarship #2	425.00	213.00	212.00
Priv. Scholarship #3	3000.00	1500.00	1500.00
Priv. Scholarship #4	1000.00	500.00	500.00
Federal Subsidized Stafford Lo	237.00	119.00	118.00
Federal Unsubsidized Stafford	3263.00	1632.00	1631.00
Federal Supp Unsub Stafford	2000.00	1000.00	1000.00
Federal Parent PLUS Loan	13233.00	6617.00	6616.00
Total	39278.00		

All students must check WebAdvisor and see if they have missing Financial Aid documents. This can be accomplished by clicking the "My Documents" link on the student menu. Your financial aid will be on hold until the documents are received.

When you are calculating the amount of additional loan funds to request, i.e. PLUS or private loan funds, please be sure to include January Term in your request if you will be attending (unless you plan to pay out of pocket). The cost of January Term, including room, board and fees for four credits of enrollment is \$1,555. Each additional credit hour is \$170.

If you wish to accept or reject any of the financial aid offered, go to the accept reject portion on the main menu under Financial Aid. Please contact our office at 503-883-2225 or finaid@linfield.edu if you have any questions regarding your financial aid award.

Sincerely,

Crisanne L. Werner
Director of Financial Aid

ADDITIONAL FINANCIAL AID COMMENTS:

Revision reflects addition of the private scholarships you

EXHIBIT I
3 OF 3

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SKAMANIA COUNTY
FILED
APR - 1 2010
SHARON K. VANCE, CLERK
DEPUTY

**SUPERIOR COURT OF WASHINGTON
COUNTY OF SKAMANIA**

In re the Marriage of:
 In re the Domestic Partnership of:

No. 97-3-00013-6

JOHN ERIC NELSON,
Petitioner,
and
CONNIE LOUISE ACKER,
Respondent.

ORDER OF CHILD SUPPORT
 Temporary (TMORS)
 Final Order (ORS)
Clerk's Action Required

I. Judgment Summary

1.1 Judgment Summary for Non-Medical Expenses

- Does not apply.
- Applies as follows:
- A. Judgment creditor _____
- B. Judgment debtor _____
- C. Principal judgment amount (back child support/other obligations) \$ _____
from (date) _____ through (date) _____
- D. Interest to date of judgment \$ _____
- E. Attorney fees \$ _____
- F. Costs \$ _____
- G. Other recovery amount \$ _____
- H. Principal judgment shall bear interest at _____ % per annum
- I. Attorney fees, costs and other recovery amounts shall bear interest at _____ % per annum
- J. Attorney for judgment creditor _____
- K. Attorney for judgment debtor _____
- L. OTHER: credit See 3.20 regarding arrearages

1.2 Judgment Summary for Medical Support

Does not apply.

129

EXHIBIT J

10 of 15

1
2 **3.2 Person Paying Support (Obligor)**

3 Name (first/last): JOHN E. NELSON
4 Birth date: 01-25-1961
5 Service Address: (You may list an address that is not your residential address where you agree
to accept legal documents.) 81 DOGWOOD LANE
POST OFFICE BOX 418, CARSON, WA 98610

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

9 **The Obligor Parent Shall Update the Information Required by Paragraph 3.2**
10 **Promptly After any Change in the Information. The Duty to Update the**
11 **Information Continues as long as any Support Debt Remains due Under**
12 **This Order.**

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

15 A. Actual Monthly Net Income: \$ 4477

16 OR

17 B. Monthly net income after exclusion requiring findings:
18 Actual monthly gross income \$ _____ from which the court
19 excludes \$ _____ because the court finds that the obligor earned that
20 income from overtime or from second jobs beyond 40 hours per week averaged
21 over a 12-month period to:
22 provide for a current family's needs; or
23 retire past relationship debts; or
24 retire child support debt; and
25 that the income will cease when the obligor has paid off his or her debts.
26 Monthly net income after allowed exclusion: \$ _____

27 OR

28 C. The net income of the obligor is imputed at \$ _____ because:
29 the obligor's income is unknown.
30 the obligor is voluntarily unemployed.
31 the obligor is voluntarily underemployed.
32 The amount of imputed income is based on the following information in order of
33 priority. The court has used the first option for which there is information:
34 current rate of pay.
35 reliable historical rate of pay information.
36 Past earnings when there is incomplete or sporadic information of the
37 parent's past earnings.
38 minimum wage in the jurisdiction where the parent lives at full-time
39 earnings because the parent:
40 has a recent history of minimum wage jobs,

- recently came off public assistance, general assistance-unemployable, supplemental security income, or disability
- was recently released from incarceration, or
- is a high school student.

Median Net Monthly Income Table.
 Other:

3.3 Person Receiving Support (Obligee)

Name (first/last): CONNIE L. ACKER
 Birth date: 04-10-1962
 Service Address: (You may list an address that is not your residential address where you agree to accept legal documents.) 3518 SW CORBETT AVENUE
 PORTLAND, OR 97239

The Obligee Must Immediately File With the Court and the Washington State Child Support Registry and Update as Necessary the Confidential Information Form Required by RCW 26.23.050.

The Obligee Shall Update the Information Required by Paragraph 3.3 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.

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

A. Actual monthly Net Income: \$ 3694.

OR

B. Monthly net income after exclusion requiring findings:
 Actual monthly gross income \$ _____ from which the court excludes \$ _____ because the court finds that the obligee earned that income from overtime or from second jobs beyond 40 hours per week averaged over a 12-month period to:

- provide for a current family's needs; or
 - retire past relationship debts; or
 - retire child support debt; and
- that the income will cease when the obligee has paid off his or her debts.

Monthly net income after allowed exclusion: \$ _____.

OR

C. The net income of the obligee is imputed at \$ _____ because:
 the obligee's income is unknown.
 the obligee is voluntarily unemployed.
 the obligee is voluntarily underemployed.
 The amount of imputed income is based on the following information in order of priority. The court has used the first option for which there is information:
 current rate of pay;

EXHIBIT J
4 OF 15

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- reliable historical rate of pay information;
- Past earnings when there is incomplete or sporadic information of the parent's past earnings;
- minimum wage in the jurisdiction where the parent lives at full-time earnings because the parent:
 - has a recent history of minimum wage jobs;
 - recently came off public assistance, general assistance-unemployable, supplemental security income; or disability
 - was recently released from incarceration, or
 - is a high school student;
- Median Net Monthly Income Table.

Other:

The obligor may be able to seek reimbursement for day care or special child rearing expenses not actually incurred. RCW 26.19.080.

3.4 Service of Process

Service of Process on the Obligor at the Address Required by Paragraph 3.2 or any Updated Address, or on the Oblige at the Address Required by Paragraph 3.3 or any Updated Address, may Be Allowed or Accepted as Adequate in any Proceeding to Establish, Enforce or Modify a Child Support Order Between the Parties by Delivery of Written Notice to the Obligor or Oblige at the Last Address Provided.

3.5 Transfer Payment

The obligor parent shall pay the following amounts per month for the following child(ren):

<u>Name</u>	<u>Amount</u>
B.N. _____	\$551.50 _____
H.N. _____	\$551.50 _____
Total Monthly Transfer Amount	\$1103 _____

- The parents' combined monthly net income exceeds \$12,000 and the court sets child support in excess of the presumptive amount for \$12,000 because:
- The court finds that the obligor's child support obligations owed for all his or her biological or legal children exceeds 45% of his or her net income and it is just unjust to apply the 45% limitation based upon the best interests of the child(ren) and the circumstances of each parent as follows:
- If one of the children changes age brackets, the child support shall be as follows:
- This is a downward modification that has caused an overpayment of \$ _____ This amount shall be repaid or credited as follows:

EXHIBIT J
5 of 15

1 [X] This is an upward modification that has caused an underpayment of \$ _____
2 This amount shall be paid as follows:
3 SEE 3.20

4 [] Other:

5 **The Obligor Parent's Privileges to Obtain or Maintain a License, Certificate,**
6 **Registration, Permit, Approval, or Other Similar Document Issued by a**
7 **Licensing Entity Evidencing Admission to or Granting Authority to Engage**
8 **in a Profession, Occupation, Business, Industry, Recreational Pursuit, or**
9 **the Operation of a Motor Vehicle may Be Denied or may Be Suspended if**
10 **the Obligor Parent is not in Compliance With This Support Order as**
11 **Provided in Chapter 74.20A Revised Code of Washington.**

12 **3.6 Standard Calculation**

13 \$ 1103 per month. (See Worksheet line 17.)

14 **3.7 Reasons for Deviation From Standard Calculation**

- 15 [X] The child support amount ordered in paragraph 3.5 does not deviate from the standard
16 calculation.
17 [] The child support amount ordered in paragraph 3.5 deviates from the standard calculation for
18 the following reasons:
19 [] Income of a new spouse or new domestic partner of the parent requesting a deviation for
20 other reasons;
21 [] Income of other adults in the household of the parent requesting a deviation for other
22 reasons;
23 [] Child support actually paid or received for other child(ren) from other relationships;
24 [] Gifts;
25 [] Prizes;
26 [] Possession of wealth;
27 [] Extraordinary income of child(ren);
28 [] Tax planning which results in greater benefit to the child(ren);
[] Income from overtime or second jobs that was excluded from income of the parent
requesting a deviation for other reasons;
[] A nonrecurring source of income;
[] Extraordinary debt not voluntarily incurred;
[] A significant disparity in the living costs of the parents due to conditions beyond their
control;
[] Special needs of disabled child(ren);
[] Special medical, educational, or psychological needs of the child(ren);
[] The child(ren) spend(s) a significant amount of time with the parent who is obligated to
make a support transfer payment. The deviation does not result in insufficient funds in
the receiving parent's household to meet the basic needs of the child(ren). The
child(ren) do(es) not receive public assistance;
[] Child(ren) from other relationships;
[] Costs incurred or anticipated to be incurred by the parents in compliance with court-
ordered reunification efforts or under a voluntary placement agreement with an agency

1 supervising the child(ren);

2 The obligor has established that it is unjust to apply the presumptive minimum payment
3 of \$50.00 per child;

4 The obligee has established that it is unjust to apply the self-support reserve.

5 Other reason(s) for deviation:

The factual basis for these reasons is as follows:

6 **3.8 Reasons why Request for Deviation Was Denied**

7 Does not apply. A deviation was ordered.

8 A deviation was not requested.

9 The deviation sought by the obligor obligee was denied because:

10 no good reason exists to justify deviation.

11 other:

12 **3.9 Starting Date and Day to Be Paid**

13 Starting Date: 09-01-2009

14 Day(s) of the month support is due: FIRST DAY OF MONTH

15 **3.10 Incremental Payments**

16 Does not apply.

17 This is a modification of child support. Pursuant to RCW 26.09.170 (9)(a) and (c), the
18 obligation has been modified by more than 30 percent and the change would cause
19 significant hardship. The increase in the child support obligation set forth in Paragraph
20 3.5 shall be implemented in two equal increments, one at the time of this order and the
21 second on (date) _____ six months from the entry of this order.

22 See 3.20

23 **3.11 Making Support Payments**

24 Select Enforcement and Collection, Payment Services Only, or Direct Payment:

25 Enforcement and collection: The Division of Child Support (DCS) provides support
26 enforcement services for this case because: this is a public assistance case, this is
27 a case in which a parent has requested services from DCS, a parent has signed the
28 application for services from DCS on the last page of this support order. (Check all
that apply.) Support payments shall be made to:

Washington State Support Registry, P. O. Box 45868, Olympia, WA 98504

Phone: 1-800-922-4306 or 1-800-442-5437

FOR HAYDEN

Payment services only: The Division of Child Support will process and keep a record of
all payments but will not take any collection action. Support payments shall be made to:

Washington State Support Registry, P. O. Box 45868, Olympia, WA 98504

Phone: 1-800-922-4306 or 1-800-442-5437

1 [X] Direct Payment: Support payments shall be made directly to:

2 Name LINFIELD COLLEGE

3 Mailing Address 2255 NW NORTHRUP STREET

4 PORTLAND, OR 97210-2918

5 (503) 413-7161

6 **FOR BAILEY**

7 A party required to make payments to the Washington State Support Registry will not receive
8 credit for a payment made to any other party or entity. The obligor parent shall keep the registry
9 informed whether he or she has access to health insurance coverage at reasonable cost and, if so,
10 to provide the health insurance policy information.

11 Any time the Division of Child Support is providing support enforcement services under
12 RCW 26.23.045, or if a party is applying for support enforcement services by signing the
13 application form on the bottom of the support order, the receiving parent might be required to
14 submit an accounting of how the support, including any cash medical support, is being spent to
15 benefit the child(ren).

12 3.12 Wage Withholding Action

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

17 [If the court orders immediate wage withholding in a case where Division of Child Support does
18 not provide support enforcement services, a mandatory wage assignment under Chapter 26.18
19 RCW must be entered and support payments must be made to the Support Registry.]

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

23 [] the parties have reached a written agreement that the court approves that
24 provides for an alternate arrangement.

25 [] the Division of Child Support provides support enforcement services for this
26 case [see 3.11] and there is good cause [as stated below under "Good Cause"]
27 not to require immediate income withholding which is in the best interests of the
28 child(ren) and, in modification cases, previously ordered child support has been
29 timely paid.

30 [] the Division of Child Support does not provide support enforcement services for
31 this case [see 3.11] and there is good cause [as stated below under "Good
32 Cause"] not to require immediate income withholding.

33 Good Cause: [] the obligor parent is not providing support payments to the
34 Division of Child Support under Chapter 26.18 RCW or Chapter 74.20A RCW.

34 3.13 Termination of Support

35 Support shall be paid:

36 *Order of Child Support (TMORS, ORS) - Page 8 of 15*

37 *WPF DR 01.0500 Mandatory (12/2009) - RCW 26.09.175; 26.26.132*

38 LAW OFFICE OF ANTHONY H. CONNORS
39 1000 East Jewett Blvd., P.O. Box 1116
40 White Salmon, Washington 98672
41 509/493-2921 FAX 509/493-1345

42 **EXHIBIT J**
43 **8 of 15**

- provided that this is a temporary order, until a subsequent child support order is entered by this court.
- until the child(ren) reach(es) the age of 18 or as long as the child(ren) remain(s) enrolled in high school, whichever occurs last, except as otherwise provided below in Paragraph 3.14. **For Hayden**
- until the child(ren) reach(es) the age of 18, except as otherwise provided below in Paragraph 3.14.
- after the age of 18 for (name) _____ who is a dependent adult child, until the child is capable of self-support and the necessity for support ceases.
- until the obligation for post secondary support set forth in Paragraph 3.14 begins for the child(ren).
- Other:
Post secondary support for Bailey shall terminate when she is no longer enrolled in an accredited academic institution and is in good standing (as defined by the institution) or when she turns 23, whichever occurs first.

