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COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By: _____

NO. 31303-4-III

**COURT OF APPEALS, DIVISION III
OF THE STATE OF WASHINGTON**

In re the Parenting and Support of R.T.L., Child

EMILIO E.P. LOPEZ, Respondent,

v.

NICHOLETTE B. LIEDKIE, Appellant

BRIEF OF RESPONDENT

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I. ISSUES PRESENTED

1. Did the court err by entering a final parenting plan designating Mr. Lopez as the primary residential parent?
2. Did the court err by ordering Ms. Liedkie to pay child support based on imputed income?
3. Is the Respondent entitled to an award of attorney's fees and expenses incurred in defending against this appeal?

II. STATEMENT OF THE CASE

It is undisputed that R.T.L. was born to Nicholette Liedkie and Emilio Lopez, who were not married, on March 22, 2001. CP 12; RP 149. It is undisputed that Mr. Lopez filed an acknowledgment of paternity with the State of Idaho, where the child was born, and that acknowledgment was not rescinded. CP 12; CP 3 and 59. It is also undisputed that on November 12, 2002, Mr. Lopez was ordered to pay child support in an action brought by the Idaho Department of Health and Welfare. CP 48-54. That support order contained no provision whatsoever regarding custody or residential placement. CP 48-54; RP 12-13.

The parties agree generally that during the first several years of R.T.L.'s life, Mr. Lopez had very little contact with him. *See, e.g.*, RP 295-96; RP 176-78. Mr. Lopez testified that this was because he had been warned away from trying to contact his child and because he had difficulty keeping track of Ms. Liedkie's whereabouts, but also admitted that he had not been as diligent as he could have been about insisting on visitation. *See, e.g.*, RP 80-81; RP 295-96. Ms. Liedkie admitted that she actively prevented him from visiting the child, but that he nevertheless had visits without her knowledge. RP 176-78.

Although both parents admitted to a history of drug abuse, by the time R.T.L. was in first grade, Mr. Lopez had committed himself to a recovery lifestyle and was becoming a more regular part of R.T.L.'s life. *See, e.g.*, RP 277; RP 382. R.T.L.'s first and second grade teacher testified that although R.T.L. had been struggling academically due to chronic absences while in Ms. Liedkie's care, once Mr. Lopez got involved through a school conference, he committed to, *inter alia*, picking R.T.L. up after school and helping with his homework. RP 367-68.

In the fall of 2009, Ms. Liedkie was arrested on drug charges. *See, e.g.*, RP 142. She testified that the state charges were dismissed "a couple months" later. RP 124; RP 142. On February 17, 2010, however, she was indicted in U.S. District Court for the District of Idaho on a single count of conspiracy to possess with intent to distribute and distribute fifty grams or more of methamphetamine. CP 23-24. Ms. Liedkie testified that she was arrested on March 15 and subsequently sentenced to thirty months incarceration. RP 125.

No later than March 26, 2010, Mr. Lopez began completing the documents he would need to establish a parenting plan *pro se*. CP 1. The petition was filed on May 3, along with a summons, a proposed parenting

plan naming Mr. Lopez as primary residential parent, a financial declaration, support worksheets and sealed financial source documents, and a copy of both the acknowledgment of paternity and the Idaho child support order from 2002. CP 2-54. Ms. Liedkie was served sometime in June and filed a *pro se* appearance and a response in July. CP 56-61. During this time, R.T.L. resided with Ms. Liedkie's parents. RP 7-8. Mr. Lopez indicated at a later hearing that he was unaware that the grandparents had no legal authority to keep the child from him. *See, e.g.*, RP 18-19.

On August 9, 2010, Mr. Lopez had the matter noted for "a hearing re: Parenting Plan". CP 62. The court inquired whether Ms. Liedkie was ever granted custody, and Mr. Lopez truthfully answered that she had not. RP 7. Because the mother was incarcerated, and the grandparents had filed no action for nonparental custody, the court awarded temporary residential placement with Mr. Lopez and instructed him to note the matter for trial setting. RP 8-9.

That hearing was held on September 13, 2010, Mr. Lopez having also noted the case for entry of a temporary order. CP 63. Again the court inquired whether Ms. Liedkie had ever been granted custody, and again

Mr. Lopez truthfully answered that she had not. RP 12. After reviewing the 2002 Idaho child support order, the court concurred:

JUDGE: --- to live with you. Here's, here's my dilemma. There was a parenting plan, she had custody, right?

