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I. ASSIGNMENTS OF ERROR

No. 1. The lower court erred, departing from the normal course of proceedings to establish adequate child support under Washington Law, disregarding the intent of the legislature by failure to use the standards of RCW 26.09 and 26.19 to order adequate child support as per R.C.W. 26.09.135, 26.19.001, 26.19.020, 26.19.035, and 26.19.050, 26.19.071 and 26.19.075 in completion and inclusion of Child Support Worksheets.

No. 2. The lower court erred including worksheets that included the “Whole Family Deviation Formula” using the SupportCalc program.

No. 3. The Lower court erred in completion of Child Support Worksheets adopted by the court are not supported by a sworn financial declaration the evidence or findings of fact and conclusions of law.

No. 4. The lower court erred setting the transfer payment at two different amounts, conflicting language thorough the entire order; which renders the order of child support both confusing and unenforceable and contrary to RCW 26.19, a manifest abuse of discretion.

No. 5. The lower court erred setting child support at a level inconsistent with the economic table in consideration of the evidence before the court.

ISSUES PERTAINING TO ERROR No. 1.

No. 1. Should the court have followed the intent of the legislature under RCW 26.09 and 26.19, using the standards to establish adequate child support as Respondent's income was set without full disclosure of assets and expenses and income by declaration.

No. 2. Should the court have granted unsupported deductions from Mr. Aheren's gross income that were not verified by W-2's or his income tax returns, thereby reducing his net income and obligation of adequate support for the child before the court under Standard 2 of the Washington State Child Support Worksheets.

No. 3. Should the lower court have considered the income and expenses of Respondent's wife, Lindsey, her obligation of support for Liam and Margaret and/or her co-residents contribution to the household expenses and support of Liam and Margaret before granting a deviation to Respondent Aheren.

No. 4. Should a deviation be granted to Respondent when no evidence was presented by Respondent Mr. Aheren who was assisted by counsel, that any expenses were actually paid by either Respondent or his wife that would have precluded Aheren from enjoying his full net income for his personal

use and enjoyment, Mr. Aheren was in arrears on medical expenses and the findings of fact and conclusions of law do not support a deviation.

No. 5. Should the lower court have granted Respondent Mr. Aheren a deviation when the evidence before the court was that Respondent Mr. Aheren spends no overnights with the child and has not exercised any visitation with the child M.R.A., Mr. Aheren would not qualify for deviation under R.C.W. 26.19.175 (d) based upon time spent and does not meet 45%.

No. 6. Should the lower court ruling state two separate transfer amounts for child support under RCW 26.19.

ASSIGNMENT OF ERROR NO. 2.

No. 1. The lower court erred by terminating child support at age 18 for M.R.A. s/s 3.13 and under s/s 3.14 of the Final Order of Child Support CP 640 when the evidence before the court was that the child was dependent upon the parents for the basic necessities of life and would be attending college.

No. 2. The lower court erred included restrictive language in the Final Order of Child Support, which is not supported by the evidence, Findings/conclusions on Petition for Modification of Child Support or Court's Written Ruling of July 28, 2013.

No. 3. The lower court erred requiring the child to pay a portion of post secondary expenses when it was agreed that she was dependant upon her parents for the basis necessities of life.

No. 4. The lower court erred in choosing to use the upper limit of the University of Nevada to cap tuition costs as the child resides in Nevada when the evidence before the court clearly shows that the child's Home State is Washington.

ISSUES PERTAINING TO ERROR No. 2.

No. 1. Would the child's home state dictate the post secondary educational support that a child is entitled to under Washington State law while attending post secondary education.

No. 2. Did the court abuse it's discretion by disregarding the statutory standards of RCW 26.09 and 26.19. when determining post secondary child support requested for M.R.A. and extend support until age 23.

No. 3. Should the court require M.R.A. to pay 1/3 of post secondary educational expenses, when the court and both parties agree that she is dependant and under the age of majority and no proof was provided that she was capable of self-support.

No. 4. Should the court be required to use the standard of Washington State University to cap tuition, or University of Nevada.

II. STATEMENT OF THE CASE.

Appellant Toney filed a modification of Child Support on November 20, 2013 CP 576 as the prior order was signed on December 13, 2010. The first order of child support was signed July 21, 1998 designating custody CP 24 and support for the child M.R.A.