3.14 Post Secondary Educational Support

- The right to petition for post secondary support is reserved, provided that the right is exercised before support terminates as set forth in paragraph 3.13. **For Hayden**
- The parents shall pay for the post secondary educational support of the child(ren). Post secondary support provisions will be decided by agreement or by the court.
- No post secondary educational support shall be required.
- Other:
Post secondary support for Bailey shall terminate when she is no longer enrolled in an accredited academic institution and is in good standing (as defined by the institution) or when she turns 23, whichever occurs first.

3.15 Payment for Expenses not Included in the Transfer Payment

- Does not apply because all payments, except medical, are included in the transfer payment.
 - The petitioner shall pay _____% and the respondent _____% (each parent's proportional share of income from the Child Support Schedule Worksheet, line 6) of the following expenses incurred on behalf of the child(ren) listed in Paragraph 3.1.:
 - day care.
 - educational expenses.
 - long distance transportation expenses.
 - other: _____
- Payments shall be made to the provider of the service the parent receiving the transfer payment.
- 3.15** The obligor shall pay the following amounts each month the expense is incurred on behalf of the child(ren) listed in Paragraph 3.1:
- day care: \$ _____ payable to the day care provider other parent;
 - educational expenses: \$ _____ payable to the educational

EXHIBIT J
90 of 15

- 1 provider other parent;
2 long distance transportation: \$ _____ payable to the
3 transportation provider other parent.
4 other:

5 **3.16 Periodic Adjustment**

- 6 Does not apply.
7 Child support shall be adjusted periodically as follows:
8 Other:

9 **3.17 Income Tax Exemptions**

- 10 Does not apply.
11 Tax exemptions for the child(ren) shall be allocated as follows:
12 **Mother to claim Bailey; Father to claim Hayden**
13 The parents shall sign the federal income tax dependency exemption waiver.
14 Other:

15 **3.18 Medical Support – Health Insurance**

16 Each parent shall provide health insurance coverage for the child(ren) listed in paragraph 3.1, as follows:

17 **3.18.1 Health Insurance** (either check box A, or complete sections B and C. Section D applies in all cases.)

18 A. There is insufficient evidence for the court to determine which parent must provide coverage and which parent must contribute a sum certain. Therefore, the court is not specifying how insurance coverage shall be provided. The petitioner's and respondent's medical support obligations may be enforced by the Division of Child Support or the other parent under RCW 26.18.170 as described in paragraph 3.18.2, below.

19 OR

20 B. Findings about insurance:

21 25% of the petitioner's basic support obligation is \$ 297, (from line 19 of the Worksheets). 25% of the respondent's basic support obligation is \$ 243, (from line 19 of the Worksheets).

22 Insurance coverage for the child(ren) is available and accessible to:
23 the petitioner at \$ 189.67 cost (child(ren)'s portion of the premium, only); and/or
24 the respondent at \$ _____ cost (child(ren)'s portion of the premium, only).

25 Insurance coverage for the child(ren) is available but not accessible to:
26 the petitioner at \$ _____ cost (child(ren)'s portion of the premium, only) and/or
27 the respondent at \$ _____ cost (child(ren)'s portion of the premium, only).

28 Neither parent has available or accessible insurance through an employer or union; but:

- the petitioner is able to provide private coverage at a cost not to exceed 25% of the petitioner's basic support obligation; and/or
- the respondent is able to provide private coverage at a cost not to exceed 25% of the respondent's basic support obligation.

- Both parties have available and accessible coverage for the child(ren). The court finds that:
 - the petitioner, or
 - the respondent
 has better coverage considering the needs of the child(ren), the cost and extent of each parent's coverage, and the accessibility of the coverage.

AND

C. Parties' obligations (check the option(s) that apply for each parent):

(i) Petitioner shall:

- a. Provide health insurance coverage for the child(ren) that is available through employment or is union-related so long as the cost of such coverage does not exceed 25% of the petitioner's basic support obligation.
- b. Provide health insurance coverage for the child(ren) that is available through employment or is union-related even though the cost of such coverage exceeds 25% of the petitioner's basic support obligation. It is in the best interests of the child(ren) to provide such coverage despite the cost **because**:
- c. Provide private health insurance coverage for the child(ren) so long as the cost of such coverage does not exceed 25% of the petitioner's basic support obligation.
- d. Pay \$ _____ towards the health insurance premium being paid by the other parent (petitioner's proportionate share of the premium, not to exceed 25% of the petitioner's basic support obligation). This payment is only required if the petitioner is not providing insurance as described above.
- e. Be excused from the responsibility to provide health insurance coverage and from the responsibility to provide monthly payment towards the premium **because** (check this box **only** if check box C(ii)(e) is not checked below):

(ii) Respondent shall:

- a. Provide health insurance coverage for the child(ren) that is available through employment or is union-related so long as the cost of such coverage does not exceed 25% of the respondent's basic support obligation.

EXHIBIT J
 11 OF 15

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- b. Provide health insurance coverage for the child(ren) that is available through employment or is union-related even though the cost of such coverage exceeds 25% of the respondent's basic support obligation. It is in the best interests of the child(ren) to provide such coverage despite the cost **because**:
 - c. Provide private health insurance coverage for the child(ren) so long as the cost of such coverage does not exceed 25% of the respondent's basic support obligation.
 - d. Pay \$_____ towards the health insurance premium being paid by the other parent (respondent's proportionate share of the premium, not to exceed 25% of the respondent's basic support obligation). This payment is only required if the respondent is not providing insurance as described above.
 - e. Be excused from the responsibility to provide health insurance coverage and from the responsibility to provide monthly payment towards the premium **because** (check this box **only** if check box C(i)(e) is not checked above):

13 D. Both parties' obligation:

14 If the child(ren) are receiving state financed medical coverage, the Division of Child Support may enforce the responsible parent's monthly premium.

15 The parent(s) shall maintain health insurance coverage, if available for the child(ren) 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.

16 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.

17 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.

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

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3.18.2 Change of Circumstances and Enforcement

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

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

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

14 A parent seeking to enforce the obligation to provide health insurance coverage may apply for
15 support enforcement services from the Division of Child Support; file a motion for contempt (use
16 form WPF DRPSCU 05.0100, Motion/Declaration for an Order to Show Cause re Contempt); or
17 file a petition.

18 3.19 Uninsured Medical Expenses

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

20 The petitioner shall pay 55 % of uninsured medical expenses (unless stated
21 otherwise, the petitioner's proportional share of income from the Worksheet, line 6) and
22 the respondent shall pay 45 % of uninsured medical expenses (unless stated
23 otherwise, the respondent's proportional share of income from the Worksheet,
24 line 6).

25 3.20 Back Child Support

26 No back child support is owed at this time.

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

28 (Name) _____ is awarded a judgment against (name) _____ in the amount of
\$ _____ for back child support for the period from (date) _____ through (date) _____.

No back interest is owed at this time.

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

(Name) _____ is awarded a judgment against (name) _____ in the amount of
\$ _____ for back interest for the period from (date) _____ through (date) _____.

OTHER:

**Back support in the amount of \$4,542 is due through 02/28/2010. Those
arrearages shall be paid over three months.**

**Petitioner shall pay the monthly amount of \$411 monthly for arrearages to the
Washington State Support Registry for Hayden for three months (March, April
and May of 2010).**

**Petitioner shall pay the monthly amount of \$1103 to Linfield College for
arrearages for Bailey for three months (March, April and May of 2010).**

1 **3.21 Past Due Unpaid Medical Support**

- 2 No past due unpaid medical support is owed at this time.
- 3 Unpaid medical support that may be owed is not affected by this order.
- 4 (Name) _____ is awarded a judgment against (name) _____ in the amount of \$ _____ for past due unpaid medical support for the period from (date) _____ through (date) _____.
- 5 No back interest is owed at this time.
- 6 Back interest that may be owed is not affected by this order.
- 7 (Name) _____ is awarded a judgment against (name) _____ in the amount of \$ _____ for back interest for the period from (date) _____ through (date) _____.
- 8 Other: _____

9 **3.22 Other Unpaid Obligations**

- 10 No other obligations are owed at this time.
- 11 Other obligations that may be owed are not affected by this order.
- 12 (Name) _____ is awarded a judgment against (name) _____ in the amount of \$ _____ for child care ordered contributions to extracurricular activities long distance transportation costs educational expenses post secondary other _____ for the period from (date) _____ through (date) _____.
- 13 No back interest is owed at this time.
- 14 Back interest that may be owed is not affected by this order.
- 15 (Name) _____ is awarded a judgment against (name) _____ in the amount of \$ _____ for back interest for the period from (date) _____ through (date) _____.
- 16 Other: _____

17 **3.23 Other**

18 **Bailey shall immediately take all action necessary to made available to both parents all academic records and grades. Each parent shall have full and equal access to the post secondary education records of Bailey.**

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23 Dated: April 1, 2010

Anthony H. Connors
Judge/Commissioner

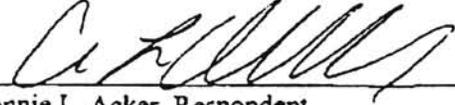
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25 Presented by: *Anthony H. Connors*
26
27 Anthony H. Connors/WSBA No: 20785
Attorney for Petitioner

Approved for entry:
Notice of presentation waived:
Connie L. Acker
Connie L. Acker, Respondent

EXHIBIT J
14 of 15

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I apply for full support enforcement services from the DSHS' Division of Child Support (DCS).
(Note: If you never received TANF, tribal TANF, or AFDC, an annual \$25 fee applies if over \$500 is disbursed on a case, unless the fee is waived by DCS.)



Connie L. Acker, Respondent

Approval required in Public Assistance cases. The DSHS' Division of Child Support received notice required by RCW 26.23.130. This order has been reviewed and approved as to:

- Current Child Support
- Back Child Support
- Medical Support
- Other:

Deputy Prosecuting Attorney/WSBA No.

EXHIBIT J

SKAMANIA COUNTY
ORIGINAL FILED
JUN 25 2010
Sharon K. Vance, Clerk

Superior Court of Washington
County of Skamania

In re:

JOHN ERIC NELSON,

Petitioner,

and

CONNIE LOUISE ACKER,

Respondent.

No. 97-3-00013-6

Declaration of Bailey A. Nelson

I, Bailey A. Nelson, **Declare:**

1. I am the daughter of the parties in the above-referenced proceeding.
2. In March, 2010, I was told by a Linfield College representative in the registrar's office that I needed to log onto web access and provide my father's name, address and phone number and the items I wanted him to be able to access. I did this in March, 2010, as evidenced in the attached Exhibit 1. I was told that if he requested this information from Linfield College, it would be provided to him with the consent I had given on the web.
3. Then on May 28, 2010, after my parents were in court, my mother contacted me by telephone and requested that I check again to make sure that this web access was the proper consent. I again went to the registrar's office and spoke with a different Linfield College representative. I was provided with a Consent for Release of Information, a copy of which is attached hereto as Exhibit 2. I completed the Consent for Release of Information May 28, 2010, and it was stamped "received" by the registrar.
4. Then after I returned home for summer break from college, my mother showed me the form entitled "Official Transcript Request" that my father provided to the court in his declaration, a copy of which is attached hereto as Exhibit 3. Until my mother showed me this form, I had never seen it and no one in the Linfield College registrar's office had offered this form to me.
5. I believe that I complied with the Child Support Order dated April 1, 2010, in March, 2010 when I completed the information on the web. This is what I was told I needed to do by a representative of Linfield College, so I thought the matter was settled.
6. As you can see from the attached Exhibits 1, 2 and 3, Linfield College obviously has more than one method/form to give the court ordered consent.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at Stevenson, Washington, on June 24, 2010.

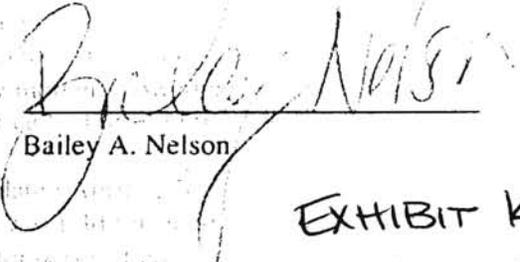

Bailey A. Nelson

EXHIBIT K
1 OF 1

Consent for Release of Information

In order for Linfield College to speak with ANYONE, including your mother, father, a grandparent, an accountant, etc, regarding your student records, YOU MUST LIST THEM BELOW.

In accordance with the Family Rights and Privacy Act (FERPA) of 1974, Linfield College must have consent to release a student's records to any source outside the college, the exception being directory information. If you have any questions regarding this form or FERPA, please contact the Registrar's Office.

I give my consent to release only the information designated below to the following individuals. You may modify this list at any time.

MCMINNVILLE STUDENTS - If you would like grades automatically sent to parents, a scholarship agency or anyone else, you must fill out a form in the Registrar's Office (Melrose 012).

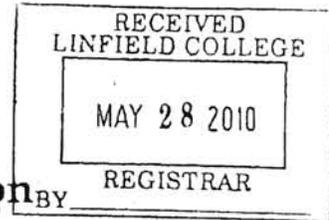
Select One	Name(s)	Address	City	State	Zip	Home Phone	Work Phone	Relationship	Consent to Access	Additional Notes
<input type="checkbox"/>	Connie Acker	3518 S.W. Corbett Ave.	Portland	OR	97239	509/427-4278	503/220-0248	503/341-9279	Financial Aid, Official Transcript, Unofficial Transcript, Verification of Enrollment, Registration Schedule, GPA, ACCT	
<input type="checkbox"/>	Greg Terranova	3518 S.W. Corbett Ave.	Portland	OR	97239	509/427-4278	503/220-0248	503/341-9321	Financial Aid, Official Transcript, Unofficial Transcript, Verification of Enrollment, Registration Schedule, GPA, ACCT	
<input type="checkbox"/>	John Eric Nelson	PO Box 418	Carson	WA	98610	509/427-5428		Father	Unofficial Transcript, Registration Schedule, GPA	

Please select an option and press submit

EXHIBIT L
1 OF 3

Linfield College

Office of the Registrar



Consent for Release of Information

Student Identification:

Last Name <u>NELSON</u>	First Name <u>BAILEY</u>	Middle Name <u>A</u>	<u>0017728</u> Linfield ID Number
Social Security Number	Email Address	Unit Number	Phone Number

In accordance with the Family Rights and Privacy Act (FERPA) of 1974, Linfield College must have written consent to release a student's records to any source outside the college, the exception being directory information. If you have any questions regarding this form or FERPA, please contact the Registrar's Office.

- I give my consent to release only the information designated below to the party listed below.

- Official Transcript (Fee required)
- Unofficial Transcript
- Verification of Enrollment
- Registration Schedule
- GPA
- Other - Be Specific:



For the Year (s) 2009 - 2013 and Term (s) every

Name: John Eric Nelson

Address: P.O. Box 418

City, State, Zip: Carson, WA 98610

This consent for release will remain in effect from the date indicated below until I submit written notification rescinding it.