LOPEZ: There's never been any, there's been a child support order but that's it.

JUDGE: I thought in connection with that she was granted technical legal custody, maybe I, let me read this, maybe I'm wrong. Idaho brought an action against you for child support and medical and stuff like that, right?

LOPEZ: Um-hmm.

JUDGE: Okay. And you were ordered to pay child support and provide medical insurance per the order, well, Sir, I think you're right. I don't see anything – it says you get the tax exemption. State's counsel? Idaho doesn't grant Mom's, or the other parent custody in their paperwork?

RISLEY: (inaudible – not speaking with microphone)

JUDGE: That seems odd. Okay. Well, since you [*sic*] custody order has ever been entered, then I just need to set this matter for trial.

RP 12-13. Owing to some degree of confusion amongst the parties and the court, however, as well as an informal appearance by an attorney purporting to represent Ms. Liedkie's parents, Mr. Lopez's temporary order for residential placement was not entered until two weeks later. RP 17-18; RP 24-30. By the time of that following hearing, on September 27, though, the grandparents had enrolled R.T.L. in school in Lewiston, Idaho, and Mr. Lopez had consented to a transition plan to keep R.T.L. from

being “uprooted” from his current school and living environment to their home in Lapwai, Idaho. RP 27-29. Mr. Lopez and his wife would later testify that between September and the Christmas break, Mr. Lopez allowed R.T.L. to remain enrolled in a Lewiston school and stay “a couple days a week . . . with his grandfather”, while meanwhile enrolling him in extracurricular activities in both Lewiston and Lapwai to facilitate his adjustment. *See, e.g.*, RP 45; RP 356-57.

The case continued with infrequent hearings until 2012. In February 2011, Ms. Liedkie’s father requested that the original trial date be continued until after her release, then projected to be in November 2011. RP 34. At the January 2012 trial date, Ms. Liedkie, now represented by counsel, had the trial continued again until after her projected May 2012 release. RP 50-52. Mr. Lopez also asked for a continuance to obtain legal counsel of his own. RP 55-60.

Trial was held on September 7 and October 1, 2012. RP 108; RP 286. At the close of trial, the court remarked (wrongly, as it turned out) that Ms. Liedkie “had official legal custody in Idaho” and that had she not been “out of pocket in prison . . . until relatively recently, by her own conduct, voluntary conduct, she placed herself out of pocket and unable to

take care, any care of her child”, the procedural posture of the case would have been a straightforward initial establishment of a parenting plan using the factors in RCW § 26.09.187. RP 387-89. The court likened the case to one where a child is integrated into the non-residential parent’s home in substantial deviation from the parenting plan pursuant to RCW § 26.09.260(2)(b), albeit without Ms. Liedkie’s express consent but as a result of her voluntary criminal actions. RP 392. After making findings, *inter alia*, that “the child is thriving on dad's watch [and] wasn't thriving on mom's watch” and that Ms. Liedkie and her family had engaged in abusive use of conflict with regard to medical providers and access to health information, the court awarded primary residential placement to Mr. Lopez. RP 393-95. The court reserved the issue of child support until after the parties submitted worksheets and, in the case of Ms. Liedkie, financial disclosures, which had never been provided through the end of the trial. RP 402-03.

The case was called again for presentment of final orders on October 30, 2012, at which time Ms. Liedkie interposed numerous objections to specific terms in the residential schedule but no objection to the primary placement with Mr. Lopez. RP 73-90. Ms. Liedkie finally

filed proposed worksheets and financial source documents including paycheck stubs in court on the day of the presentment hearing. RP 103. During colloquy, the court ordered imputation of income for Ms. Liedkie because her work schedule was erratic and prone to layoffs:

JUDGE: How about the order of child support, findings of fact conclusions of law, judgment and order establishing a residential schedule? I know there was a dramatic difference between attorney Andrews' proposed child support worksheets and attorney Laws'. Attorney Andrews only had mom's income at \$698.53 a month gross. Attorney Laws had imputed income of \$2446 a month gross.

LAWS: On that point, Your Honor, I would, I would point out that although the Court ordered, the Court ordered income information to be provided, I received these worksheets and pay stubs yesterday. I think, I, okay, I have a lot of problems with the pay stubs that were provided. There are some pay periods for which Ms. Liedkie appears to have received three checks on three separate days for the same pay period.

