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71240-3

No. 71240-3-1

COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON

In re Marriage of:

HEIDI GOUDE,

Respondent,

and

MICHAEL GOUDE,

Appellant

2016 APR 11 PM 9:00

~~FILED~~

APPEAL FROM KING COUNTY SUPERIOR COURT

Cause No. 12-3-04902-9 SEA

Honorable Laura Inveen, Judge

BRIEF OF RESPONDENT

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1. INTRODUCTION

The appellant says this is case of first impression.

Respondent disagrees.

This is a case where the father, Michael was admittedly domestically violent throughout a 13 year marriage. The use of force by the mother, Heidi, in self-defense and retaliation was found not to have been domestic violence.

The trial court followed the rules of the DVPA and of the Legislature's intent that "Judicial officers should have the discretion and flexibility to assess each case based on the merits of the individual cases before them." See RCW 26.09.003 Trial court is the true Trier of the facts in this case. Credibility determinations are left to the trier of the facts and are not subject to review. State v. Camarillo, 115 Wash.2d 60, 71, 794 P.2d 850 (1990). The court ruled in the best interest of the children.

After observing the parties and hearing their testimony, the testimony of Michael's domestic violence counselor, the GAL, several expert witnesses and numerous others, the Court properly ruled that Michael was the aggressor in the incidents of violence. He injured Heidi, breaking bones, intimidated her and caused her to be fearful. Michael also engaged in a pattern of emotional abuse

and economic coercion. He kept her from accessing money, asked her parents to keep money from her, threatened to take the children, isolated and degraded her, and killed a family pet. The Court properly found that Michael has a history of domestic violence and that Heidi's behavior is not domestic violence. The findings of fact are well within the trial court's discretion and are supported by substantial evidence.

The appellant admittedly has four part time business ventures that he manages under the company Earthtribe Percussions, with which he earns his income. There is his drum-making business, a videotaping business, a legal deposition business, and a photography business. Michael appeals the value placed upon Earthtribe Percussions by the trial court and the method by which it was derived. He presents no value for any of these ventures. In doing so he concludes that since no value is presented there should be no value needing to be included in the property settlement. Respondent disagrees.

Appellant argues the standard of review for this case is de novo. A trial court's decision is reviewed de novo if based upon a matter of law. If this was a case of a history of mutual domestic violence respondent would agree. But this is not. The trial court

considered all the evidence before making its decision. This court accepts the trial court's findings of fact as verities if the findings are supported by substantial evidence in the record. **Marriage of Thomas**, 63 Wn. App.658, 660, 821 P.2d 1227 (1991).

Respondent contends the standards of review for this case are: The Trial Court's Findings of Fact are reviewed for substantial evidence, which is evidence sufficient to persuade a fair-minded person of the finding's truth; the trial court's parenting plan is reviewed for abuse of discretion and decisions in marital dissolution actions regarding division of property are reviewed for abuse of discretion. **The trial courts decisions should be affirmed.**

2. RESTATEMENT OF THE ISSUES

A. After considering all the evidence, did the trial court abuse its discretion when ruling that the physical force used by Heidi to protect herself against and in retaliation to Michael's domestic abuse was not domestic violence? (Assignment of Error A)

B. Did the trial court abuse its discretion when, after considering all the evidence, it did not rule that Heidi had a history of domestic abuse for her use of physical force to protect herself against and in

retaliation to Michael's physical abuse over the course of their 13 year marriage? (Assignment of Error A)

C. Did the trial court abuse its discretion when, after considering all the evidence and not ruling Heidi to be domestically violent, it did not place any residential time limitation analysis on her? (Assignment of Error B, C)

D. After considering all the evidence the trial court did not rule that Heidi had a history of domestic violence as alleged by Michael. Therefore, did the trial court abuse its discretion when it did not impose residential time limitations on her? (Assignment of Error B, C)

E. Having found that the father has engaged in a history of acts of domestic violence which caused grievous bodily harm or the fear of such harm, did the trial court abuse its discretion when giving the Respondent sole decision making over the children's non-emergency health care and education decisions? (Assignment of Error D)

F. Michael failed to provide substantiated evidence of his income nor did he provide any method to figure the goodwill of his business. Did the trial court abuse its discretion when it used a

different method to place a value on the goodwill of Michael's business after it did not receive adequate financial information to value the business' goodwill using one of five recognized methods?

(Assignment of Error E)

G. Did the trial court abused its discretion when it placed a value on the intangible goodwill of Michael's business after he failed to provide any substantiated evidence of his business' net earnings or assets? (Assignment of Error E)

H. Did the trial court abuse it discretion when it made inferences against Michael for not maintaining or providing records for his drum-making business and placing an intangible goodwill value of \$25,000 on the business? (Assignment of Error E)

I. The trial court did not find the mother to be domestically violent, did not impose any restrictions and named her as the primary residential parent. The trial court did not abuse its discretion. Trial courts' decision should be affirmed. The Order of Child Support should not be remanded to the trial court. (Assignment of Error F)

3. RESTATEMENT OF THE FACTS

After a 7 ½ day trial, and considering the factors set out in RCW 26.09.187 the court designated the Respondent, Heidi, as the primary residential parent of the parties' three children. (CP

1187:19-1191:3 Parenting Plan 3.2-3.12) While still giving the father liberal residential time, the trial court imposed RCW

26.09.191 limitations on the father by recommending:

- Immediate enrollment and completion of the Domestic Violence DV Dads Program at Wellspring
- Participate in counseling as recommended by GAL
- Maintain communication with mother in a positive and respectful manner.
- Communicate only through a web-based program to avoid the children observing any conflict or emotionally abusive behavior directed at the mother.

(CP 1175:6-20, CP 1177:7-11 Findings of Fact 2.21)

Trial court granted sole-decision making to the mother after finding that the father had engaged in a history of domestic violence. He injured her, breaking bones and killing a family pet. He caused her to be fearful. (CP 1174:13-25, 1180:6-9 Findings of fact 2.21, CP 1275 GAL Report)

RAP 10.3(a)(5) requires that a brief provide a "fair statement of the facts." But it is clear from father's statement where he claims that "both parties engaged in common couples or mutual domestic violence" (App Br 10) that the father's Statement of the Case is far

from a “fair” statement and is in fact simply a recitation of his self-serving testimony that he presented at trial, which was rejected by the trial court. (CP 1174:12-1175:3 Findings of Fact 2.21)

In spite of all the conflicting testimony, this Restatement of the Facts provides a fair characterization of the facts presented at trial, determined credible by the trial court and the substantial evidence the trial court relied on in making its findings-many of which the father does not challenge on appeal.

A. The Mother Was The Primary Caregiver Of Parties' Three Children While The Father Worked Full-Time.

Michael and Heidi eloped May 15, 1999. (CP 1173:18-24 Findings of Fact 2.4) They have 3 children: daughter, KG, age 13; son, MG, age 10; and son QG age 6. (CP 1173:19-24 Findings of Fact 2.17) Heidi worked part of the time before 2nd child was born and then became a stay at home mom. (RP 15:7-21- Oral Ruling, RP 314:6-8) Mother took care of all the children’s daily needs. Both parties were active in the children’s’ activities at school, sports, and extracurricular activities that children participated in. Both parents took part in taking children to doctors and dentists appointments. With the father being self-employed he was able to adjust his work to do those things (CP 1176:18-25, 1178:1-6, Findings of Fact, RP

292:1-12, 1464:19-21, 1533:2-13, 1625:6-1626:25.)

B. Throughout The Marriage, The Father Physically, Verbally, Emotionally and Financially Abused The Mother.

Shortly after their marriage the couple had a disagreement about running a fan while sleeping. Heidi eventually broke the fan. Michael reacted violently inflicting bruises on her arm, side and down her legs. She ran and grabbed the phone. Michael ran after her, broke the phone into pieces and threw it. He picked her up by the throat and carried her across the room and told her to never call the cops on him. (RP 98:1-100:23) A few weeks later he put Heidi on the ground and tried to rip her wedding ring off. (RP 94-95)

In August 1999 both parties filed a DVPO against each other. Shortly after that Heidi learned she was pregnant. The couple decided to try to make things work out. They appeared in court together and asked the judge to dismiss both DVPOs. Instead the judge left them **both** in effect for a year. They both expired on August 16, 2000. Neither protection order was permanent. (RP 96:6-97:20, 392:15-25, CP Ex.A 1368-1369, Resp. Brief Appendix A)

In May28, 2000 Michael was working at a club owned by Heidi's parents. Heidi's brother and Michael got into a

disagreement and a witness reported to the police that Michael tore off his coat and ran across the floor towards Heidi's brother. The two wrestled on the floor. Heidi was not present when the fighting began and didn't know the details of the disagreement but went to the defense of her husband. She hit her brother with a chair. Michael and Heidi were both charged with Assault IV but the charges were later dismissed. (RP 136:15-138:12, CP 1394-1401)

On July 28, 2000 the parties had an argument. Heidi was in the kitchen and Michael was watching TV. During the argument Heidi dropped a dish and Michael called 911. Because a dish was broken and Heidi admitted to breaking it the Officer said he had to arrest her. The charges were dismissed. (RP 98:-100:23)

In August 2000 there was a clerical error and Heidi's name was erroneously placed on a case of Assault IV DV. The case number was one digit different than Heidi's case on 7/28/2000 (previously paragraph.) Heidi wasn't aware of the case until she received notice that she had warrant. She contacted the court house and the clerk corrected the error but for some reason the case still shows on Heidi's record. It does show in case records it was a clerical error. (RP393:18-399:4) (Resp. Brief Appendix B)

When the Appellant brought this case up in trial it was

explained that it was a clerical error. (RP 393:18-399:4) The father mentions this case in his appeal even after he knows it was an error and in fact wasn't Heidi's case.

When their first child was 6 months old the parents argued and Michael took the child and did not allow Heidi to see her for a week. He was teaching her a lesson for talking back to him. (RP 149: 9-25. RP 150-151:1-8)

Approximately 3 months later, Heidi went out with friends after she got off work at 2:00am. She got home around 3:30am which angered Michael. She awoke to him taking the child again so she couldn't see her. Heidi tried to take the child back and Michael grabbed Heidi's hand and squeezed it so hard he crushed a bone in her hand. She had to have surgery to repair the damage. (RP 89:13-25, 90-91:1-11)

Michael took Heidi's diary and wrote demeaning notes on it and scattered the pages around the house. Michael would call Heidi stupid, too fat to get a tattoo, a high school dropout and say she was not a good housekeeper. (RP 152-154) He would puff up his chest and grab her by the arms and shake her. Witnesses testified they saw bruises on Heidi's arms. He would also throw her on the bed or floor. (CP 1274, 1275 GAL Report)

In August 2009 the family attended a festival. While in a group gathering, the oldest child, KG, began being disrespectful to her mother. In an effort to remove her from the midst of the group to deal with her one on one, Heidi grabbed KG by the arm and had to forcefully remove her to their campsite. KG had very long hair at the time which could have easily been grabbed at the same time as KG's arm without Heidi noticing it. It wasn't Heidi's intent to pull KG by the hair. Witnesses testified that Heidi pulled KG by the hair in that incident. (RP 140-142:10, 1147:22-1148:13, 1167:6-23)

Later in 2009 the parties separated. Michael would not let Heidi take the children with her. She was pounding on the door and Michael grabbed her and pulled her by the arm hard enough that he dislocated her shoulder. He then picked her up by the throat and carried her to the car and threw her in. QG was in the car and Heidi went back to get MG. She tried to shut the door and must have hit his arm because he yelled and then picked her up again and threw her in the car again. This time she hit her head and shoulder and could not move her arm. She asked him to please let her take the children and he told her "no". MG was on the porch and asked his mother to please leave so that his father would quit hurting her. (RP 103-107, CP 1276 Oral Report)

Heidi's mom called the King County Sheriff for a welfare check on the children because Michael was calling her crying. (RP 430, 540-541:1-9) After several hours he agreed to let Heidi have the children for the rest of the week and share time with them 50/50. Later he refused to let her have them half the time. Michael had the children for nine months. He only allowed Heidi to see them occasionally and seldom was she allowed to have all three of them at the same time. (CP 1176:23-1177:1-7 Finding of Facts, 1276-1277 GAL Report)

In January 2010 Michael filed for divorce in Lincoln County. He called Heidi, asked her to meet him to sign the divorce agreement with a 50/50 split of custody of the children. She signed it but he only had one copy. Michael then filed the divorce papers and parenting plan that stated she only would have the children every other weekend which was not what she agreed to and what she thought she had signed. Heidi had to go to court and file documents stating she had not agreed to that parenting plan. (RP 109-113:1-16, CP 1277 Gal Report)

The parents reconciled in July 2010. The children were not happy living with just their father. (RP 108:14-25) KG reported she had to cook and clean. (CP 1290, GAL Report) Heidi was not on

the bank account or on his insurance policy. (RP 114:1-15)

On Christmas Eve 2010 Heidi asked Michael if she could speak with him. He told her no, that she had not quit smoking. She told him that she was doing other things like working out, going to his drumming events and being friends with his friends. Michael then laid down and went to sleep. Heidi woke him up and he jumped up and chased her and then jumped on top of her and was hitting her. He had his fist prepared to punch her and she turned her head away from him as far as she could and he punched the side of her head and broke his hand. (RP 115:18-119:6, CP 1277 GAL Report)

Heidi began to be afraid that he was going to kill her. After that he would puff up his chest and push his chest against her. Heidi did not react to his actions because she was concerned with how far he was going to go the next time. Michael would not give her cash or put gas in her car so that she could leave him. (CP 1174:20-23 Findings of Fact, CP 1275, 1277 GAL Report)

In January 2012 Michael had Heidi by the neck up against the wall in their laundry room when KG walked in. KG tried to get Michael off her mother. Heidi swore at Michael and hit him but then stopped because KG was witnessing the event. Heidi was in the

self-defense mode as she was being attacked by Michael (RP 119:12-121:15, CP 1277-1278 GAL Report)

A couple weeks after that Michael came into the kitchen and threw the table and broke it. He grabbed Heidi by the hair and threw her down. MG came into the kitchen and Michael stopped and left the room. (RP 131, CP 1278 GAL Report)

In April 2012 Michael hit Heidi during an argument about Michael texting and driving and KG attempted to take a picture but Michael stopped her. She told her father she wanted to take the picture so he could not lie to people. Later KG was upset and wanted to talk to a counselor but Heidi told her that she shouldn't because Michael would get into trouble for doing illegal activities. (RP 121:16-122:8,129-130:15, CP: 1278 GAL Report)

Michael would tell Heidi she was crazy and needed medication. She started to think she really was crazy. (RP 234:7-25, 325:13-16, CP 1278 GAL Report)

On June 15, 2012 Heidi fled to Moses Lake, WA and filed for divorce. She fled the abusive marriage out of fear and for the safety of her children and herself. (RP 145:21-146, 327:3-15)

C. Marijuana Grow Operation

Michael is self-employed in an African tribal drum making

business. (RP 192-196) For many years he was growing and selling marijuana. (RP 12:22-13:21, Oral Ruling) This marijuana growing operation was witnessed by Heidi's brother in 2011. (RP 405:22-409:6)

On May 5 2012 KG went into Michaels shed and saw his marijuana plants. Michael freaked out and started screaming and cursing at Heidi for not keeping the kids out of the shop. Heidi explained to KG that her father grew medical marijuana for people that use it for medical reasons. (CP 1278 GAL Report) KG told the GAL about the incident and said "her dad was "crazy upset. I've never seen him get that mad before. I was scared" (CP 1290 GAL Report)

Michael does sell marijuana to others. Witnesses testified they saw his growing operation or purchased marijuana from Michael. (RP 603:23-608:21, RP 405:22 -409:6) Michael denies growing marijuana and states that he is living in poverty. The trial court judge did not find his denial credible. (CP 1175:21-1176:11, Findings of Fact)

The trial court found there were substantial cash deposits placed in the appellants bank account that were not explained entirely. The court found credible the mother's explanation that

Moses Lake cash deposits made by the father's friend were proceeds from marijuana sales (CP 1176:5-7, Findings of Fact)

In spite of claiming he lives at poverty level Michael has taken trips to Brazil, Africa, Hawaii and New York. He also enjoys paragliding and scuba diving on a regular basis. The family has enjoyed trips to Disneyland several times. CP 1180:18-19, Findings of Fact, RP 166:20-169)

The appellant's income is unsubstantiated. He is self-employed and has not maintained records for his self-employment income. His tax returns do not match his bank accounts and there is no way to verify what he tells the IRS. He has not kept adequate records showing his cash income and expenses. Michael has a drum fabrication business that is substantially cash based. He is also paid occasionally in cash for his video and photography businesses. He also sold marijuana in the past, which generated cash. (CP 1180:12-24, Findings of Fact, RP 667:12-25)

D. Procedural History

1. June 14, 2012 Mother files for divorce in Grant County. (Appellate Appendix A)
2. June 27, 2012 Michael motions the court for change of venue back to King County which was granted. Court ordered the

children returned to King County on June 29, 2012. (App. Appendix B) Temporary orders were entered on August 2, 2012 (CP:1) placing children with Michael saying that if Heidi moved back to King County the court wanted a 50/50 plan for the children. (CP 2-11) Heidi moved back to King County to be able to have 50/50 temporary parenting plan of her children. (CP 2-11)

3. August 2012-April 2013 Father refused to obey court order allowing mother to have 50/50 plan with children. He said the orders were ambiguous. Numerous motions were filed. (Resp. Appendix: D) (CP 853)

4. September 12, 2013, after a 7 ½ day trial, the trial court designated the mother as the primary residential parent in oral rulings, granting her sole-decision making. (CP 1190 Parenting Plan 3.12, 1193 Parenting Plan 4.2) Father was ordered to follow the parenting plan and turn the children over to the mother on October 1, 2013. (CP 950,952,953,955,987) Father again refused to obey the order, his attorney stating that the plan was ambiguous. See numerous emails between Attorneys and Judge Inveen's Bailiff (CP 844-858)

5. October – November, 2013 Father refuses to turn children over to mother.(CP 987) He filed motions with trial court

and Court of Appeals, case 70946-I (Resp. Appendix E) to attempt to stop the final plans from taking effect. Motions were denied. (CP 780-784)

6. October 11, 2013 Appellant turned the children over to the mother. (CP 966:14, CP 1126-1127)

7. Father filed this appeal in Washington State Court of Appeals on December 5, 2013. (Resp. Appendix E)

4. ARGUMENT IN RESPONSE

With a 7 ½ day trial, numerous witnesses, and many exhibits there was plenty of evidence that the trial court viewed, listened to, and observed. The trial court considered all the evidence before making its decision. This court accepts the trial court's findings of fact as verities if the findings are supported by substantial evidence in the record. **Marriage of Thomas**, 63 Wn. App.658,660, 821 P.2d 1227 (1991). "Evidence is substantial if it exists in a sufficient quantum to persuade a fair-minded person of the truth of the declared premise." **Marriage of Burrill**, 113 Wn. App. 868 (2002) Trial court's findings are supported by substantial evidence and should be affirmed.

A. The Standard Of Review For This Case Is Not De Novo. Findings of Fact Are Reviewed For Substantial Evidence; The Parenting Plan Is Reviewed For Abuse Of

Discretion; And Decisions Regarding Division Of Property And Child Support Are Reviewed For Abuse Of Discretion.

Questions of the law are reviewed de novo. The Appellant argues the Standard of Review for this case is de novo, asking how do courts handle common couple violence or mutual domestic violence? If Heidi had a history of acts of domestic violence then this would be correct. But she does not.

The trial court observed the parties and heard their testimony; observed and heard testimony from many expert witnesses including Mr. Bartholomew (Michael's domestic violence counselor), Dr. Maiuro (domestic violence expert) Dr. Shau (psychological assessment), Dr. Coder (CR35 exam expert), Glade Brown (parents' former therapist), Ms. Napoli (children's counselor) Lynn Tuttle (the Guardian Ad Litem) and numerous other witness. The trial court also examined many exhibits and declarations entered as evidence.

After 7 ½ days of trial, the trial court ruled about the domestic violence allegations, "there was an attempt to litigate these multiple incidents stemming from early on in the parties' marriage, from almost 1999. I'm not going to make findings on every incident specific incident, but I do make a general finding that

although both parties engaged in violence over the course of the marriage, the father has engaged in a history of acts of domestic violence as defined by the state statute, RCW 26.50.010(1). (RP 7:3-21 Oral Ruling) He was the aggressor. He used his size and strength to intimidate Ms. Goude. He injured her. The injury to him in the course of the history was consistent with him striking her. He caused her to be fearful. She had multiple attempts to leave the relationship. She sought support from domestic violence service providers. It was the opinion of Mr. Goude's own domestic violence counselor, Mr. Bartholomew that he engaged in domestic violence. The statements by the children to third parties corroborate the fact that Mr. Goude was the aggressor. (CP 1174:16-25, Findings of Fact) Furthermore, in addition to the actual violence as defined by RCW 26.50.010,(1) he engaged in a pattern of emotional abuse, tactics of power and control over Ms. Goude, which included keeping her from accessing money and finances, asking her parents to keep money from her, threats to take the children. He'd tape-recorded her on one incident, contrary to law. Additionally, additional evidence in support of his personality and domestic violence behavior is evidence of violence towards others, including killing of a dog, an assault on a former friend, and assaultive

interaction with Ms. Goude's family members. Now, that is not to say that there isn't some concern about the mom's behavior. It is very clear that she has not always been appropriate in her personal relationships with others, with her husband...But her behavior is not such that I categorize it as domestic violence that would be limited or require that there be limitations placed upon her in her parenting." (RP 7:3-25, 8:22-9:16, Oral Rulings)

Trial court found that Michael engaged in a history of acts of domestic violence. (CP 1174:13-14, Findings of Fact) Trial court found that Heidi did not have a history of acts of domestic violence. (CP 1175:1-3, Findings of Fact) The findings of fact are supported by substantial evidence. Therefore, there is no "mutual domestic violence" as Michael alleges. Therefore, there is no question of the law. The standard of review for this case is not de novo.