Bailey Nelson Student's Signature 5/23/2010 Date

900 SE Baker St.; McMinnville, OR 97128; Telephone 503/883-2211; Fax 503/883-2663

EXHIBIT L
2 OF 3

EXHIBIT 2
PAGE 1 OF 1

Linfield College

Official Transcript Request

Office of the Registrar
SE Baker Unit A446
Linfield College
Linfield, OR 97128-6894

Phone: 503-883-2211 *** Fax 503-883-2663

Student Identification

Enrollment Dates: _____

Home Phone Number _____

Cell Number _____

Date of Birth _____

Maiden/Former Name(s) _____

Business Phone Number _____

Student ID Number _____

Email Address: ___ Home ___ Business _____

Best Daytime Phone Number _____

Student's full name at the time of Enrollment and address below (PLEASE PRINT)

Send ASAP, Please

Send after Recording Degree

Send after Current Grades Recorded

TOTAL TRANSCRIPTS THIS ORDER:

Official copies to self: _____

Official copies to other: _____

Unofficial copies to self: _____

Unofficial copies to other: _____

Student's signature (REQUIRED)

Transcripts **WILL NOT** be released to anyone with **UNPAID** financial obligations.

Mail transcripts to:

Office Use Only:

ECSI: _____

SA: _____

CB: _____

PERC: _____

ARAC: _____

Amount Paid: _____

Approval: _____

Reg. Date Sent: _____

Reg Clerk (s): _____

Order: \$5.00 - FIRST official
\$2.00 - Each domestic fax (unofficial)

\$1.00 - Each additional official on the same order
\$3.00 - Each international fax (unofficial)

I authorize payment to Linfield College for transcripts requested on my:

- MASTERCARD CASH CHECK NO. _____

Card Name: _____
Card Number: _____
Date: _____

This Order's Amount Total: _____
Card Holder's Signature _____

EXHIBIT 3 OF 3

EXHIBIT 3
PAGE 1 OF 1

Superior Court of Washington
County of Skamania

In re:		
JOHN ERIC NELSON	Petitioner(s).	No. 97-3-00013-6
and		Declaration of JOHN ERIC NELSON (Optional Use) (DCLR)
CONNIE LOUISE ACKER	Respondent(s).	

I, *John Eric Nelson* Declare:

1. That on Thursday, August 12, 2010, I contacted Linfield College, Admissions Office, to request Proof of Enrollment for my daughter Bailey, age 19, and was informed that she has not registered for the Fall term of 2010.
2. That I have not received any other Proof of Enrollment to any other accredited academic or vocational school pursuing a postsecondary education for Bailey from the Respondent or Bailey.
3. That my daughter Bailey has not complied with RCW 26.19.090 and the postsecondary educational support should be automatically suspended effective June 1, 2010.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at _____, [City] _____ [State] on _____ [Date].

Signature of Declarant

John Eric Nelson _____
Print or Type Name

EXHIBIT M
1 OF 1

SKAMANIA COUNTY
ORIGINAL FILED

AUG 27 2010

Sharon K. Vance, Clerk

**Superior Court of Washington
County of Skamania**

In re:

JOHN ERIC NELSON,

Petitioner,

and

CONNIE LOUISE ACKER,

Respondent.

No. 97-3-00013-6

**Declaration in Opposition to
Petitioner's Entry of Orders
Regarding Findings on Child
Support Modification**

I, Connie Louise Acker, **Declare:**

1. I am the Respondent in the above-referenced proceeding.
2. Order on Modification of Child Support. I agree with this document as prepared.
3. Washington State Child Support Worksheets. I agree with this document as prepared.
4. Findings/Conclusions on Petition for Modification of Child Support:

In paragraph 2.8 Other - The court did not address how many months Petitioner had to pay off the arrearages owed to Bailey for post-secondary educational support. The court's order dated April 1, 2010, allowed Petitioner three months to bring his payments current. Petitioner failed to comply with the court's order dated April 1, 2010. Petitioner is requesting ten months to pay the arrears. I am unwilling to allow another ten months to pass for Petitioner to catch up, but I willing to compromise and grant Petitioner five months and request that the court order as such.

5. Order of Child Support:

(A) In paragraph 3.9 Starting Date and Day to be Paid - I would like the court to order that the order clarify which support payment will be paid on the 5th of each month and which support payment will be paid on the 25th of each month. This will allow the parties receiving the support to adequately manage finances.

(B) In paragraph 3.21 Past Due Unpaid Medical Support - I would like the court to order that the second box "Unpaid medical support that may be owed is not affected by this order" should be checked rather than the first box. I have medical bills for the parties' children that I will be submitting to Petitioner for payment of his share within the next month. I have attached copies of these medical bills. I have yet to be notified of the uninsured amount owed by the parties on two of the three attached bills. As soon as I have confirmation of this uninsured portion, I will provide it to Petitioner for payment of his share.

EXHIBIT N
LOF2

Paragraph 3.19 Uninsured Medical Expenses clearly states that Petitioner shall pay 39% of uninsured medical expenses and Respondent shall pay 61% of any uninsured medical expenses.

The medical bill for Hayden for his wrist examination and x-rays is governed by the court's order dated April 1, 2010. Petitioner is responsible for 55% of the uninsured medical portion of this medical bill (\$198.32), or the sum of \$109.08.

The dental bill for Bailey and Hayden at Oasis Dental is governed by the court's order that is currently being decided by the court. Petitioner is responsible for 39% of the uninsured medical portion of this medical bill (yet to be determined). Respondent has paid \$100.00 to date on the uninsured portion of this dental bill.

The oral surgery bill for Bailey is governed by the court's order that is currently being decided by the court. Petitioner is responsible for 39% of the uninsured portion of this medical bill (approximately \$1,044.25 that Respondent has already paid), or the sum of \$407.26.

This is a substantial amount of money for uninsured medical expenses, and Respondent requests that the court order that Petitioner be responsible for these uninsured expenses. In correspondence from the Petitioner, he has indicated that he will not pay these uninsured expenses.

(C) In paragraph 3.23 Other – the paragraph should read as follows:

Bailey shall make available to Petitioner equal access to all academic records, proof of enrollment, official transcripts and all other documents pursuant to RCW 26.09.225 for post secondary education. Respondent must assist Bailey in providing access to these documents to Petitioner by August 2, 2010. Bailey must comply with RCW 26.09.225 as long as she is enrolled in an accredited academic or vocational school pursuant to RCW 26.19.090.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at Stevenson, Washington, on August 26, 2010.



Connie L. Acker, Respondent

EXHIBIT N
2 OF 2



Academic Calendar

RESERVE A SPACE ON CAMPUS

MAIN EVENT CALENDAR | ACADEMIC CALENDAR | ADULT DEGREE PROGRAM CALENDAR



Day Week Month

Search Update

Apr 2010

April 2010

previous month next month

S M T W T F S

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
W1: 28 29 30 31 1 2 3	28	29	30	31	1	2	3
W2: 4 5 6 7 8 9 10							
W3: 11 12 13 14 15 16 17							
W4: 18 19 20 21 22 23 24	4	5	6	7	8	9	10
W5: 25 26 27 28 29 30 1							
Jump to...	11	12	13	14	15	16	17
Today is Thu, Jul 1, 2010		•2010 Fall Registration	•2010 Fall Registration	•2010 Fall Registration	•2010 Fall Registration	•2010 Fall Registration •Last day to DROP a course and receive a 'W' on transcript	
	18	19	20	21	22	23	24
	25	26	27	28	29	30	1

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Linfield College 900 SE Baker Street, McMinnville, OR 97128 503-883-2200

Called Linfield on 9/2/10. Was informed that ~~there was~~ they couldn't tell you whether or not she was enrolled because you do not have access to her records because she has not filled out the appropriate. Therefore, she has failed to comply w/ RCW as of June 1. Even though she was suppose to register for Fall classes in April.

EXHIBIT D
1 OF 1

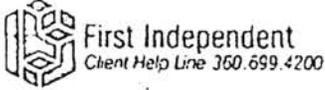
JOHN E NELSON 10 96
PH. 509-427-5128
81 DOGWOOD ST.
P.O. BOX 418
CARSON, WA 98610

95-50771230

4168

DATE 3/10/11

PAY TO Barley NELSON \$ 4926 86
THE ORDER OF
HTHESSIA NINE HUNDRED TWENTY SIX AND 86/100 DOLLARS



John E Nelson

MEMO
⑆0000492686⑆

EXHIBIT P
1 OF 1
~~EXHIBIT A~~
~~1 OF 1~~

IN AND FOR THE STATE OF WASHINGTON
SKAMANIA COUNTY DISTRICT COURT

FILED

JUL 17 2012

IN RE THE MATTER OF: NAME CHANGE)

SKAMANIA COUNTY DISTRICT COURT
STEVENSON, WA

BAILEY ACKER NELSON)
102 Stewart Rd)
Stevenson, WA 98648)

PETITIONER'S CURRENT NAME AND ADDRESS)

NO. N12-9
PETITION FOR CHANGE OF NAME

BAILEY LOUISE ACKER)
102 Stewart Rd)
Stevenson, WA 98648)

PETITIONER'S REQUESTED NAME CHANGE:)

I AM APPLYING FOR A COURT ORDER WHICH WILL CHANGE:

() MY NAME FROM BAILEY ACKER NELSON

FULL NAME

() TO BAILEY LOUISE ACKER

NEW NAME REQUEST

() THE NAME OF MY CHILD OR WARD FROM _____

FULL NAME

() TO _____

NEW NAME REQUEST

I RESIDE IN SKAMANIA COUNTY.

THIS APPLICATION IS MADE FOR THE FOLLOWING REASONS:

I HAVE NOT HAD A RELATIONSHIP WITH MY
NATURAL FATHER FOR YEARS. I WISH TO
CHANGE MY NAME TO MY MOTHER'S
MAIDEN NAME.

THIS APPLICATION IS NOT MADE FOR ANY ILLEGAL OR FRAUDULENT PURPOSE.

THE CHANGE OF NAME WILL NOT BE DETRIMENTAL TO THE INTERESTS OF ANY OTHER PERSON.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT
THE FOREGOING STATEMENTS IN THIS PETITION ARE TRUE AND CORRECT.

SIGNED AT STEVENSON, WA ON 06/13/2012

CITY AND STATE

DATE

Bailey Acker Nelson
PETITIONER'S SIGNATURE

EXHIBIT Q
LOF 5

IN AND FOR THE STATE OF WASHINGTON
SKAMANIA COUNTY DISTRICT COURT

FILED

AUG 06 2012

SKAMANIA COUNTY DISTRICT COURT
STEVENSON, WA

IN RE THE MATTER OF: NAME CHANGE)
BAILEY ACKER NELSON)
102 Stewart Rd.)
Stevenson, WA. 98648)
PETITIONER'S CURRENT NAME:)
BAILEY LOUISE ACKER)
102 Stewart Rd.)
Stevenson, WA. 98648)
PETITIONER'S REQUESTED NAME CHANGE:)

NO. N12-9
ORDER TO CHANGE NAME

A PETITION WAS PRESENTED TO THE COURT ON July 17, 2012 REQUESTING

THAT THE NAME OF BAILEY ACKER NELSON BE CHANGED

TO BAILEY LOUISE ACKER

A HEARING WAS HELD ON 8/6/12

THE FOLLOWING PERSONS WERE PRESENT: PETITIONER.

FINDINGS

BASED ON THE CARE RECORD TO DATE, AND THE TESTIMONY AT THE HEARING, IF ANY, THE COURT FINDS:

- THE STATEMENTS IN THE PETITION ARE TRUE.
- THE REQUEST TO CHANGE NAMES IS NOT MADE FOR ANY ILLEGAL OR FRAUDULENT PURPOSE.
- THE CHANGE OF NAME WILL NOT BE DETRIMENTAL TO THE INTERESTS OF ANY OTHER PERSON.
- THE REQUEST TO CHANGE NAMES SHOULD BE GRANTED.
- OTHER: _____

ORDER

IT IS ORDERED THAT THE NAME BAILEY ACKER NELSON

IS CHANGED TO BAILEY LOUISE ACKER

FOR ALL PURPOSES.

DATED: 8/6/12

[Signature]
JUDGE/COURT COMMISSIONER

EXHIBIT Q
2 of 5

SKAMANIA COUNTY DISTRICT COURT
240 ANCOUVER
POB 790
STEVENSON WA 98648-0790
5094273780

July 19, 2012

NELSON, BAILEY ACKER
VS.
ACKER, BAILEY LOUISE

Cause No. CV N12-00009

TO: NELSON, BAILEY ACKER

Notice of Civil Hearing

You are hereby notified that the above referenced cause has been
set for: August 6, 2012 at 09:00 AM
for NAME CHANGE
Before Judge REYNIER, RONALD H

BY: SKAMANIA COUNTY DISTRICT COURT
EGR

EXHIBIT Q
30F5

**IN AND FOR THE STATE OF WASHINGTON
SKAMANIA COUNTY DISTRICT COURT**

_____))
 Rec _____))
 Bailey Acker Nelson _____))
 Plaintiff _____))
 vs _____))
 _____))
 Bailey Louise Acker _____))
 Defendant _____))
 _____))
 _____))

Case Number: N12-9
 Service to: Auditor
 Sheriff

To Whom It May Concern:

BY SIGNING THIS RECEIPT, YOU HAVE ACCEPTED THE BELOW MARKED ITEM FROM SKAMANIA COUNTY DISTRICT COURT:

- | | |
|---|---|
| <input type="checkbox"/> Temporary Order For Protection
With Notice of Hearing – Reissuance | <input type="checkbox"/> Full Order For Anti-Harassment |
| <input type="checkbox"/> Temporary Order For Anti-Harassment
With Notice of Hearing – Reissuance | <input type="checkbox"/> Full Order For Protection |
| <input type="checkbox"/> Order Modifying/Terminating Terms
of Protection Order | <input checked="" type="checkbox"/> Name Change |
| <input type="checkbox"/> Order Modifying/Terminating Terms
of Anti-Harassment Order | <input type="checkbox"/> Order of Release |
| <input type="checkbox"/> Warrant Pull | <input type="checkbox"/> Order Directing Terms of
Release/Commitment |
| <input type="checkbox"/> Cash Bail Received by Mail | <input type="checkbox"/> Pre-Trial/Post Conviction
No Contact Order |
| <input type="checkbox"/> Cash Bail Paid at Counter | <input type="checkbox"/> Judgment and Sentence |
| <input type="checkbox"/> Charges Dismissed | <input type="checkbox"/> Law Enforcement Sheet |
| <input type="checkbox"/> Appeared in Court Before Arrest | |
| <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Order For Workcrew | |

Dated this 6th day of August, 2012.