JUDGE: Well she earns nine dollars an hour, right? Didn't that come out in testimony that she, she's a roofer ---

LAWS: I believe so, Your Honor.

JUDGE: --- I think roofing, nine dollars an hour ---

ANDREWS: Nine dollars, nine dollars an hour.

JUDGE: --- is her most recent employment and so, you know, a little less than Washington minimum wage, but, or right at Washington minimum wage ---

ANDREWS: The only thing, the only thing we were missing, Your Honor, was the month of September and she was laid off that month, construction was down, so they laid her off.

JUDGE: I understand, but my point is it's my custom that, that I customarily impute minimum wage to

folks, even if they don't, aren't able to work every month of the year. I expect them to go out and get, do something different if they can't draw unemployment to make up for the, for it. Is \$2446, when you say that's imputed ---

ANDREWS: Well, Your Honor, we ---

JUDGE: --- that's not minimum wage, though, is it?

LAWS: Your Honor, that's the number from the, from the published economic tables.

JUDGE: Understood. And, and so, all I'm trying to say is yours is too high, attorney Laws, yours is too low, attorney Andrews. I want, I want mom's imputed figure to be forty hour week at minimum wage. Or excuse me, at nine dollars an hour. Because I know that Idaho's got a different minimum wage than Washington, I think nine dollars an hour is a fair compromise, I mean, Washington's is what now, nine fifty-eight an hour?

LAWS: Your Honor, I'm honestly not sure.

JUDGE: Fifty-eight or eighty-five, so, it seems like it was over nine dollars and fifty cents ---

ANDREWS: So that's forty hour week at nine dollars per hour ---

JUDGE: Correct.

ANDREWS: Right?

JUDGE: For her gross and then let the computer back out the software back out the withholdings.

RP 90-92. Ms. Liedkie did not object to the imputation of income, only to the use of the published economic tables. *Id.* The court entered the findings, judgment, and parenting plan, and set presentment on the order of child support for November 27, if necessary. RP 103-05. Counsel for the parties submitted an agreed final order of child support that was entered by the court on November 26, 2012. CP 162-75. The monthly

transfer payment ordered was \$ 184.46, to be credited as an offset against Mr. Lopez's arrears. CP 165. This appeal followed, and the Respondent stipulates that it was timely filed on November 29, 2012, pursuant to RAP 5.2(a).

III. ARGUMENT

Standard of Review

Issues of fact are generally reviewed under the abuse of discretion standard; the trial court's findings will be upheld as long as there is "substantial evidence" in the record to support its decision. *Thorndike v. Hesperian Orchards, Inc.*, 54 Wn.2d 570 (1959). A trial court's ruling addressing the placement of a child is reviewed for abuse of discretion. *In re Marriage of Kovacs*, 121 Wn.2d 795, 801 (1993). A trial court's award of child support is reviewed for abuse of discretion. *In re Marriage of Peterson*, 80 Wn.App. 148, 152 (Div 1 1995). A court abuses its discretion only if "its decision is manifestly unreasonable or based on untenable grounds." *Kovacs*, 121 Wn.2d 795 at 801. The appellate court does not review the trial court's credibility determinations or weigh the evidence. *In re Marriage of Rich*, 80 Wn.App. 252, 259 (Div 3 1996).

- A. The court did not err by entering a final parenting plan designating Mr. Lopez as the primary residential parent because the 2002 judgment and order is not a "custody decree" within the meaning of RCW § 26.09.260 *et seq.***

RCW Chapter 26.26, the Uniform Parentage Act of 2002, governs generally the law and procedures for establishing respective rights and duties as between unmarried parents. A parent-child relationship can be

established by, *inter alia*, an adjudication of parentage or the father's execution of an acknowledgment of paternity. RCW § 26.26.101. A Washington court entering a judgment and order establishing parentage must also enter residential provisions for the minor children, except that a parenting plan is not required if no party requested a parenting plan. RCW § 26.26.130(7). A parent who is a party to such order establishing parentage may move for a parenting plan by motion if less than twenty-four months have passed since entry of the order establishing parentage and the proposed plan does not change the designation of the parent with whom the child spends the majority of the time. RCW § 26.26.130(7)(a). Otherwise, a parent must request a parenting plan by filing a petition to establish a parenting plan or a petition for modification. RCW § 26.26.130(7)(b). Similarly, a parent who has executed an acknowledgment of paternity may commence a judicial proceeding to establish a parenting plan on the same basis as RCW Chapter 26.09 after the period for rescission of the acknowledgment has run. RCW § 26.26.375(1)(a).