The Trial Court's Findings of Fact are reviewed for substantial evidence, which is evidence sufficient to persuade a fair-minded person of the finding's truth. The trial court's parenting plan is reviewed for abuse of discretion. *Katane* II 175, 176 Wn2d, 35. Decisions in marital dissolution actions regarding division of property are reviewed for abuse of discretion. *Pollock v. Pollock*, 7 Wn. App. 394, 399, 407, 499 P.2d 231 (1972); *In re Marriage of*

Kovacs, 121 Wn2d 795, 901, 854 P.2d 629 (1993); *In re Marriage Foley*, 84 Wn. App. 839, 842-43, 846,930 P.2d 929 (1997)

B. The Trial Court Properly Exercised Its Discretion When It Concluded That The Respondents Violence Over The Course Of The Marriage Was Not Acts Of Domestic Violence.
(Response to Assignments of Error A, B, C, E, F)

Below, and in this appeal, the father sets forth incidents that he claims are “undisputed” and are evidence of the mother’s “history of domestic violence” (App. Br. 22-24, 40-45) But his descriptions are wholly one-sided, exaggerated, and fail to disclose his true participation in the conflict. (RP 611-679, RP 1117-1578)

August 1999 – Appellant states in 1999 a judge found Heidi committed an act of domestic violence. (App Brief 27) In 1999 Heidi placed a DVPO on Michael and he place a DVPO on Heidi. The couple agreed to work out the marriage. They both appeared in court together and asked the judge to drop both orders. Instead the judge left them both in effect for one year. Neither of the orders were permanent. (RP 392:15-25, (Resp. Appendix A)

Under ER 1101(c), the court is not required to apply the rules of evidence in a protection order hearing under RCW 26.50. Therefore, the issuance of a protection order is not necessarily res judicata as whether domestic violence has occurred or whether it

risers to the level necessary to trigger a mandatory restriction under the Parenting Act. (Resp. Appendix F)

May 28, 2000 - Respondent hitting her brother with a chair. (App Brief 26) Michael was working at a club owned by Heidi's parents. While Michael was working he got into a disagreement with Heidi's brother. Another employee gave a statement to police officers that Michael tore off his jacket and ran across the floor towards Heidi's brother. The two fought and wrestled around on the floor. Although Heidi did not know the exact details of the incident she came to the defense of her husband and hit her brother with a chair. The police were called and both Michael and Heidi were arrested. (CP 1397-1401) The charges against them were later dismissed. (RP 137:2-138:6) The prosecuting attorney must have decided the incident did not amount to domestic violence or he wouldn't have dismissed the charges.

The use, attempt, or offer to use force upon or towards the person of another is not unlawful in the following cases:...(3) Whenever used by a party about to be injured, or by another lawfully aiding him or her, in preventing or attempting to prevent an offense against his or her person....in case the force is not more than is necessary. **RCW 9A.16.020**

Thinking her brother had attacked Michael, Heidi was attempting to defend her husband.

July 28, 2000 There was an incident where Heidi and Michael were arguing. Heidi broke a plate. Michael called 911. The responding officer stated that since Heidi admitted to breaking a plate he had to arrest her. Charges were dismissed. (RP 397:11-13, 398:19-399:4) Apparently the prosecuting attorney did not feel the incident amounted to domestic violence.

August 2000- Michael refers to an incident in which he states that Heidi plead guilty to criminal assault-IV DVA. When asked in court if she had pled guilty to the Assault-IV DV charge Heidi didn't recall having done so. She was then shown a docket showing she pled guilty. She stated that if it said she did then she must have. Upon further examination of the docket it was determined that the docket she was shown was for another person and not for her. It was pointed out in court that this was an error made by the clerk's office back in 2000. Heidi's name and information was inadvertently placed on a case for an incident committed by someone else. The case numbers were only one number apart. Heidi had received some mail concerning this case in 2000 and contacted the clerk's office and a correction was made. (Resp. Appendix B) For some reason it was not totally removed from her record. This information was shared with Michael in trial court. (RP

393-399:4) He has chosen to include it in the appeal in an attempt to make Heidi look bad and to deceive the appeals court judges.

2011 - Heidi kicked and damaged the bathroom door.

Michael claims she was kicking it to go after him and that she caused him to fear for his physical safety. (App Brief 26, 27) Heidi admits to kicking the door in anger but Michael was not in the bathroom at the time. (RP 139:1)

The trial court found the only injury to Michael in the course of the history was consistent with him striking Heidi. (RP 7:13-14 Oral Rulings) Michael is 5'10" tall and weighs approximately 235 pounds. (RP: 650:2-5) Heidi on the other hand is 5'5" tall and weighs 160 pounds. Although not impossible it is highly unlikely that Heidi made Michael fear for his physical safety.

In oral arguments the trial court provided insight into how much evidence was reviewed; "We went through a lot of testimony regarding a lot of different incidences. And I am not going to make findings in every single incident. We're not – although we had sort of mini trials in the course for the last 13 years and the parties' interactions..." "First of all, let's just talk about the domestic violence allegations, in general. As pointed out, there were – there was an attempt to litigate these multiple incidents stemming from

early on in the parties' marriage, from almost 1999. I'm not going to make findings on every specific incident, but I do make a general finding that although both parties engaged in violence over the course of the marriage, the father has engaged in a history of acts of domestic violence as defined by the state statute, RCW 26.50.010,(1)" (RP 6:16-20, 7-8:10 Oral Ruling)

It was the opinion of Mr. Bartholomew, Michael's domestic violence counselor that Michael engaged in domestic violence. (RP 452:20-22) Statements by the children to third parties corroborate the fact father was the aggressor. (CP 1174:19, Findings of Fact)

In determination the trial court has to look at all the statutes pertaining to domestic violence, the intent of the Legislature to govern such. RCW 26.09.003, "When judicial officers have the discretion to tailor individualized resolutions, the legislative intent expressed in RCW 26.09.002 can be more readily achieved. Judicial officers should have the discretion and flexibility to assess each case based on the merits of the individual cases before them.

After hearing much testimony the trial court found that although both parties engaged in violence over the course of the marriage, the father engaged in a history of acts of domestic violence as defined by the state statute, RCW 26.50.010(1). (CP

1174:13-14, Findings of Fact) The father was the aggressor in the incidents of violence. He used his size and strength to intimidate the mother. He injured her. Although he sustained an injury in one such incident, it was to his hand, and consistent with that caused by an offensive blow. He caused her to be fearful. She attempted to leave the relationship. She sought support from domestic violence services providers. (CP 1174:13-25 Findings of Fact, RP 7:22-8:2 Oral Rulings)

In addition to the physical violence, the father engaged in a pattern of emotional abuse and used tactics of power and control over the mother. This included keeping her from accessing money and finances, asking her parents to keep money from her, and threats to take the children. He tape recorded her on one incident without her knowledge or consent. (CP1174:20-23, Findings of Fact) Interestingly Dr. Coder's testimony states that Michael gave him 2 audio recordings, a USB port and 2 disk recordings of Heidi without her knowledge or consent.(RP 1054:17-20,1055:4-25) This was almost a year after Judge at trial on August 2, 2012 told him that was illegal, not to be used in court. (CP 808:5, Oral Ruling)

The trial court found the mother has engaged in inappropriate social behaviors, including verbally lashing out at the

father and his extended family in front of the children. Her behavior is not domestic violence. It is behavior in need of regulation, which should be accomplished through the therapy required herein.

(CP 1175:1-3 Findings of Fact)

Dr. Maiuro testified "that it is a misnomer and inappropriate classification to describe or call the interpersonal violence and partner abuse that has gone on here as mutual. I believe that misrepresents the history of this case as it can be discerned and known from all of the sources of information available. In reviewing the case history and presentations and arguments made in court, it was suggested that the case was one of mutual violence. My opinion was that it was not, while there is some reciprocal violence that has occurred. It appears that Heidi, who is the person I directly evaluated, was more a victim/dependent role. And I use the word defendant not simply legally, but also with regard to her role of defending herself, but being the -the predominant victim."

(RP 696:17-709:15)

Mother's behavior problems of lashes out in self-defense or acting out in hurt or anger is situational when a victim is in a long term abusive relationship, which mother was for over 13 years.

(Resp. Appendix F) (RP 696-697, 742:8-14, 743:8-9, 19-20)

Mother admits to her part in those incidents of violence between parties, of actions being in self-defense. RCW 9a.16.110 (1) (RP 138:7, CP 1278, 1281, Oral Ruling)

The trial court viewed the incidents that the father brings up in this appeal along with testimony of 500 pages of his accounts of the events in this 13 year marriage. (RP 611-679, 1117-1578) Mother's testimony of over 450 pages gives her account of the events during this same time. (RP 1-403, 1579-1640) There are conflicting accounts of these events. The trial court listened, observed and weighed all the evidence, viewed the demeanor of witnesses, weighed all the facts from the experts. Trial court had the ability to weigh the credibility of the events and did not abuse discretion in making final decision. Trial court made its decisions based on all the facts and witnesses' testimony.

Because domestic violence cases can be so complex because of individual situations as case by case may be, the Legislature realizing that, has a manual judicial officers can refer to for such discernment in such cases.

The Domestic Violence Manual for Judges 2006 is a product of the Washington State Supreme Court Gender and Justice Commission. The manual is designed to serve as a

practical reference guide for judges and other court personnel; and to serve as a textbook for judicial education in the area of domestic violence.

Chapter 2 page 8 refers to “mutual violence” self-defense violence, anger, signs and actions of “victim” with perpetrator.

Chapter 2: Domestic Violence: The What, Why and Who, as Relevant to Criminal and Civil Court Domestic Violence Cases

Pg 8. Determining primary aggressor

“Some argue that there is mutual battering where both individuals are using physical force against each other. Careful fact-finding often, but not always, reveals that one party is the primary aggressor and the other party’s violence is in self-defense” (e.g., she stabbed him as he was choking her) or that one party’s violence is more severe than the violence of the other (e.g., punching/choking versus scratching) Sometimes the domestic violence victim uses physical force against the batterer in retaliation for chronic abuse by the perpetrator, but this retaliation incident is not part of a pattern of assaultive and coercive behavior.” (Resp.

Appendix F)

C. The Trial Court Properly Exercised Its Discretion When It Did Not Find The 2009 Incident Of Hair Pulling With The Parties’ Oldest Daughter Amounted To Child Abuse.

(Response to assignment of Errors A, B, C, E, F)

August 2009 – The parties' oldest child, KG, (then age 9 ½) had become disrespectful at a festival and Heidi had grabbed her by the arm in an effort to remove her from the group and deal with her behavior one on one. (RP 141:2-19) Michael had 2 witnesses that testified Heidi had pulled her by the hair. One testified it was after dusk and she had a flashlight. (RP 1148:3-9). The other testified that it was late morning, definitely light out. (RP 1166:21-1167:23) Both were sure about what they saw. Heidi denied this. (RP140:1-4) KG had very long hair at that time. It is unknown if her hair may have been caught in her grip along with her arm. It was not Heidi's intent to pull her daughters hair.

Michael's argument (C) states "The trial court erred when it failed to conclude Respondent abused the parties' oldest daughter after finding Respondent pulled her hair at a festival and lifted her off the ground". Michael is not stating what the trial court found correctly. Trial court did **not** find that Heidi lifted her daughter off the ground. Trial court found that the evidence supported a finding that Heidi did pull KG by the hair one night in a campsite. (RP 6:21-25 Oral Rulings) Appellant is attempting to mislead appellate court.

Due to the injury and surgery to Heidi's hand in 2000 (RP

89:13-25) she never recovered full strength back in her hand and is unable to lift more than 35 pounds with that hand. At the time of this incident KG weighed approximately 75-100 pounds and there was no physical way Heidi could have lifted her off the ground by her hair.

The GAL made comment on this incident of hair pulling as did Ms. Napoli. Ms. Napoli recalled KG told her of the incident. Ms. Napoli told the GAL that none of the children have made any disclosures of information that would result in her contacting CPS. (CP 1294 GAL Report) Evidently neither Ms. Napoli, the GAL, nor the trial court thought the incident qualified as child abuse.

As it did not have an adverse effect on the child that it seriously endangered the child, consistent with the nature of these specific terms, trial courts typically invoke the catchall provision in RCW 26.09.191(3)(g) only after identifying a specific and fairly severe harm to the child. *Katara II*, 175 Wn.2d, 38.

Second, statutory language is to be interpreted in context, considering "related provisions, and the statutory scheme as a whole" *Lake v. Woodcreek Homeowners Ass'n*, 169 Wn.2d 516, 526, 243 P.3d 1283 (2010) (quoting *State v. Engel*, 166 Wn.2d 572, 578, 210 P.3d 1007 (2009)). Thus, RCW 26.09, 191(3)(g) must be

read in light of chapter 26.09 RCW's statement policy, codified at RCW 26.09.002. It provides that "the best interest of the child is ordinarily served when the existing pattern of interaction between a parent and child is altered only to the extent necessitated by the changed relationship of the parents or as required to protect the child from physical, mental, or emotional harm. This harm has to be adverse, seriously severe, causing grievously bodily harm.

"It is the policy of this state to protect children from assault and abuse and to encourage parents, teachers, and their authorized agents to use methods of correction and restraint of children that are not dangerous to the children. However, the physical discipline of a child is not unlawful when it is reasonable and moderate and is inflicted by a parent, teacher, or guardian for purposes of restraining or correcting the child. Any use of force on a child by any other person is unlawful unless it is reasonable and moderate and is authorized in advance by the child's parent or guardian for purposes of restraining or correcting the child.

The following actions are presumed unreasonable when used to correct or restrain a child: (1) Throwing, kicking, burning, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) interfering with a child's breathing; (5) threatening a child with a deadly weapon; or (6) doing any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks. The age, size, and condition of the child and the location of the injury shall be considered when determining whether the bodily harm is reasonable or moderate. This list is illustrative of unreasonable actions and is not intended to be exclusive." **RCW 9A.16.100**

RCW 26.44.020 Defines abuse as: "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by

a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

D. The Trial Court Rejected The Father's Allegations That The Mother Was Domestically Violent, And Therefore Was Not Required To Impose The Same Mandatory Residential Time Limitation Analysis On The Mother As They Did The Father. (Response to Assignments of Error A, B, C, D, F)

After assessing the credibility of the parties, the trial court clearly and summarily rejected the father's allegations that the mother has "history of domestic violence" (RP 9:1-4 Oral Rulings) "her behavior is not such that I would categorize it as domestic violence that would be limited or require that there be limitations placed upon her parenting." (RP 9:11-14 Oral Rulings) Trial court determined that her behavior was not a **history of acts** of domestic violence. (CP 1175:1-3, Findings of Fact) Credibility determinations are left to the Trier of fact and are not subject to review. **Marriage of Burrill**, 113 Wn. App. 863, 868, 56 P.3d 993 (2002). Rev. denied, 149 Wn.2d 1007 (2003); see also **DewBerry v. George**, 115 Wn.2d App. 351, 362, 62 P.3d 525, rev. denied, 150 Wn.2d 1006 (2003) (credibility findings should not be subject to review on appeal)) citing **Marriage of Fiorito**, 112 Wn. App 657, 667, 50 P.3d 298 (2002). In any event, the father does not assign error to the trial court's credibility finding and it is thus a verity on appeal.

Marriage of Brewer, 137 Wn.2d 756, 766, 976 P.2d 102 (1999).

While the record contains an allegation of child abuse or use of violence, it does not appear that the trial court found those allegations credible or else did not believe that they amounted to "child abuse" or a "history of acts of domestic violence." Accordingly, the trial court did not abuse its discretion by declining to apply the provisions of RCW 26.09.191 to the mother. After looking at all the evidence, exhibits and testimony trial court determined "out of best interest of the children" to give primary custody to mother and sole decision-making. (CP 1190:24, 1191:1-3, 1193:2-13 Parenting Plan) Experts testified: (Dr. Chau) the father's diagnosis is that "it's my way or no way", (CP 1270, GAL Report), (Mr. Bartholomew) father is "egomaniac", (CP 1178:24-26, Findings of Fact), (Dr. Coder) father is "narcissistic" all which has a tendency for him not to be intenable to change, not that he couldn't but it would take a lot of effort and therapy for him to seek out the best interests of the children. (RP 1060-1064) Dr. Coder noted on fathers' narcissistic tendencies, "he needs to seek therapist who is experienced clinician who deals with such tendencies. (RP 1080-1083) Dr. Coder "Now Mr. Goude appeared for his diagnostic with me, he had already been through his therapy with Mr. Bartholomew and still

these tendencies just smacked me in the face, okay? It took me awhile, but they did smack me in the face.” (RP 1086). Trial court took notice of expert’s testimony, referring to it through her decision making. (RP 21:1-25, Oral Ruling)

In GAL report on oldest daughter’s interview talks about the discipline she received from her dad. (CP 1290, GAL Report.) Milo says about Dad telling us that we don’t remember what happens the right way, tells that to GAL; the first thing Milo said was unsolicited: “When I said my Dad jerked me into the living room (at home visit), that’s how I remember it, but he grabbed me by the shoulder and went like this. “ Milo said there is a difference as “I said he jerked me. What I see now is that he pulled me, Dad told me, “I did not grab you and drag you into the living room.” (CP 1291, GAL Report). Dr. Maiuro also said that Milo said Dad says we don’t remember how things happened. (RP 750:2-25)

Dr. Shau told the GAL “at the interview and testing stated Mr. Goude strikes me as a person who needs to be in control, I’m more concerned about him.” He added that Mr. Goude said that he “was in DV treatment, but he did not need it.” (CP 1295 GAL Report, RP 929:13-930:3) The DV Treatment provider, Mr. Bartholomew related that Dennis McGlothin told Mr. Goude that Mr.

Goude needed to complete a domestic violence program. Mr. Goude came to see Mr. Bartholomew on 7/18/12 and said he was abusive and needed treatment. (CP 1296 GAL Report) Dr. Shau's test report was done on December 4, 2012, 5 ½ months after father started DV treatment. (RP 982:15-17, 983:14-6) Dr. Mauro shows what the signs of perpetrator are and who in this case the perpetrator is. (RP 710-719) Refers to the fact that "father has provided that he has a lot of acknowledgement of DV treatment which is good, though the same information does represent worry and concern so need to look at this case with further levels of scrutiny."(RP 721:17-23)

E. The Trial Court Rejected The Father's Allegations That The Mother Had A History Of Acts Of Domestic Violence, And Therefore Did Not Required Evidence On Any Exception And Were Not Required To Place Mandatory Residential Time Limitations. (Response to Assignments of Error A, B, C, D, F)

The trial court's determination that the mother "behavior is not domestic violence" was wholly within its province and this court should not re-examine its determination on appeal. (CP 1171:5-9, Findings of Fact) Because the trial court did not find that she had a "history of acts of domestic violence" the trial court was not required to impose RCW 26.09.191 limitations on her residential schedule and decision-making, and it was within its discretion to designate

the mother as the primary residential parent.

Counselor, Glade Brown, testified the "mother has best interest of children at heart." (RP 1672:1-2) Mr. Brown stated that the parents were "a mess." It seems more like they were in therapy to jockey for position for the kids. The mom I think was very concerned about the kids and trying to do what was best." Mr. Brown opined "the kids seemed very happy with her." (CP 1297 GAL Report)

Dr. Coder, the CR35 exam expert, reported the mother's reactions is to stress of situation (RP 1048:21-1051), mother is amendable to change, has adequate skills to parent. (RP 1032:16-25, 1050:18-22) Dr. Shau, psychological evaluator, reported mother is "open to change", parenting hypothesis for Ms. Goude suggest Ms. Goude is "practical and down to earth", "She encourages the developing interests of her children" (CP 1271, GAL Report)

Heidi went to DV support groups when she could and started a Bible study with a group of bible students on a regular weekly basis. (RP 233:12-25) Due to financial restrictions Heidi was limited to how much help she could get from fee based services. She had no insurance and very limited income. She sought out help as

Parentage of Jannot, 149 Wn2d 123, 127, 65 P.3d 664 (2003), and are “extremely reluctant” to disturb child placement decisions.

Parentage of Schroeder, 106 Wn. App. 343, 349, 22 P.3d 1280 (2001) (citation omitted).

Michael compares this case to what he says is a similar situation in *In re Marriage of Mansour*. 126 Wn. App. at 5. In that case the trial court explained that it did “believe there was abusive behavior by the father during the course of the marriage to [his son] with the use of the belt.” *Id.* at 9 Despite this clear finding of abuse the trial court incorrectly concluded the mandatory residential time limitation in RCW 26.09.191(2)(1) did not apply and utilized the discretionary limitation and restrictions in RCW 26.09.191(3) *Id* This court reversed the parenting plan and remanded the case back to the trial court. *Id*

The situation in *Mansour* is **not similar** to this case. Michael states “Respondent physically abused their oldest daughter. The trial court found these things occurred. Nobody has challenged these findings and they are verities on appeal” (Appellants Opening Brief 30-31) The trial court **did not** find that Heidi physically abused their oldest daughter. Michael has not quoted the Trial Courts findings correctly.

The trial court stated “For what it’s worth, I do find that the evidence supported a finding that Ms. Goude did, in fact, pull KG by the hair one night in a campsite.” (RP at 7:5-9 Oral Ruling) The trial court did not find this to be physical abuse as Michaels claims it did. If the trial court thought what happened amounted to physical abuse that was seriously severe enough to cause grievous harm it would have found that, but it did not.