CP 561 and the parents incomes had changed dramatically Mr. Aheren's ("Tim") income from Steelscape Inc. is almost double CP 576 and Ms. Toney's ("Arika") Income has risen significantly. The Child "M.R.A." at age 16 was prepared to graduate from high school in June of 2014 CP 576, and wished to continue her education at the college level and pursue a bachelors of science degree in preparation for a medical school. The 2010 order reserved college education costs CP 561 and appellant sought a court order to set support and post secondary educational expenses for the child prior to graduation and well before her eighteenth birthday.

Respondent Tim, with assistance of counsel filed an incomplete response and answer to the modification CP 581, but primarily was in agreement with appellant's requested modification. Counsel postponed the matter for 5 months, allowing time for Tim to reduce his gross income by working less hours to achieve a lesser child support transfer amount. The hearing was set for mid May, 2014; but Judge Bashor became ill CP 611 and

the matter was set over and finally heard on July 17, 2014, almost eight months later, still Mr. Aheren did not file the required financial declaration affidavit, or financial worksheet (designation of clerks papers will confirm no filing, RP p5).

During the period of nearly eight (8) months prior to trial, Respondent Tim failed to file the required financial declaration, and supporting documents RP p5 which frustrated the process and prevented the matter from moving forward to be heard on affidavits as required by the court rules and statutes. Due to his incomplete financial information, Petitioner, Arika prior to trial filed a written objection to moving forward without the proper financial declaration and information in her Objection/Response to Respondent's Initial Declaration on May 16, 2014, CP at 602.

The matter eventually after interrogatories were served and answered was heard by Judge Bashor, who took the matter under advisement and rendered his written ruling on July 28, 2014, CP 612, a written supplement ruling on September 15, 2014 CP 625, and his written final ruling signed on December 12, 2014 and not filed until December 15, 2014 CP 638, 639, 640, which is the basis of this appeal as the court did not follow the RCW 26.19 laws, and or case law of Washington state, the child's home state, to set both child support and post secondary educational support as required by statute.

The court made no verbal rulings throughout the proceedings.

III. SUMMARY OF ARGUMENT

Substantial portions of the Final Order of Child Support should be vacated and remanded with direction that the lower court be required to follow the statutory guidelines of RCW 26.09 and 26.19 to calculate the parties support obligations accordingly, based upon sworn financial declarations on approved forms approved by the office of the administrator of the courts, awarding no downward deviation and setting the transfer payment according to the standards of RCW 26.19. The worksheets should be completed by the court following the intent of the legislature under RCW 26.19. That post secondary education expenses/ child support ordered, capped at University of Washington prices with each party paying their proportionate share standards until the child reaches the age of 23 years.

Also, Petitioner should be awarded attorney fees, her costs and expenses against Respondent.

IV. ARGUMENT

In the case before the court, the child M.R.A. graduated high school at 16 years and began college, Arika petitioned the court for support modification CP 576, on November 20, 2013 as the child would graduate

high school early and wished to continue her education at college level to pursue her bachelors degree in preparation for medical school.

The first Order Of Child Support was entered in Cowlitz County Washington on July 21, 1998.

A subsequent December 13, 2010 Washington order of Child Support was entered reserving post secondary educational child support, section:

3.14 Post Secondary Educational Support

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

The current order, which is the subject of this, appeal; with the accompanying Findings/conclusions on Petition For Modification Of Child Support CP 638 states under section:

2.1 JURISDICTION The court has proper jurisdiction over the parties and subject matter of this action for the reasons that follow:

The non-requesting party currently resides in the State of Washington.

The court reserved post secondary educational support CP 561 Order of Support and Judgment section:

The court correctly awarded post-secondary educational Support in the Courts Ruling of September 15, 2014 CP 612, (Judge Bashor)“Moving forward, the child is no longer in High School, having apparently graduated. That she is under the age of 18, she is by definition still dependent and child support would be paid as indicated in the calculation above. Therefore, until

the child reaches age 18, the parties will still be under the mandate to share in their proportionate amounts, any unpaid medical/dental/orthodontia bills.”

CP 612: (Judge Bashor)

“As far as Post High School educational orders, this is a somewhat unique case. Initially, the statute, RCW 26.19.090 regarding postsecondary support does not set out a specific rule formula as to how much support will be calculated.” ... “Historically when such an order appeared appropriate, the courts have imposed a sharing between the parents and the child. It is the first impression to this court how that applies in a case where the child is significantly under the age of 18 and about to enter college. Therefore a stepped obligation will be ordered.”