 Skamania County District Court

 Skamania County Auditor
 Skamania County Sheriff

EXHIBIT Q
 4 OF 5

RETURN ADDRESS:

SKAMANIA COUNTY DISTRICT COURT
240 VANCOUVER AVE.
P.O. BOX 790
STEVENSON, WASHINGTON 98648

ORIGINAL FILED
AUG 06 2012
SKAMANIA COUNTY DISTRICT COURT

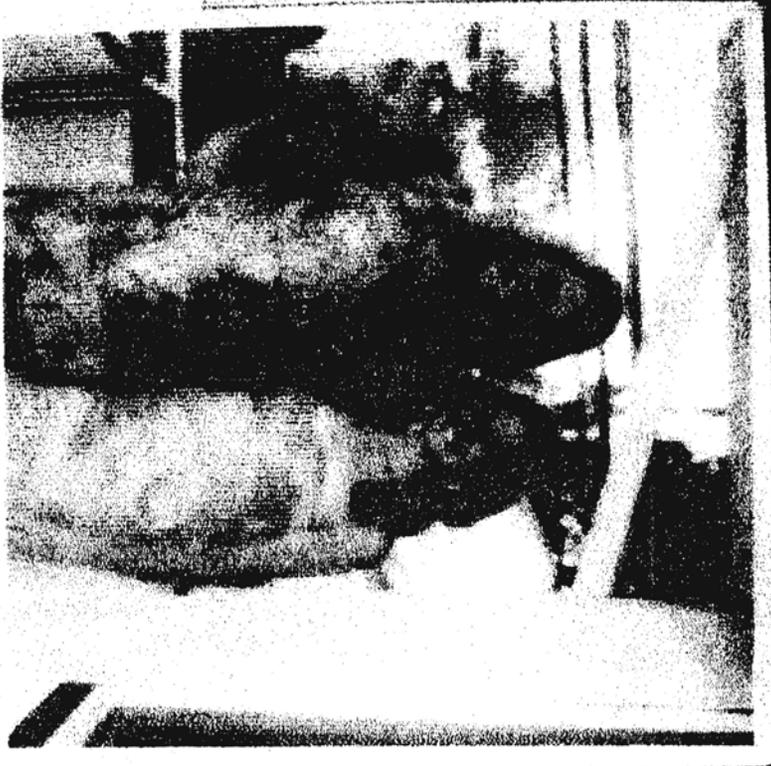
PLEASE PRINT OR TYPE INFORMATION:

Document Title(s) or transactions contained therein: 1. Case # <u> N12-9 </u> , ORDER CHANGING NAME
GRANTOR(S), LAST NAME, FIRST NAME AND INITIALS. 1. OLD NAME, <u> BAILEY ACKER NELSON </u>
GRANTEE(S), LAST NAME, FIRST NAME AND INITIALS. 1. NEW NAME, <u> BAILEY LOUISE ACKER </u>

EXHIBIT Q
5 OF 5

BOOK

Search for people



J. Linfield

Bailey Louise Acker

EX-100

Bailey Louise Acker

August 5 at 7:41am · Anderson, WA · via mobile

Finally Ms. Bailey Louise Acker!!!! Yay!

Share

 37 people like this.

 View all 12 comments

 **Cheryl Wright** Love you MORE !!!!!!!!!!!!!!!!!!!!!

August 6 at 5:34pm

 **Christina Wilson Wright** Welcome to the world!   

Maria Wambler So glad you are all fresh again this is you on
manus to come and changed your last name
August 6 at 9:58am via mobile



Bailey Louise Acker Oh god how funny
August 6 at 10:00am via mobile



Kate Jacob I keep bringing out about what I love about your
last name
August 6 at 10:10am via mobile



Bailey Louise Acker Yes - I had to change my middle name too
because Acker was my middle name so now it's a weird name
August 6 at 10:14am via mobile



Kate Jacob Ha I love it
August 6 at 10:15am via mobile



Bailey Louise Acker
August 6 at 10:15am via mobile



Bailey Louise Acker I love it I had to change my middle
August 6 at 10:15am via mobile



Bailey Louise Acker Yeah I brought out about what I love
August 6 at 10:15am via mobile



Bailey Louise Acker I love it I had to change my middle
August 6 at 10:15am via mobile



Bailey Louise Acker I love it I had to change my middle
August 6 at 10:15am via mobile

Emancipation and Child Support Payments

What Happens to Child Support Payments When a Child is Emancipated?

From Elinor Washington

Generally, when a child reaches the age of majority - age 18, or 21 for some states - the child is considered emancipated, meaning a parent no longer has the obligation to provide child support for the child. However, there are times when a child is emancipated before the age of majority. In such cases, parents may wonder how the emancipation impacts child support payments. Here is some information about what happens to child support payments when a child is emancipated:

Reasons Why a Child Would be Emancipated

Emancipation of a minor occurs when a child is freed from the care of a parent. Essentially, the parent no longer has responsibility for the child. A child may self-emancipate for any of the following reasons:

- Marriage
- Military service
- Complete abandonment of the parental home
- Economic independence

As long as a child is still in the care and custody of a parent, it's fair to say that it's impossible for a child to be emancipated. Therefore, parents have the obligation to continue to support a child until the child reaches the age of majority. A parent's obligation to continue to provide child support payments will continue until the child reaches the age of majority.

Child Support Payments Beyond Emancipation

It's possible that parents may be obligated to continue child support payments beyond the age of majority. A court may order a parent to continue child support payments beyond emancipation for the following reasons:

- Special needs of the child - A court may order a parent to continue support payments for an adult child with special needs.
- Divorce of a minor child - Although a child may marry, some courts have found that if the child divorces and needs care and custody, the child may still be entitled to child support.

Chapter 26, § 26-201

Child Support

Parental obligations of financial support

(1) An emancipated minor shall be considered to have the power and capacity of an adult, except as provided in subsection (2) of this section. A minor shall be considered emancipated for the purposes of, but not limited to:

(a) The termination of parental obligations of financial support, care, supervision, and any other obligation the parent may have by virtue of the parent-child relationship, including obligations imposed because of marital dissolution;

EXHIBIT 5
LOF 8

Chapter 13.64 RCW

EMANCIPATION OF MINORS

Chapter Listing

RCW Sections

- 13.64.010 Declaration of emancipation.
- 13.64.020 Petition for emancipation -- Filing fees.
- 13.64.030 Service of petition -- Notice -- Date of hearing.
- 13.64.040 Hearing on petition.
- 13.64.050 Emancipation decree -- Certified copy -- Notation of emancipated status.
- 13.64.060 Power and capacity of emancipated minor.
- 13.64.070 Declaration of emancipation -- Voidable.
- 13.64.080 Forms to initiate petition of emancipation.
- 13.64.900 Effective date -- 1993 c 294.
- 13.64.901 Construction -- Chapter applicable to state registered domestic partnerships -- 2009 c 521.

13.64.010

Declaration of emancipation.

Any minor who is sixteen years of age or older and who is a resident of this state may petition in the superior court for a declaration of emancipation.

[1993 c 294 § 1.]

13.64.020

Petition for emancipation — Filing fees.

(1) A petition for emancipation shall be signed and verified by the petitioner, and shall include the following information: (a) The full name of the petitioner, the petitioner's birthdate, and the state and county of birth; (b) a certified copy of the petitioner's birth certificate; (c) the name and last known address of the petitioner's parent or parents, guardian, or custodian; (d) the petitioner's present address, and length of residence at that address; (e) a declaration by the petitioner indicating that he or she has the ability to manage his or her financial affairs, including any supporting information; and (f) a declaration by the petitioner indicating that he or she has the ability to manage his or her personal, social, educational, and nonfinancial affairs, including any supporting information.

(2) Fees for this section are set under RCW

36.18.014

Petition for emancipation — Filing fees

EXHIBIT S
2 OF 8

[1995 c 292 § 7; 1993 c 294 § 2.]

13.64.030

Service of petition — Notice — Date of hearing.

The petitioner shall serve a copy of the filed petition and notice of hearing on the petitioner's parent or parents, guardian, or custodian at least fifteen days before the emancipation hearing. No summons shall be required. Service shall be waived if proof is made to the court that the address of the parent or parents, guardian, or custodian is unavailable or unascertainable. The petitioner shall also serve notice of the hearing on the department if the petitioner is subject to dependency disposition order under RCW

13.34.130. The hearing shall be held no later than sixty days after the date on which the petition is filed.

[1993 c 294 § 3.]

13.64.040

Hearing on petition.

(1) The hearing on the petition shall be before a judicial officer, sitting without a jury. Prior to the presentation of proof the judicial officer shall determine whether: (a) The petitioning minor understands the consequences of the petition regarding his or her legal rights and responsibilities; (b) a guardian ad litem should be appointed to investigate the allegations of the petition and file a report with the court.

(2) For the purposes of this section, the term "judicial officer" means: (a) A judge; (b) a superior court commissioner of a unified family court if the county operates a unified family court; or (c) any superior court commissioner if the county does not operate a unified family court. The term does not include a judge pro tempore.

[2001 c 161 § 1; 1993 c 294 § 4.]

13.64.050

Emancipation decree — Certified copy — Notation of emancipated status.

(1) The court shall grant the petition for emancipation, except as provided in subsection (2) of this section, if the petitioner proves the following facts by clear and convincing evidence: (a) That the petitioner is sixteen years of age or older; (b) that the petitioner is a resident of the state; (c) that the petitioner has the ability to manage his or her financial affairs; and (d) that the petitioner has the ability to manage his or her personal, social, educational, and nonfinancial affairs.

(2) A parent, guardian, custodian, or in the case of a dependent minor, the department, may oppose the petition for emancipation. The court shall deny the petition unless it finds, by clear and convincing evidence, that denial of the grant of emancipation would be detrimental to the interests of the minor.

(3) Upon entry of a decree of emancipation by the court the petitioner shall be given a certified copy of the decree.

EXHIBIT 5
3 OF 8

The decree shall instruct the petitioner to obtain a Washington driver's license or a Washington identification card and direct the department of licensing make a notation of the emancipated status on the license or identification card.

[1993 c 294 § 5.]

13.64.060

Power and capacity of emancipated minor.

(1) An emancipated minor shall be considered to have the power and capacity of an adult, except as provided in subsection (2) of this section. A minor shall be considered emancipated for the purposes of, but not limited to:

(a) The termination of parental obligations of financial support, care, supervision, and any other obligation the parent may have by virtue of the parent-child relationship, including obligations imposed because of marital dissolution;

(b) The right to sue or be sued in his or her own name;

(c) The right to retain his or her own earnings;

(d) The right to establish a separate residence or domicile;

(e) The right to enter into nonvoidable contracts;

(f) The right to act autonomously, and with the power and capacity of an adult, in all business relationships, including but not limited to property transactions;

(g) The right to work, and earn a living, subject only to the health and safety regulations designed to protect those under age of majority regardless of their legal status; and

(h) The right to give informed consent for receiving health care services.

(2) An emancipated minor shall not be considered an adult for: (a) The purposes of the adult criminal laws of the state unless the decline of jurisdiction procedures contained in RCW

13.40.110 are used or the minor is tried in criminal court pursuant to *RCW 13.04.030(1)(e)(iv); (b) the criminal laws of the state when the emancipated minor is a victim and the age of the victim is an element of the offense; or (c) those specific constitutional and statutory age requirements regarding voting, use of alcoholic beverages, possession of firearms, and other health and safety regulations relevant to the minor because of the minor's age.

[1994 sp.s. c 7 § 436; 1993 c 294 § 6.]

Notes:

*Reviser's note: RCW 13.04.030 was amended by 1997 c 341 § 3, changing subsection (1)(e)(iv) to subsection (1)(e)(v).

Finding -- Intent -- Severability -- 1994 sp.s. c 7: See notes following RCW 43.70.540.

Effective date -- 1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460: See note following RCW 9.41.010.

EXHIBITS
4 OF 8

13.64.070

Declaration of emancipation — Voidable.

A declaration of emancipation obtained by fraud is voidable. The voiding of any such declaration shall not affect any obligations, rights, or interests that arose during the period the declaration was in effect.

[1993 c 294 § 7.]

13.64.080

Forms to initiate petition of emancipation.

The administrative office of the courts shall prepare and distribute to the county court clerks appropriate forms for minors seeking to initiate a petition of emancipation.

[2005 c 282 § 28; 1993 c 294 § 8.]

13.64.900

Effective date — 1993 c 294.

This act shall take effect January 1, 1994.

[1993 c 294 § 11.]

13.64.901

Construction — Chapter applicable to state registered domestic partnerships — 2009 c 521.

For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships.

[2009 c 521 § 44.]

Emancipation

521.

EXHIBITS
5 OF 8

Washington's emancipation statute was implemented within the last decade. As such, there is little information by way of case law or law review articles on this statute. However, along with California and Michigan's statutes, it will provide guidance for an effective emancipation statute.

Washington's emancipation statute, effective January 1, 1994, is very focused on the minor as the important party rather than the parents. Under this statute, only a minor over the age of 16 years is eligible to petition the superior court.³⁷⁰ The statute does not specifically state that parents cannot petition, although most states that allow parents to petition explicitly say so. Also, the statute requires the petition for emancipation to contain the present address and length of residence of the petitioner; the name and last known address of the parents, guardian, or custodian; and a declaration by the petitioner that indicates her ability to manage her own financial, social, personal, and educational affairs, including any supporting information.³⁷¹ After this information is considered by the court, emancipation is granted if the petitioner proves by clear and convincing evidence that she is at least 16 years of age, a resident of the state, and is able to manage her financial, educational, personal, and social affairs.³⁷² Furthermore, the court shall deny an emancipation petition, opposed by the minor's parent, guardian, custodian or department, "unless it finds, by clear and convincing evidence, that denial of the grant of emancipation would be detrimental to the interests of the minor."³⁷³

The statute is very specific in terms of service and procedure.³⁷⁴ Procedurally, emancipation is granted after a hearing before a "judicial officer."³⁷⁵ In 2001, this section was rewritten to expand the number of persons who are qualified to preside over emancipation hearings. Previous to this, the section provided that only a "judge" could preside over the hearing, sitting without a jury.³⁷⁶ The minor must demonstrate to the judicial officer that she understands her rights and responsibilities, and the consequences of emancipation, prior to the granting of the petition.³⁷⁷ Further, the allegations of the petition are investigated, and a report is filed with the court by a court-appointed GAL.³⁷⁸ The appointment of a GAL is important here again not only because it is strong evidence that the statute is youth-oriented, but that it contains depth of thought and detail of the legislature.

After being granted emancipation, the minor is entitled to retain her own earnings, enter into contracts, and purchase real estate. Also, similar to the Michigan statute, Washington's statute identifies areas of the law where the minors, even though emancipated, will not be considered adults. These areas mostly encompass criminal law and statutory age requirements surrounding voting and alcohol consumption and purchase.³⁷⁹

The strength of Washington's statute is that it requires proof of the minor's ability to manage her own affairs, particularly financial, the court appoints a GAL, and allegations of the petition are investigated. Similar to the Michigan statute, these requirements help to ensure that the minor understands the rights and responsibilities and limitations of emancipation, and allows input from outside persons to assist the judiciary in making informed decisions about what is in the best interest of the child. The required ability to support oneself, coupled with evidence of emotional and social maturity, give the court a certain degree of discretion when considering emancipation, but not so much that these criteria are rendered meaningless. These requirements serve two beneficial functions: first, they place limits on the court's discretionary latitude because these factors must be present for the minor to even petition. This is beneficial because

EXHIBIT S
1 of 8

the statute, and the resulting court order, are more likely to be able to withstand an attack because they are specific without being probative. Second, the prerequisites filter out minors who may be trying to emancipate themselves but yet are not ready to handle the responsibilities of the status. The last above-stated status seems to serve this function as well, in that it appears to be a test of maturity.