F. The Trial Court Properly Ruled When It Awarded Respondent Sole Decision Making Authority For Education, Non-Emergency Health Care, Childcare, Counseling, Tattoos And Piercing, And Marriage Before Age 18. (CP 1192-93, Pp 4.1, 4.2, 4.3). (Response to Assignment of Error A, B, C, D, F)

Domestic Violence Manual for Judges 2006, Chapter 10,

¶ 3): In drafting parenting plan orders, the court must determine how to best protect the child and adult victim from any further violence. Even where the risk of physical harm to the child is slight, the exchange of the child between parents is all too common opportunity for violence or harassment against the adult victim. Parenting plants that require ongoing negotiations between the parents, either because they specify joint decision-making or do not have a sufficiently detailed residential schedule, may subject not only the parents but also the child to tremendous emotional stress where there is a history of domestic violence.

Domestic Violence Manual for Judges 2006, Chapter 10,

Section 3 (B)(2): Not all forms or levels of domestic violence will trigger applications of the “mandatory restrictions” of the Parenting Act. The court must first find the existence of either 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.” RCW 26.09.191. (Resp. Appendix G)

Thus, it is possible that no mandatory restrictions will be required even if a parent has been convicted of an assault or a protection order has been entered because the domestic violence was not sufficiently dangerous or threatening and also was not part of a history or pattern. Where the court does not make a finding of “domestic violence” sufficient to trigger mandatory application of restrictions, it still may look to other factors under the Parenting Act to fashion an appropriate parenting plan. For example, “the abusive use of conflict by the parent which creates the danger of serious damage to the child’s psychological development” may justify restrictions under RCW 26.09.191(3)(e). (Resp. Appendix G) (DV Manual for Judges 2006 Chapter 10 Section 3(B)(2))

The trial court found that the father was the aggressor. He used his size and strength to intimidate Heidi. He injured her. The

injury to him in the course of the history was consistent with him striking her. He caused her to be fearful. (RP 7:1-8:10 Oral Rulings) Referring to the mother the trial court found “her behavior is not such that I categorize it as domestic violence that would be limited or require there to be limitations place upon her in her parenting.” (RP 9:1-5 Oral Ruling, CP 1175:1-3, Findings of Fact)

The trial court found “Now, with regards to abusive conflict and disparaging, there is evidence that both parties have engaged in disparagement in front of the kids, of their – the other parent. I would say that the evidence supports a finding that this has been more so by the father. (RP 9:6-10 Oral Ruling, CP 1175:4-5 Findings of Fact)

The trial court found “Mutual decision making is not appropriate. The father has engaged in history of acts of domestic violence. Neither party requests mutual decision-making. Historically, the parties have not been able to successfully engage in mutual decision, and there is no evidence that it will improve in the future. (CP 1180:6-9 Findings of fact) RCW 26.09.191) states:

RCW 26.09.191(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting

functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) 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

G. Trial Court Properly Exercised Its Discretion When It Assigned An Enterprise Value of \$25,000 To The Business Known As Earthtribe Percussion (Response to Assignment of Errors E)

Appellant is self-employed. His business Earthtribe Percussions actually consists of four part time business ventures that are all managed under the name of Earthtribe Percussions. He has a African tribal drum-making and repair business, (RP 656:19-21) a videotaping business, a legal deposition business and a photography business. (RP 1464-1465) It is with these businesses that Michael earns his income of \$60,000 per year. (CP1180:12-24 Findings of Fact) Michael places no value on any of these businesses.

Michael began his drum making business in 1999. Resp. Appendix H) Michael sells some of the drums that he makes at festivals or events. He currently attends to 4 or 5 of his most successful events. (660:21-661:6) He also states that he can make as much as 7 to \$10,000 in sales in one event. (RP 659:6-11) He also sells his drum online within the United States and

internationally. (RP 659:12-21) Michael argues that his drum making business has no value yet he testifies that he has 20 – 25 drums in inventory that sell from \$100 - \$800 each, (RP 656:22-657:2) and the supplies, materials, heater and fans to make drums. (RP 658:9-14)

A witness testified that Michael's drums are "Extremely excellent. They're the best quality that we have here in Seattle." (RP 1142:1-14)

Earthtribe Percussion has been in business since 1999. Being the unique business venture that it is (West African drum-making) Earthtribe Percussion's customer base would encompass a relatively select group. The business has produced a substantial amount of business as proven by the cash deposits. (CP 1180:15-16 Findings of Fact) The trial court found - there's the drum business that generated a lot of cash. (RP 26:25-27:-1 Oral Ruling)

Therefore, it's safe to assume a unique business that continues to thrive and generate substantial cash must be benefiting from a strong customer base with loyal repeat customers. Logically this would be due to good customer relations and/or quality workmanship and/or the availability of a unique product. Thus it can be surmised that the business enjoys a good

reputation which in turn brings in new customers. All of which amount to "GOODWILL".

Evaluation of professional goodwill is a troublesome issue. Since 1976, professional goodwill has been recognized in Washington as property of an intangible nature subject 239*239 to division in a marriage dissolution. *In re Marriage of Lukens*, 16 Wn App. 481, 558 P.2d 279 (1976). It is often defined as the "expectation of continued public patronage". *Lukens*, at 483.

Merriam Webster defines business goodwill as: the amount of value that a company's good reputation adds to its overall value, the favor or advantage that a business has acquired especially through its brands and its good reputation.

Justice Story defined Goodwill as a benefit or advantage "which is acquired by an establishment beyond the mere value of the capital, stock, funds or property employed therein, in consequence of the general public patronage and encouragement, which it receives from constant or habitual customers on account of its local position, or common celebrity, or reputation for skill or affluence, or punctuality, or from other accidental circumstances or necessities, or even from ancient partialities or prejudices".

Appellant argues that there is no evidence that his drum-making business has any intangible goodwill. (App Brief 36) Respondent disagrees. Appellant also argues that the trial court

may only assign intangible goodwill value to a business if it uses one of the five recognized methods to value goodwill. (App Brief 8)

These five methods are not the exclusive formulas available to trial courts in analyzing the evidence presented. Nor must only one method be used in isolation. One or more methods may be used in conjunction with the Fleege factors to achieve a just and fair evaluation of the existence and value of any professional's goodwill. *In re Marriage of Hall* 103 Wn.2d 236,245, 692 P.2d 175 (1984) In re Marriage of Hall, supra, certainly supports the proposition that blind allegiance to formulas is not favored.

Michael's income is unsubstantiated. He is self-employed in many capacities. He has not maintained records of his self-employment income. He has tax returns, but the tax returns are based only upon what he tells the IRS. Because so much of his business is performed on a cash basis, there is no ability to verify what he tells the IRS. He admits that there has been a history of cash use. The records show substantial cash deposits exceeding that which has been declared as income, without an explanation of off-setting expenses. He has a drum fabrication business that is substantially cash based. He is paid occasionally in cash for his video business. (RP 661:18-25, RP 26:-27:7, Oral Rulings, CP

1180:12-17, Findings of Fact)

The parties' lifestyle has not been consistent with the income that they declared. They ate at restaurants regularly. They traveled. The father took trips to New York, Hawaii, Brazil and Africa. He participated in paragliding and scuba diving. The father was observed conducting business and possessing large amounts of cash. (CP 1180:18-20 Findings of Fact) He doesn't have all his records, because "rats" ate them (RP 26:25-27:1 Oral Rulings)

The appellant presented inadequate financial records and failed to give substantiated testimony regarding the value of the assets of his business. He did not allow the respondent access to the financial matters during the marriage.

The trial court does not specifically state the amount of goodwill that was considered or if it even considered any. "To the extent there are questions, I think the inferences need to be made against Mr. Goude for - because of the lack of records." (RP 27:14-16, Oral Rulings) After considering the evidence provided the trial court ruled that the property division needed to be equalized with the father transferring \$15,000 to the mother. (CP 1181:3-23 Findings of Fact) The party challenging the trial court's decision bears the burden of proving the trial court exercised its discretion in

a way that was "clearly untenable or manifestly unreasonable."

Knight, 75 Wash.App. 729, 880 P.2d 71. Michael did not present the court with any evidence that Earthtribe Percussions had no goodwill or that the goodwill derived at was unreasonable. He did not present any alternate method to figure the goodwill.

If failing to present substantiated financial information on a persons' business requires judges to find the business has no goodwill wouldn't it be convenient for all business owners going through a divorce and property settlement to have "rats" eat their records?

H. The Trial Court Properly Exercised Its Discretion When It Entered An Order Of Child Support Based On The Mother Being The Primary Residential Parent (Response to Assignment of Errors A, B, C, D, F)

The trial court properly exercised its discretion when it named the mother as the primary residential parent of the parties three children. Therefore, the Order of Child Support was properly entered based on the mother being the primary residential parent.

I. Request For Legal Expenses

RAP 18.1 (a) allows legal fees to a party who has the right to legal fees under applicable law. RCW 26.09.140 allows courts to award legal fees to a party in a marital dissolution proceeding, after

considering both parties' resources, based on need and ability to pay when one party has superior resources. Here, Appellant has superior resources as evidenced by the trial courts finding that the records are pretty clear, there's substantial cash deposits exceeding that which has been declared as income, and without explaining any kind of expenses that would net it out. (RP 26:14-27:4, Oral Ruling) The court found that father's income is \$5000 per month gross. (CP 1180:22-24 Findings of Fact) The mother's gross income is \$1924 a month. (CP 1180:11, Findings of Fact) Financial declaration will be filed in accordance with RAP 18.1 (d).

5. CONCLUSION

During their marriage of 13 years Michael was admittedly domestically violent and Heidi had to defend herself against that abuse. It would be wrong to categorize her use of physical force to defend herself as domestic violence. Trial court listened to and considered a substantial amount of testimony and evidence found that her behavior is not domestic violence. Trial court's evidentiary rulings and parenting plans were well within the trial court's discretion and supported by substantial evidence. Trial court is the Trier of the facts. This court should affirm and award legal fees to the mother.

I, Heidi Goude, declare under penalty of perjury under laws of State of Washington that the foregoing is true and correct. This is my signature page for Appeals Case# 71240-3-1.

Signed at Renton, Washington on August 14, 2014.

A handwritten signature in cursive script, appearing to read "Heidi Goude", is written over a horizontal line.

Heidi Goude, pro se

12:40 PM 8/14/14
1025

Appendix A



07-208518

SUPERIOR COURT OF WASHINGTON
FOR GRANT COUNTY

HEIDI GOUDE 8-18-77
Petitioner DOB.
vs.
MICHAEL GOUDE 6-11-74
Respondent DOB

NO. 99-2-00777-4

ORDER FOR PROTECTION
(ORPRT) (No Children)
(Clerk's Action Required)

WARNINGS TO THE RESPONDENT

Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and RCW 10.31.100 and will subject a violator to arrest.

Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

YOU CAN BE ARRESTED EVEN IF THE PERSON OR PERSONS WHO OBTAINED THE ORDER INVITE OR ALLOW YOU TO VIOLATE THE ORDER'S PROHIBITIONS. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Notice of this hearing was served on the respondent by personal service service by mail pursuant to court order service by publication pursuant to court order other _____

Based upon the petition, testimony, and case record, the court finds that the respondent committed domestic violence as defined in RCW 26.50.010, and **IT IS THEREFORE ORDERED THAT:**

<input checked="" type="checkbox"/>	Respondent is RESTRAINED from causing petitioner any physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking petitioner.
<input type="checkbox"/>	Respondent is RESTRAINED from coming near petitioner and from having any contact whatsoever with petitioner, in person or through others, by phone, mail, or any means, directly or indirectly, except for mailing of court documents. If both parties are in the same location, respondent shall leave.
<input type="checkbox"/>	Respondent is RESTRAINED from entering or being within _____ (distance) of petitioner's <input type="checkbox"/> residence <input type="checkbox"/> place of employment <input type="checkbox"/> school <input type="checkbox"/> other: At present petitioner's address is <input type="checkbox"/> confidential <input type="checkbox"/> the following:
<input type="checkbox"/>	Petitioner shall have exclusive right to the residence at: _____ Respondent shall immediately VACATE the residence. Respondent may take respondent's personal clothing and tools of trade from the residence while a law enforcement officer is present. This civil standby is for one time only.
<input type="checkbox"/>	Petitioner shall have possession of essential personal effects, including the following:

FILED
KENNETH O. KUNES, CLERK
BY BARBARA SMITH DEPUTY
AUG 16 1999
RECORDED IN _____
VOLUME _____ PAGE _____

50

S

Petitioner shall have use of the following vehicle:	
Year, Make & Model _____	License No. _____
Respondent shall participate in <input type="checkbox"/> drug/alcohol treatment at _____	
<input type="checkbox"/> domestic violence or batterers' treatment or counseling at _____	
<input type="checkbox"/> other: _____	
OTHER: _____	

It is further ordered that the Clerk of Court shall forward a copy of this order on or before the next judicial day to
GRANT County Sheriff's Office Police
 Department WHERE PETITIONER LIVES which shall enter it in a computer-based criminal intelligence system
 available in this state used by law enforcement to list outstanding warrants.

The Clerk of Court shall also forward a copy of this order on or before the next judicial day to
 _____ County Sheriff's Office Police
 Department WHERE RESPONDENT LIVES which shall personally serve the respondent with a copy of this
 order and shall promptly complete and return to this court proof of service.

OR
 Petitioner has made private arrangements for service of this order. *Respondent appeared*

The law enforcement agency where petitioner respondent lives shall assist petitioner in obtaining:

Possession of petitioner's residence personal effects located at _____

Use of above designated vehicle.

Other: _____

This order is issued following service by mail publication and petitioner may serve this order by mail
 publication.

THIS ORDER FOR PROTECTION IS PERMANENT EXPIRES ON 8-16-2000

If the duration of this order exceeds one year, the court finds that an order of less than one year
 will be insufficient to prevent further acts of domestic violence.

DATED 8-16-1999 at 9:04 AM/PM

Ronan C. Spelman
 JUDGE/COURT COMMISSIONER

Presented by:

I acknowledge receipt of a copy of this
 Order for Protection.

 Petitioner Date

Michelle J...
 Respondent Date

Appendix B

8:15:04 Tuesday, April 30, 2013

D0030I Beginning of Docket

DD1000PI

DD1001MI Case Docket Inquiry (CDK)
Case: G00351CC_GCP CN

GRANT COUNTY DISTRICT PUB
StID: _____

04/30/13 08:15:04

Name: _____
Name/Title: GOUDE, HEIDI RENEE
ASSAULT 4TH DEGREE

NmCd: _____
2013 MAY -2 PM 2:19

Case: G00351CC GCP CN Criminal Non-Traffic Closed

S	08 01 2000	Case Filed on 08/01/2000	KNM
S		Charge 1 is DV-related	KNM
S		ARR NOTIC Set for 09/11/2000 09:00 AM	KNM
S		in Room 1A with Judge JWM	KNM
S	08 02 2000	Notice Issued for ARR NOTIC on 09/11/2000 09:00 AM	KNM
S	08 03 2000	ARR NOTIC on 09/11/2000 09:00 AM	KNM
S		Changed to Room 2 with Judge JWM	KNM
S	09 11 2000	ARR NOTIC: Held	MXT
S		Proceedings Recorded on Tape No. 00.310/12	MXT
S		OTH PLEA: Held	MXT
S		Proceedings Recorded on Tape No. 00.310/12	MXT

**District Court in the County Of Grant
State of Washington**

I certify this to be a complete, exact and true
copy of the original document. Certified this
day of April, 2013

Monica Guzman
District Court Clerk

8:15:03 Tuesday, April 30, 2013

04/30/13 08:15:02

DD1001MI Case Docket Inquiry (CDK)

GRANT COUNTY DIST CT PUB

Case: G00351CC_GCP CN

StID: _____

Name: _____

NmCd: _____

Name/Title: GOUDE, HEIDI RENEE
ASSAULT 4TH DEGREE

Case: G00351CC GCP CN Criminal Non-Traffic Closed

	09 11 2000	DEF ADVISED OF RIGHTS/ DEF ACKNOWLEDGES RIGHTS	MXT
		ATTORNEY REQUESTED/ PUB DEF APPROVED	MXT
S		Defendant Arraigned on Charge 1	MXT
S		Plea/Response of Not Guilty Entered on Charge 1	MXT
		PER M SHEET, DEF SHOWED UP LATE	MXT
		SET PTR 09-28-00, 11:00 AM, MOSES LAKE	MXT
	09 14 2000	TO ABD	MXT
		//////////////////////////////////// OSD 12-10-00	ABD
S		PTR Set for 09/28/2000 11:00 AM	ABD
S		in Room 2 with Judge JWM	ABD
S		Notice Issued for PTR on 09/28/2000 11:00 AM	ABD
	09 15 2000	NOTICE(S) MAILED TO PARTIES, HOLDING FILE FOR NOA;	ABD
	09 25 2000	NOTICE OF APPEARANCE AND PLEA OF NOT GUILTY FILED BY E&E;	ABD
S	09 28 2000	PTR: Held	MXT

8:15:01 Tuesday, April 30, 2013

DD1001MI Case Docket Inquiry (CDK) GRANT COUNTY DIST CT PUB 04/30/13 08:15:00
Case: G00351CC_GCP CN StID: _____
Name: _____ NmCd: _____
Name/Title: GOUDE, HEIDI RENEE
ASSAULT 4TH DEGREE

Case: G00351CC GCP CN Criminal Non-Traffic Closed

S	09 28 2000	Proceedings Recorded on Tape No. 00.335/37	MXT
S		OTH PLEA: Held	MXT
S		Plea/Response of Guilty Entered on Charge 1	WBS
S		Charge 1 Other Deferral : Other Pros Rsn	WBS
S		Case Heard Before Judge WHITENERMOBERG, JANIS	WBS
S		No Similar Violations : 2 Y	WBS
		STATEMENT OF DEF ON PLEA GUILTY SIGNED BY JUDGE AND DEF	WBS
		DEFENDANT'S PRESENCE WAIVED IN ONE YEAR IF NSV	WBS
S	10 05 2000	SEN REV Set for 09/25/2002 09:00 AM	WBS
S		in Room 2 with Judge JWM	WBS
		TO SHELF	WBS
S	11 16 2001	Accounts Receivable Created	550.00 TXG
S		BENCH Warrant Ordered	TXG
S		Print on or after 11/16/2001	TXG

8:15:00 Tuesday, April 30, 2013

04/30/13 08:14:59

DD1001MI Case Docket Inquiry (CDK)

GRANT COUNTY DIST CT PUB

Case: G00351CC_GCP CN

StID: _____

Name: _____

NmCd: _____

Name/Title: GOUDE, HEIDI RENEE
ASSAULT 4TH DEGREE

Case: G00351CC GCP CN Criminal Non-Traffic Closed

S	11	16	2001	Warrant expires on 12/31/2099		TXG
S				BENCH Warrant Issued for		SYS
S				Fail To Pay Fine Or Appear		SYS
S				Cash Bail Only		SYS
S				Bail: 500.00 + 50.00 Warrant Fee; Total Bail	550.00	SYS
S	11	19	2001	Warrant Recalled		TXG
S				Warrant Returned		TXG
				WARR WAS ISSUED DUE TO CLERICAL ERROR. WILL REISSUE TO		TXG
				PROPER CASE # G00361CC		TXG
S				Accounts Receivable Changed to	500.00	TXG
S				Authorized by TXG with Adjustment Code: CE		TXG
S	08	19	2002	Notice Issued for SEN REV on 09/25/2002 09:00 AM		WBS
S	08	21	2002	SEN REV Rescheduled to 09/26/2002 09:00 AM		TJB
S				in Room 2 with Judge JWM		TJB

8:14:57 Tuesday, April 30, 2013

D0031I End of Docket

DD1000PI

04/30/13 08:14:53

DD1001MI Case Docket Inquiry (CDK)

GRANT COUNTY DIST CT PUB

Case: G00351CC_GCP CN

StID: -

Name:

NmCd: -

Name/Title: GOUDE, HEIDI RENEE
ASSAULT 4TH DEGREE

Case: G00351CC GCP CN Criminal Non-Traffic Closed

	08 21 2002	RESET TO CORRECT DATE		TJB
S		Notice Issued for SEN REV on 09/26/2002 09:00 AM		WBS
	08 26 2002	NOTICE MAILED TO PARTIES		TJB
S	09 26 2002	SEN REV: Held		TJB
S		Proceedings Recorded on Tape No. 02-311/12		TJB
S		Charge 1 Dismissed : Oth Defrl Compl		TJB
S	10 02 2002	Defendant Complied with No Similar Violations		TJB
S		Accounts Receivable Changed to	0.00	TJB
S		Authorized by TJB with Adjustment Code: DS		TJB
S		Case Disposition of CL Entered		TJB
S	07 03 2012	12185101547 Miscellaneous Payment Received	2.50	ELE
S		for COPY/TAPE FEES		ELE
S	07 30 2012	12212101574 Miscellaneous Payment Received	10.00	EDA
S		for COPY/TAPE FEES		EDA

8:16:22 Tuesday, April 30, 2013

D0030I Beginning of Docket

DD1000PI

04/30/13 08:16:21

DD1001MI Case Docket Inquiry (CDK)

GRANT COUNTY DIST CT PUB

Case: C00036747 MLP CN

StID: _____

Name: _____

NmCd: _____

Name/Title: GOUDE, HEIDI RENEE

DV MALICIOUS MISCHIEF 3RD

PROTECTION ORDER VIOLATION

Case: C00036747 MLP CN Criminal Non-Traffic Closed

S	07 28 2000	Case Filed on 07/28/2000	WBS
S		Charge 1 is DV-related	WBS
S		Charge 2 is DV-related	WBS
S		ARR NONOT Set for 07/28/2000 09:00 AM	WBS
S		in Room J with Judge RCF	WBS
S		PCN added to case	WBS
S		ARR NONOT: Held	KLH
S		Defendant Arraigned on Charge 1	KLH
S		Plea/Response of Not Guilty Entered on Charge 1	KLH