The court’s ruling with regards to the child’s home state is contrary to both state and federal law and the evidence before the court.

RCW 26.19.090

Standards for postsecondary educational support awards.

(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.

(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.

The issue of 'Home State' jurisdiction was entertained by the Division I

July 15, 2013,

175 Wn. App. 467, In Re Marriage of McDermott.

[1, 2] ¶1 DWYER, J. -- The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), chapter 26.27 RCW, stipulates that Washington courts may properly exercise jurisdiction to enter a child custody determination when Washington is the child's "home state." When Washington is not the child's "home state," our courts may nevertheless exercise jurisdiction where the courts of the child's "home state," if one exists, decline to exercise jurisdiction and certain other conditions are met. A child's "home state" is "the state in which a child lived with a parent or a person acting as a parent for at least six consecutive months immediately before the commencement of a child custody proceeding." RCW 26.27.021(7). Where a child is temporarily absent from his or her home state, the time of absence is part of the period measured in order to determine the child's home state. The parents' intent is relevant in determining whether a period of absence was intended to be temporary or permanent.

The court's Ruling on Petitioner's Motion for Reconsideration CP 650 (Judge Bashor) "The court generally sets post-secondary support with a maximum limitation of in state tuition for a state operated university. Such determinations are on a case by case basis. In no manner does a Court ever order that a child must attend a specific institution, or live in a specific state. The child in question has lived in Nevada with her mother as far back the court could review pleadings in this case, essentially all her life. She did not

indicate any institutions she would like to attend in either Washington or Nevada. The court chose to use the upper limit to be that of the University of Nevada. The child has the right to attend any institution she chooses, however the Court is limiting both parents to court-ordered obligation to fund that to the formula set forth in the order.”

The court’s choice of “Home State “ designation is incorrect as a matter of law and apparently the basis for the court’s ruling and order on the issues before the court, which is a manifest abuse of discretion.

The Respondent ‘s (“Tim”) net income is erroneously set at a artificially low figure to reduce both child support obligation and post secondary education support under the laws of the State of Washington and the controlling case law, both of which the trial court was made aware by Appellant Toney (“Arika”). RP p34.

159 Wn. 607, Feb. 2007 In re Marriage of McCausland,

“The meaning of a statute is a question of law that an appellate court reviews de novo.”

Also under McCausland, ”A court’s primary goal in construing a statute is to determine and give effect to the legislature’s intent.”

Division Three of the appeals court found in the case of:

99 Wn. App. 48, Marriage of Pollard – Standard of review.

“A trial court’s modification of s parent’s child support obligation is reviewed as an abuse of discretion.”

The court also found at [4]. Divorce - Child Support Schedule – Deviation – Parent’s Support Obligation to Another Child. Under RCW 26. 19. 075 (1) (e), A parent’s child support obligation may deviate from the standard

child support schedule based on the parent's obligation to support children from another relationship when it would be inequitable not to do so. The trial court in the instant case did not show how the mathematical figures were derived, did not follow the standards of RCW 26.19 in arriving at those figures and did not produce worksheets that showed the math so that anyone looking at the math could arrive at the same figures, the court did not use the evidence before the court and did not substantiate the math in the findings of fact and conclusions of law, CP 638, and awarded an unsupported deviation, none of which is in accordance with RCW 26.19 and works a economic hardship upon the custodial parent and child before the court and is not in the best interests of the child; creating a Manifest Abuse of discretion. At 114 Wn. 2nd. Marriage of Sacco P. 2nd. 1266

RCW 26.19.020 (4). The statute provides that “[v]ariations of the worksheets shall not be accepted.”

The Court's written Ruling of July 28, 2014 was properly objected to by Toney, CP 614 as it did not contain adequate information to complete the child support worksheets or Final Order of Child Support, Mr. Aheren (“Tim”) had failed to provide a sworn financial declaration for the court's consideration, and erred in granting of the “Whole Family Deviation” (page 2) CP 612 p. 2 (Judge Bashor) “ This Court routinely grants the whole family method deviation and will do so here.” A blatant abuse of discretion.