In the case at bar, Mr. Lopez filed a petition to establish a parenting plan pursuant to RCW § 26.26.375(1)(a) exactly as he was

required to do by RCW § 26.26.130(7)(b). CP 2-8. The court did not abuse its discretion by ruling on the petition, because while the Appellant correctly states the law governing modification of a custody decree or parenting plan, this is not and never has been a modification action because no custody decree or parenting plan was entered by any court until the entry of the order which is now being challenged.

“[T]he court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child.” RCW § 26.09.260(1). A party seeking modification of a custody decree or parenting plan must submit an affidavit setting forth facts supporting the requested modification. RCW § 26.09.270. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the affidavits, in which case it shall set a date for hearing on an order to show cause why the requested order or modification should not be granted. *Id.*

To the extent that a parentage order designates a parent the custodian “solely for the purpose of other state or federal statutes” or establishes one parent's residence as the primary residence, that parentage order is a “custody decree” and therefore requires modification pursuant to RCW § 26.09.260. *In re Parentage of C.M.F.*, 179 Wn.2d 411, 314 P.3d 1109, 1113-15¹ (December 19, 2013) (*en banc*). In *C.M.F.*, the State brought a paternity action to establish parentage of a minor child and received a judgment and order establishing parentage. *Id.* at 1111. In the order establishing parentage, the trial court designated the mother as “custodian solely for the purpose of other state and federal statutes” and reserved for either parent to “move the Family Law Court . . . to establish a residential schedule under this cause number.” *Id.* The father filed a petition to establish a parenting plan the following year. *Id.* At trial, at the close of the father’s case in chief, the mother moved to dismiss because the father had not filed a petition for modification and adequate cause had not been established. *Id.* The trial court denied the motion and ultimately entered a parenting plan that placed the child primarily with the father. *Id.* The Court of Appeals affirmed. *Id.* On appeal, however, the

¹ Page citations to *Washington Reports 2d* are not yet available.

Supreme Court held that the language in the pattern form² designating one parent as “custodian solely for the purpose of other state and federal statutes” was a “custody decree” within the meaning of RCW § 26.09.285, and therefore the father should have filed a petition for modification along with the required affidavits to establish adequate cause. *Id.* at 1113-15. The Court also held that the trial court’s reservation of the parents’ rights to move for a residential schedule did not constitute a waiver of the modification and adequate cause requirements. *Id.* at 1115-17.

In the case at bar, however, the 2002 judgment and order establishing parentage does not contain the designation of custody language that the Court held to be a “custody decree” in *C.M.F.* CP 48-54. The order contains no language designating the primary residence of the child. *Id.* In fact, the order makes no reference to the mother at all, save one reference to the “obligee”. *Id.* The 2002 judgment and order is therefore not a “custody decree” as articulated in *C.M.F.*, and so modification and the adequate cause threshold therefor are not required in this case.

² See, e.g., Washington Pattern Form PS 04.0200 *Judgment and Order Determining Parentage* (06/2014), section 3.5; Washington Pattern Form 15.0500 *Judgment and Order Establishing Parenting Plan and Child Support* (06/2014), section 3.3.

The trial court was aware of this at the outset of the proceedings. At the first hearing on August 9, 2010, the court inquired whether Ms. Liedkie was ever granted custody, and Mr. Lopez asserted that she had not. RP 7. The court was therefore comfortable awarding temporary residential placement with Mr. Lopez. RP 8-9. At the following hearing on September 13, the court again asked whether Ms. Liedkie had been granted custody, and when Mr. Lopez replied that she had not, the court said, "I thought in connection with that she was granted technical legal custody, maybe I, let me read this, maybe I'm wrong." RP 12. After reviewing the 2002 order in the court file, the court concluded that Mr. Lopez was correct, that no custody designation was included in the order, and that "since you [*sic*] custody order has ever been entered, then I just need to set this matter for trial." RP 13. The court confirmed this procedural posture again, that "if there's never been an award of custody, we're not dealing with a change of custody", on February 28, 2011. RP 35-36. And again, on June 14, 2012, the court said that since there had been no custody order entered, "we're starting from scratch." RP 58. The court was therefore clearly cognizant that had a custody order been entered, Mr. Lopez would have had to file a modification petition and

establish cause, but that such was not the case here.