District Court in the County Of Grant
State of Washington

I certify this to be a complete, exact and true
copy of the original document. Certified this
day of April, 2013


District Court Clerk

8:16:20 Tuesday, April 30, 2013

04/30/13 08:16:19

DD1001MI Case Docket Inquiry (CDK)

GRANT COUNTY DIST CT PUB

Case: C00036747 MLP CN

StID: _____

Name: _____

NmCd: _____

Name/Title: GOUDE, HEIDI RENEE

DV MALICIOUS MISCHIEF 3RD

PROTECTION ORDER VIOLATION

Case: C00036747 MLP CN Criminal Non-Traffic Closed

S 07 28 2000	Defendant Arraigned on Charge 2	KLH
S	Plea/Response of Not Guilty Entered on Charge 2	KLH
	DEFENDANT ARRAIGNED.	KLH
	DEFENDANT ADVISED OF RIGHTS.	KLH
	APPOINTMENT OF ATTORNEY FOR INDIGENT DEFENDANT.	KLH
	PER JAIL LOG: EARL & EARL APPT'D - PT 8/10/00 IN MOSES LAKE	KLH
	DEFENDANT RELEASED ON PERSONAL RECOGNIZANCE.	KLH
S 08 01 2000	PTR Set for 08/10/2000 11:00 AM	KLH
S	in Room 2 with Judge JWM	KLH
S 08 02 2000	Notice Issued for PTR on 08/10/2000 11:00 AM	KNM
	//////////////////// OSD 10-26-00	TJB
08 03 2000	NOTICE OF HRG MAILED TO E&E & SENT TO PA'S OFFICE	KLH
	FILE TO ABD	KLH
08 07 2000	NOTICE OF APPEARANCE AND PLEA OF NOT GUILTY FILED BY ATTY;	ABD

8:16:19 Tuesday, April 30, 2013

04/30/13 08:16:18

DD1001MI Case Docket Inquiry (CDK)

GRANT COUNTY DIST CT PUB

Case: C00036747 MLP CN

StID: _____

Name: _____

NmCd: _____

Name/Title: GOUDE, HEIDI RENEE

DV MALICIOUS MISCHIEF 3RD

PROTECTION ORDER VIOLATION

Case: C00036747 MLP CN Criminal Non-Traffic Closed

S	08 10 2000	PTR: Not Held, Continued.	MXT
S		Proceedings Recorded on Tape No. 00.274/77	MXT
		DEFENSE ATTORNEY: PAT EARL	MXT
		PROSECUTING ATTORNEY: BRENT DEJONG	MXT
		PER M SHEET, PA NO REPORTS	MXT
S	08 15 2000	PTR Set for 08/31/2000 11:00 AM	MXT
S		in Room 2 with Judge JWM	MXT
		FILE TO ABD	MXT
S	08 18 2000	Notice Issued for PTR on 08/31/2000 11:00 AM	ABD
	08 21 2000	NOTICE(S) MAILED TO PARTIES, FILE TO SHELF	ABD
S	08 31 2000	PTR: Held	MXT
S		Proceedings Recorded on Tape No. 00.302/05	MXT
		PROSECUTING ATTORNEY: BRENT DEJONG	MXT
		DEFENSE ATTORNEY; BRIAN BARLOW	MXT

8:16:17 Tuesday, April 30, 2013

04/30/13 08:16:16

DD1001MI Case Docket Inquiry (CDK)

GRANT COUNTY DIST CT PUB

Case: C00036747 MLP CN

StID: _____

Name: _____

NmCd: _____

Name/Title: GOUDE, HEIDI RENEE

DV MALICIOUS MISCHIEF 3RD

PROTECTION ORDER VIOLATION

Case: C00036747 MLP CN Criminal Non-Traffic Closed

08 31 2000	SIGNED STATEMENT OF DEF ON PLEA OF GUILTY	MXT
S	Plea/Response of Guilty Entered on Charge 1	MXT
S	Charge 1 Other Deferral : Other Pros Rsn	MXT
S	Case Heard Before Judge WHITENERMOBERG, JANIS	MXT
S	Judge WHITENERMOBERG, JANIS Imposed Sentence	MXT
S	Court Imposes Jail Time of 90 Days on Charge 1	MXT
S	with 90 Days Suspended, and	MXT
S	0 Days Credit for time served	MXT
S	Total Imposed on Charge 1:	635.00 MXT
S	with 350.00 Suspended	MXT
S	And 0.00 Other Amount Ordered	MXT
S	No Similar Violations : 1 Y	MXT
S	Deferred Sentence Condition : 12 M	MXT
S	Plea/Response of Guilty Entered on Charge 2	MXT

8:16:16 Tuesday, April 30, 2013

04/30/13 08:16:15

DD1001MI Case Docket Inquiry (CDK)

GRANT COUNTY DIST CT PUB

Case: C00036747 MLP CN

StID: _____

Name: _____

NmCd: _____

Name/Title: GOUDE, HEIDI RENEE

DV MALICIOUS MISCHIEF 3RD

PROTECTION ORDER VIOLATION

Case: C00036747 MLP CN Criminal Non-Traffic Closed

08 31 2000	PER M SHEET, RESOLUTION ON PENDING CASE WON'T VIOLATE THESE	MXT
	COND / STATEMENT ON PLEA ACCEPTED / ON CHARGE #2 CONT SENT	MXT
	12 MONTHS ON COND OF NSV.	MXT
	PARTIES STIP TO RESTITUTION RESERVED 60 DAYS	MXT
	DEF SIGNED PAY AGMT: \$ 285.00, \$50.00 STARTING 09-31-00	MXT
S 09 18 2000	Charge 1: Def. complied with Jail Sentence	MXT
S	SEN Set for 08/30/2001 09:00 AM	MXT
S	in Room 2 with Judge JWM	MXT
	FILE TO A/R THEN TO TAH	MXT
S 09 19 2000	Accounts Receivable Created	285.00 RSP
S	Case Scheduled on Time Pay Agreement 1 for:	285.00 RSP
	FILE TO TAH	RSP
S 09 20 2000	SEN on 08/30/2001 09:00 AM	TAH
S	in Room 2 with Judge JWM Canceled	TAH

8:16:14 Tuesday, April 30, 2013

04/30/13 08:16:13

DD1001MI Case Docket Inquiry (CDK)

GRANT COUNTY DIST CT PUB

Case: C00036747 MLP CN

StID: _____

Name: _____

NmCd: _____

Name/Title: GOUDE, HEIDI RENEE

DV MALICIOUS MISCHIEF 3RD

PROTECTION ORDER VIOLATION

Case: C00036747 MLP CN Criminal Non-Traffic Closed

S	09	20	2000	OTH DISP Set for 08/30/2001 09:15 AM	TAH
S				in Room 2 with Judge JWM	TAH
S				SEN REV Set for 08/30/2001 09:15 AM	TAH
S				in Room 2 with Judge JWM	TAH
				SHOULD HAVE BEEN SET FOR SEN REV NOT SEN; CORRECTED	TAH
				FILE TO AR	TAH
	09	25	2000	DO NOT NEED FILE - FILE TO SHELF	RSP
S	03	06	2001	Case Removed from Time Pay Agreement 368 05890 1	RSP
				NEEDS TO BE SET FOR S/C FINES - CHARGE #1 ONLY	RSP
S	03	07	2001	SHO FINES Set for 03/22/2001 01:30 PM	RSP
S				in Room 1A with Judge BWH	RSP
S	03	08	2001	Notice Issued for SHO FINES on 03/22/2001 01:30 PM	ABD
	03	16	2001	ADDRESS UPDATED FROM USPS FORM 3547	RSP
	03	21	2001	DEF CALLED;WILL BE IN TOMORROW TO PAY IN FULL;DOESN'T WANT	JRH

8:16:12 Tuesday, April 30, 2013

04/30/13 08:16:11

DD1001MI Case Docket Inquiry (CDK)

GRANT COUNTY DIST CT PUB

Case: C00036747 MLP CN

StID: _____

Name: _____

NmCd: _____

Name/Title: GOUDE, HEIDI RENEE

DV MALICIOUS MISCHIEF 3RD

PROTECTION ORDER VIOLATION

Case: C00036747 MLP CN Criminal Non-Traffic Closed

	03 21 2001	TO COME TO COURT.		JRH
S	03 22 2001	1081100015 Fine Payment Paid in Full	285.00	MMA
S		SHO FINES on 03/22/2001 01:30 PM		MMA
S		in Room 1A with Judge BWH Canceled		MMA
S		Proceedings Recorded on Tape No. 01-62/63		JRH
	03 23 2001	NSV/08/2001		DWM
	04 02 2001	FILE TO SHELF		DXG
S	06 15 2001	Notice Issued for OTH DISP on 08/30/2001 09:15 AM		KNM
S		Notice Issued for SEN REV on 08/30/2001 09:15 AM		KNM
		NOTICE MAILED TO ATTY		KNM
	08 30 2001	DEF IN LOBBY STATES SHE HAS WHOOPING COUGH, PER JWM IS TO		MMA
		BRING NOTE FROM DR.		MMA
S		OTH DISP: Held		KNM
S		Proceedings Recorded on Tape No. 01-254-26		KNM

8:16:10 Tuesday, April 30, 2013

D0031I End of Docket

DD1000PI

04/30/13 08:16:05

DD1001MI Case Docket Inquiry (CDK)

GRANT COUNTY DIST CT PUB

Case: C00036747 MLP CN

StID: _____

Name: _____

NmCd: _____

Name/Title: GOUDE, HEIDI RENEE

DV MALICIOUS MISCHIEF 3RD

PROTECTION ORDER VIOLATION

Case: C00036747 MLP CN Criminal Non-Traffic Closed

S	08 30 2001	SEN REV: Held	KNM
S		Proceedings Recorded on Tape No. 01-254-26	KNM
		DEF FAILED TO APPEAR	KNM
		PROSECUTING ATTORNEY: ROBERT MOSER	KNM
		DEFENSE ATTORNEY: PAT EARL	KNM
		PER M SHEET, STATES MOTION, DISMISS COMPLIED	KNM
S		Charge 1 Dismissed : State's Mtn-Othr	KNM
S		Charge 2 Dismissed : State's Mtn-Othr	KNM
S		Case Heard Before Judge WHITENERMOBERG, JANIS	KNM
S		Imposing Judge Changed to Judge : WHITENERMOBERG, JANIS	KNM
S	09 04 2001	Defendant Complied with No Similar Violations	KNM
S		Defendant Complied with Deferred Sentence Condition	KNM
S		Case Disposition of CL Entered	KNM
	11 28 2001	DEF CALLED, ADVISED CASE DISMISSED AND CLOSED	MMA

Appendix C

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

In re the Marriage of:

HEIDI R. GOUDE

Petitioner,

And

MICHAEL Z. GOUDE

Respondent.

No. 12-3-04902-9 SEA

**MOTION AND DECLARATION FOR
AN ORDER TO CLARIFY AND
MODIFY THE TEMPORARY
PARENTING PLAN AND TO AWARD
MAKE UP TIME AND ATTORNEY'S
FEES TO PETITIONER**

I. MOTION

COMES NOW the Petitioner, Heidi Goude, by and through her attorney of record, Stacey Swenhaugen, and hereby requests that the court grant her the following relief:

1. Modify the Temporary Parenting Plan to include a 50/50 residential time schedule pursuant to the August 2, 2012 Parenting Plan and September 12, 2012 Order on Contempt;
2. Clarify the Parenting Plan and Order an immediate 50/50 schedule;
3. Award make up time for the Petitioner for residential time missed since the Respondent refused to allow her access to the children under a 50/50 schedule; and

MOTION FOR MODIFICATION, CLARIFICATION,
IMPLEMENTATION OF 50/50 PLAN, MAKE-UP TIME
AND ATTORNEYS FEES

Engel Law Group, P.S.
600 University Street
Suite 1904
Seattle, WA 98101
206-625-9800
206-243-8177 (FAX)

1 4. Award reasonable attorney's fees to the mother for having to bring this motion.
2

3 Respectfully submitted this 12th day of September, 2012.
4

5 
6 Stacey Swenhalgen, WSBA No. 41509
7 Attorney for Petitioner

8 II. DECLARATION

- 9 1. I have knowledge of the facts herein and am competent to testify thereto;
10 2. The parties appeared in front of Pro Tem Commissioner Deborah Bianco for a Motion
11 for Temporary Orders on August 2, 2012.
12 3. A Temporary Parenting Plan was entered, which placed the children in the primary care
13 of the Respondent father, Michael Goude while I lived in Grant County. See Parenting
14 Plan attached hereto as *Exhibit A*. This Order changed the children's primary
15 residential parent from the myself to Mr. Goude, simply because the he lived in King
16 County and I lived in Grant County.
17 4. Section 3.2 of the Parenting Plan states expressly, "In the event Mother relocates to
18 King County, the parties shall have a 50/50 plan"
19 5. The Commissioner's oral ruling stated verbatim "I would be very inclined if the mother
20 was living in King County, and living reasonably close to the kids schools, and she can
21 get them to school every day, and be involved in their activities, I would be very
22
23
24

1 inclined to go with a 50/50 plan.” She went on to state that “I would like a 50/50 plan”
2 and provided a schedule the parties should follow (Monday/Tuesday with Dad,
3 Thursday/Friday with mom, and the parents alternate the weekends). Finally, the
4 Commissioner stated again, “I don’t know if mom can move back or not. If she can, I
5 want a 50/50 plan”. See Transcript of Proceedings attached hereto as *Exhibit B*. The
6 Commissioner’s ruling pertaining to the 50/50 plan begins on page 32.
7

8 6. I relocated to King County as soon as I could, on August 10, 2012.

9 7. My attorney sent an email to the father’s counsel on August 14, 2012, advising that we
10 would like to implement the 50/50 plan pursuant to the Parenting Plan and
11 Commissioner’s Ruling. *See Exhibit C*.

12 8. Mr. Goude refused to implement the 50/50 schedule, stating through counsel that the
13 Parenting Plan was ambiguous and did not allow for an automatic transition to a 50/50
14 plan.
15

16 9. I filed a Motion for Contempt and a hearing before Commissioner Castilleja took place
17 on September 12, 2012. Mr. Goude was found in Contempt for interfering with and
18 monitoring telephone conversations between my children and me, but he was not found
19 in contempt for failing to implement the 50/50 plan. See Contempt Order attached
20 hereto as *Exhibit D*.
21

22 10. The Commissioner did state, however, that it was the clear intent of Commissioner
23 Bianco for the parties to have a 50/50 plan once the mother relocated to King County.
24

1 She further stated that for the father to come to Court and state that he didn't know the
2 Court wanted a 50/50 plan was "disingenuous". She ordered that the parties were to
3 implement the 50/50 schedule and present an agreed order on a schedule to the Court
4 within 14 days, or otherwise seek judicial intervention on a schedule once again. See
5 *Order on Contempt at Exhibit D.*

6
7 11. Mr. Goude and his counsel have refused to discuss an agreement on a 50/50 schedule.
8 He is planning to file a Motion for Revision before Judge Ramsdell. Judge Ramsdell's
9 earliest available hearing date is October 10, 2012. See emails between Respondent's
10 counsel and the Court attached hereto as *Exhibit E.*

11
12 12. I moved to King County on August 10, 2012 and requested an implementation of the
13 50/50 plan on August 14, 2012. It has been the clear intent of this Court that my
14 children reside with me for 50% of the time; however due to the way the Order was
15 drafted, procedural issues, and Mr. Goude's refusal to implement the plan, this process
16 has been drawn out for over a month. As such, I request that the Court enter a schedule
17 immediately and award make-up time for my time missed since August 14, 2012, or at
18 the very least, since the date of the last hearing, September 12, 2012, when the Court
19 made it clear that there shall be a 50/50 plan.

20
21 13. Commissioner Bianco suggested that Mr. Goude have the children on
22 Mondays/Tuesdays and that I have them on Wednesdays/Thursdays, and that we then
23 alternate the weekends. I would ask the court do adopt Commissioner Bianco's

1 recommendation for a schedule, but switch weekdays around as Monday and Tuesday
2 for me would work better with my employment schedule. I also request that we modify
3 the transportation provision so that exchanges occur at the Front Street Market in
4 Issaquah. This is where Mr. Goude and I have been exchanging the children since I
5 relocated to King County.
6

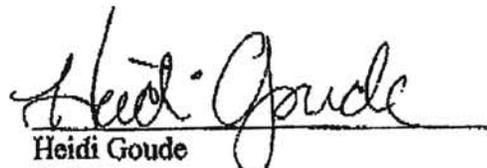
7 14. My Motion to "Clarify the Parenting Plan and Order an Immediate 50/50 Schedule" is
8 being made in conjunction with my Motion to Modify the Parenting Plan in effort to
9 protect myself procedurally should Mr. Goude's Motion to Revise the Contempt Order
10 with regard to the provision in the Order that clarifies the Commissioner's intent to
11 Order a 50/50 plan be granted. I do not want to have to come back to the Court time
12 and time again to ask the Court for the same relief just because Mr. Goude insists that
13 my motion wasn't titled properly. As such, I am requesting a Clarification Order that
14 States the parties shall have a 50/50 parenting plan, and one that lays out the schedule
15 for us to follow immediately.
16

17 15. I am also requesting reasonable attorney's fees in an amount to be determined pursuant
18 to my attorney's fee affidavit submitted at the time of the hearing for having to file this
19 motion. Mr. Goude has forced me, in bad faith to bring this unnecessary motion.
20 Despite the fact that two Commissioners have stated that there needs to be a 50/50 plan,
21 Mr. Goude refuses to even attempt to reach an agreement on the schedule and
22 implement the plan. When I filed my motion for Revision on the Temporary Orders,
23
24

1 Mr. Goude's attorney expected us to wait nearly six (6) weeks for a hearing. After
2 Judge Reitschel's Court refused to change the hearing date, he filed an Affidavit of
3 Prejudice to get a new judge. Judge Ramsdell's Court then scheduled the hearing for
4 September 5, 2012. Mr. Goude's counsel again, tried to change the hearing date. When
5 the Court refused, Mr. Goude's attorney unethically asked the GAL to take the position
6 that there should be a continuance. *See Exhibit F*. There is a history of Mr. Goude
7 attempting to delay and stall these proceedings so that I am not able to exercise my
8 rightful time with the children. There is no reason for us to be in Court today, other
9 than the fact that Mr. Goude has, in bad faith, refused to even attempt to reach an
10 agreement on the 50/50 schedule per the Court's ruling. Mr. Goude should have to pay
11 my fees for having to bring this unnecessary motion.
12

13
14 I declare under penalty of perjury under the laws of the state of Washington that the
15 foregoing is true and correct to the best of my knowledge.

16 Dated this 12th day of September, 2012.

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19 Heidi Goude
20 Petitioner

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Superior Court of Washington
County of KING

In re:

HIEDI R. GOUDE

No. 12-3-04902-9 SEA

Order on Contempt Hearing

Petitioner,

and

Clerk's Action Required

MICHAEL Z. GOUDE

Respondent.

i. Judgment Summary

Applies as follows:

- A. Judgment creditor Heidi Goude
- B. Judgment debtor Michael Goude
- C. Principal judgment amount (Child support from: \$ _____)
- D. Interest to date of judgment \$ _____
- E. Attorney fees \$ 2,000.00
- F. Costs \$ _____
- G. Other recovery amount \$ _____
- H. Principal judgment shall bear interest at 12% per annum
- I. Attorney fees, costs and other recovery amounts shall bear interest at 12% per annum
- J. Attorney for judgment creditor Stacey Swenhaugen
- K. Attorney for judgment debtor Dennis McGlothlin
- L. Other:

Engel Law Group, P.S.
600 University Street
Suite 1904
Seattle, WA 98101
206-625-9800
206-243-8177 (FAX)

1
2
3 **II. Findings and Conclusions**

4 **This Court Finds:**

5 **2.1 Compliance With Court Order**

6 Michael Goude intentionally failed to comply with a lawful order of the court dated on August 2, 2012. *Mother alleged 4 violations. This Court*

7 **2.2 Nature of Order**

8 The order is related to a parenting plan (custody/visitation).

9 **2.3 How the Order was Violated**

10 This order was violated in the following manner (include dates and times, and amounts, if any):

- 11
12 1. Michael Goude violated Section 3.2 of the temporary parenting plan by refusing to implement the 50/50 residential schedule when the mother moved to King County.
- 13 2. Michael Goude violated section 3.13.7 of the parenting plan by involving the children in the litigation.
- 14 3. Michael Goude violated section 3.13.8 of the parenting plan by disparaging the mother in front of the children.
- 15 4. Michael Goude violated section 3.13.1 of the parenting plan by restricting and monitoring the children's telephone conversations with the mother.

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19 **2.4 Past Ability to Comply With Order**

20 Michael Goude had the ability to comply with the order as follows:

- 21 1. Mr. Goude had the ability to make the children available for a 50/50 residential schedule.
- 22 2. Mr. Goude had the ability to refrain from discussing the litigation with the children.
- 23 3. Mr. Goude had the ability to refrain from disparaging the mother in front of the children.
- 24 4. Mr. Goude had the ability to refrain from restricting or monitoring the children's

1
2 telephone calls with the Children.

3 **2.5 Present Ability and Willingness to Comply With Order**

4 Michael Goude has the present ability to comply with the order as follows:

5 Mr. Goude has the present ability to make the children available for a 50/50 residential
6 schedule, and refrain from disparaging the mother and discussing litigation with or in
7 front of the children. Mr. Goude has the present ability to refrain from monitoring and
8 restricting the children's telephone contact with the mother. *Advised by court*

8 **2.6 Back Child Support/Medical Support/Other Unpaid Obligations/Maintenance**

9 Does not apply.

10 **2.7 Compliance With Parenting Plan**

11 Michael Goude has not complied with the residential (visitation) provisions and other
12 provisions of the parenting plan and had the ability to comply with the parenting plan,
13 and is currently unwilling to comply. The noncompliance with the residential provisions
14 was in bad faith.