The court abused it's discretion by not requiring a signed and sworn financial declaration from Tim who retained counsel and provided several scenarios of Tim's gross income which they knew to be false RP p28.

The court further abused it's discretion by using Supportcalc for 2013 CP 650 Court's Decision on Petitioner's Motion for Reconsideration.

3. (Judge Bashor) “The worksheet used by the court correctly uses \$5,933 which the Court previously found to be Mr. Aheren’s gross income. The Court then prepared its own worksheet using SupportCalc (an accepted method of calculating worksheets in this state) and used 2014 tax tables as the case was heard in 2014. Tax tables were used instead of W-2 deductions, as the deductions do not represent actual tax rates paid when the return is filed. The deviation was calculated using the same program.”
4. (Judge Bashor) “The math used by the Court via SupportCalc appears to be accurate. “

The court abused it’s discretion in deducting “taxes paid” in 2014 CP 639 Worksheets at page 1 line 2 (a) Income Taxes (Federal and State) tax year : 2014, to arrive at Tim’s erroneous net income for 2013, the court granted a deduction for 401k contributions of \$150.00 per month which in no way benefit the child M.R.A.

RCW 26. 19. 075 (a) (viii) Tax planning considerations. A deviation for tax planning may be granted only if the child would not receive a lesser economic benefit due to the tax planning.

Lewis v. Hicks, 108 Nev. 1107 (“ we have consistently found error where the trial court invented its own formula for calculating support awards.”)

The court further abused it’s discretion by not requiring Mrs. Lindsey Aheren and her c \ o – inhabitant to produce financial declarations as

required by statute before a deviation of the standard calculation for Tim's support obligation, and then consider the entire financial circumstances of the household(s) before any possibility of a deviation from the standard calculation was considered. The other children are not before the court, no evidence was presented that Tim actually has the children in his custody for more than 50% of the time, if at all, therefore a deviation is a abuse of discretion and unwarranted by statute and no existing support order.

RCW 26.19.075

Standards for deviation from the standard calculation.

(1) Reasons for deviation from the standard calculation include but are not limited to the following:

(viii) Tax planning considerations. A deviation for tax planning may be granted only if the child would not receive a lesser economic benefit due to the tax planning; or

(e). (iii) When considering a deviation from the standard calculation for children from other relationships, the court may consider only other children to whom the parent owes a duty of support. The court may consider court-ordered payments of child support for children from other relationships only to the extent that the support is actually paid.

(2) All income and resources of the parties before the court, new spouses or new domestic partners, and other adults in the households shall be disclosed and considered as provided in this section. The presumptive amount of support shall be determined according to the child support schedule. Unless specific reasons for deviation are set forth in the written findings of fact and are supported by the evidence, the court shall order each parent to pay the amount of support determined by using the standard calculation.

70 Wn. App. 837 (Wash Ct. App. 1993) Marriage of Bucklin,

[2] A trial court's failure to consider all sources of income not excluded by statute when modifying a child support obligation constitutes reversible error.

[3] The actual income of a party seeking modification of a child support obligation must be verified by documentary evidence.

101 Wn. App. 366, MARRAGE OF BELL

[1] A trial court's deviation from the standard child support schedule is reviewed for an abuse of discretion.

[9] Under RCW 26.19.075 (2), a trial court calculating a parent's child support obligation must consider the income of other adults living in the parent's household before deviating from the standard calculation.

Cowlitz County Local Rule 97. FINANCIAL PROVISIONS.

(a) When Financial Information is Required.

(1) Absent exigent circumstances, each party shall complete, sign, file, and serve on all parties a financial declaration for any motion, trial, or settlement conference that concerns the following issues:

(A) Payment of a child's expenses, such as tuition, costs of extracurricular activities, medical expenses, or college;

(B) Child support or spousal maintenance; or

(C) Any other financial matter, including payment of debt, attorney and expert fees, or the costs of an investigation or evaluation.

(2) A party may use a previously-prepared financial declaration if all information in that declaration remains accurate.

(3) Financial declarations need not be provided when presenting an order by agreement or default.

(b) Supporting Documents to be filed with the Financial Declaration.

