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NO. 52622-7-I

COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION I

STATE OF WASHINGTON, ON BEHALF OF
MCKENZIE MICHELE GRAHAM AND
VICTORIA MATTSON GRAHAM, CHILDREN,
PETITIONER

vs.

RICHARD SCOTT GRAHAM, Father,
MICHELE LEANN CUNLIFFE, Mother
Respondents.

FILED
COURT OF APPEALS DIVISION I
STATE OF WASHINGTON
2003 NOV -7 AM 10:02

APPEAL FROM THE SUPERIOR COURT FOR KING COUNTY

THE HONORABLE JUDGE RONALD KESSLER,

**BRIEF OF RESPONDENT
THE STATE OF WASHINGTON**

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RCW 74.20.220 (3)

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A. ASSIGNMENTS OF ERROR

Respondent concurs with Appellant's statement of the assignments of error.

B. STATEMENT OF THE CASE

Cunliffe contacted the Division of Child Support on or about June 20, 2002 and requested a review of her child support order for possible modification. The Division of Child Support has the authority to modify orders of child support upon the request of either party. 42 U.S.C. 666 (a) (10). On June 27, 2002, the Division of Child Support referred the case to the King Prosecuting Attorney's Office. The prosecuting attorney is authorized to petition for modification of a support order when the office of support enforcement is providing support enforcement services. RCW 74.20.220 (3). The parties were served and the matter was filed on October 14, 2002.

Respondent concurs with Appellant's statement of the case.

C. ARGUMENT

1. THE ARVEY CALCULATION DOES NOT APPLY TO SHARED VERSES SPLIT RESIDENTIAL ARRANGEMENTS.

Respondent concurs with Appellant's argument that the facts pattern in this case is not the fact pattern the court *In re the Marriage of Arvey*, 77 Wn.App. 817, 894 P.2d 1346 (1995) sought to address.

2. EXTRAPOLATION WAS APPROPRIATE UNDER THESE FACTS AND IN THE CHILDREN'S BEST INTERESTS, AS THE COMMISSIONER FOUND.

Respondent concurs with Appellant's argument that the commissioner had the authority and that the facts in this case warranted the use of the extrapolated worksheets in determining child support.

D. CONCLUSION

For the foregoing reasons, it may be appropriate for the Court to reverse the order on revision and the resulting order of child support entered by the superior court judge.

Dated this 6th day of November, 2003.

RESPECTFULLY SUBMITTED,



LORI K. SMITH
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Attorney for Respondent