14 **2.8 Attorney Fees and Costs**

15 The attorney fees and costs awarded in paragraph 3.7 below have been incurred and
16 are reasonable. *Mother's Motion for Contempt was not*

16 **III. Order and Judgment**

17 **It is Ordered:**

18 **3.1 Contempt Ruling**

19 Michael Goude is in contempt of court.

20 **3.2 Imprisonment**

21 Does not apply.

22 **3.3 Additional Residential Time**

23 Heidi Goude shall receive make up time for any residential time missed under the 50/50
24 schedule since August 14, 2012, amounting to hours. The make-up time shall take place
25 as follows:

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3.4 Judgment for Past Child Support

Does not apply.

3.5 Judgment for Past Medical Support

Does not apply.

3.6 Judgment for Other Unpaid Obligations

Does not apply.

3.7 Judgment for Past Maintenance

Does not apply.

3.8 Conditions for Purging the Contempt

Does not apply.

3.9 Attorney Fees and Costs

Heidi Goude shall have judgment against Michael Goude in the amount of \$ _____ for attorney fees and costs, which shall be paid to Engel Law Group within _____ days.

3.10 Review Date

Does not apply.

3.11 Other

3.12 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

Mother shall call Mr. Goude and

has

*which will be 12/10/11
7pm-8pm is the next 30 days.*

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Suite 1904
Seattle, WA 98101
206-625-9800
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1
2 personal service or by mail requiring a return receipt. This notice must be at least 60 days
3 before the intended move. If the relocating person could not have known about the move in
4 time to give 60 days' notice, that person must give notice within 5 days after learning of the
5 move. The notice must contain the information required in RCW 26.09.440. See also form
6 DRPSCU 07.0500, (Notice of Intended Relocation of A Child).

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

10 Notice may be delayed for 21 days if the relocating person is entering a domestic violence
11 shelter or is moving to avoid a clear, immediate and unreasonable risk to health and safety.
12 If information is protected under a court order or the address confidentiality program, it may be
13 withheld from the notice.

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

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

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

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

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

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

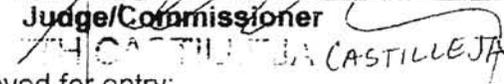
If the objecting person schedules a hearing for a date within 15 days of timely service of the
objection, the relocating person shall not move the child before the hearing unless there is a
clear, immediate and unreasonable risk to the health or safety of a person or a child.

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.

Dated: 11/5/12


Judge/Commissioner

Presented by: 

Approved for entry: 

Stacey Swenhagen, WSBA No. 41509
Attorney for Petitioner

Dennis McGlothlin, WSBA No. _____
Attorney for Respondent

Ord on Contempt Hearing - Page 5 of 5

Per Temporary Parenting Plan, Mother's relocation

10 King County results in

Present agreed modified temporary plan with

Engel Law Group, P.S.

600 University Street
Suite 1904
Seattle, WA 98101
206-625-9800
206-243-8177 (FAX)



Appendix D

Appendix E


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Superior Court Case Summary

Court: Grant Superior Court
Case Number: 12-3-00350-5

Sub	Docket Date	Docket Code	Docket Description	Misc Info
-	06-14-2012	FILING FEE RECEIVED	Filing Fee Received	
1	06-14-2012	SUMMONS & PET FOR DISSOLUTION	Summons & Pet For Dissolution	
2	06-14-2012	NOTICE	Notice Re Family Law Handbook	
3	06-14-2012	ORDER TO COMPEL	Ord Compel Attendance @ Parent Semi	
4	06-14-2012	PROPOSED PARENTING PLAN	Proposed Parenting Plan	
5	06-14-2012	DECLARATN IN SUPP OF PARENTING PLAN	Declaratn In Supp Of Parenting Plan	
6	06-14-2012	MOTION FOR ORDER TO SHOW CAUSE	Motion For Order To Show Cause	
7	06-14-2012	DECLARATION	Declaration Of Heldi R Goude	
8	06-14-2012	DECLARATION	Declaration Of Carrie Anderson	
9	06-14-2012	DECLARATION	Declaration Of Carol Keith	
10	06-15-2012	ORDER DENYING MOTION/PETITION	Order Denying Motion/petition	
11	06-18-2012	TEMP REST ORD & ORD TO SHO CAUS ACTION ACTION ACTION	Temp Rest Ord & Ord To Sho Caus Show Cause (pet) (6) (a/p - Jdk)	06-29-2012DS
12	06-18-2012	DECLARATION	Supplemental Dclr Of Heidi Goude	
13	06-26-2012	OBJECTION / OPPOSITION	Objection To Ord Shorten Time	
14	06-27-2012	NOTICE OF APPEARANCE ATR0001	Notice Of Appearance Ries, Harry Everett	
15	06-27-2012	MOTION	Motion For Ord Shortening Time	
16	06-27-2012	DECLARATION	Dclr In Supp Of Mtn Shortening Time	
17	06-27-2012	ORDER SHORTENING TIME ACTION ACTION	Order Shortening Time (resp) Motion For Change Of Venue	06-29-2012DM
18	06-27-2012	MOTION	Motion For Change Of Venue	
19	06-27-2012	DECLARATION	Dclr In Supp Of Change Of Venue	
20	06-27-2012	MEMORANDUM	Rsp Memo In Supp Of Change Of Venue	
21	06-28-2012	MOTION	Mtn & Dclr For Change Of Jdudge	
22	06-28-2012	ORDER FOR CHANGE OF JUDGE	Order For Change Of Judge	
23	06-28-2012	RETURN OF SERVICE	Return Of Service	
24	06-28-2012	MEMORANDUM	Responsive Memo Re Mtn On Venue	
25	06-28-2012	DECLARATION	Responsive Dclr Re Mtn On Venue	
26	06-28-2012		Affidavit/dclr/cert Of Service	

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Directions

Grant Superior Court
 Location: 35 C St NW, Fl 2
 Ephrata, WA 98823-1685
Map & Directions
[509-754-2011\[Phone\]](#)
[509-754-6036\[Fax\]](#)
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Can I find the outcome of a case on this website?

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How do I verify the information contained in the search results?

		AFFIDAVIT/DCLR/CERT OF SERVICE	
27	06-28-2012	DECLARATION	Declaration Of Nicholas Incorvaia
28	06-28-2012	DECLARATION	Declaration Of Mary Perry-hardin
29	06-28-2012	DECLARATION	Declaration Of Tamara Blair
30	06-28-2012	DECLARATION	Declaration Of Mary Tolena
31	06-28-2012	DECLARATION	Declaration Of Matthew Jay Bryant
32	06-28-2012	DECLARATION	Declaration Of Forest Burg
33	06-28-2012	DECLARATION	Declaration Of Alyssa Incorvaia
34	06-28-2012	DECLARATION	Declaration Of Cassandra Bomgardner
35	06-28-2012	DECLARATION	Declaration Of Jennifer Davies
36	06-28-2012	DECLARATION	Declaration Of Jordon Lock
37	06-28-2012	DECLARATION	Declaration Of James Hunter
38	06-28-2012	DECLARATION	Declaration Of Megan Goude
39	06-28-2012	DECLARATION	Declaration Of Bill Belami
40	06-28-2012	DECLARATION	Declaration Of Dom Bonomi
41	06-28-2012	DECLARATION	Declaration Of Jim Boneau
42	06-28-2012	DECLARATION	Declaration Of Jessica Towns
43	06-28-2012	DECLARATION	Declaration Of Thomas Smith
44	06-28-2012	DECLARATION	Declaration Of Jennifer Hill
45	06-28-2012	DECLARATION	Declaration Of Janice Beckner
46	06-28-2012	DECLARATION	Declaration Of Mallory Weibegoude
47	06-28-2012	DECLARATION	Declaration Of Aaron Goude
48	06-28-2012	DECLARATION	Declaration Of Tyler Richart
49	06-28-2012	DECLARATION	Declaration Of Michael Goude
50	06-28-2012	DECLARATION	Declaration Of Michael Goude
51	06-28-2012	DECLARATION	Declaration Of Michael Goude
52	06-28-2012	DECLARATION	Declaration Of Laurie Sylla
53	06-28-2012	DECLARATION	Declaration Of Abdoulaye Sylla
54	06-28-2012	DECLARATION	Declaration Of Kevin White
55	06-28-2012	DECLARATION	Declaration Of Angela Bryant
56	06-28-2012	DECLARATION	Declaration Of Wayne Milyko
57	06-28-2012	DECLARATION	Declaration Of Greg Evans
58	06-28-2012	DECLARATION	Declaration Of Aaron Varney
59	06-28-2012	DECLARATION	Declaration Of Levin Pugsley
60	06-28-2012	DECLARATION	Declaration Of Steve Lundh
61	06-29-2012	MOTION HEARING	Motion Hearing
62	06-29-2012	ORDER FOR CHANGE OF VENUE	Order For Change Of Venue
63	07-06-2012	NOTICE OF INTENT TO WITHDRAW WTP0001	Notice Of Intent To Withdraw Black, Barbara J.
64	07-11-2012	NOTICE OF APPEARANCE ATP0002	Notice Of Appearance Wagner, Nicole M
65	07-12-2012	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service

You must consult the court record to verify all information.

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NO
- **Guarantee the identity of any person whose name appears on these pages?**
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Superior Court Case Summary

Court: King Co Superior Ct
Case Number: 12-3-04902-9

Sub	Docket Date	Docket Code	Docket Description	Misc Info
	07-10-2012	FILING FEE RECEIVED	Filing Fee Received	260.00
1	07-10-2012	RECORD ON CHANGE OF VENUE	Record On Change Of Venue From Grant County	
2	07-10-2012	SET CASE SCHEDULE JDG0036	Set Case Schedule Judge Jean Rietschel, Dept 36	06-17-2013ST
3	07-10-2012	COURT DESIGNATED ASSIGNMENT AREA LOCS	Court Designated Cause Of Action Original Location - Seattle	
4	07-10-2012	CONFIDENTIAL INFORMATION FORM	Confidential Information Form	
5	07-17-2012	NOTICE	Notice Re Order Setting Case Sched	
6	07-19-2012	NOTICE OF APPEARANCE	Notice Of Appearance /pet	
7	07-19-2012	NOTE FOR MOTION DOCKET ACTION	Note For Motion Docket Temporary Orders	08-02-2012FM
8	07-19-2012	MOTION AND AFFIDAVIT/DECLARATION	Motion And Affidavit/declaration	
9	07-19-2012	DECLARATION	Declaration Of Kara Goude	
10	07-19-2012	DECLARATION	Declaration Of Michael Goude	
11	07-19-2012	SEALED PRSNL HEALTH RCDS CVR SHEET	Sealed Prsnl Health Rcds	
12	07-19-2012	SEALED FINANCIAL DOCUMENT(S)	Sealed Financial Document(s)	
13	07-19-2012	PROPOSED PARENTING PLAN	Proposed Parenting Plan	
14	07-20-2012	NOTICE WITHDRAW & SUBSTITUT COUNSEL	Notice Withdraw & Substitut Counsel	
15	07-27-2012	RESPONSE	Response /petn	
16	07-27-2012	SEALED FINANCIAL DOCUMENT(S)	Sealed Financial Document(s)	
17	07-27-2012	SEALED PRSNL HEALTH RCDS CVR SHEET	Sealed Prsnl Health Rcds	
18	07-31-2012	DECLARATION	Declaration Of Michael Goude	
19	07-31-2012	SEALED PRSNL HEALTH RCDS CVR SHEET	Sealed Prsnl Health Rcds	
20	07-31-2012	MOTION	Motion To Strike/rsp	
21	08-01-2012	RESPONSE	Response To Mtn To Strike/pet	
22	08-01-2012	AFFIDAVIT	Affidavit Of Atty Fees	
23	08-01-2012	AFFIDAVIT	Affidavit Of Atty Fees	
24	08-02-2012	ORDER TO COMPEL FAM0001	Ord To Compel Chem Dep Assessment Family Law, Dept 1	
25	08-02-2012	PARENTING PLAN - TEMPORARY FAM0001	Parenting Plan - Temporary Family Law, Dept 1	
26	08-02-2012	ORDER APPOINTING GUARDIAN AD LITEM FAM0001	Order Appointing Guardian Ad Litem Family Law, Dept 1	
27	08-02-2012	ORDER TO COMPEL FAM0001	Order To Compel Chem Dep Assessment Family Law, Dept 1	
28	08-02-2012	MOTION HEARING FAM0001	Motion Hearing Family Law, Dept 1	
-	08-02-2012	AUDIO LOG	Audio Log Dr W276	
29	08-02-2012	TEMP RESTRAINING ORDER FAM0001	Temp Restraining Order/issd Family Law, Dept 1	
30	08-10-2012	NOTICE OF HEARING ACTION	Notice Of Hearing Revision /judge Reitschel	09-04-2012

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Directions

King Co Superior Ct
516 3rd Ave, Rm C-203
Seattle, WA 98104-2361
Map & Directions
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206-296-0986[Fax]
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Can I use the search results to find out someone's criminal record?

31	08-10-2012	MEMORANDUM	Memorandum Of Heidi Goude		No. The Washington State Patrol (WSP) maintains state criminal history record information. Click here to order criminal history information.
32	08-13-2012	NOTICE WITHDRAW & SUBSTITUT COUNSEL	Notice Withdraw & Substitut Counsel		
33	08-15-2012	MOTION	Motion For Change Of Judge/rsp		
34	08-16-2012	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability		
35	08-20-2012	MOTION AND AFFIDAVIT/DECLARATION	Mtn To Enforce Pp & Resid Schd/pet		Where does the information come from? Clerks at the municipal, district, superior, and appellate courts across the state enter information on the cases filed in their courts. The search engine will update approximately twenty-four hours from the time the clerks enter the information. This website is maintained by the Administrative Office of the Court for the State of Washington.
36	08-20-2012	MOTION AND AFFIDAVIT/DECLARATION	Motion To Shorten Time/pet		
36A	08-20-2012	ORDER ON ASSIGNMENT/REASSIGNMENT JDG0009	Order On Reassignment Judge Jeffrey M. Ramsdell Dept 9		
37	08-21-2012	NOTICE OF HEARING ACTION	Notice Of Hearing Mtn For Revision /judge Ramsdell	09-05-2012	
38	08-21-2012	AFFIDAVIT OF PREJUDICE	Affidavit Of Prejudice Re Judge Reitschel		Do the government agencies that provide the information for this site and maintain this site:
39	08-21-2012	ORDER FOR CHANGE OF JUDGE	Order For Change Of Judge		
40	08-27-2012	ORDER TO SHOW CAUSE EXP0007	Order To Show Cause Re Contempt Ex-parte, Dept. Seattle - Clerk	09-12-2012FM	▷ Guarantee that the information is accurate or complete? NO
41	08-29-2012	RETURN OF SERVICE	Return Of Service		▷ Guarantee that the information is in its most current form? NO
42	08-31-2012	RESPONSE	Response Re Mtn For Revision/fa		▷ Guarantee the identity of any person whose name appears on these pages? NO
43	08-31-2012	STIPULATION	Stipulation Allow Serv By Mail		▷ Assume any liability resulting from the release or use of the information? NO
44	09-04-2012	OBJECTION / OPPOSITION	Objection To Revision		
45	09-05-2012	ORD CONFIRMNG COMMISSIONER'S RULING	Ord Confirmng Commissioner's Ruling		
45A	09-05-2012	MOTION HEARING JDG0009	Motion Hearing Judge Jeffrey M. Ramsdell Dept 9		
-	09-05-2012	AUDIO LOG	Audio Log Dr W 813		
46	09-06-2012	MEMORANDUM	Memorandum Of Law/rsp		
47	09-06-2012	DECLARATION	Declaration/ M Goude		
48	09-06-2012	TRANSCRIPT	Transcript		
49	09-10-2012	DECLARATION	Declaration Of Heidi Goude		
50	09-10-2012	DECLARATION	Declaration Of Heidi Goude		
51	09-12-2012	MOTION HEARING FAM0001	Motion Hearing Family Law, Dept 1		
-	09-12-2012	AUDIO LOG	Audio Log Dr W276		
51A	09-12-2012	ORDER ON CONTEMPT FAM0001	Order On Contempt Family Law, Dept 1		
52	09-13-2012	NOTICE OF HEARING ACTION	Notice Of Hearing Reconsideration /comm Castilleja	09-27-2012	
53	09-13-2012	MOTION FOR RECONSIDERATION	Motion For Reconsideration/resp		
54	09-13-2012	DECLARATION	Declaration Of My Nguyen		
55	09-13-2012	SEALED PRSNL HEALTH RCDS CVR SHEET	Sealed Prsnl Health Rcds		
56	09-13-2012	NOTE FOR MOTION DOCKET ACTION	Note For Motion Docket Ord To Clarify & Modify	09-27-2012	
57	09-13-2012	MOTION AND AFFIDAVIT/DECLARATION	Mt/dclr Order Clarifying/pet		
58	09-13-2012	NOTE FOR MOTION DOCKET ACTION	Note For Motion Docket Modify Temp Parenting Plan	09-27-2012FM	
59	09-13-2012	MOTION AND AFFIDAVIT/DECLARATION	Motion To Modify/ Resp		
60	09-14-2012	NOTICE OF HEARING ACTION	Notice Of Hearing Stay Proceedings /judge Ramsdell	09-25-2012	
61	09-14-2012	MOTION	Motion To Stay Proceedings /rsp		
62	09-17-2012	CONFIRMATION OF PARENTING CLASS	Confirmation Of Parenting Class/rsp		
63	09-21-2012	RESPONSE	Rsp To Pet Mtn To Clarify & Modify		
64	09-21-2012	DECLARATION	Declaration/my Nguyen		
65	09-21-2012	NOTICE OF HEARING ACTION	Notice Of Hearing 8:30am/resp Mtn For Revision	10-17-2012	
66	09-21-2012	MOTION FOR REVISION	Motion For Revision /resp		

67	09-25-2012	DECLARATION	Declaration Of Michael Goude	
67A	09-25-2012	CERTIFICATE OF MAILING	Certificate Of Mailing	
67B	09-25-2012	ORDER	Order Striking Motion	
67C	09-25-2012	ORDER	Order Striking Motion	
68	09-26-2012	MOTION FOR ORDER TO SHOW CAUSE	Motion For Order To Show Cause/resp	
69	09-26-2012	DECLARATION	Declaration Of Attorney's Fees	
70	09-26-2012	NOTICE OF HEARING ACTION	Notice Of Hearing Stay Proceedings/Jdg Ramsdell	10-04-2012
71	09-26-2012	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
72	09-26-2012	ORDER TO SHOW CAUSE EXP0007	Order To Show Cause /contempt Ex-parte, Dept. Seattle - Clerk	10-12-2012FM
73	09-27-2012	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
74	09-28-2012	ACCEPTANCE OF SERVICE	Acceptance Of Service	
75	09-28-2012	NOTICE OF HEARING	Notice Of Hearing/protective Ord	10-08-2012
76	09-28-2012	MOTION	Motion For Protective Order/ Rsp	
77	09-28-2012	DECLARATION	Declaration Of Serin Ngai	
78	09-28-2012	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
79	10-01-2012	DECLARATION	Declaration Of Heidi Goude	
80	10-01-2012	MEMORANDUM	Memorandum Re Mod /pet	
81	10-01-2012	SEALED PRSNL HEALTH RCDS CVR SHEET	Sealed Prsnl Health Rcds	
82	10-02-2012	RESPONSE	Response To Mt To Stay/ Pet	
83	10-02-2012	DECLARATION	Declaration Of Heidi Goude	
84	10-02-2012	SEALED PRSNL HEALTH RCDS CVR SHEET	Sealed Prsnl Health Rcds	
85	10-03-2012	DECLARATION	Declaration Of Michael Goude	
86	10-03-2012	MEMORANDUM	Memorandum Re Parenting Plan/ Rsp	
87	10-03-2012	DECLARATION	Declaration Of Bill Bellomy	
88	10-03-2012	DECLARATION	Declaration Of Dr Bert Toivola	
89	10-03-2012	REPLY	Reply Supporting Motion To Stay	
90	10-03-2012	DECLARATION	Declaration Of Michal Goude	
91	10-03-2012	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
92	10-03-2012	REPLY	Reply Dclr /heidi Goude	
93	10-03-2012	MEMORANDUM	Memorandum /pet	
94	10-03-2012	AFFIDAVIT	Affidavit Of Atty Fee	
95	10-03-2012	SEALED PRSNL HEALTH RCDS CVR SHEET	Sealed Prsnl Health Rcds	
96	10-04-2012	MEMORANDUM	Memorandum /pet	
97	10-05-2012	REPLY	Reply /resp	
98	10-05-2012	DECLARATION	Declaration Of Serin Ngai	
99	10-05-2012	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
100	10-05-2012	NOTICE	Notice /resp	
101	10-05-2012	RESPONSE	Response /resp	
102	10-05-2012	DECLARATION	Declaration Of Heidi Goude	
103	10-05-2012	SEALED PRSNL HEALTH RCDS CVR SHEET	Sealed Prsnl Health Rcds	
104	10-05-2012	ORDER DENYING MOTION/PETITION FAM0001	Order Denying Mtns To Mod/clarify Family Law, Dept 1	
105	10-05-2012	ORDER DENYING MOTION/PETITION	Order Denying Mtn Stay Proceeding/ Consolidate Mtn & Decide Issues	
105A	10-05-2012	MOTION HEARING FAM0001	Motion Hearing Family Law, Dept 1	
-	10-05-2012	AUDIO LOG	Audio Log Dr W276	
106	10-08-2012	DECLARATION	Declaration Of Stacey Swenhaugen	
107	10-08-2012	DECLARATION	Declaration Of Stacey Swenhaugen	
108	10-08-2012	AFFIDAVIT OF PETITIONER	Affidavit Of Petitioner	