Parties who file a financial declaration shall also file the following supporting documents:

(1) Pay stubs for the past six months (or the most recent pay stub if it includes year-to-date information for the prior six months). If a party does not receive pay stubs, other documents shall be provided that show all income received from whatever source, and the deductions from earned income for these periods;

(2) Complete personal tax returns for the prior two years, including all Schedules and all W-2s;

(3) If either party owns an interest of 5% or more in a corporation, partnership or other entity that generates its own tax return, the complete tax

return for each such corporation, partnership or other entity for the prior two years;

(4) If a party asks the court to order or change child support or order payment of other expenses for a child, each party shall also file completed Washington State Child Support Worksheets.

(c) Documents to be filed under Seal. Tax returns and pay stubs should not be attached to the Financial Declaration but should be submitted to the clerk under a cover sheet with the caption "Sealed Financial Source Documents." If so designated, the Clerk will file these documents under seal so that only a party to the case or their attorney can access these documents from the court file without a separate court order. [Adopted effective September 1, 2012.]

114 Wn. 2nd. 772, Marriage of Griffin98 56584-8 May 24, 1990.

A trial court's modification of a non - custodial parent's child support obligation is reviewed only for an abuse of discretion, IE., to determine whether the trial court exercised its discretion in an untenable or manifestly unreasonable way.

The Respondent's gross monthly income of in the Court's Ruling of July 28, 2015 CP 612 p 2 was set at \$5,486, deductions for taxes plus \$150/month for contribution towards retirement and "the court allows for the parties to use the Support Calc™ software to calculate the child support and print the mandated worksheets." As a non-attorney, Arika was unable to purchase a license for "Support Calc" and therefore unable to apply the program which does not provide the match calculations utilized and generates forms not approved by the administrator of the courts.

114 Wn. 2d 1, MARRAGE OF SACCCO.

RCW 26.19.020 (4). That statute provides that "[variations of the worksheets shall not be accepted." Each child support order is required to "state the amount of child support calculated using the standard calculation and the amount of child support actually ordered" RCW 26.19.020 (6).

[1] The trial court neither filled out a worksheet nor entered the results of the worksheet in the order. Counsel argued that inasmuch as each party submitted a worksheet, this was all that was required under the statute. WE categorically reject this claim. The trust of the statute is to require the court to set forth the basis for its calculation in order for subsequent courts to determine precisely what the underlying facts are and how the trial court reached its decision. This process should promote more predictability, more consistent awards, and hence more voluntary settlements.

The Bell case cited above recognizes that Under the Equal protection Clause of the Federal Constitution, persons similarly situated must receive like treatment. Gossett v. Farmers. Ins. Co. 133 Wn. 2nd. 954. 979, 948 P2nd. 1264 (1997) see Bell at 379.

At the presentation hearing of September 12, 2014 the court took the matter under advisement because “he could be wrong” RP at p. 82 line 4 – 16.

The court set Tim’s gross income at a erroneous \$5,933.00 CP 625, for 2013 by the court based upon 2013 W-2. The courts worksheet, CP at 639 line 1 a., Line 2 a. 2014 taxes were deducted along with a \$150.00 per month deduction for voluntary retirement contributions for a total deduction of \$1, 365.90, which resulted in a monthly net income of \$4, 567.10.

82 Wn. App. 545, Marriage of Crosett Findings of fact are reviewed to determine if they are supported by substantial evidence. Evidence is substantial if it is sufficient to persuade a fair - minded person of the truth of the declared premise.

The lower court abused it’s discretion by using two different years income and deductions to calculate net income without requiring Respondent to provide the required sworn Financial Declaration verifying both income from all sources and expenses as well as requiring a sworn financial declaration from Respondents wife with her co-inhabitant.

Respondent Mr. Aheren with assistance of counsel provided several scenarios' concerning deductions from gross income CP 587, CP598

The court abused it's discretion entertaining counsel's comments
RP p132 lines 22-25,

R.C.W. 26.19.035 (3) Worksheets in the form developed by the Administrative Office of the Courts shall be completed under penalty of perjury and filed in every proceeding in which child support is determined. The court shall not accept incomplete worksheets or worksheets that vary from the worksheets developed by the Administrative Office of the Courts.

R.C.W. 26.19.071 (2) Tax returns for the preceding two years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions, which do not appear on tax returns or paystubs.