Unfortunately, the statute explicitly states that the minor has no access to child support once emancipated, which evinces the nationwide opinion that once minors are emancipated they should be able to support themselves financially. In other words, if parents' control over their children is effectively destroyed by the court, parents should then also be financially free of their obligations of support.

Few emancipation statutes provide this level of detail. There are several provisions and general goals that should serve as a model for Massachusetts were it to consider formulating an emancipation statute. Since this statute is less than 10 years old, a search of legislative history and intent by next year's Law Office would be beneficial.

370
...

Wash. Rev. Code § 13.64.010 (2001).

371
...

Id. § 13.64.020 (1)(a)-(f).

372
...

Id. § 13.64.050 (1).

373
...

Id. § 13.64.050 (2).

374
...

Id. § 13.64.030.

375
...

"judicial officer" includes (a) A judge; (b) a superior court commissioner of a unified family court if the county operated a unified family court; or (c) any superior court commissioner if the county does not operate a unified family court. The term does not include a judge pro tempore.
Id. § 13.64.040(2).

EXHIBIT S
LOFB

... 176

Id. § 13.64.040(1)

... 177

Id. § 13.64.040(1)(a).

... 178

Id. § 13.64.040(1)(b)

... 179

Id. § 13.64.060(2)(b)-(c).

EXHIBIT S
8 OF 8

SKAMANIA COUNTY
ORIGINAL FILED

OCT 24 2012

SHARON K. VANCE, CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAMANIA

JOHN ERIC NELSON,

Plaintiff/Petitioner,

vs.

CONNIE LOUISE ACKER,

Defendant/Respondent.

NO. 97-3-00013-6

MOTION AND DECLARATION FOR
ISSUANCE OF [SUBPOENA]
[SUBPOENA DUCES TECUM]

MOTION

The [plaintiff/petitioner] [defendant/respondent] moves the court for issuance of a [subpoena] [subpoena duces tecum] to Connie Louise Acker for hearing trial on 11/2/2012 [date] at 9:00 a.m. p.m. [time]. This motion is supported by the declaration of John Eric Nelson [name].

DECLARATION

I, John Eric Nelson, declare as follows:

1. I am the [plaintiff/petitioner][defendant/respondent] in this action.

MOTION AND DECLARATION FOR
ISSUANCE OF [SUBPOENA]
[SUBPOENA DUCES TECUM] - 1 of 2

DECLARATION

EXHIBIT U

1 OF 9

RCW 26.09.170

Modification of decree for maintenance or support, property disposition — Termination of maintenance obligation and child support — Grounds.

(1) Except as otherwise provided in RCW 26.09.070(7), the provisions of any decree respecting maintenance or support may be modified: (a) Only as to installments accruing subsequent to the petition for modification or motion for adjustment except motions to compel court-ordered adjustments, which shall be effective as of the first date specified in the decree for implementing the adjustment; and, (b) except as otherwise provided in this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance or registration of a new domestic partnership of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

(4) Unless expressly provided by an order of the superior court or a court of comparable jurisdiction, provisions for the support of a child are terminated upon the marriage or registration of a domestic partnership to each other of parties to a paternity order, or upon the remarriage or registration of a domestic partnership to each other of parties to a decree of dissolution. The remaining provisions of the order, including provisions establishing paternity, remain in effect.

(5)(a) A party to an order of child support may petition for a modification based upon a showing of substantially changed circumstances at any time.

(b) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(6) An order of child support may be modified one year or more after it has been entered without a showing of substantially changed circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child;

(b) If a party requests an adjustment in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based;

(c) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or

(d) To add an automatic adjustment of support provision consistent with RCW 26.09.100.

(7)(a) If twenty-four months have passed from the date of the entry of the order or the last adjustment or modification, whichever is later, the order may be adjusted without a showing of substantially changed circumstances based upon:

(i) Changes in the income of the parents; or

(ii) Changes in the economic table or standards in chapter 26.19 RCW.

(b) Either party may initiate the adjustment by filing a motion and child support worksheets.

(c) If the court adjusts or modifies a child support obligation pursuant to this subsection by more than thirty percent and the change would cause significant hardship, the court may implement the change in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a motion for another adjustment under this subsection may be filed.

(8)(a) The department of social and health services may file an action to modify or adjust an order of child support if public assistance money is being paid to or for the benefit of the child and the child support order is at least twenty-five percent above or below the appropriate child support amount set forth in the standard calculation as defined in RCW 26.19.011 and reasons for the deviation are not set forth in the findings of fact or order.

(b) The department of social and health services may file an action to modify or adjust an order of child support in a nonassistance case if:

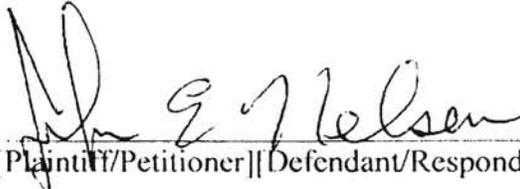
EXHIBIT T
1 OF 1

1 2. I intend to call Connie Louise Acker as a witness at the hearing trial
2 scheduled for 11/2/2012[date] at 9:00 a.m. p.m. [time]. The witness resides at 102 Stewart
3 Road, Stevenson, WA 98648. The witness does
4 does not live within 20 miles of the court and witness does does not live within the
5 county. If the witness lives more than 20 miles from the court or lives outside the county, then a
6 reasonable allowance for meals, lodging, and necessary travel expenses should be set pursuant to
7 RCW 5.56.010

8 3. I want the witness to bring the documents or items identified in the proposed
9 subpoena duces tecum to the hearing trial *(check here if not applicable)*:

10 I declare under penalty of perjury under the laws of the state of Washington that the
11 foregoing statement is true.

12 Dated in Skamania County Courthouse, Stevenson [place], Washington on 10/24/2012
13 [date].

14 
15 _____
16 [Plaintiff/Petitioner] [Defendant/Respondent]

17 John Eric Nelson
18 Address
19 PO Box 418, Carson, WA 98610
20 509-427-5428
21 Telephone Number

EXHIBIT 4
2 OF 9

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAMANIA

JOHN ERIC NELSON,

Plaintiff/Petitioner,

vs.

CONNIE LOUISE ACKER,

Defendant/Respondent.

NO. 97-3-00013-6

SUBPOENA DUCES TECUM

The State of Washington to:

Connie Louise Acker

Name

102 Stewart Road

Address

Stevenson, WA 98648

You are commanded to appear before:

Judge Altman of the Superior Court of the State of Washington for Skamania County at the

Skamania County Courthouse, Vancouver Avenue, Stevenson, WA [address] Room 34 on

11/2/2012 [date] at 9:00 a.m. p.m.[time] and testify in this case on behalf of the

plaintiff/petitioner defendant/respondent, and to remain in attendance until you have given

1 your testimony or you have been dismissed or excused by the court, and to bring with you the
2 following documents:

3 1. Accounting documentation showing where the Petitioner's child support monthly amounts
4 were spent, and in particular, proof of any deposits from a portion of the Petitioner's monthly
5 child support in a college savings account for Bailey and Hayden dated 1997 to current.

6
7 2. Proof that the Respondent has paid her monthly postsecondary child support obligation to
8 Bailey and Hayden in the form of legitimate documentation such as copies of checks and/or
9 proof of bank deposits. The following are the Respondent's postsecondary child support
10 obligation amounts and corresponding dates that were to be paid to Bailey and Hayden:

11 BAILEY

12 June 2009 – March 2010 (\$528.50 a month)

13 April 2010 - October 2012 (\$569.50 a month)

14
15 HAYDEN

16 June – October 2012 (\$569.50 a month)

17
18 3. Signed legal documents or forms from the financial institution where Bailey and Hayden
19 hold their savings/checking accounts showing all names listed on those accounts including, but
20 not limited to, Bailey and Hayden.

21
22 Dated: _____

County Superior Court Clerk

Applicable Not applicable

Allowances for meals, lodging,
and travel expenses pursuant to
RCW 5.56.010:

Meals: _____

Lodging: _____

Travel expenses: _____

Person Requesting subpoena:

John Eric Nelson

Name

PO Box 418

Address

Carson, WA 98648

509-427-5428

Telephone Number

CR 45, Sections (c) & (d):

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

1 (2)(A) A person commanded to produce and permit inspection and copying of
2 designated books, papers, documents or tangible things, or inspection of premises need not
3 appear in person at the place of production or inspection unless commanded to appear for
4 deposition, hearing or trial.

5 (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit
6 inspection and copying may, within 14 days after service of subpoena or before the time
7 specified for compliance if such time is less than 14 days after service, serve upon the party or
8 attorney designated in the subpoena written objection to inspection or copying of any or all of
9 the designated materials or of the premises. If objection is made, the party serving the
10 subpoena shall not be entitled to inspect and copy the materials or inspect the premises except
11 pursuant to an order of the court by which the subpoena was issued. If objection has been
12 made, the party serving the subpoena may, upon notice to the person commanded to produce
13 and all other parties, move at any time for an order to compel the production. Such an order to
14 compel production shall protect any person who is not a party or an officer of a party from
15 significant expense resulting from the inspection and copying commanded.

16 (3)(A) On timely motion, the court by which a subpoena was issued shall quash or
17 modify the subpoena if it:

- 18 (i) fails to allow reasonable time for compliance;
- 19 (ii) fails to comply with RCW 5.56.010 or subsection (e)(2) of this rule;
- 20 (iii) requires disclosure of privileged or other protected matter and no exception or
21 waiver applies; or
- 22 (iv) subjects a person to undue burden, provided that the court may condition
23 denial of the motion upon a requirement that the subpoenaing party advance the reasonable
24 cost of producing the books, papers, documents, or tangible things.

(B) If a subpoena

1 (i) requires disclosure of a trade secret or other confidential research,
2 development, or commercial information, or

3 (ii) requires disclosure of an unretained expert's opinion or information not
4 describing specific events or occurrences in dispute and resulting from the expert's study made
5 not at the request of any party, the court may, to protect a person subject to or affected by the
6 subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is
7 issued shows a substantial need for the testimony or material that cannot be otherwise met
8 without undue hardship and assures that the person to whom the subpoena is addressed will be
9 reasonably compensated, the court may order appearance or production only upon specified
10 conditions.

11 **(d) Duties in Responding to Subpoena.**

12 (1) A person responding to a subpoena to produce documents shall produce them as they
13 are kept in the usual course of business or shall organize and label them to correspond with the
14 categories in the demand.

15 (2) When information subject to a subpoena is withheld on a claim that it is privileged or
16 subject to protection as trial preparation materials, the claim shall be made expressly and shall be
17 supported by a description of the nature of the documents, communications, or things not
18 produced that is sufficient to enable the demanding party to contest the claim

19 [Amended effective July 1, 1972; September 1, 1983; September 1, 1993; September 1, 2007; January 12, 2010]

SKAMANIA COUNTY
ORIGINAL FILED

OCT 25 2012

SHARON K. VANCE, CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAMANIA

JOHN ERIC NELSON,

Plaintiff/Petitioner,

vs.

CONNIE LOUISE ACKER,

Defendant/Respondent.

NO. 97-3-00013-6

ORDER FOR ISSUANCE OF
[SUBPOENA]
[SUBPOENA DUCES TECUM]

This matter came before the undersigned, ex parte, on the motion of the [plaintiff/petitioner][defendant/respondent] for issuance of a subpoena subpoena duces tecum to Connie Louise Acker [name] for hearing trial on 11/2/2012 [date]. The court having considered the motion and being fully advised, it is

ORDERED as follows:

1. The motion is granted;
2. The clerk of the court shall issue a subpoena subpoena duces tecum to

ORDER FOR ISSUANCE OF [SUBPOENA]
[SUBPOENA DUCES TECUM] - 1 of 2

EXHIBIT 4
00F9

1 Connie Louise Acker [name] directing her him to appear at hearing trial at the
2 time and place designated in the proposed subpoena subpoena duces tecum, a copy of
3 which is attached to this order.

4 Dated: Oct. 25, 2012

5 **/S/ BRIAN ALTMAN**

6

Judge/Court Commissioner

7
8 Presented by:

9
10

[Plaintiff/Petitioner][Defendant/Respondent]

11 JOHN ERIC NELSON

12 Address

13 PO Box 418, Carson, WA 98610

14 509-427-5428

15 Telephone Number

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23 *ORDER FOR ISSUANCE OF [SUBPOENA]
[SUBPOENA DUCES TECUM] - 2 of 2*

24
EXHIBIT 4
a OF 9

Display Transcript

Hayden A. Nelson
 Dec 31, 2012 04:57 pm
 Your current Institution is BL

 This is NOT an official transcript. Courses which are in progress may also be included on this transcript.

Institution Credit Transcript Totals Courses in Progress

Transcript Data

STUDENT INFORMATION

Name : Hayden A. Nelson

***Transcript type:WEB is NOT Official ***

INSTITUTION CREDIT -Top-

Term: Fall 2012

Academic Standing: Good Standing

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points
A&SC	101	UG	College Success Strategies	P	1.000	0.00
FIRE	115	UG	Firefighter I Essentials	B	3.000	9.00
FIRE	130	UG	Fire Service Management & Law	B	3.000	9.00
M	111	UG	Technical Mathematics	F	3.000	0.00
RD	101	UG	Reading Improvement	C	3.000	6.00

Term Totals (Undergraduate - Semester)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	13.000	10.000	10.000	12.000	24.00	2.00
Cumulative:	13.000	10.000	10.000	12.000	24.00	2.00

Unofficial Transcript

TRANSCRIPT TOTALS (UNDERGRADUATE - SEMESTER) -Top-

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Total Institution:	13.000	10.000	10.000	12.000	24.00	2.00
Total Transfer:	0.000	0.000	0.000	0.000	0.00	0.00

EXHIBIT V
1 OF 2

Overall: 13.000 10.000 10.000 12.000 24.00 2.00

Unofficial Transcript

COURSES IN PROGRESS -Top-

Term: Spring 2013

Subject Course Level Title				Credit Hours
ARTH	160	UG	Global Visual Culture	3.000
COMT	130	UG	Intro to Public Speaking	3.000
FIRE	275	UG	Fire Service Instructor	3.000
HHP	134	UG	Beginning Snowboarding	1.000
HSTR	101	UG	Western Civilization I	3.000

Unofficial Transcript

RELEASE: 8.4.1

EXHIBIT V
2 OF 2

Courses, Credits, and Grades

- Definitions
 - Course
 - Credit
 - Credit Load
 - Curriculum
 - Semester
- Grades
 - Passing Grades
 - Nonpassing Grades
 - Minimum Competency Requirements
 - Semester Grade-Point Average
 - Cumulative Grade-Point Average
 - W Grade Eligibility
 - F Grade Eligibility
 - Make-Up of F Grades
 - Pass/Fail Grading
 - A Grade
- Changes of Grades
- Dean's List and President's List

Definitions

Course

A course is a unit of instruction in a subject-matter area offered in a single university semester. Resident courses (courses for which resident credit is granted) are those listed in the Schedule of Classes. Continuing education courses are arranged through Extended University.