Unfortunately, this would not be the last time the court cited to its erroneous recollection that Ms. Liedkie had been awarded custody.³ *See, e.g.*, RP 387-88. However, far from being an acknowledgment that Ms. Liedkie “had official legal custody in Idaho” as the appellant suggests, the court’s erroneous statement is dicta because the statement is not a necessary finding to establishment of a parenting plan. RCW § 26.09.187. In any event, the trial court’s written findings control over any apparently inconsistent statements in an earlier oral ruling, and the court did not enter a written finding that Ms. Liedkie ever had legal custody or that custody had been modified. *Shellenbarger v. Brigman*, 101 Wn. App. 339, 346 (Div 2 2000).

Whether or not the court mistakenly opined that Ms. Liedkie had been granted legal custody, she simply had not. Mr. Lopez was not required to file a petition for modification and meet the threshold showing for adequate cause because there was no custody decree or parenting plan

³ To be fair, the trial court may have been led astray by numerous assertions by Ms. Liedkie, her counsel, and her witnesses during trial that she had “custody” or “complete custody” without qualifying that she never did have legal custody. *See, e.g.*, RP 111; RP 123; RP 128; RP 212-13; RP 228; RP 232; RP 235.

to modify. The court assured itself several times of this procedural posture over the course of the proceedings. The court's decision not to require modification of an imaginary custody decree was not "manifestly unreasonable or based on untenable grounds", and therefore the court did not abuse its discretion.

B. The court did not err by ordering Ms. Liedkie to pay child support based on imputed income because the court properly found that she was not employed on a full-time basis.

The trial court did not abuse its discretion in imputing Ms. Liedkie's income for purposes of determining child support because the court properly found that she was not employed on a full-time basis, albeit without actually articulating those words.

"A court shall not impute income to a parent who is gainfully employed on a full-time basis, unless the court finds that the parent is voluntarily underemployed and finds that the parent is purposely underemployed to reduce the parent's child support obligation." RCW § 26.19.071(6). However, a court can impute income to an underemployed parent without finding that the parent is purposely underemployed to reduce her child support obligation if the parent is not "gainfully

employed on a full-time basis”. *In re Marriage of Didier*, 134 Wn.App. 490, 496-97 (Div 2 2006). A parent who works 20 to 31 hours per week is not employed full-time, and therefore imputation of income is appropriate. *Dewberry v. George*, 115 Wn.App. 351, 367-68 (Div 1 2003). If a court imputes income, the preferred method for calculation is “[f]ull-time earnings at the current rate of pay” before resorting to historical data, minimum wage, or median net monthly income from published economic tables. RCW § 26.19.071(6)(a).

In *Dewberry*, the obligor parent had been employed at an average annual salary of \$ 40,000 to \$ 50,000 during the 1990s, but during the twenty months prior to trial, he had been working three hours per day at UPS and one or two shifts per week as a longshoreman, or approximately 25 to 31 hours per week. *Dewberry*, 115 Wn.App. at 358. Elsewhere in the opinion, the court recited that the obligor was working twenty hours per week at UPS alone, before any longshoreman work. *Id.* at 367. The court held that this was not full-time employment, and that the trial court’s decision to impute income was therefore appropriate. *Id.* at 367-68.

In the case at bar, Ms. Liedkie testified that she worked from 8:00 a.m. to 3:00 p.m. RP 138. She testified that she worked thirty hours per

week. RP 189. At the close of trial, Ms. Liedkie was ordered to file financial source documents, which she had up until that time neglected to do. RP 402-03. She filed those on the morning of the presentment hearing. CP 137-43; RP 90. Mr. Lopez objected to the submissions, in part because some pay periods were missing, while others showed multiple checks written on different days for the same pay period. RP 90. Ms. Liedkie asserted that she had been laid off during the month of September just prior. RP 91. The court found that because she was not working full-time, her income should be imputed at a forty-hour week times her actual rate of pay, nine dollars per hour. *Id.* Although there was some colloquy in dicta about using Washington minimum wage,⁴ which would have led to a slightly higher imputed income, the court actually ordered use of her real hourly wage. *Id.*