109	10-08-2012	MEMORANDUM	Memorandum Re Contempt /pet	
110	10-08-2012	SEALED PRSNL HEALTH RCDS CVR SHEET	Sealed Prsnl Health Rcds	
111	10-08-2012	ORDER DENYING MOTION/PETITION	Order Denying Mtn Fr Protective Ord	
112	10-08-2012	DECLARATION	Declaration Of Dennis Mcglothin	
113	10-08-2012	DECLARATION	Declaration Of Nguyen	
114	10-08-2012	MOTION	Motion To Strike /resp	
115	10-09-2012	REPLY	Reply In Support Of Motion For Reconsideration /rsp	
116	10-09-2012	DECLARATION	Declaration Of Heidi Goude	
116A	10-09-2012	ORDER	Order Striking Mtn	
117	10-10-2012	SEALED PRSNL HEALTH RCDS CVR SHEET	Sealed Prsnl Health Rcds	
118	10-10-2012	MEMORANDUM	Memorandum Father	
119	10-10-2012	DECLARATION	Declaration Of Michael Goude	
120	10-10-2012	DECLARATION	Declaration Re Attorney Fees	
121	10-10-2012	SEALED PRSNL HEALTH RCDS CVR SHEET	Sealed Prsnl Health Rcds	
122	10-10-2012	SEALED PRSNL HEALTH RCDS CVR SHEET	Sealed Prsnl Health Rcds	
123	10-10-2012	NOTICE WITHDRAW & SUBSTITUT COUNSEL	Notice Withdraw & Substitut Counsel	
124	10-12-2012	HEARING CONTINUED: UNSPECIFIED FAM0001	Hearing Continued: Unspecified Family Law, Dept 1	11-09-2012FM
-	10-12-2012	AUDIO LOG	Audio Log Dr W276	
125	10-12-2012	ORDER OF CONTINUANCE FAM0001	Order Of Continuance Family Law, Dept 1	10-09-2012
126	11-05-2012	STIPULATION	Stipulation Re Service By Mail	
127	11-05-2012	AGREED ORDER EXP0007	Agreed Order /stip Ex-parte, Dept. Seattle - Clerk	
128	11-06-2012	AGREED ORDER EXP0007	Agreed Ord/stip Re Amending Of Ex-parte, Dept. Seattle - Clerk Ord Of 10-5-2012	
128A	11-08-2012	ORDER ON MTN FOR RECONSIDERATION FAM0001	Order On Mtn For Reconsideration / In Denied Family Law, Dept 1	
129	11-09-2012	RESPONSE	Response To Pet	
130	11-09-2012	AFFIDAVIT OF MAILING	Affidavit Of Mailing	
131	11-09-2012	AFFIDAVIT OF MAILING	Affidavit Of Mailing	
132	11-13-2012	CONFIRM ISSUES: NO STATUS CONFER.	Confirm Issues: No Status Confer.	
-	11-13-2012	C.I.: REFERRED TO FAMILY LAW MED.	C.i.: Referred To Family Law Med.	
133	11-30-2012	ORDER FOR CHANGE OF JUDGE JDG0048	Order For Change Of Judge Judge Laura Inveen, Dept 48	
134	12-05-2012	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	
135	12-12-2012	NOTICE	Notice /kcfcs Case Closure	
136	12-31-2012	NOTICE OF HEARING JDG0048	Notice Of Hearing /revision Judge Laura Inveen, Dept 48 /10a	03-01-2013
137	03-06-2013	NOTICE OF HEARING JDG0048	Notice Of Hearing /revision Judge Laura Inveen, Dept 48 /9a	04-19-2013
138	04-11-2013	NOTICE OF HEARING ACTION	Notice Of Hearing Cont Trial Date /jfg Inveen	04-19-2013
139	04-11-2013	MOTION TO CONTINUE	Motion To Continue /rsp	
140	04-11-2013	DECLARATION	Declaration Of Serin Ngai	
141	04-11-2013	SEALED CONFIDENTIAL RPTS CVR SHEET	Sealed Confidential Rpts	
142	04-18-2013	NOTE FOR MOTION DOCKET ACTION	Note For Motion Docket Compel Cr 35 Examination	05-02-2013FM
143	04-18-2013	MOTION AND AFFIDAVIT/DECLARATION	Motion And Affidavit/rsp	
144	04-18-2013	DECLARATION	Declaration M Goude	
145	04-18-2013	FINANCIAL DECLARATION	Financial Declaration Rsp	

146	04-18-2013	SEALED CONFIDENTIAL RPTS CVR SHEET	Sealed Confidential Rpts	
147	04-18-2013	SEALED FINANCIAL DOCUMENT(S)	Sealed Financial Document(s)	
148	04-18-2013	NOTICE OF HEARING JDG0048	Notice Of Hearing /revision Judge Laura Inveen, Dept 48 /9a	05-10-2013
149	04-22-2013	REPORT OF GUARDIAN AD LITEM	Report Of Guardian Ad Litem	
150	04-22-2013	SEALED CONFIDENTIAL RPTS CVR SHEET	Sealed Confidential Rpts	
151	04-23-2013	ORD FOR CONTINUANCE OF TRIAL DATE	Ord For Continuance Of Trial Date /stip/agreed	08-19- 2013ST
152	04-23-2013	ORDER AMENDING CASE SCHEDULE	Order Amending Case Schedule	08-19-2013
153	04-26-2013	RESPONSE	Response /pet	
154	04-26-2013	DECLARATION	Declaration Of Heidi Goude	
155	04-26-2013	DECLARATION	Declaration Of Counsel	
156	04-26-2013	FINANCIAL DECLARATION	Financial Declaration /pla	
157	04-26-2013	SEALED FINANCIAL DOCUMENT(S)	Sealed Financial Document(s)	
158	04-26-2013	SEALED PRSNL HEALTH RCDS CVR SHEET	Sealed Prsnl Health Rcds	
159	04-26-2013	SEALED CONFIDENTIAL RPTS CVR SHEET	Sealed Confidential Rpts	
160	04-30-2013	AFFIDAVIT OF RESPONDENT	Affidavit Of Respondent/reply	
161	04-30-2013	REPLY	Reply/rsp	
162	04-30-2013	FINANCIAL DECLARATION OF PET	Financial Declaration Of Pet	
163	04-30-2013	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
163A	05-07-2013	ORDER GRANTING MOTION/PETITION EXP0007	Order Granting Mtn Re Gal Fees Ex-parte, Dept. Seattle - Clerk	
164	05-08-2013	RESPONSE	Response /pet	
165	05-09-2013	REPLY	Reply/father	
166	05-10-2013	MOTION HEARING JDG0048	Motion Hearing Judge Laura Inveen, Dept 48	
-	05-10-2013	AUDIO LOG	Audio Log Drw864	
167	05-10-2013	ORDER REVISING RULING	Order Revising Ruling	
168	05-20-2013	REPORT	Report-dv Intervention Program	
169	05-23-2013	NOTE FOR MOTION DOCKET ACTION	Note For Motion Docket Compel Cr 35 Exam	06-10- 2013FM
170	06-03-2013	NOTICE OF HEARING ACTION	Notice Of Hearing Cont Trial Date/jdg Inveen	06-11-2013
171	06-03-2013	MOTION TO CHANGE TRIAL DATE	Motion To Change Trial Date /resp	
172	06-03-2013	DECLARATION	Declaration Of My Nguyen	
173	06-03-2013	SEALED PRSNL HEALTH RCDS CVR SHEET	Sealed Prsnl Health Rcds	
174	06-07-2013	DECLARATION	Declaration Of Tatyana Gidirimski	
175	06-07-2013	RESPONSE	Response /pet	
176	06-10-2013	REPLY	Reply Spprt Mt To Continue	
177	06-10-2013	DECLARATION	Declaration Of Michael Goude	
178	06-10-2013	DECLARATION	Declaration Of Serin Ngai	
179	06-12-2013	AGREED ORDER EXP0007	Agreed Order Re Exchange Time Ex-parte, Dept. Seattle - Clerk	
180	06-14-2013	REPORT	Report / Dv	
181	06-14-2013	ORDER DENYING MOTION/PETITION	Ord Deny Mt Continue Trial Date	
182	06-20-2013	ORDER TO APPEAR PRETRIAL HRG/CONF	Order To Appear Pretrial Hrg/conf	07-10-2013
183	06-26-2013	NOTE FOR MOTION DOCKET ACTION	Amendednote For Motion Docket Compel Cr 35 Exam	07-11- 2013FM
184	06-26-2013	MOTION TO COMPEL	Motion To Compel /resp	
185	06-26-2013	DECLARATION	Declaration Of Daniel Rybicki	
186	06-26-2013	DECLARATION	Declaration Of Michael Goude	
187	06-26-2013	DECLARATION	Declaration Of Serin Ngai	
188	07-01-2013	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
189	07-01-2013	AGREED ORDER		

			Agreed Ord Extend Discovery Cutoff	
190	07-05-2013	NOTICE RE: EVIDENTIARY RULE	Notice Re: Evidentiary Rule	
191	07-05-2013	DECLARATION	Declaration Of Heidi Goude	
192	07-05-2013	DECLARATION	Declaration Of Tatyana Gidirimski	
193	07-05-2013	DECLARATION	Declaration Of Dr. Mairuro	
194	07-05-2013	SEALED PRSNL HEALTH RCDS CVR SHEET	Sealed Prsnl Health Rcds	
195	07-05-2013	SEALED FINANCIAL DOCUMENT(S)	Sealed Financial Document(s)	
196	07-05-2013	RESPONSE	Response /pet	
197	07-09-2013	REPLY	Reply Dclr Of Michael Goude	
198	07-10-2013	ORDER ON PRE-TRIAL CONFERENCE	Order On Pre-trial Conference	
199	07-11-2013	ORDER FAM0001	Order Granting Amndd Compel Mtn Family Law, Dept 1	
199A	07-18-2013	CONFIRMATION OF PARENTING CLASS	Confirmation Of Parenting Class/pet	
200	07-19-2013	NOTICE	Notice / Resp	
201	07-22-2013	NOTICE OF HEARING ACTION	Notice Of Hearing Jdg Inveen;disclose Expert Opinion	07-30-2013
202	07-22-2013	MOTION TO COMPEL	Motion To Compel /resp	
203	07-22-2013	DECLARATION	Declaration/serin Ngai	
204	07-22-2013	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
205	07-25-2013	DECLARATION	Declaration Of Counsel/pet	
206	07-25-2013	RESPONSE	Response /pet	
207	07-29-2013	REPLY	Reply /resp	
208	07-29-2013	DECLARATION	Declaration Of Lindsey Matter	
209	07-29-2013	DECLARATION	Declaration Of Serin Ngai	
210	07-29-2013	OBJECTION / OPPOSITION	Objection To Reply /pet	
210A	07-29-2013	PROTECTIVE ORDER	Protective Order Re Health Rcds/stp	
211	07-30-2013	NOTICE OF HEARING JDG0048	Notice Of Hearing /admit Answers Judge Laura Inveen, Dept 48	08-07-2013
212	07-30-2013	MOTION	Motion /rsp	
213	07-30-2013	DECLARATION	Declaration Of Serin Ngai	
214	08-01-2013	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
215	08-01-2013	ORDER	Order To Compel Re Disclosure	
216	08-05-2013	OBJECTION / OPPOSITION	Objection /pet	
217	08-05-2013	DECLARATION OF MAILING	Declaration Of Mailing	
218	08-05-2013	NOTICE OF APPEARANCE	Notice Of Appearance /state	
219	08-05-2013	RESPONSE	Response To Pet /state	
220	08-05-2013	TRIAL MEMORANDUM	Trial Memorandum /state	
221	08-05-2013	RESPONSE	Response /pet	
222	08-05-2013	DECLARATION	Declaration Of Tatyana Gidirimski	
223	08-06-2013	DECLARATION	Declaration Of Serin Ngai	
224	08-06-2013	DECLARATION	Declaration Of My Nguyen	
225	08-06-2013	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	
225A	08-09-2013	NOTICE OF HEARING	Notice Of Hearing/mtn In Limine/9am	08-19-2013
225B	08-09-2013	MOTION IN LIMINE	Motion In Limine /rsp	
225C	08-09-2013	DECLARATION	Declaration Of Serin Ngai	
225D	08-09-2013	DECLARATION	Declaration Of Daniel Rybicki	
226	08-12-2013	DECLARATION	Declaration Of Dennis Mcglothlin	
227	08-12-2013	DECLARATION	Declaration Of Dennis Mcglothlin	
228	08-12-2013	JOINT STATEMENT OF EVIDENCE	Joint Statement Of Evidence	
228A	08-12-2013	NOTICE OF HEARING JDG0048	Notice Of Hearing /reconsideration Judge Laura Inveen, Dept 48 /9a	08-19-2013
228B	08-12-2013	MOTION FOR RECONSIDERATION	Motion For Reconsideration/pet	
228C	08-12-2013	DECLARATION	Declaration/tatyana Gidirimski	

228D	08-12-2013	NOTICE OF HEARING JDG0048	Ntc Of Hearing /enlarge Time Frame Judge Laura Inveen, Dept 48 /9a	08-19-2013
228E	08-12-2013	MOTION IN LIMINE	Motion In Limine/pet	
228F	08-12-2013	DECLARATION	Declaration/tatyana Gidirimski	
229	08-13-2013	SEALED PRSNL HEALTH RCDS CVR SHEET	Sealed Prsnl Health Rcds Cvr Sheet	
230	08-13-2013	TRIAL BRIEF	Trial Brief Respondent	
230A	08-13-2013	ORDER	Order Re Petrs Answer/judgment	
231	08-14-2013	NOTICE	Notice /pla	
232	08-15-2013	RESPONSE	Response To Mtn In Limine	
233	08-15-2013	DECLARATION	Declaration Of Gary Wiederin	
234	08-15-2013	DECLARATION	Declaration Of Mroland Maluro	
235	08-15-2013	RESPONSE	Response To Mtn In Limine/amended	
236	08-15-2013	RESPONSE	Response To Resp Mtn In Limine	
237	08-15-2013	DECLARATION	Declaration Of Tatyana Gidirimski	
238	08-15-2013	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
239	08-16-2013	REPLY	Reply Supp Mt In Limine/resp	
239A	08-16-2013	REPLY	Reply /pet	
240	08-19-2013	NON-JURY TRIAL JDG0048	Non-jury Trial Judge Laura Inveen, Dept 48	
-	08-19-2013	AUDIO LOG	Audio Log Dr W864	
240A	08-20-2013	ORDER	Order On Resp Mtn In Limine	
240B	08-20-2013	ORDER	Ord'r On Pet Mtn In Lim/enlarge Time	
241	08-21-2013	RETURN OF SERVICE	Return Of Service	
241A	08-22-2013	DEPOSITION OF	Deposition Of Roland Maturo	
242	08-26-2013	REQUEST	Request /resp	
243	08-26-2013	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
243A	08-27-2013	DEPOSITION OF	Deposition Of Heidi Goude	
244	08-28-2013	OBJECTION / OPPOSITION	Objection & Counterdesigntn /pet	
244A	08-29-2013	DEPOSITION OF	Deposition Of Michael Goude	
244B	08-29-2013	TRANSCRIPT	Transcript	
245	09-12-2013	WITNESS RECORD	Witness Record	
246	09-12-2013	EXHIBIT LIST	Exhibit List	
247	09-12-2013	STIP&OR RET EXHBTS UNOPNED DEPOSTNS	Stip&or Ret Exhbts Unopned Depostns	
248	09-12-2013	ORDER SEALING DOCUMENT	Order Sealing Docs/exhibits /pet Ex 2; Rsp Exh 229, 231 & 211	
249	10-03-2013	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	
250	10-07-2013	NOTICE OF HEARING	Notice Of Hearing /stay	10-15-2013
251	10-07-2013	MOTION	Motion For Stay/ Resp	
252	10-07-2013	DECLARATION	Declaration Of Debbie Romano	
253	10-08-2013	RESPONSE	Response And Dclr/father	
254	10-08-2013	MOTION	Motion -pet	
255	10-08-2013	NOTICE OF HEARING ACTION	Notice Of Hearing Jdg Inveen;temp Order	10-10-2013
256	10-08-2013	NOTICE OF HEARING ACTION	Notice Of Hearing Jdg Inveen;shorten Time	10-08-2013
257	10-08-2013	NOTICE OF HEARING ACTION	Notice Of Hearing Jdg Inveen;present Final Orders	10-16-2013
258	10-08-2013	NOTICE OF PRESENTATION	Ntc Of Presentation Of Final Orders /rsp	
259	10-09-2013	REPLY	Reply /pet	
260	10-09-2013	DECLARATION	Declaration Of Taiyana Gidirimski	
260A	10-09-2013	ORDER GRANTING MOTION/PETITION	Order Grant Mt To Shorten Time	
261	10-10-2013	RESPONSE		

			Response To Mtn For Temp Ord/rsp	
262	10-10-2013	RESPONSE	Response /father	
263	10-10-2013	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	
264	10-10-2013	REPLY	Reply In Supp Of Mt/ Pet	
264A	10-10-2013	TEMPORARY RESIDENTIAL SCHEDULE	Temporary Residential Schedule	
265	10-11-2013	DECLARATION	Declaration Of Heidi Goude	
266	10-11-2013	DECLARATION	Declaration Of Tatyana Gidirimski	
267	10-11-2013	RESPONSE	Response To Mtn To Stay/pet	
268	10-11-2013	RESPONSE	Response To Mtn Fo Stay /pet	
269	10-11-2013	DECLARATION OF MAILING	Declaration Of Mailing	
270	10-14-2013	REPLY	Reply /resp	
271	10-14-2013	RESPONSE	Response To Res Ntc Of Presentation	
272	10-14-2013	ADDENDUM	Addendum To Response To Resp Ntc Of Presentation	
273	10-14-2013	NT OF DISCR. REVIEW TO CT OF APPEAL	Nt Of Discr. Review To Ct Of Appeal	
-	10-14-2013	APPELLATE FILING FEE	Appellate Filing Fee	290.00
274	10-15-2013	REPLY	Reply To Motion/rsp	
275	11-26-2013	ORDER FOR SUPPORT	Order For Support	
276	11-26-2013	DECREE OF DISSOLUTION JDG0048	Decree Of Dissolution Judge Laura Inveen, Dept 48	
-	11-26-2013	COMMENT ENTRY	Case Remains On Discretionary Revw To Ct Of Appeals	
277	11-26-2013	FINDINGS OF FACT&CONCLUSIONS OF LAW	Findings Of Fact&conclusions Of Law	
278	11-26-2013	PARENTING PLAN (FINAL ORDER)	Parenting Plan (final Order)	
279	11-26-2013	RESTRAINING ORDER	Restraining Order /joint	
280	11-26-2013	ORDER DENYING MOTION/PETITION	Order Denying Mtn For Stay	
281	12-02-2013	CORRESPONDENCE	Correspondence Re Law Enforcement	
282	12-05-2013	NOTICE OF APPEAL TO COURT OF APPEAL	Notice Of Appeal To Court Of Appeal	
-	12-05-2013	APPELLATE FILING FEE	Appellate Filing Fee	290.00
282B	12-06-2013	DECLARATION	Declaration Of Tatyana Gidirimski	
282C	12-06-2013	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
282D	12-06-2013	NOTICE OF HEARING ACTION	Notice Of Hearing Jdg Inveen;reconsideration	12-24-2013
282A	12-06-2013	MOTION FOR RECONSIDERATION	Motion For Reconsideration /pet	
282E	12-06-2013	NOTICE OF HEARING	Notice Of Hearing /reconsideration	12-16-2013
282F	12-06-2013	MOTION FOR RECONSIDERATION	Motion For Reconsideration /rsp	
282G	12-06-2013	DECLARATION	Declaration Of Michael Goude	
282H	12-06-2013	CHILD SUPPORT WORKSHEET	Child Support Worksheet	
283	12-09-2013	NOTICE OF WITHDRAWAL OF ATTORNEY	Notice Of Withdrawal Of Attorney	
284	12-09-2013	NOTICE OF APPEARANCE	Notice Of Appearance /ltd /pet	
285	12-17-2013	ORDER ON MTN FOR RECONSIDERATION	Order On Mtn For Reconsideration /denied	
	12-20-2013	CERTIFICATE MAILED TO OLYMPIA	Certificate Mailed To Olympia	
286	01-03-2014	DESIGNATION OF CLERK'S PAPERS	Designation Of Clerk's Papers 70946-1 / Cadranell Did Not Prepare	
287	01-03-2014	CERTIFICATE OF FINALITY	Certificate Of Finality/70946-1-i /dismissed	
290	01-09-2014	DESIGNATION OF CLERK'S PAPERS	Designation Of Clerk's Papers Pgs 1-1357 (1197-1357 Sealed) Amended/ 71240-3 / Cadranell Trans Coa 1-30-14	
291	01-13-2014	INDEX	Index Clks Pprs Pgs 1-1196	