Credit

A credit is the unit used in computing the amount of work required for graduation. One credit is equivalent to three hours of work each week for one semester. One lecture hour assumes two hours of work outside of class. In the case of laboratories, library work, or studio classes, the entire time may be spent under the supervision of the instructor.

Credit Load

Undergraduate students who are enrolled for twelve or more credits and graduate students for nine or more credits, will be certified and reported as full-time students. Completion of a 120-credit undergraduate curriculum in four years requires students to complete an average of fifteen credits each semester.

Curriculum

A curriculum is a combination of courses that constitutes a program of study leading to a degree.

EXHIBIT W
1 OF 6

Semester

Montana State University operates on a semester system consisting of two semesters and a summer session. The Term Calendar gives the dates of each semester.

Grades

The quality of the student's work in each course is denoted by a letter grade according to the following tabulation. In computing scholastic averages, each letter grade is assigned a specific number of grade points for each credit. The general quality of a student's work is expressed in terms of a grade point average (GPA). Semester grades indicate when students are on University probation, suspend warning, or suspended.

Passing Grades

Grades	Quality of Work	Grade Points for Each Credit
A	Excellent	4.0
A-		3.7
B+		3.3
B	Good	3.0
B-		2.7
C+		2.3
C	Fair	2.0
C-		1.7
D+		1.3
D		1.0
P	Passing	0.7
N	Continuing (Math Only)	0
W	Pass	0
S (SEU only)	Satisfactory	0
W	Withdraw	0
AU	Audit	0
NR	Missing Grade	0

Nonpassing Grades

Grades	Explanation of Grades	Grade Points for Each Credit
F	Failure	0

EXHIBIT W
2 of 4

Minimum Competency Requirements (Instituted Fall, 2005)

The Montana Board of Regents has established a common policy on minimum course grades across all campuses in the system. This policy affects only students who enter or were readmitted to the system starting in fall 2005. According to the policy, a grade of C- or better is required to satisfy requirements for pre-requisite and required courses in majors, minors, and certificate programs and for all core requirements. Further, a grade of C- or better is required in all courses that will be counted toward the 42 upper-division credits required in all degrees. Courses with a passing grade of D-, D, or D+ may only be counted toward the overall 120 credit requirement. This policy creates a minimum requirement, which may be superceded by more stringent requirements within specific majors. Any such requirements are explained within the descriptions of those curricula.

Semester Grade-Point Average

The student's semester grade-point average is computed by dividing the number of grade points earned by the number of credits carried. Semester grade-point averages are used in computing fraternity, sorority, and all-university averages.

Cumulative Grade-Point Average

The cumulative grade-point average is computed by dividing the sum of grade points earned by the sum of credits carried, except that neither the credits nor the grade points shall be counted for the following:

1. **For repeated courses**, only the credits and grades received the last time the course was taken will be used in the calculation of the cumulative grade-point average, and only the credits received the last time the course was taken will be included in the credits counted for graduation. However, all grades received will be listed on the transcript. Repeat waivers are figured manually and will be reflected in the cumulative totals the next semester after the courses have been repeated.
2. Courses passed on a pass/fail basis.
3. Only credits taken at MSU are used to compute the cumulative grade-point average.

W Grade Eligibility

After the 16th day of the semester, students may drop courses and receive a grade of W (withdrawal) only if approved by the academic advisor and course instructor. Approval is not guaranteed, and no refund is given. Until the last day of the official registration period for the following semester, students use a Drop/Add form (see advisor, department office, or Registrar's Office) to drop courses with a W. The W grade is non punitive: it counts in credits attempted but not in earned credits or in quality points toward the GPA. If a student repeats the course in a subsequent semester, the new grade will count in the GPA but the W will remain on the transcript.

I Grade Eligibility

Instructors may assign a grade of I (Incomplete) when students have been unable to complete their academic obligations because of circumstances beyond their control.

EXHIBIT W
3 OF 6

The University takes the position that when students register, they commit themselves to completing their academic obligations as their primary responsibility. Therefore, the instructor may assign an *I* grade only in cases when students have suffered extreme personal hardship or in unusual academic situations.

An instructor may assign an *I* grade in cases of personal hardship when students have been unable to fulfill their commitments because of illness, death or illness in the immediate family, family emergencies, or military orders. The Dean of Students will verify personal hardship cases at the instructor's request. The instructor may assign an *I* grade to a student for personal hardship, provided the student has completed three-fourths of the work of the course with a passing grade. If the student has not satisfactorily completed three-fourths of the course work the instructor must provide written justification for assigning an *I* grade.

The instructor may also assign an *I* grade, subject to the department head's approval, in cases when a student has been unable to complete course requirements for reasons such as apparatus or equipment failure, death or disease in experimental animals, delays in material shipments from suppliers, or in other unusual academic circumstances which are clearly beyond the student's control. In these situations, the student must have completed three-fourths of the work of the course with a passing grade. If the student has not satisfactorily completed three-fourths of the course work the instructor must provide written justification for assigning an *I* grade.

In each instance qualifying for an *I* grade, the instructor must prepare an *I* Grade Authorization form. On this form, the instructor will list the make-up requirements and the date beyond which the *I* will revert to a *F* grade.

To change the *I* grade after the make-up work has been completed, the instructor will obtain the proper form from the Registrar's Office, place the grade on the form, and return it to the Registrar's Office. The instructor may specify the time period within which the work must be made up. Unless a specified time is given by the instructor, an *I* grade shall be made up no later than the end of the following semester (excluding summer session), unless extended by the instructor. An *I* grade may not be extended beyond one calendar year. An *I* grade not made up in the prescribed length of time lapses to a failure (*F*).

Make-Up of *I* Grades

An *I* Grade make-up is reported to the Registrar on a Grade Change Form. No fee is charged. These grades are not included on the next semester grades. The student's college dean, academic department, and advisor are notified when *I* grades are made up.

Pass/Fail Grading

As a general policy, courses at Montana State University are graded by the letter grades, *A*, *A-*, *B+*, *B*, etc. However, in certain courses, pass/fail grading may be more appropriate. Courses may be offered on a pass/fail basis for all students registered in the course, with the approval of the department head and college dean. Courses offered on a pass/fail basis will be identified in the Schedule of Classes. Permission to offer a course on a pass/fail basis is limited to one academic year; if the permission is not renewed, the course reverts to a letter-grade basis.

In pass/fail grading, passing work will receive a *P* grade on the student's transcript, but it will not count in the grade point average. However, the course credit will count toward the number of credits required for graduation. Failing work will receive an *F* grade and will count in the grade-point average.

N Grade

EXHIBIT W
4 OF 6

An *N* grade may be assigned to students enrolled in the Tutor Assisted Courses (TAC) in Mathematics only. This grade indicates that, though students have not completed the course, they have made satisfactory progress. These students must re-enroll in the course immediately in order to continue with the course work and complete the course.

Changes of Grades

Once a grade has been reported by the instructor to the Registrar, it cannot be changed except in case of clerical error or unless it was fraudulently obtained. All grades and credits will stand as recorded in the Registrar's official record if changes are not reported in writing to the Registrar within five years of the last day of the semester in which the course was taken.

A change of final grade does not mean allowing additional time to complete the work of a course or allowing the student to submit work or to take or to retake examinations after the conclusion of the semester. A change of grade is not a substitute for an *I* grade when an *I* grade cannot be justified.

A change of grade may be made only with the concurrence of the department head. If the grade being changed was given more than one year prior, the college dean must also approve the change.

All courses taken prior to degree completion are used toward fulfillment of the specific degree requirements, and the permanent record is closed as of the completion date.

Dean's List and President's List

Any undergraduate student who passes twelve or more credits and attains a 3.50 grade-point average or better for any one semester is placed on the Dean's List. A student who receives a 4.00 grade-point average and is taking twelve credits or more is placed on the President's List. The names of the students making the Dean's List and President's List are announced by the Registrar at the end of each semester. These lists apply only to undergraduate students.

Probation and Suspension Decisions

When a student's semester or cumulative grade-point average falls below 2.00, the record of the student's performance is reviewed by the University Scholastic Appeals Board, which is composed of the Senior Vice Provost for Academic Affairs, the Dean of Students, and the dean or assistant dean of the college concerned. The board meets between semesters and at other times as needed to act upon individual cases recommended for either suspension or transfer out of a curriculum. This board has the authority 1) to suspend a student from the University for scholastic reasons, 2) to reinstate a student who has been suspended for scholastic reasons, and 3) to require a student to transfer out of a curriculum with the consent of both colleges involved. The chairperson of this board will notify students in writing of the action. (The designation **probation**, **suspension warning**, or **suspension** will be entered on the student's permanent record.) Semester grade reports indicate the status of students, and it is the individual student's responsibility to review his or her grade report each semester.

Guidelines Used by the University Scholastic Appeals Board

EXHIBIT W
5 OF 6

Undergraduate **students** who are enrolled for twelve or more credits and graduate **students** for nine or more credits, will be certified and reported as **full- time** ...

2013 Spring Semester

January 9	<u>Classes Begin</u>
January 21	<u>Martin Luther King Holiday</u> No Classes; Offices Closed
February 18	<u>Presidents' Day Holiday</u> No Classes; Offices Closed
March 11-15	<u>Spring Break</u> No Classes; Offices Open
March 29	<u>University Day</u> No Classes; Offices Open
April 26	<u>Classes End</u>
April 29 - May 3	<u>Final examinations</u>
May 3	<u>Spring Semester ends</u>
May 4	<u>Commencement 2013</u> Celebrate MSU's spring commencement ceremony!

EXHIBIT W
6 OF 6

Washington State Child Support Schedule Worksheets

[X] Proposed by [] (John Eric Nelson _____ [] State of WA [] Other _____
(CSWP)

Or, [] Signed by the Judicial/Reviewing Officer. (CSW)

Mother Connie Louise Acker Father John Eric Nelson
County Skamania Case No. 97-3-00013-6

Child(ren) and Age(s): Bailey Nelson (18) and Hayden Nelson (15) (October 1, 2009)		
Part I: Income (see Instructions, page 6)		
	Father	Mother
1. Gross Monthly Income		
a. Wages and Salaries	\$4773.60	\$
b. Interest and Dividend Income	\$	\$
c. Business Income	\$	\$
d. Maintenance Received	\$	\$
e. Other Income	\$	\$
f. Imputed Income	\$	\$
g. Total Gross Monthly Income (add lines 1a through 1f)	\$	\$
2. Monthly Deductions from Gross Income		
a. Income Taxes (Federal and State)	\$983.36	\$
b. FICA (Soc. Sec. + Medicare)/Self-Employment Taxes	\$348.47	\$
c. State Industrial Insurance Deductions	\$	\$
d. Mandatory Union/Professional Dues	\$38.66	\$
e. Mandatory Pension Plan Payments	\$131.21	\$
f. Voluntary Retirement Contributions	\$191.06	\$
g. Maintenance Paid	\$	\$
h. Normal Business Expenses	\$	\$
i. Total Deductions from Gross Income (add lines 2a through 2h)	\$1692.76	\$
3. Monthly Net Income (line 1g minus 2i)	\$3081.00	\$3694
4. Combined Monthly Net Income (add father's and mother's monthly net incomes from line 3)	\$6775	
5. Basic Child Support Obligation (enter total amount in box →) Child #1 <u>911</u> Child #3 <u>1260</u> Child #5 _____ Child #2 <u>911</u> Child #4 <u>911</u>	\$1822	
6. Proportional Share of Income (each parent's net income from line 3 divided by line 4)	.45	.55

EXHIBIT X
1 OF 19

Part II: Basic Child Support Obligation (see Instructions, page 7)		
7. Each Parent's Basic Child Support Obligation without consideration of low income limitations. (Multiply each number on line 6 by line 5.)	\$819.90	\$1002.10
8. Calculating low income limitations: Fill in only those that apply.		
Self-Support Reserve: (125% of the Federal Poverty Guideline.)	\$	
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.	\$819.90	\$1002.10
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 Premiums Paid for Child(ren)	\$190	\$0
b. Uninsured Monthly Health Care Expenses Paid for Child(ren)	\$	\$0
c. Total Monthly Health Care Expenses (line 10a plus line 10b)	\$190	\$0
d. Combined Monthly Health Care Expenses (add father's and mother's totals from line 10c)	\$190	
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 (add father's and mother's day care and special expenses from line 11e)	\$	
13. Total Health Care, Day Care, and Special Expenses (line 10d plus line 12)	\$190	
14. Each Parent's Obligation for Health Care, Day Care, and Special Expenses (multiply each number on line 6 by line 13)	\$85.50	\$104.50
Part IV: Gross Child Support Obligation		
15. Gross Child Support Obligation (line 9 plus line 14)	\$905.40	\$1106.60
Part V: Child Support Credits (see Instructions, page 9)		
16. Child Support Credits		
a. Monthly Health Care Expenses Credit	\$190	\$
b. Day Care and Special Expenses Credit	\$	\$

c. Other Ordinary Expenses Credit (describe)	\$	\$
d. Total Support Credits (add lines 16a through 16c)	\$190	\$
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)	\$715.40	\$1106.60
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)	\$1386.45	\$1662.30
19. 25% of each parent's basic support obligation from line 9 (.25 x amount from line 9 for each parent)	\$204.98	\$250.53
Part VIII: Additional Factors for Consideration (see Instructions, page 9)		
20. Household Assets (List the estimated present 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.)		
	\$	\$
	\$	\$
	\$	\$
	\$	\$
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 jobs the party is asking the court to exclude per Instructions, page 8	\$	\$
d. Income Of Child(ren) (if considered extraordinary)		
Name _____	\$	\$
Name _____	\$	\$

EXHIBIT X
30F19

e. Income From Child Support Name _____ Name _____	\$ \$	\$ \$
f. Income From Assistance Programs Program _____ Program _____	\$ \$	\$ \$
g. Other Income (describe) _____ _____	\$ \$	\$ \$
23. Non-Recurring Income (describe) _____ _____	\$ \$	\$ \$
24. Child Support Owed, Monthly, for Biological or Legal Child(ren)	Father's Household	Mother's Household
Name/age: _____ Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	\$	\$
Name/age: _____ Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	\$	\$
Name/age: _____ Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	\$	\$
25. Other Child(ren) Living In Each Household		
(First name(s) and age(s))		
26. Other Factors For Consideration		
Per Chapter 84, Laws of 2009, 61 st Legislature House Bill 1794 effective October 1, 2009, page 12, section 4(h), Calculation of Child Support, according to law, the child support amount for the father should be based on straight 40 hours a week of work as the acting Postmaster from October 1, 2009 to March 1, 2010. Overtime and any second job is excluded from net income. This is a revised worksheet reflecting the calculated child support amount for father and mother. This results in an over-payment by the father to Bailey and the mother in the total amount of \$1,415.50 (\$283.10/month). This amount should be reimbursed to the father by Bailey and the mother immediately.		
The original child support amount of \$1,103 from October 1, 2009 to March 1, 2010 was miscalculated by the courts and did not accurately reflect my net income.		