The evidence before the court was that no sworn Financial Declaration was ever filed by Respondent or counsel, the 2013 Tax return indicated that Respondent received a \$5,000.00 dollar return CP 600, CP 605 after claiming the child M.R.A. on his taxes when in fact he was in arrears and did not qualify to claim her for 2013. CP 602, CP 603 Arika did properly object to the court proceeding without the sworn financial declaration from Tim, which directly contradicts the court's decision on Petitioner's Motion for Reconsideration CP 650.

The court abused its discretion by not considering the evidence before the court of Toney's math CP at 633, which the court verbally ordered from both parties on October 24, 2014 RP p. 131 Lines 15-17 (Judge Bashor) " Well I'm going to have both of you provide me a complete breakdown of all the calculations, how you did that." Mr. Aheren or counsel failed to provide any explanation for their math which; the court adopted without breakdown or explanation.

The court further abused its discretion and simply did not follow the statutory requirements of RCW 26.19 in arriving at the transfer payment and further created confusion and rendered the support order unenforceable by entering two different amounts under CP 640, s/s 3.5, Total Monthly Transfer Amount \$559.31 and under s/s 3.13 and 3.14 setting the amount at \$459 per month, which is not supported by the evidence before the court or findings of fact.

The lower court further abused its discretion by contradictory inclusion of CP 638 Findings/Conclusions on Petition for Modification of Child Support s/s 2.4 Incremental Increase (RCW 26.09.170 (7) (c)) An incremental increase has not been requested.

The Final Order of Child Support CP 640 s/s 3.10 Incremental Payments, Does not apply.

However the Court's Ruling of July 28, 2014 CP 612 p. 3, (Judge Bashor)

"Historically, when such an order appeared appropriate, the courts have

imposed a sharing between the parents and the child. It is of first impression to this court how that applies in a case where a child is significantly under age of 18 and about to enter college. Therefore a stepped obligation will be ordered.

The evidence before the court did not include any testimony or in any way advise the court that the Child was capable of self-support, the CP 638, Findings / Conclusions on Petition for Modification of Child Support at S/S

2.3 Reasons for Modification.

The order of child support should be modified because:

a. MARIN AHEREN is a dependant adult child and support should be extended beyond her 18th. Birthday because: the child is anticipated to begin college.

Post Secondary Educational Support

a. The right to request post=secondary support was reserved in the support order. MARIN AHEREN is in need of post-secondary support because the child is in fact dependant and is relying upon the parents for the reasonable necessities of life. The factual basis is as follows: the child is beginning college.

The court has departed from the usual course of proceedings requiring a child under 18 to pay 1/3 of her college expenses in total disregard of the law, without any evidence being presented to justify the court's position under RCW 26.19,

173 Wn. App. 2nd., In Re Marriage of Schneider

¶33 Washington's statutory scheme also supports the conclusion that postsecondary educational support is "support" within the meaning of UIFSA. The provisions for postsecondary educational support are found in chapter 26.19 RCW along with the child support schedule. RCW 26.19.090. Educational expenses for minor children are also available in a child support award. *See* RCW 26.19.080(3) (providing for tuition as a "special child rearing expense[]" that will be shared in the same proportion as the basic child support obligation). The child support schedule may be used to set the amount of postsecondary educational support. RCW 26.19.090(1). Moreover, an award of postsecondary educational support is contingent on a finding that the child is dependent and relying on the parents for the "reasonable necessities of life." RCW 26.19.090(2). In other words, the child, even after achieving the age of majority, is not self-sufficient and must be supported as would a minor child. Additionally, when the dependent child lives with one of the parents, postsecondary educational support can function just like ordinary child support, i.e., the obligor parent can be ordered to pay a monthly amount to the parent with whom the child resides. RCW 26.19.090(6). Postsecondary educational support, therefore, fits within the structure of the child support statute in general.

¶34 Finally, common sense dictates that an award of postsecondary educational support is a durational change to child support under the UIFSA. Postsecondary educational support is granted to support an otherwise adult child while pursuing education beyond high school; it is money paid to support a dependent child, therefore it is child support. And the statute sets a durational limit to this form of child support. RCW 26.19.090(5) (postsecondary educational support may not be ordered beyond the child's 23rd birthday).

The Court's Ruling CP 612 p. 4. (Judge Bashor) "Once the child reaches age 18, then child support shall cease." Is unfounded, the minor child under CP 640, Final Order of Child Support s/s 3.14 is inconsistent, and untenable to a fair minded man when one considers the legislative intent of RCW 26.19 and is a abuse of discretion.