292	01-13-2014	INDEX	Index Clks Pprs Pgs 1197-1357 Sealed	
-	01-13-2014	CLERK'S PAPERS - FEE RECEIVED	Clerk's Papers - Fee Received 707989 Cp/ Cadranell Pd 1-28-14	678.50
293	01-13-2014	LETTER	Letter Rejection Of Dsgckp See Sub 286	
294	01-30-2014	COMMENT ENTRY	Clks Pprs Pgs 1-1196	
295	01-30-2014	COMMENT ENTRY	Clks Pprs Pgs 1197-1357 Sealed	
296	02-07-2014	REPORT	Report/wellspring Fam Services	
-	03-03-2014	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 3-5-14 Hrg Of 8-19-13	
-	03-03-2014	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 3-5-14 Hrg Of 8-20-13	
-	03-03-2014	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 3-5-14 Hrg Of 8-21-13 A.m. Session	
-	03-03-2014	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 3-5-14 Hrg Of 8-21-13 P.m. Session	
-	03-03-2014	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 3-5-14 Hrg Of 8-22-13	
-	03-03-2014	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 3-5-14 Hrg Of 8-26-13 A.m. Session	
-	03-03-2014	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 3-5-14 Hrg Of 8-26-13 P.m. Session	
-	03-03-2014	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 3-5-14 Hrg Of 8-27-13 A.m. Session	
-	03-03-2014	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 3-5-14 Hrg Of 8-27-13 P.m. Session	
-	03-03-2014	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 3-5-14 Hrg Of 8-28-13	
-	03-03-2014	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 3-5-14 Hrg Of 8-29-13 A.m. Session	
-	03-03-2014	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 3-5-14 Hrg Of 8-29-13 P.m. Session	
-	03-03-2014	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 3-5-14 Hrg Of 9-12-13	
297	03-17-2014	REPORT	Report /wellspring Family Services	
298	04-14-2014	REPORT	Report/wellspring Family Srvc	
299	04-22-2014	DESIGNATION OF CLERK'S PAPERS	Designation Of Clerk's Papers Supp 71240-3 / Cadranell Exh Only Exh Room Notified 5-12-14	
300	04-22-2014	DESIGNATION OF CLERK'S PAPERS	Designation Of Clerk's Papers Supp 71240-3 / Cadranell/ Exh Only Exh Room Notified 5-12-14	
301	04-22-2014	RESPONSE	Response /pet	
302	04-22-2014	RESPONSE	Response /pet	
303	04-23-2014	SEALED CONFIDENTIAL RPTS CVR SHEET	Sealed Confidential Rpts /exhibits	
304	04-23-2014	SEALED FINANCIAL DOCUMENT(S)	Sealed Financial Document(s)	
-	04-24-2014	CLERK'S PAPERS - FEE RECEIVED	Clerk's Papers - Fee Received 100213 Cp/ Cadranell Pd 5-12-14	25.00
305	05-07-2014	DESIGNATION OF CLERK'S PAPERS	Designation Of Clerk's Papers Supp Exh Room Notified 7-7-14 71240-3 / Cadranell Pgs 1358-1467 Sealed & Exh	

			Trans Coa 7-8-14	
306	05-08-2014	INDEX	Index Clks Pprs Pgs 1358-1467	
-	05-08-2014	CLERK'S PAPERS - FEE RECEIVED	Clerk's Papers - Fee Received 100252 Cp/ Cadranell Pd 7-3-14	55.00
307	05-09-2014	REPORT	Report /wellspring Fam Services	
308	05-13-2014	LTR OF TRNSMTTAL/XHIBTS TO APP CRT	Ltr Of Trnsmttal/xhibts To App Crt	
309	05-22-2014	LTR OF TRNSMTTAL/XHIBTS TO APP CRT	Ltr Of Trnsmttal/xhibts To App Crt	
310	06-05-2014	MOTION FOR WAIVER OF FEES	Motion For Waiver Of Fees	
311	06-05-2014	ORDER WAIVING	Ord Waive Clerks Fees & Surcharge	
312	06-16-2014	REPORT	Report/wellspring Family Services	
313	06-16-2014	LETTER	Letter /susan Carlson Supreme Court	
314	07-07-2014	COMMENT ENTRY	Clks Pprs Pgs 1358-1467 Sealed	
315	07-07-2014	TRANSMITTAL LETTER - COPY FILED	Transmittal Letter - Copy Filed	
316	07-17-2014	LTR OF TRNSMTTAL/XHIBTS TO APP CRT	Ltr Of Trnsmttal/xhibts To App Crt	
317	07-21-2014	REPORT	Report /wellspring Family Services	



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Appellate Court Case Summary

Case Number: 709461
Filing Date: 10-14-2013
Coa, Division I

Event Date	Event Description	Action
10-14-13	Notice of Discretionary Review	Filed
10-14-13	Motion for Stay	Filed
10-14-13	Case Received and Pending	Status Changed
10-15-13	Calling for Response	Filed
10-22-13	Response to motion	Filed
10-24-13	Response to Motion for Accelerated Review	Filed
10-25-13	Reply to Response	Filed
10-28-13	Reply to Response	Information - not filed
10-28-13	Ruling to stay	Filed
10-29-13	Motion for Discretionary Review-C/a	Filed
11-08-13	Response to Motion for Discretionary Review	Filed
11-15-13	Reply to Response	Filed
11-22-13	Notice of Intent to Withdraw	Filed
11-26-13	Court's Mot to Dismiss for Fail to file	Filed
12-04-13	Voluntary motion to Dismiss	Filed
12-06-13	Notice of motion	Information - not filed
12-20-13	Certificate of Finality	Filed
12-20-13	Decision Filed	Status Changed
12-20-13	Disposed	Status Changed
12-20-13	Ruling terminating Review	Filed

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Directions

Coa, Division I
 600 University St
 One Union Square
 Seattle, WA 98101-1176
Map & Directions
 206-464-7750[Clerk's Office]
 206-389-2613[Clerk's Office Fax]

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Appellate Court Case Summary

Case Number: 712403
Filing Date: 12-05-2013
Coa, Division I

Event Date	Event Description	Action
12-05-13	Notice of Appeal	Filed
12-10-13	Case Received and Pending	Status Changed
12-19-13	Perfection Letter	Sent by Court
01-03-14	Designation of Clerks Papers	Filed
01-03-14	Statement of Arrangements	Filed
01-09-14	Amended DES	Filed
01-30-14	Clerk's Papers	Received by Court
02-12-14	Amended SOA	Filed
02-28-14	Notice of Substitution of Counsel	Filed
03-03-14	Record Ready	Status Changed
03-03-14	Report of Proceedings	Filed
03-04-14	Filing of VRP by Crt Reporter	Filed
04-17-14	Motion to Extend Time to File	Filed
04-22-14	Supplemental Designation of Clerk's Papers	Filed
04-22-14	Supplemental Designation of Clerk's Papers	Filed
04-23-14	Appellants brief	Filed
04-30-14	Ruling on Motions	Filed
05-08-14	Supplemental Designation of Clerk's Papers	Filed
05-12-14	Errata	Filed
05-14-14	Exhibit	Filed
05-14-14	Exhibit	Filed
05-16-14	Motion to Extend Time to File	Filed
05-20-14	Ruling on Motions	Filed
06-03-14	Invoice	Sent by Court
06-11-14	Letter	Received by Court
07-09-14	Exhibit	Filed
07-23-14	Respondents brief	Due

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Appendix F

CHAPTER 2

DOMESTIC VIOLENCE: THE WHAT, WHY, AND WHO, AS RELEVANT TO CRIMINAL AND CIVIL COURT DOMESTIC VIOLENCE CASES

By Anne L. Ganley, Ph.D.¹

Domestic violence is a widespread societal problem with consequences both inside and outside the family. Its devastating effects on the abused parties, the children, as well as the entire community are often both long and short term. Domestic violence impacts all areas of a person's life: physical and mental health, housing, education, employment, family stability, social relationships, and spirituality. In addition to its immediate effects, there is increasing evidence² that violence within the family becomes the breeding ground for other social problems such as substance abuse, juvenile delinquency, and violent crimes of all types. Consequently, the financial costs of domestic violence to both individuals and communities are enormous.

The roots of domestic violence are embedded in our social structures and customs.³ To eliminate the abuse and to bring about change, a coordinated community response is required.^{4 5} In the past twenty years there has been greater awareness of domestic violence as well as a dramatic increase in specialized services needed to respond more effectively to adult victims and their children and to intervene with the domestic violence perpetrators.

Each part of a community has a role to play: mental/medical health providers, victim advocates, educators, child welfare workers, clergy, the media, social activists, as well as the civil and criminal justice systems. How each segment carries out its respective role in responding to this problem is greatly influenced by its understanding of the realities of domestic violence: what it is, why it occurs, who is involved, and its impact on the adult victims, the children, and the community. In order to strengthen and to continue to improve the role of the courts, this chapter covers those basic elements:

- **The What: Behavioral and Legal Definitions of Domestic Violence**
- **The Why: Causes of Domestic Violence**
- **The Who: The Domestic Violence Perpetrator, the Abused Party, the Children, and the Community**
- **The Impact of Domestic Violence: Specifically the Issues Related to Criminal and Civil Courts**

Domestic violence is a pattern of behavior that consists of multiple, oftentimes daily behaviors, including both criminal and non-criminal acts. While the criminal justice (and sometimes even the civil court) process tends to focus on individual events, it is the entire pattern of the perpetrator's conduct that shapes how the abuser and the abused party are effected and function. Not only are the adult victims impacted by patterns of abuse, but so

has occurred or whether it rises to the level necessary to trigger a mandatory restriction under the Parenting Act.

For additional discussion of common evidentiary issues, *see* Chapter 6.

II. Court Ordered Investigations as to Domestic Violence and Parenting Plans

Washington judges have the authority to see that domestic violence will be properly investigated, assessed, and presented in parenting cases to safeguard the interests of the child. Judges should be aware when considering outside evaluations that batterers are often able to perform parenting tasks well when being observed by outsiders, such as custody evaluators and in supervised visitation centers.⁶ Judges may find helpful the National Council of Juvenile and Family Court Judges publication *Navigating Custody & Visitation Evaluations in Cases with Domestic Violence: A Judge's Guide* (2004, revised 2006).⁷

Under recent amendments to the Parenting Act, effective July 1, 2007, in cases where there are allegations of limiting factors as a result of domestic violence, physical, sexual or a pattern of emotional abuse of a child, both parties are to be screened to “determine the appropriateness of a comprehensive assessment regarding the impact of the limiting factor on the child and the parties.” RCW 26.09.191. *See* Attachment 1 for Chapter 496, Laws of 2007, Section 303(4), SSB5470.

The newly adopted amendment does not specify what “screening” entails.

A. Advice of Professional Personnel

RCW 26.09.210 provides, “The court may seek the advice of professional personnel whether or not they are employed on a regular basis by the court. The advice given shall be in writing and shall be made available by the court to counsel upon request. Counsel may call for cross-examination any professional personnel consulted by the court.”

B. Social Service Investigation and Report

1. RCW 26.09.220(1) provides:

The court may order an investigation and report concerning parenting arrangements for the child, or may appoint a guardian ad litem pursuant to RCW 26.12.175, or both. The investigation and report may be made by the guardian ad litem, the staff of the

juvenile court, or other professional social service organization, experienced in counseling children and families.

2. RCW 26.09.220(2) continues, in part:

In preparing the report concerning a child, the investigator may consult any person who may have information about the child and the potential parenting or custodian arrangements. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past without obtaining the consent of the parent or the child's custodian; but the child's consent must be obtained if the child has reached the age of twelve, unless the court finds that the child lacks mental capacity to consent.

C. Guardian Ad Litem or Attorney for Child

To insure presentation of domestic violence issues from the child's perspective, the court may wish to appoint a guardian ad litem. If the child is an adolescent, the court may prefer to appoint an attorney for the child. Although a guardian ad litem is not a traditional expert, the court may admit the opinion of the guardian as to what arrangements would be best for the child. *Fernando v. Nieswandt*, 87 Wn. App. 103, 107, 940 P.2d 1380, *review denied*, 133 Wn.2d 1014, 946 P.2d 402 (1997). The court, however, is not bound by such opinion and may ignore the guardian's opinion if "if they are not supported by other evidence" or it finds other testimony more convincing. *Id.* at 87 Wn. App. 107.

Guardians ad litem under Title 13 or 26 RCW are required to have additional training concerning domestic violence once the revised statewide curriculum is available. The curriculum is required to be made available by July 1, 2008. See Section 302 (15) and Section 305(1), SSB5470, for amendments to RCW 2.56.030(15) and RCW 26.12.177.

III. Overview of the Parenting Act

A. Purpose and Objectives of the Parenting Plan

1. Purpose

The legislative policy statement in RCW 26.09.002 (the Washington State Parenting Act of 1987) provides that "[t]he best interests of the child are served by a parenting arrangement that

best maintains a child's emotional growth, health and stability, and physical care." In 2007, the legislature clarified its policy statement by amending RCW 26.09.002 to state that "Residential time and financial support are equally important components of parenting arrangements." See Section 101, SSB5470.

In addition to setting forth specific criteria to guide courts in determining children's best interests, the Parenting Act replaced the use of child custody and visitation orders with "Parenting Plans." Parenting plans must contain: 1) findings made by the court as to whether any factors exist that would require mandatory or discretionary restrictions, such as a history of domestic violence; 2) a detailed residential schedule for the children of the parties; 3) a delineation as to each parent's right to make decisions concerning the children, i.e., sole or joint decision-making; and 4) whether, in the event of future childrearing disputes, a parent is entitled to immediately proceed with court action or must first attempt alternative dispute resolution, such as mediation.

In 2000, the Legislature also amended the Act to require that Parenting Plans contain specific information about parents' rights and responsibilities in the event one parent wishes to relocate the child's residence. RCW 26.09.490.

In 2007, the legislature amended RCW 26.09 to add a new section to "better implement the existing legislative intent" by increased focus on additional alternative dispute resolution options and by increased focus on domestic violence. The new section states: "Furthermore, the legislature finds that the identification of domestic violence as defined in RCW 26.50.010 and the treatment needs of the parties to dissolutions are necessary to improve outcomes for children." See Section 102, SSB 5470.

2. Objectives

The objectives of the parenting plan are outlined in RCW 26.09.184(1) as follows:

- (a) Provide for the child's physical care;
- (b) Maintain the child's emotional stability;
- (c) Provide for the child's changing needs as the child grows and matures, in a way that minimizes the need for future modifications to the permanent parenting plan;

- (d) Set forth the authority and responsibilities of each parent with respect to the child, consistent with the criteria in RCW 26.09.187 and 26.09.191;
- (e) Minimize the child's exposure to harmful parental conflict;
- (f) Encourage the parents, where appropriate under RCW 26.09.187 and 26.09.191, to meet their responsibilities to their minor children through agreements in the permanent parenting plan, rather than by relying on judicial intervention; and
- (g) To otherwise protect the best interests of the child consistent with RCW 26.09.002.

While the Parenting Act in most cases favors both parents to continue their involvement in their children's lives, both in terms of the time spent with each parent and parents' rights to make decisions for their children, there are significant limitations when the court makes a finding of a mandatory restriction, such as domestic violence, as defined under RCW 26.09.191.

3. Scope of the Parenting Act – application to orders involving children

The definitions and standards, including domestic violence limitations, imposed by the Parenting Act for determining a residential schedule apply to most types of civil orders involving contact with a child. These include orders entered as part of a dissolution of marriage, third-party custody action, domestic violence protection order, or parentage action. RCW 26.09.191; RCW 26.10.160; RCW 26.50.060(d); RCW 26.26.130(7). The definitions and standards of the Parenting Act are not explicitly made applicable to adoptions or juvenile court cases, such as dependency actions. See *In re Interest of J*, 99 Wn. App. 473, 481, 994 P.2d 279 (2000) (in adoption cases, no ironclad rule against placing child in home with history of domestic violence).

B. Domestic Violence and the Parenting Act

1. Domestic violence is an important criterion in establishing a temporary or final parenting plan.

While the Parenting Act generally requires parenting plans to be entered on the basis of the child's best interests and presumes that continued parental involvement is in the child's interest, a finding of domestic violence is a significant factor that the court must

consider when entering a parenting plan. Although the general considerations in entering a parenting plan are set forth in RCW 26.09.184 and RCW 26.09.187, certain types of conduct on a parent's part will trigger either mandatory or discretionary restrictions on the use of joint decision-making, alternative dispute resolution, and contact between the parent and child.

Domestic violence, as defined by RCW 26.09.191 is one of the factors that will trigger a "mandatory restriction." Even if the domestic violence between the parents does not rise to the level sufficient to trigger a mandatory restriction, it may still be a factor that the court may appropriately consider in crafting a parenting plan.

2. "Domestic violence" – mandatory restrictions

Not all forms or levels of domestic violence will trigger application of the "mandatory restrictions" of the Parenting Act. The court must first find the existence of **either** 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." RCW 26.09.191. (*Emphasis added.*)

Thus, it is possible that no mandatory restrictions will be required even if a parent has been convicted of an assault or a protection order has been entered because the domestic violence was not sufficiently dangerous or threatening and also was not part of a history or pattern. Where the court does not make a finding of "domestic violence" sufficient to trigger mandatory application of restrictions, it still may look to other factors under the Parenting Act to fashion an appropriate parenting plan. For example, "the abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development" may justify restrictions under RCW 26.09.191(3)(e).⁸

IV. Entering Parenting Plans Where Finding of Domestic Violence Made

A. Washington Prohibits Joint Decision-Making and May Limit Mandatory Alternative Dispute Resolution in Domestic Violence Cases.

Where a finding of “domestic violence” as defined under RCW 26.09.191 is made, joint decision-making shall not be ordered. The court also may not order alternative dispute resolution, such as mediation. However pursuant to 2007 legislation, a section has been added to RCW 26.09 which allows the court to permit mediation where (1) a victim requests mediation, and (2) the court makes a finding that mediation is appropriate under the circumstances, and (3) the victim is allowed to have a supporting person present during the mediation. See Section 301, SSB 5470, and RCW 26.09.191(1); *In re Marriage of Caven*, 136 Wn.2d 800, 806, 966 P.2d 1247 (1998), *aff’g In re Marriage of C.M.C.*, 87 Wn. App. 84, 940 P.2d 669 (1997).

RCW 26.09.191(1) requires sole decision-making upon a finding of either a history of acts of domestic violence or an assault causing grievous bodily harm or the fear of such harm.

Agreement of the parties does not defeat the mandatory prohibition on joint decision-making where “domestic violence” is found. RCW 26.09.187(2)(a) provides that the court shall approve agreements of the parties allocating decision-making authority, or specifying rules regarding the children’s education, health care, and religious upbringing, only when the court finds that:

- (i) The agreement is consistent with any limitations on a parent’s decision-making authority mandated by RCW 26.09.191; and
- (ii) The agreement is knowing and voluntary.

B. Restrictions on Residential Schedule for Child Required Where Requisite Finding of Domestic Violence Made

1. Finding of domestic violence creates a “mandatory restriction.”

RCW 26.09.187(3)(a) provides:

[T]he court shall make residential provisions for each child which encourage each parent to maintain

a loving, stable, and nurturing relationship with the child, consistent with the child's developmental level and the family's social and economic circumstances. The child's residential schedule shall be consistent with RCW 26.09.191.

The parent's residential time with the child shall be limited if the requisite finding of "domestic violence" as defined under RCW 26.09.191 is made. The court may not, for example, order a residential schedule that requires a child to frequently alternate his or her residence between the households of the parents for "brief and substantially equal intervals of time" if a limitation, such as domestic violence, exists. RCW 26.09.187(3)(b)(i). RCW 26.09.191(m)(i) has been amended to allow the court to also consider the safety of the parent who may be at risk of physical, sexual or emotional abuse or harm that could result if the parent has contact with the parenting requesting residential time with the child. The court may require supervised contact, the completion of relevant counseling or treatment, and impose other limitations. *See* Section 303, SSB 5470.

In most cases, the statute does not mandate what types of restrictions on contact with the child will be required but leaves such determinations to the discretion of the court. A new section has been added to RCW 26.09 which lists services that the court may order in cases involving domestic violence or child abuse if residential time has been ordered. *See* Section 401 SSB 5470, which will be discussed more fully below

The restrictions or limitations that a court could include in a parenting plan are: (1) ordering contact with the child to be supervised; (2) requiring as a condition of contact that the parent complete batterers' treatment; (3) requiring the visitation exchanges be at a public place; or (4) limiting the amount of time with the child. The court must fashion its residential schedule in a manner, however, reasonably calculated to protect the child, as well as the parent, from physical, sexual, or emotional abuse or harm that could result from contact with the other parent.

If the court orders contact to be supervised, the court may not approve of a supervisor unless that supervisor accepts that the harmful conduct occurred and is willing and capable of protecting the child from harm. RCW 26.09.191(2)(m)(iii). Under the newly adopted Section 401, the supervisor is also to be a neutral and independent adult with an adequate plan for supervision of such residential time. The court may revoke approval of the supervisor

if the court determines after a hearing that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child. This section also, however, allows the court to permit a family or household member to act as a supervisor, so long as the court established the conditions to be followed during the residential time.

Section 401 also allows the court to order exchanges of the child to take place in a protected setting, supervised visitation as described above, and/or the use of safe exchange centers or alternative safe location to facilitate the exercise of residential time.

2. The court must restrain the abuser from all contact with the child if the residential limitations are not adequate to protect the child.

RCW 26.09.191(2)(m)(i) provides:

The limitations imposed by the court under [RCW 26.09.191(2)(a) or (b)] shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. If the court expressly finds based on the evidence that limitations on the residential time with the child will not adequately protect the child from harm or abuse that could result if the child has contact with the parent requesting residential time, **the court shall restrain the parent requesting residential time from all contact with the child.** (*Emphasis added.*)

The recent legislative changes to RCW 26.09.191(2)(m)(i) also require the court to consider the safety of the abused parent. It does not expressly state that the court may limit all contact, but does appear to give the court the discretion. It states: “The limitations the court may impose include, **but are not limited to:** supervised contact between the child and the parent or completion of relevant counseling or treatment.” See Section 303(m)(i), SSB 5470.