EXHIBIT X
4 OF 19

Washington State Child Support Schedule Worksheets

[X] Proposed by [] (John Eric Nelson _____) [] State of WA [] Other _____
(CSWP)

Or, [] Signed by the Judicial/Reviewing Officer. (CSW)

Mother Connie Louise Acker Father John Eric Nelson
County Skamania Case No. 97-3-00013-6

Child(ren) and Age(s): Bailey Nelson (19) and Hayden Nelson (15) {March 1, 2010}		
Part I: Income (see Instructions, page 6)		
1. Gross Monthly Income	Father	Mother
a. Wages and Salaries	\$2070	\$
b. Interest and Dividend Income	\$	\$
c. Business Income	\$	\$
d. Maintenance Received	\$	\$
e. Other Income	\$	\$
f. Imputed Income	\$	\$
g. Total Gross Monthly Income (add lines 1a through 1f)	\$	\$
2. Monthly Deductions from Gross Income		
a. Income Taxes (Federal and State)	\$424.44	\$
b. FICA (Soc. Sec. + Medicare)/Self-Employment Taxes	\$149.34	\$
c. State Industrial Insurance Deductions	\$	\$
d. Mandatory Union/Professional Dues	\$38.66	\$
e. Mandatory Pension Plan Payments	\$131.21	\$
f. Voluntary Retirement Contributions	\$124.20	\$
g. Maintenance Paid	\$	\$
h. Normal Business Expenses	\$	\$
i. Total Deductions from Gross Income (add lines 2a through 2h)	\$868.05	\$
3. Monthly Net Income (line 1g minus 2i)	\$1201.95	\$3694
4. Combined Monthly Net Income (add father's and mother's monthly net incomes from line 3)	\$4895	
5. Basic Child Support Obligation (enter total amount in box →) Child #1 <u>685</u> Child #3 <u>685</u> Child #5 _____ Child #2 <u>685</u> Child #4 <u>685</u>	\$1370	
6. Proportional Share of Income (each parent's net income from line 3 divided by line 4)	.24	.76

Part II: Basic Child Support Obligation (see Instructions, page 7)		
7. Each Parent's Basic Child Support Obligation without consideration of low income limitations. (Multiply each number on line 6 by line 5.)	\$328.80	\$1041.20
8. Calculating low income limitations: Fill in only those that apply.		
Self-Support Reserve: (125% of the Federal Poverty Guideline.)	\$	
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.	\$328.80	\$1041.20
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 Premiums Paid for Child(ren)	\$213.55	\$0
b. Uninsured Monthly Health Care Expenses Paid for Child(ren)	\$	\$0
c. Total Monthly Health Care Expenses (line 10a plus line 10b)	\$213.55	\$0
d. Combined Monthly Health Care Expenses (add father's and mother's totals from line 10c)		\$213.55
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 (add father's and mother's day care and special expenses from line 11e)		\$
13. Total Health Care, Day Care, and Special Expenses (line 10d plus line 12)		\$213.55
14. Each Parent's Obligation for Health Care, Day Care, and Special Expenses (multiply each number on line 6 by line 13)	\$51.25	\$162.30
Part IV: Gross Child Support Obligation		
15. Gross Child Support Obligation (line 9 plus line 14)	\$277.55	\$878.90
Part V: Child Support Credits (see Instructions, page 9)		
16. Child Support Credits		
a. Monthly Health Care Expenses Credit	\$213.55	\$
b. Day Care and Special Expenses Credit	\$	\$

c. Other Ordinary Expenses Credit (describe)		
	\$	\$
d. Total Support Credits (add lines 16a through 16c)	\$213.55	\$
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)	\$64	\$878.90
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)	\$540.87	\$1662.30
19. 25% of each parent's basic support obligation from line 9 (25 x amount from line 9 for each parent)	\$82.80	\$250.53
Part VIII: Additional Factors for Consideration (see Instructions, page 9)		
20. Household Assets (List the estimated present 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.)		
	\$	\$
	\$	\$
	\$	\$
	\$	\$
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 jobs the party is asking the court to exclude per Instructions, page 8	\$	\$
d. Income Of Child(ren) (if considered extraordinary) Name _____ Name _____	\$ \$	\$ \$

e Income From Child Support Name _____ Name _____	\$ \$	\$ \$
f Income From Assistance Programs Program _____ Program _____	\$ \$	\$ \$
g. Other Income (describe) _____ _____	\$ \$	\$ \$
23 Non-Recurring Income (describe) _____ _____	\$ \$	\$ \$
24 Child Support Owed, Monthly, for Biological or Legal Child(ren)	Father's Household	Mother's Household
Name/age: _____ Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	\$	\$
Name/age: _____ Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	\$	\$
Name/age: _____ Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	\$	\$
25 Other Child(ren) Living In Each Household (First name(s) and age(s))		
26. Other Factors For Consideration		
Per Chapter 84, Laws of 2009, 61 st Legislature House Bill 1794 effective October 1, 2009, page 12, section 4(h), Calculation of Child Support, according to law, the child support amount for the father should be based on 18 hours a week of work as part-time flex clerk from March 1, 2010 to February 29, 2012. Overtime and any second job is excluded from net income. This is a revised worksheet reflecting the calculated child support amount for father and mother. This results in an over-payment by the father to Bailey and mother in the total amount of \$3504.51 (\$152.37/month). This amount should be reimbursed to the father by Bailey and the mother immediately.		
The original child support amount of \$1,103 for March 1, 2010 and the revised amount of \$514.87 from April 1, 2010 to February 29, 2012 was miscalculated by the courts and did not accurately reflect my net income.		

SKAMANIA COUNTY
ORIGINAL FILED

APR 19 2012

SHARON K. VANCE, CLERK

Superior Court of Washington
County of

vs.

JOHN ERIC NELSON

Petitioner,

and

CONNIE LOUISE ACKER

Respondent

No. 07-3-00013-0

AMENDMENT to Washington
State Child Support Schedule
Worksheets and Financial
Declaration in Response to
Petition for Modification of
Child Support (RSP)

To:

1. Admissions and Denials

The allegations of the petition in this matter are *admitted* or *denied* as follows (check one box for each paragraph):

Paragraph of the Petition

11	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
12	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
13	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
14	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
15	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
16	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information

Each allegation of the petition that is denied, is denied for the following reasons (list separately):

EXHIBIT 4
11 OF 19

2. Request for Relief

- Does not apply
- The court should modify the order of child support by:

Granting new child support calculations from Worksheet dated April 2, 2012 due to recent budget cuts with Petitioner's employer (United States Post Office) that resulted in reduction of weekly hours from 18 hours per week to 15 hours per week as a part time flex clerk. Letter from supervisor is attached.

- If the modification is granted, it should not start on the date the petition was filed because:

- it will result in an overpayment of child support
- it will result in an underpayment of child support
- other: The new calculation results in an overpayment for April to Budget News and Respondent, in a total amount of \$299.21

3. Notice of Further Proceedings

Notice of all further proceedings in this matter should be sent to the address below.

Dated 4/19/2012

John E Nelson
Signature

Notice to party: you may list an address that is not your residential address where you agree to accept legal documents. Any time this address changes while this action is pending you must notify the opposing parties in writing and file an updated Confidential Information Form (WPI-DRPSCU 09-0200) with the court clerk.

John E Nelson
Print or Type Name

PO Box 418
Address
Carson WA 98610

EXHIBIT X

Washington State Child Support Schedule Worksheets

Proposed by (John Eric Nelson _____) | State of WA | Other _____
(CSW)

Or Signed by the Judicial/Reviewing Officer: (CSW)

Mother Connie Louise Acker Father John Eric Nelson
County Skamania Case No 97-3-00013-6

Child(ren) and Age(s): Bailey Nelson (21) and Hayden Nelson (18) (April 2, 2012)			
Part I: Income (see Instructions, page 6)			
	Father	Mother	
1 Gross Monthly Income			
a Wages and Salaries	\$1725	\$4000	
b Interest and Dividend Income	\$	\$	
c Business Income	\$	\$	
d Maintenance Received	\$	\$	
e Other Income	\$	\$	
f Imputed Income	\$	\$	
g Total Gross Monthly Income (add lines 1a through 1f)	\$1725	\$4000	
2 Monthly Deductions from Gross Income			
a Income Taxes (Federal and State)	\$344.50	\$866.00	
b FICA (Soc Sec + Medicare)/Self-Employment Taxes	\$101.76	\$	
c State Industrial Insurance Deductions	\$	\$	
d Mandatory Union/Professional Dues	\$45.39	\$	
e Mandatory Pension Plan Payments	\$131.21	\$	
f Voluntary Retirement Contributions	\$103.50	\$	
g Maintenance Paid	\$	\$	
h Normal Business Expenses	\$	\$	
i Total Deductions from Gross Income (add lines 2a through 2h)	\$726.36	\$866.00	
3 Monthly Net Income (line 1g minus 2i)	\$998.64	\$3134	
4 Combined Monthly Net Income (add father's and mother's monthly net incomes from line 3)	\$4132		
5 Basic Child Support Obligation (enter total amount in box #4) Child #1 <u>598</u> Child #3 _____ Child #5 _____ Child #2 <u>598</u> Child #4 _____	\$1196		
6 Proportional Share of Income (each parent's net income from line 3 divided by line 4)	.24	.76	

Part II: Basic Child Support Obligation (see Instructions, page 7)		
7 Each Parent's Basic Child Support Obligation without consideration of low income limitations (Multiply each number on line 6 by line 5)	\$287.04	\$908.96
8 Calculating low income limitations: Fill in only those that apply		
Self-Support Reserve (125% of the Federal Poverty Guideline)		\$
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 7. 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	\$287.04	\$908.96
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 Premiums Paid for Child(ren)	\$93.92	\$0
b Uninsured Monthly Health Care Expenses Paid for Child(ren)	\$	\$0
c Total Monthly Health Care Expenses (line 10a plus line 10b)	\$93.92	\$0
d Combined Monthly Health Care Expenses (add father's and mother's totals from line 10c)		\$93.92
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 (add father's and mother's day care and special expenses from line 11e)		\$
13 Total Health Care, Day Care, and Special Expenses (line 10d plus line 12)		\$93.92
14 Each Parent's Obligation for Health Care, Day Care, and Special Expenses (multiply each number on line 6 by line 13)	\$22.54	\$71.37
Part IV: Gross Child Support Obligation		
15 Gross Child Support Obligation (line 9 plus line 14)	\$309.58	\$980.33
Part V: Child Support Credits (see Instructions, page 9)		
16 Child Support Credits		
a Monthly Health Care Expenses Credit	\$93.92	\$
b Day Care and Special Expenses Credit	\$	\$

c Other Ordinary Expenses Credit (describe)	\$	\$
d Total Support Credits (add lines 16a through 16c)	\$93.92	\$
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)	\$215.66	\$980.33
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)	\$449.39	\$1410.30
19 25% of each parent's basic support obligation from line 9 (25 x amount from line 9 for each parent)	\$71.76	\$227.24
Part VIII: Additional Factors for Consideration (see Instructions, page 9)		
20 Household Assets (List the estimated present 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.)		
	\$	\$
	\$	\$
	\$	\$
	\$	\$
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 jobs the party is asking the court to exclude per Instructions, page 8	\$	\$
d Income Of Child(ren) (if considered extraordinary)		
Name _____	\$	\$
Name _____	\$	\$

e Income From Child Support Name _____ Name _____	\$ _____ \$ _____	\$ _____ \$ _____
f Income From Assistance Programs Program _____ Program _____	\$ _____ \$ _____	\$ _____ \$ _____
g Other Income (describe) _____ _____	\$ _____ \$ _____	\$ _____ \$ _____
23 Non-Recurring Income (describe) _____ _____	\$ _____ \$ _____	\$ _____ \$ _____
24 Child Support Owed, Monthly, for Biological or Legal Child(ren)	Father's Household	Mother's Household
Name/age _____ Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	\$ _____	\$ _____
Name/age _____ Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	\$ _____	\$ _____
Name/age _____ Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	\$ _____	\$ _____
25 Other Child(ren) Living In Each Household (First name(s) and age(s))		
26 Other Factors For Consideration		
Per Chapter 84, Laws of 2009, 61 st Legislature House Bill 1794 effective October 1		
2009, page 12, section 4(h), Calculation of Child Support, according to law, the child		
support amount for the father should be based on 15 hours a week of work		
as part-time flex clerk from April 2, 2012 to current Overtime and any		
second job is excluded from net income This is a revised worksheet reflecting the		
calculated child support amount for father and mother. This results in an over-		
payment by the father to Bailey and mother for the month of April 2012 in the total amount of \$299.21		
This amount should be reimbursed to the father by Bailey and the mother immediately		
Per Legislature House Bill 1794, the father would not work overtime or the second		
job once the debt obligations are paid off		

EXHIBIT X
110 DF19

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

Due to the miscalculations of net income for the father by the courts, the father has been making overpayments in child support for several years. This has caused the father to find extra hours of work with the USPS and work a second job in addition, to taking a loan from his retirement account, refinancing his house, and over extending his credit cards to pay for child support and other debt obligations. The court should honor the House Bill 1794 and the revised Washington State Child Support Schedule Worksheets in granting the father the overpayment amounts

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

Date

City

Father's Signature

Date

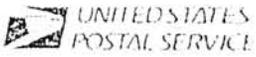
City

John E. Nelson
4/19/2012 Carson WA

Judicial/Reviewing Officer

Date

This worksheet has been certified by the State of Washington Administrative Office of the Courts
Photocopying of the worksheet is permitted



April 10, 2012

To Whom It May Concern:

John E Nelson is an employee at Cascade Locks Post Office. John has been employed here for 25 years as a Part Time Flexible Clerk. He is entitled to 2 hours a pay period, and as of April 2, 2012 the hours we are allotted is 15 hours a week and maybe be cut to less also he was working in other offices and he is no longer getting hours.

It would not be to his benefit to find another job, because of his medical benefits and he still has a retirement from the Postal Service.

Thank You,

Debra L. Reed Sharp

11400 11400
11400 11400
11400 11400
11400 11400
11400 11400

EXHIBIT X
10 OF 11



November 1, 2012

To Whom It May Concern:

John E Nelson is an employee at Cascade Locks Post Office. John has been employed here for 26 years as a Part Time Flexible Clerk. He is entitled to 2 hours a pay period, and he only works 15 hours a week or less. At this time until January I'm on a detail into another office and John is filling in for me until I return then he goes back to 15 hours or less a week.

He has not been working in other Offices. He gets hours when they have no one else available. They are considered extra hours for him.

It would not be to his benefit to find another job, because of his medical benefits and he still has a retirement from the Postal Service.

In these hard economical times the Post Office is also feeling the crunch the possibility of John's hours being even less than the 15 hours could be coming in the next few months.

Thank You,

A handwritten signature in cursive script that reads "Debra L Reed-Sharp".