There can be no doubt that the court found Ms. Liedkie was both not working full-time and voluntarily underemployed:

[I]t's my custom that, that I customarily impute minimum wage to folks, even if they don't, aren't able to work every month of the year. I expect them to go out and get, do something different if they can't draw unemployment to

⁴ While the court indicated it believed that minimum wage at that time was \$ 9.58 or \$ 9.85 per hour, RP 91, it was actually \$ 9.04 in 2012. <http://lni.wa.gov/WorkplaceRights/Wages/Minimum/History/default.asp>

make up for the, for it.

Id. Although the court may not have used the exact phrases “not working full-time” and “voluntarily underemployed,” the court’s clear meaning is readily apparent. The court’s finding that Ms. Liedkie’s thirty-hour per week schedule, reduced to roughly twenty-five hours per week on average by her admitted layoffs, was not full-time employment is entirely consistent both with the case law and with common knowledge. The court therefore did not abuse its discretion in finding that imputation was appropriate, and the court properly ordered that her imputed income be calculated at full-time wages at the current rate of pay, pursuant to RCW § 26.19.071(6)(a).

C. The Respondent is entitled to an award of attorney’s fees and expenses pursuant to RAP 18.9 and/or pursuant to RAP 18.1 and RCW § 26.09.140.

RAP 18.9(a) provides that this Court may award “terms and compensatory damages” to any party harmed by the filing of a frivolous appeal. “An appeal is frivolous if there are no debatable issues upon which reasonable minds might differ and it is so totally devoid of merit that there [is] no reasonable possibility of reversal.” *State ex rel.*

Quick-Ruben v. Verharen, 136 Wn.2d 888, 905 (1998) (*en banc*) (alterations in original). Because the 2002 order is unambiguously not a custody decree, there is no reasonable possibility that this Court could reverse on the ground that Mr. Lopez should have applied to modify a custody decree instead of petitioning to establish a parenting plan. Because the trial court properly found that at something less than thirty hours per week Ms. Liedkie was not employed full-time, and those findings are reviewed only for abuse of discretion, there is no debatable issue upon which reasonable minds could differ. The Respondent therefore asks this Court to find that he is entitled to terms and compensatory damages pursuant to RAP 18.9(a) for having to defend against this frivolous appeal.

RCW § 26.09.140 provides for an award of attorney's fees and costs for "maintaining or defending any proceeding under [Chapter 26.09]" or "[u]pon any appeal" after consideration of the financial resources of both parties. Mr. Lopez is an employed father raising two children full-time and two more half-time. *See, e.g.*, RP 267-68. He was found indigent in the trial court at the outset of this matter. CP 1. It has been financially difficult for him to defend against this action, both in the

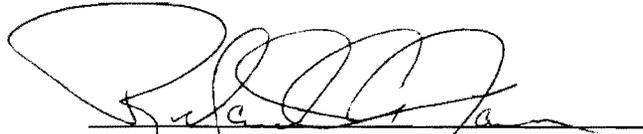
trial court and on the appeal. The Respondent therefore requests costs and attorney's fees pursuant to RCW § 26.09.140 and RAP 18.1. The affidavit of financial need will be filed before oral argument or consideration on the merits as required by RAP 18.1(c).

IV. CONCLUSION

The trial court did not err in entering a parenting plan naming Mr. Lopez as the primary residential parent because the 2002 order establishing parentage was not a custody decree, and therefore Mr. Lopez was not required to file a petition for modification and establish adequate cause as the Appellant contends. Neither did the trial court err in imputing income to Ms. Liedkie because the evidence showed that she was not employed full-time, and the trial court therefore properly determined that her income should be imputed and used the most appropriate method of imputing income to her.

The Respondent respectfully requests that this Court affirm the orders of the Superior Court and that this Court award him costs and attorney's fees pursuant to RAP 18.9 and/or RCW § 26.09.140 and RAP 18.1.

RESPECTFULLY SUBMITTED this 20 day of June, 2014.



Richard A. Laws, WSBA No. 36654
Attorney for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20 day of June, 2014, I caused a true and correct copy of the foregoing document to be served, via email by agreement of counsel, on Kenneth H. Kato at khkato@comcast.net.