APPELLANT'S MOTION FOR ATTORNEY FEES.

Appellant Ms. Toney would seek an award of attorney's fees and costs against the Respondent. Costs have included at least the filing fee of \$290.00. Clerks papers fee of \$157.00 and a report of proceedings transcription fee of \$434.00 and estimated photocopies of \$160.00 (clerk's office copies approximately \$50.00, Poouster Graphics approximately \$100.00 @\$.11 per copy), Process service fees \$125.00 (5 process @ \$25.00), Postage \$15.00 (certified and first class postage). In addition appellant's time to date is preliminarily estimated to have consumed no fewer than 23 hours at \$200.00 per hour for an attorney's fee of at least \$4600.00. Thus an award against Respondent of \$ 5781.00 for fees and costs is sought. Such relief is sought under RCW 26.09.140, as RCW 26.09.140 allows the court to award attorney fees on appeal in any action under chapter 26.09. Marriage of Bell, 101 Wn. App 366,379, 4 P. 3d 849 (2000).

Given the household surplus of Respondent, and because he frustrated the system by failing to file the required financial information, prolonged the proceedings and created a quagmire of false and misleading information presented as factual, which resulted in highly inaccurate figures in which to arrive at adequate support, to reduce Respondent's obligation and placing Appellant and the child's household in financial hardship.

Appellant, requests an award of attorney fees and costs of \$ 5,781.00 against Mr. Aheren would be appropriate in this case

V. CONCLUSION

The December 15, 2014 (filed) Order for Support (Final) with Judgment should be vacated and remanded with regards to Child Support, Deviation and Post Secondary Educational Support.

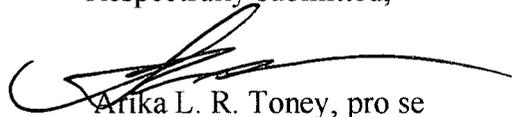
Furthermore the lower court should be directed to recognize Washington as the child's "Home State" and require a sworn financial declaration from Respondent, re- calculation of the income of the parties based upon Washington State Support Guidelines, set the Child Support transfer payment at the guidelines standard calculation, award no deviation to Respondent. The child should not be required to pay any portion of educational costs until she is no longer dependant upon the parents for the basis necessities of life. Award Post Secondary Educational Support/ Child Support to continue until the child is 23 years of age or until the child is capable of self support. With the cap set at University of Washington pricing standards for each current year, at the equitable percentage commensurate with each party's share of income and support.

In the alternative the lower court should be directed to calculate Appellant's and Respondent's income in the same manner, that is, using the same financial information required by statute and court rule for the same

period of time to arrive at the correct figure of Child Support and Post Secondary Educational Support that the child would have been entitled to if the parents remained together, based upon their current financial standings. Fees and costs of at least \$5,781.00 should be awarded against Respondent Mr. Aheren.

Dated May 11th, 2015 at Castle Rock, Washington.

Respectfully submitted,



Arika L. R. Toney, pro se
P.O. Box 34111
Reno NV. 89533

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DIVISION II

2015 MAY 13 PM 1:32

STATE OF WASHINGTON

BY _____
DEPUTY

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

In re: Parentage of MRA

Arika L R Toney,

Appellant

No. 47128-I-II

Proof of Service

v.

Timothy J Aheren III

Respondent

Proof of Service/Certification of Mailing

I, John R Toney am over the age of 18 and not a party to the above titled action. I certify that I hand delivered One copy of the Brief of Appellant and one copy of the Verbatim Report of Proceedings on May 11, 2015 to:

Chad R Zandi
Falkenstein Zandi
950 12th Avenue, Ste 100
Longview, WA 98632

AND mailed one copy of the Brief of Appellant and one copy of the Verbatim Report of Proceedings on May 11, 2015 to the persons listed below by USPS postage prepaid:

Catherine Wright-Smith
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AND mailed two copies of the Brief of Appellant, postage prepaid to:

David C Ponzoha, Clerk/Administrator
Court of Appeals Division II
950 Broadway, Suite 300
Tacoma, WA 98402-4454

I certify under the penalties of the State of Washington that the foregoing is true and correct.

Signed at Castle Rock, Washington on May 11, 2015.

A handwritten signature in black ink, appearing to read "John R. Toney", is written over a horizontal line.

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