Debra L Reed-Sharp

Debra L Reed-Sharp
Postmaster
461 NW Wanapa ST
Cascade Locks OR 97014-9998
(541)374-8923

EXHIBIT X
19 OF 19

CHILDERS v. CHILDERS

89 Wn.2d 592 (1978)

575 P.2d 201

JOYCE E. CHILDERS, Petitioner,

v.

LELAND E. CHILDERS, Respondent.

No. 44555.

father to provide funds for a college education for his minor daughter whose custody was in the mother. We quote extensively the reasoning, at pages 178, 182-83:

As to the amount of education that should be considered necessary, courts have never laid down a hard and fast rule.....

Applying the rule as stated by the courts and the text-writers, it will be seen that the question of what sort of an education is necessary, being a relative one, the court should determine this in a proper case from all the facts and circumstances.

Nor should the court be restricted to the station of the minor in society, but should, in determining this fact, take into consideration the progress of society, and the attendant requirements upon the citizens of today.... An opportunity [in the 1800's] for a common school education was small, for a high school education less, and for a college education was almost impossible to the average family, and was generally considered as being only within

[89 Wn.2d 600]

the reach of the most affluent citizens. While there is no reported case, it is hardly to be doubted that the courts at that time would have even held that a high school education was not necessary, inasmuch as very few were able to avail themselves of it. But conditions have changed greatly in almost a century that has elapsed since that time. Where the college graduate of that day was the exception, today such a person may almost be said to be the rule.... That it is the public policy of the state that a college education should be had, if possible, by all its citizens, is made manifest by the fact that the state of Washington maintains so many institutions of higher learning at public expense. It cannot be doubted that the minor who is unable to secure a college education is generally handicapped in pursuing most of the trades or professions of life, for most of those with whom he is required to compete will be possessed of that greater skill and ability which comes from such an education.

That assisting a child with a college education, though at times referred to as a necessary, will not be a duty of support of all parents, but is circumstantial, is learned from *Golay v. Golay*, 35 Wn.2d 122, 123-24, 210 P.2d 1022 (1949):

[The rule is] that the expense of educating a child is included among the necessities for which a parent can be held liable. The quality and the quantity of necessities for which a parent is liable has been

EXHIBIT Y
1 OF 2

CHILDERS v. CHILDERS

89 Wn.2d 592 (1978)

575 P.2d 201

JOYCE E. CHILDERS, Petitioner,

v.

LELAND E. CHILDERS, Respondent.

No. 44555.

gauged in American and English Jurisprudence from time immemorial by the parents' station in life. Upon the question of education as a necessity, we would undoubtedly be constrained to hold that as far as the compulsory school attendance law applies, a parent would be liable in any case. A rich man, well able to pay, might very well be held for a college education of an extended and expensive sort. However, the father in this instance is not a rich man, and from the evidence in the record, can scarcely spare any money from his own needs.

Voluntary parental sacrifices to enable children to attend college are very common. The appellant's station in life, however, is such that the obligation should not be placed upon him by law against his will.

[89 Wn.2d 601]

Thus, it has long been the law in Washington that a divorced parent may have a duty of support for college education if it works the parent no significant hardship and if the child shows aptitude. This duty is no longer limited by minority, hence the court need not resort to the stratagem used in *Underwood v. Underwood*, 162 Wn. 204, 298 P. 318 (1931) wherein we ordered the father to contribute to a trust fund during the child's minority so as to secure for the child a college education during his majority. The legislature having removed the jurisdictional disablement, the court is now free to order whatever is necessary and fair after full inquiry into the facts and circumstances.

We turn to the issue of the claimed constitutional infirmity which the Court of Appeals raised and decided *sua sponte*. The fact that married parents may legally bid their children "a fiscal farewell" at age 18 when some divorced parents may be legally required to provide financial support when they are able but do not choose to do so, led the Court of Appeals to its conclusion. The fact that most married parents choose willingly to make financial sacrifices for their children's education, including college and regardless of age, seems to have been disregarded.³

It is not the policy of this State to require divorced parents to provide adult children with a college education in all circumstances. If an absolute duty of support for such a purpose were imposed on divorced parents, there would perhaps be an unreasonable classification. Instead, what

[89 Wn.2d 602]

exists is the long standing special powers the courts have had (in equity, regardless of legislation) over the children of broken homes to assure that their disadvantages are minimized.

EXHIBIT Y
2 OF 2

SKAMANIA COUNTY
ORIGINAL FILED

MAR 27 2012

SHARON K. VANCE, CLERK

Superior Court of Washington
County of

In re:

JOHN ERIC NELSON

and

CONNIE LOUISE ACKER

Petitioner,

Respondent.

No. 97-3-00013-6

Financial Declaration

Petitioner

Respondent

(FNDCLR)

Name: John Eric Nelson

Date of Birth: 01-25-1961

I. Summary of Basic Information

Declarant's Total Monthly Net Income (from § 3.3 below) \$ 1,195.42 _____
Declarant's Total Monthly Household Expenses (from § 5.9 below) \$ 2,526.00 _____
Declarant's Total Monthly Debt Expenses (from § 5.11 below) \$ 1,686.00 _____
Declarant's Total Monthly Expenses (from § 5.12 below) \$ 4,212.00 _____
Estimate of the other party's gross monthly income (from § 3.1f below) [x] \$ 4000 _____
[] unknown

II. Personal Information

- 2.1 Occupation: Part-time Flex Clerk
2.2 The highest year of education completed: Bachelor of Science
2.3 Are you presently employed? Yes No
a. If yes: (1) Where do you work. Employer's name and address must be listed on the Confidential Information Form.

United States Postal Service
461 NW Wanapa Street, Cascade Locks, OR 97014

- (2) When did you start work there (month/year)? May 1986
- b. If no: (1) When did you last work (month/year)? _____
- (2) What were your gross monthly earnings? \$ _____
- (3) Why are you presently unemployed? _____

III. Income Information

If child support is at issue, complete the Washington State Child Support Worksheet(s), skip Paragraphs 3.1 and 3.2. If maintenance, fees, costs or debts are at issue and child support is **Not** an issue this entire section should be completed. (Estimate of other party's income information is optional.)

3.1 Gross Monthly Income

If you are paid on a weekly basis, multiply your weekly gross pay by 4.3 to determine your monthly wages and salaries. If you are paid every two weeks, multiply your gross pay by 2.15. If you are paid twice monthly, multiply your gross pay by 2. If you are paid once a month, list that amount below.

	Name John Eric Nelson	Name Connie Louise Acker
Wages and Salaries	\$ 2070 _____	\$ 4000 _____
b. Interest and Dividend Income	\$ _____	\$ _____
c. Business Income	\$ _____	\$ _____
d. Spousal Maintenance Received		
From _____	\$ _____	\$ _____
e. Other Income	\$ _____	\$ _____
f. Total Gross Monthly Income (add lines 3.1a through 3.1e)	\$ _____	\$ _____
g. Actual Gross Income (Year-to-date)	\$ 2070 _____	\$ 4000 _____

3.2 Monthly Deductions From Gross Income

a. Income Taxes	\$ 424.44 _____	\$ 866.00 _____
b. FICA/Self-employment Taxes	\$ 149.34 _____	\$ _____
c. State Industrial Insurance Deductions	\$ _____	\$ _____
d. Mandatory Union/Professional Dues	\$ 45.39 _____	\$ _____
e. Pension Plan Payments	\$ 255.41 _____	\$ _____
f. Spousal Maintenance Paid	\$ _____	\$ _____
g. Normal Business Expenses	\$ _____	\$ _____
h. Total Deductions from Gross Income (add lines 3.2a through 3.2g)	\$ 874.58 _____	\$ 866.00 _____

3.3 Monthly Net Income (Line 3.1f minus line 3.2h or line 3 from the Child Support Worksheet(s))

	\$ 1195.42 _____	\$ 3134.00 _____
--	------------------	------------------

3.4 Miscellaneous Income

- a. Child support received from other relationships \$ _____ \$ _____
- b. Other miscellaneous income (list source and amounts)
- _____ \$ _____ \$ _____
- _____ \$ _____ \$ _____
- _____ \$ _____ \$ _____
- _____ \$ _____ \$ _____
- c. Total Miscellaneous Income (add lines 3.4a through 3.4b) \$ _____ \$ _____
- 3.5 Income of Other Adults in Household \$ _____ \$ _____
- 3.6 If the income of either party is disputed, state monthly income you believe is correct and explain below:

IV. Available Assets

- 4.1 Cash on hand \$ 100.00 _____
- 4.2 On deposit in banks \$ 57.00 _____
- 4.3 Stocks and bonds, cash value of life insurance \$ _____
- 4.4 Other liquid assets: \$ 4000. _____

V. Monthly Expense Information

Monthly expenses for myself and one dependents are: (Expenses should be calculated for the future, after separation, based on the anticipated residential schedule for the children.)

5.1 Housing

- Rent, 1st mortgage or contract payments \$ 650.00 _____
- Installment payments for other mortgages or encumbrances \$ _____
- Taxes & insurance (if not in monthly payment) \$ 157.86 _____
- Total Housing \$ 807.86 _____

5.2 Utilities

- Heat (gas & oil) \$ 35.00 _____
- Electricity \$ 145.00 _____
- Water, sewer, garbage \$ _____
- Telephone \$ 140.00 _____

Cable	\$ 125.00
Other	\$ 89.00
Total Utilities	\$ 534.00
5.3 Food and Supplies	
Food for <u>2</u> persons	\$ 200.00
Supplies (paper, tobacco, pets)	\$ 150.00
Meals eaten out	\$ 40.00
Other	\$ _____
Total Food Supplies	\$ 390.00
5.4 Children	
Day Care/Babysitting	\$ _____
Clothing	\$ 15.00
Tuition (if any)	\$ _____
Other child-related expenses	\$ 20.00
Total Expenses Children	\$ 35.00
5.5 Transportation	
Vehicle payments or leases	\$ _____
Vehicle insurance & license	\$ 106.00
Vehicle gas, oil, ordinary maintenance	\$ 250.00
Parking	\$ _____
Other transportation expenses	\$ 96.00
Total Transportation	\$ 452.00
5.6 Health Care (Omit if fully covered)	
Insurance	\$ 166.31
Uninsured dental, orthodontic, medical, eye care expenses	\$ _____
Other uninsured health expenses	\$ _____
Total Health Care	\$ 166.31
5.7 Personal Expenses (Not including children)	
Clothing	\$ 25.00
Hair care/personal care expenses	\$ 15.00
Clubs and recreation	\$ 10.00
Education	\$ _____

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Books, newspapers, magazines, photos \$ _____
 Gifts \$ 15.00 _____
 Other \$ _____
 Total Personal Expenses \$ 65.00 _____

5.8 Miscellaneous Expenses

Life insurance (if not deducted from income) \$ 75.83 _____
 Other _____ \$ _____
 Other _____ \$ _____
 Total Miscellaneous Expenses \$ 75.83 _____

5.9 Total Household Expenses (The total of Paragraphs 5.1 through 5.8) \$ 2526.00 _____

5.10 Installment Debts Included in Paragraphs 5.1 Through 5.8

<u>Creditor</u>	<u>Description of Debt</u>	<u>Balance</u>	<u>Month of Last Payment</u>
US Bank _____	Mortgage Loan _____	92,395 _____	March _____
Skamania County Treasurer _____	Property Tax _____	567.22 _____	February _____
_____	_____	_____	_____
_____	_____	_____	_____

5.11 Other Debts and Monthly Expenses not Included in Paragraphs 5.1 Through 5.8

<u>Creditor</u>	<u>Description of Debt</u>	<u>Balance</u>	<u>Month of Last Payment</u>	<u>Amount of Monthly Payment</u>
Sears (in collections w/Law Firm of Allan Smith) _____		11,275.46 _____	February _____	\$ 150.00 _____
Capital One _____	Credit Card _____	10,234.58 _____	February _____	\$ 150.00 _____
Union Plus _____	Credit Card _____	9,954.76 _____	March _____	\$ 175.00 _____
American Express _____	Credit Card _____	9,361.33 _____	March _____	\$ 230.00 _____
Enerbank _____	House Improvement Loan _____	6,348.00 _____	March _____	\$ 160.00 _____
Lowe's _____	Credit Card _____	4,065.56 _____	March _____	\$ 175.00 _____
Bank of America _____	Line of Credit _____	3,449.25 _____	March _____	\$ 254.00 _____
Dell Computers _____	Credit Card _____	2,492.58 _____	March _____	\$ 162.00 _____
US Agencies _____	Credit Card _____	2,195.79 _____	March _____	\$ 80.00 _____
Best Buy _____	Credit Card _____	2,047.86 _____	March _____	\$ 100.00 _____
JC Penney _____	Credit Card _____	851.74 _____	February _____	\$ 50.00 _____

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 5 of 7

Total Monthly Payments for Other Debts and Monthly Expenses \$62,276.91 \$ 1,686

5.12 Total Expenses (Add Paragraphs 5.9 and 5.11) \$ 4,212

VI. Attorney Fees

6.1 Amount paid for attorney fees and costs to date: \$ 80.00

6.2 The source of this money was: from second job

6.3 Fees and costs incurred to date: \$ 4,053.43

6.4 Arrangements for attorney fees and costs are: Pay \$50.00 of month

6.5 Other:

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at Carson, [City] WA [State] on 3/25/2012 [Date].

Signature of Declarant [Handwritten Signature]

Print or Type Name John E Nelson

The following financial records are being provided to the other party and filed separately with the court.

Financial records pertaining to myself:

[] Individual [] Partnership or Corporate Income Tax returns for the years including all W-2s and schedules;

[X] Pay stubs for the dates of January - March 2012

[X] Other: 2011 W2 for United States Postal Service * Note: Due to legislature law House Bill 1794, hours over my regular 18 hours per pay period is an exclusion from net income.

Do not attach these financial records to the financial declaration. These financial records should be served on the other party and filed with the court separately using the sealed financial source documents cover sheet (WPF DRPSCU 09.0220). If filed separately using the cover sheet, the records will be sealed to

EXHIBIT Z 6 of 7

protect your privacy (although they will be available to all parties in the case, their attorneys, court personnel and certain state agencies and boards.) See GR 22 (C)(2).

CERTIFICATE OF SERVICE

I declare under penalty of perjury under the laws of the state of Washington the following is true and correct.

At all times hereinafter mentioned, I was and am a citizen of the United States of America, a resident of the state of Washington, over the age of eighteen (18) years, not a party to the above entitled action, and competent to be a witness herein.

On the date set forth below I served in the manner noted the document(s) entitled Brief of Appellant on the following person(s):

Connie Acker	<input checked="" type="checkbox"/> U.S. Mail
3518 SW Corbett Avenue	<input type="checkbox"/> Telecopier
Portland, OR 97239	<input type="checkbox"/> Messenger

DATED this 25th day of July 2013, at Stevenson, Washington.

Becky Calverate

FILED
COURT OF APPEALS
DIVISION II
2013 JUL 26 AM 11:07
STATE OF WASHINGTON
BY Becky Calverate
DEPUTY