3. The requirement of mandatory restrictions on residential time in domestic violence cases is rebuttable.

Once a finding of domestic violence has been made, **only if** the court expressly finds that contact between the abusive parent and the child will not cause physical, sexual, or emotional abuse or harm to the child **and** that the probability that the parent’s harmful or abusive conduct will recur is so remote that it would not be in the child’s best interests to apply these limitations **or** if the court expressly finds that the parent’s conduct did not have an impact on the child, is the court freed from placing mandatory restrictions on a parent’s contact with a child. RCW 26.09.191(2)(n). “Impact” is defined broadly—not just the danger of physical abuse but the emotional abuse or harm that may result to the child. (*Emphasis added.*)

C. Court Has Discretion to Order Sole Decision-Making, Prohibit Alternative Dispute Resolution, or Enter Restrictions Concerning Residential Schedule Where Domestic Violence Does Not Rise to Level Required by RCW 26.09.191.

RCW 26.09.184(1)(b) and (e) specifically provides that the purpose of the parenting plan is to “maintain the child’s emotional stability” and to “minimize the child’s exposure to harmful parental conflict.” The court generally had the discretion to craft a parenting plan consistent with the child’s best interests.

Moreover, other factors may trigger mandatory or discretionary restrictions even where the domestic violence does not rise to the level of frequency or seriousness required by RCW 26.09.191. For example, “[t]he abusive use of conflict by the parent which creates the danger of serious damage to the child’s psychological development” is specifically listed as a discretionary limitation. RCW 26.09.191(3)(e). Where the domestic violence has resulted in a “pattern of emotional abuse of a child,” restrictions on joint decision-making, and the residential schedule are mandatory. RCW 26.09.191(1)(b). As noted above, at the victim’s request the court may allow mediation, under the new section added to RCW 26.09 by the 2007 legislation. *See* Section 301, SSB5470.

Lack of a demonstrated ability to cooperate and to jointly parent may militate against requiring the parents to make joint decisions, use alternative dispute resolution or to “frequently alternate . . . for brief and substantially equal intervals of time” the residence of the child between the parents’ households. RCW 26.09.187(1)(a); (2)(c); and (3)(b). *See In re Marriage of Jensen-Branch*, 78 Wn. App. 482, 899 P.2d 803 (1995) (court has ability to weigh stability of parents and vulnerability of child in

Appendix G

CHAPTER 10 PARENTING PLANS

This chapter is intended to assist the court in crafting parenting plans and visitation orders in domestic violence cases. Domestic violence is the on-going behavior of inappropriate control and domination by one person over another. The pattern of abuse does not stop simply because the parties stop residing together.¹ The batterer as a parent is more likely to be controlling and authoritarian, less consistent, and more likely to manipulate the children and undermine the mother's parenting than nonviolent fathers.² The court's order should reflect the best interests of the child and protect both the child and the abused parent from further violence

A detailed general discussion of the Parenting Act and Parenting Plans is beyond the scope of this chapter. See RCW 26.09.181-.210, Wechsler and Appelwick, *Parenting Plans*, Chapter 47, *Washington Family Law Deskbook* (Washington State Bar Association, 2nd ed., 2000 & Supp. 2006); D. Lye, *Washington State Parenting Act Study* (1999).³ Extensive materials on issues involving child custody decisions and domestic violence are also available by contacting the National Council of Juvenile and Family Court Judges.⁴

In drafting parenting plan orders, the court must determine how to best protect the child and adult victim from any further violence. Even where the risk of physical harm to the child is slight, the exchange of the child between parents is an all too common opportunity for violence or harassment against the adult victim. Parenting plans that require ongoing negotiations between the parents, either because they specify joint decision-making or do not have a sufficiently detailed residential schedule, may subject not only the parents but also the child to tremendous emotional stress where there is a history of domestic violence.⁵

I. Evidentiary Issues Arising in Domestic Violence Parenting Cases

A civil standard of review applies for determining whether domestic violence has occurred and if so what restrictions should be ordered.

RCW 26.09.191(5) provides that the court shall apply the civil rules of evidence, proof, and procedure in determining whether restrictions should be imposed.

The weight given to the existence of a protection order issued under Chapter 26.50 RCW as to domestic violence is within the discretion of the court. (Note that under ER 1101(c), the court is not required to apply the rules of evidence in a protection order hearing under RCW 26.50.) Therefore, the issuance of a protection order is not necessarily res judicata as to whether domestic violence

has occurred or whether it rises to the level necessary to trigger a mandatory restriction under the Parenting Act.

For additional discussion of common evidentiary issues, *see* Chapter 6.

II. Court Ordered Investigations as to Domestic Violence and Parenting Plans

Washington judges have the authority to see that domestic violence will be properly investigated, assessed, and presented in parenting cases to safeguard the interests of the child. Judges should be aware when considering outside evaluations that batterers are often able to perform parenting tasks well when being observed by outsiders, such as custody evaluators and in supervised visitation centers.⁶ Judges may find helpful the National Council of Juvenile and Family Court Judges publication *Navigating Custody & Visitation Evaluations in Cases with Domestic Violence: A Judge's Guide* (2004, revised 2006).⁷

Under recent amendments to the Parenting Act, effective July 1, 2007, in cases where there are allegations of limiting factors as a result of domestic violence, physical, sexual or a pattern of emotional abuse of a child, both parties are to be screened to “determine the appropriateness of a comprehensive assessment regarding the impact of the limiting factor on the child and the parties.” RCW 26.09.191. *See* Attachment 1 for Chapter 496, Laws of 2007, Section 303(4), SSB5470.

The newly adopted amendment does not specify what “screening” entails.

A. Advice of Professional Personnel

RCW 26.09.210 provides, “The court may seek the advice of professional personnel whether or not they are employed on a regular basis by the court. The advice given shall be in writing and shall be made available by the court to counsel upon request. Counsel may call for cross-examination any professional personnel consulted by the court.”

B. Social Service Investigation and Report

1. RCW 26.09.220(1) provides:

The court may order an investigation and report concerning parenting arrangements for the child, or may appoint a guardian ad litem pursuant to RCW 26.12.175, or both. The investigation and report may be made by the guardian ad litem, the staff of the

juvenile court, or other professional social service organization, experienced in counseling children and families.

2. RCW 26.09.220(2) continues, in part:

In preparing the report concerning a child, the investigator may consult any person who may have information about the child and the potential parenting or custodian arrangements. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and *obtain information* from medical, psychiatric, or other expert persons who have served the child in the past without obtaining the consent of the parent or the child's custodian; but the child's consent must be obtained if the child has reached the age of twelve, unless the court finds that the child lacks mental capacity to consent.

C. Guardian Ad Litem or Attorney for Child

To insure presentation of domestic violence issues from the child's perspective, the court may wish to appoint a guardian ad litem. If the child is an adolescent, the court may prefer to appoint an attorney for the child. Although a guardian ad litem is not a traditional expert, the court may admit the opinion of the guardian as to what arrangements would be best for the child. *Fernando v. Nieswandt*, 87 Wn. App. 103, 107, 940 P.2d 1380, review denied, 133 Wn.2d 1014, 946 P.2d 402 (1997). The court, however, is not bound by such opinion and may ignore the guardian's opinion if "if they are not supported by other evidence" or it finds other testimony more convincing. *Id.* at 87 Wn. App. 107.

Guardians ad litem under Title 13 or 26 RCW are required to have additional training concerning domestic violence once the revised statewide curriculum is available. The curriculum is required to be made available by July 1, 2008. See Section 302 (15) and Section 305(1), SSB5470, for amendments to RCW 2.56.030(15) and RCW 26.12.177.

III. Overview of the Parenting Act

A. Purpose and Objectives of the Parenting Plan

1. Purpose

The legislative policy statement in RCW 26.09.002 (the Washington State Parenting Act of 1987) provides that "[t]he best interests of the child are served by a parenting arrangement that

best maintains a child's emotional growth, health and stability, and physical care." In 2007, the legislature clarified its policy statement by amending RCW 26.09.002 to state that "Residential time and financial support are equally important components of parenting arrangements." See Section 101, SSB5470.

In addition to setting forth specific criteria to guide courts in determining children's best interests, the Parenting Act replaced the use of child custody and visitation orders with "Parenting Plans." Parenting plans must contain: 1) findings made by the court as to whether any factors exist that would require mandatory or discretionary restrictions, such as a history of domestic violence; 2) a detailed residential schedule for the children of the parties; 3) a delineation as to each parent's right to make decisions concerning the children, i.e., sole or joint decision-making; and 4) whether, in the event of future childrearing disputes, a parent is entitled to immediately proceed with court action or must first attempt alternative dispute resolution, such as mediation.

In 2000, the Legislature also amended the Act to require that Parenting Plans contain specific information about parents' rights and responsibilities in the event one parent wishes to relocate the child's residence. RCW 26.09.490.

In 2007, the legislature amended RCW 26.09 to add a new section to "better implement the existing legislative intent" by increased focus on additional alternative dispute resolution options and by increased focus on domestic violence. The new section states: "Furthermore, the legislature finds that the identification of domestic violence as defined in RCW 26.50.010 and the treatment needs of the parties to dissolutions are necessary to improve outcomes for children." See Section 102, SSB 5470.

2. Objectives

The objectives of the parenting plan are outlined in RCW 26.09.184(1) as follows:

- (a) Provide for the child's physical care;
- (b) Maintain the child's emotional stability;
- (c) Provide for the child's changing needs as the child grows and matures, in a way that minimizes the need for future modifications to the permanent parenting plan;

- (d) Set forth the authority and responsibilities of each parent with respect to the child, consistent with the criteria in RCW 26.09.187 and 26.09.191;
- (e) Minimize the child's exposure to harmful parental conflict;
- (f) Encourage the parents, where appropriate under RCW 26.09.187 and 26.09.191, to meet their responsibilities to their minor children through agreements in the permanent parenting plan, rather than by relying on judicial intervention; and
- (g) To otherwise protect the best interests of the child consistent with RCW 26.09.002.

While the Parenting Act in most cases favors both parents to continue their involvement in their children's lives, both in terms of the time spent with each parent and parents' rights to make decisions for their children, there are significant limitations when the court makes a finding of a mandatory restriction, such as domestic violence, as defined under RCW 26.09.191.

3. Scope of the Parenting Act – application to orders involving children

The definitions and standards, including domestic violence limitations, imposed by the Parenting Act for determining a residential schedule apply to most types of civil orders involving contact with a child. These include orders entered as part of a dissolution of marriage, third-party custody action, domestic violence protection order, or parentage action. RCW 26.09.191; RCW 26.10.160; RCW 26.50.060(d); RCW 26.26.130(7). The definitions and standards of the Parenting Act are not explicitly made applicable to adoptions or juvenile court cases, such as dependency actions. See *In re Interest of J*, 99 Wn. App. 473, 481, 994 P.2d 279 (2000) (in adoption cases, no ironclad rule against placing child in home with history of domestic violence).

B. Domestic Violence and the Parenting Act

1. Domestic violence is an important criterion in establishing a temporary or final parenting plan.

While the Parenting Act generally requires parenting plans to be entered on the basis of the child's best interests and presumes that continued parental involvement is in the child's interest, a finding of domestic violence is a significant factor that the court must

consider when entering a parenting plan. Although the general considerations in entering a parenting plan are set forth in RCW 26.09.184 and RCW 26.09.187, certain types of conduct on a parent's part will trigger either mandatory or discretionary restrictions on the use of joint decision-making, alternative dispute resolution, and contact between the parent and child.

Domestic violence, as defined by RCW 26.09.191 is one of the factors that will trigger a "mandatory restriction." Even if the domestic violence between the parents does not rise to the level sufficient to trigger a mandatory restriction, it may still be a factor that the court may appropriately consider in crafting a parenting plan.

2. "Domestic violence" – mandatory restrictions

Not all forms or levels of domestic violence will trigger application of the "mandatory restrictions" of the Parenting Act. The court must first find the existence of either 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." RCW 26.09.191. (*Emphasis added.*)

Thus, it is possible that no mandatory restrictions will be required even if a parent has been convicted of an assault or a protection order has been entered because the domestic violence was not sufficiently dangerous or threatening and also was not part of a history or pattern. Where the court does not make a finding of "domestic violence" sufficient to trigger mandatory application of restrictions, it still may look to other factors under the Parenting Act to fashion an appropriate parenting plan. For example, "the abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development" may justify restrictions under RCW 26.09.191(3)(e).⁸

IV. Entering Parenting Plans Where Finding of Domestic Violence Made

A. Washington Prohibits Joint Decision-Making and May Limit Mandatory Alternative Dispute Resolution in Domestic Violence Cases.

Where a finding of “domestic violence” as defined under RCW 26.09.191 is made, joint decision-making shall not be ordered. The court also may not order alternative dispute resolution, such as mediation. However pursuant to 2007 legislation, a section has been added to RCW 26.09 which allows the court to permit mediation where (1) a victim requests mediation, and (2) the court makes a finding that mediation is appropriate under the circumstances, and (3) the victim is allowed to have a supporting person present during the mediation. See Section 301, SSB 5470, and RCW 26.09.191(1); *In re Marriage of Caven*, 136 Wn.2d 800, 806, 966 P.2d 1247 (1998), *aff’g In re Marriage of C.M.C.*, 87 Wn. App. 84, 940 P.2d 669 (1997).

RCW 26.09.191(1) requires sole decision-making upon a finding of either a history of acts of domestic violence or an assault causing grievous bodily harm or the fear of such harm.

Agreement of the parties does not defeat the mandatory prohibition on joint decision-making where “domestic violence” is found. RCW 26.09.187(2)(a) provides that the court shall approve agreements of the parties allocating decision-making authority, or specifying rules regarding the children’s education, health care, and religious upbringing, only when the court finds that:

- (i) The agreement is consistent with any limitations on a parent’s decision-making authority mandated by RCW 26.09.191; and
- (ii) The agreement is knowing and voluntary.

B. Restrictions on Residential Schedule for Child Required Where Requisite Finding of Domestic Violence Made

1. Finding of domestic violence creates a “mandatory restriction.”

RCW 26.09.187(3)(a) provides:

[T]he court shall make residential provisions for each child which encourage each parent to maintain

a loving, stable, and nurturing relationship with the child, consistent with the child's developmental level and the family's social and economic circumstances. The child's residential schedule shall be consistent with RCW 26.09.191.

The parent's residential time with the child shall be limited if the requisite finding of "domestic violence" as defined under RCW 26.09.191 is made. The court may not, for example, order a residential schedule that requires a child to frequently alternate his or her residence between the households of the parents for "brief and substantially equal intervals of time" if a limitation, such as domestic violence, exists. RCW 26.09.187(3)(b)(i). RCW 26.09.191(m)(i) has been amended to allow the court to also consider the safety of the parent who may be at risk of physical, sexual or emotional abuse or harm that could result if the parent has contact with the parenting requesting residential time with the child. The court may require supervised contact, the completion of relevant counseling or treatment, and impose other limitations. See Section 303, SSB 5470.

In most cases, the statute does not mandate what types of restrictions on contact with the child will be required but leaves such determinations to the discretion of the court. A new section has been added to RCW 26.09 which lists services that the court may order in cases involving domestic violence or child abuse if residential time has been ordered. See Section 401 SSB 5470, which will be discussed more fully below

The restrictions or limitations that a court could include in a parenting plan are: (1) ordering contact with the child to be supervised; (2) requiring as a condition of contact that the parent complete batterers' treatment; (3) requiring the visitation exchanges be at a public place; or (4) limiting the amount of time with the child. The court must fashion its residential schedule in a manner, however, reasonably calculated to protect the child, as well as the parent, from physical, sexual, or emotional abuse or harm that could result from contact with the other parent.

If the court orders contact to be supervised, the court may not approve of a supervisor unless that supervisor accepts that the harmful conduct occurred and is willing and capable of protecting the child from harm. RCW 26.09.191(2)(m)(iii). Under the newly adopted Section 401, the supervisor is also to be a neutral and independent adult with an adequate plan for supervision of such residential time. The court may revoke approval of the supervisor

if the court determines after a hearing that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child. This section also, however, allows the court to permit a family or household member to act as a supervisor, so long as the court established the conditions to be followed during the residential time.

Section 401 also allows the court to order exchanges of the child to take place in a protected setting, supervised visitation as described above, and/or the use of safe exchange centers or alternative safe location to facilitate the exercise of residential time.

2. **The court must restrain the abuser from all contact with the child if the residential limitations are not adequate to protect the child.**

RCW 26.09.191(2)(m)(i) provides:

The limitations imposed by the court under [RCW 26.09.191(2)(a) or (b)] shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. If the court expressly finds based on the evidence that limitations on the residential time with the child will not adequately protect the child from harm or abuse that could result if the child has contact with the parent requesting residential time, **the court shall restrain the parent requesting residential time from all contact with the child.** (*Emphasis added.*)

The recent legislative changes to RCW 26.09.191(2)(m)(i) also require the court to consider the safety of the abused parent. It does not expressly state that the court may limit all contact, but does appear to give the court the discretion. It states: "The limitations the court may impose include, **but are not limited to:** supervised contact between the child and the parent or completion of relevant counseling or treatment." See Section 303(m)(i), SSB 5470.

3. The requirement of mandatory restrictions on residential time in domestic violence cases is rebuttable.

Once a finding of domestic violence has been made, **only if the court expressly finds that contact between the abusive parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply these limitations or if the court expressly finds that the parent's conduct did not have an impact on the child, is the court freed from placing mandatory restrictions on a parent's contact with a child.** RCW 26.09.191(2)(n). "Impact" is defined broadly—not just the danger of physical abuse but the emotional abuse or harm that may result to the child. (*Emphasis added.*)

C. Court Has Discretion to Order Sole Decision-Making, Prohibit Alternative Dispute Resolution, or Enter Restrictions Concerning Residential Schedule Where Domestic Violence Does Not Rise to Level Required by RCW 26.09.191.

RCW 26.09.184(1)(b) and (e) specifically provides that the purpose of the parenting plan is to "maintain the child's emotional stability" and to "minimize the child's exposure to harmful parental conflict." The court generally had the discretion to craft a parenting plan consistent with the child's best interests.

Moreover, other factors may trigger mandatory or discretionary restrictions even where the domestic violence does not rise to the level of frequency or seriousness required by RCW 26.09.191. For example, "[t]he abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development" is specifically listed as a discretionary limitation. RCW 26.09.191(3)(e). Where the domestic violence has resulted in a "pattern of emotional abuse of a child," restrictions on joint decision-making, and the residential schedule are mandatory. RCW 26.09.191(1)(b). As noted above, at the victim's request the court may allow mediation, under the new section added to RCW 26.09 by the 2007 legislation. See Section 301, SSB5470.

Lack of a demonstrated ability to cooperate and to jointly parent may militate against requiring the parents to make joint decisions, use alternative dispute resolution or to "frequently alternate . . . for brief and substantially equal intervals of time" the residence of the child between the parents' households. RCW 26.09.187(1)(a), (2)(c), and (3)(b). See *In re Marriage of Jensen-Branch*, 78 Wn. App. 482, 899 P.2d 803 (1995) (court has ability to weigh stability of parents and vulnerability of child in

ATTACHMENT 1

SECOND SUBSTITUTE SENATE BILL (2SSB)5470

Chapter 496, Laws of 2007
State of Washington 60th Legislature 2007 Regular Session
DISSOLUTION PROCEEDINGS
Effective Date: 07/22/07

Selected Sections²¹

By Senate Committee on Ways Means (originally sponsored by Senators Hargrove, Stevens, McAuliffe, Brown and Regala)

AN ACT Relating to dissolution proceedings; amending RCW 26.09.002, 2.56.180, 26.09.020, 36.18.016, 26.09.191, 26.12.177, 26.09.015, 26.09.184, 26.09.015, 26.09.187, and 26.09.197; reenacting and amending RCW 2.56.030; adding new sections to chapter 26.09 RCW; adding a new section to chapter 26.12 RCW; adding a new section to chapter 2.53 RCW; 6 adding a new section to chapter 26.18 RCW; creating new sections; providing effective dates; and providing an expiration date.

PART I - Intent

Sec. 101. RCW 26.09.002 and 1987 c 460 s 2 are each amended to read as follows:

Parents have the responsibility to make decisions and perform other parental functions necessary for the care and growth of their minor children. In any proceeding between parents under this chapter, the best interests of the child shall be the standard by which the court determines and allocates the parties' parental responsibilities. The state recognizes the fundamental importance of the parent-child relationship to the welfare of the child, and that the relationship between the child and each parent should be fostered unless inconsistent with the child's best interests. Residential time and financial support are equally important components of parenting arrangements. The best interests of the child are served by a parenting arrangement that best maintains a child's emotional growth, health and stability, and physical care. Further, the best interest of the child is ordinarily served when the existing pattern of interaction between a parent and child is altered only to the extent necessitated by the changed relationship of the parents or as required to protect the child from physical, mental, or emotional harm.

NEW SECTION. Sec. 102. A new section is added to chapter 26.09 12 RCW to read as follows:

The legislature reaffirms the intent of the current law as expressed in RCW 26.09.002. However, after review, the legislature finds that there are certain components of the existing law which do not support the original legislative intent. In order to better implement the existing legislative intent the legislature finds that incentives for parties to reduce family conflict and additional alternative dispute resolution options can assist in reducing the number of contested trials. Furthermore, the legislature finds that the

identification of domestic violence as defined in RCW 26.50.010 and the treatment needs of the parties to dissolutions are necessary to improve outcomes for children. When judicial officers have the discretion to tailor individualized resolutions, the legislative intent expressed in RCW 26.09.002 can more readily be achieved. Judicial officers should have the discretion and flexibility to assess each case based on the merits of the individual cases before them.

...

PART III - Domestic Violence and Child Abuse

NEW SECTION. Sec. 301. A new section is added to chapter 26.09 36 RCW to read as follows:

Mediation is generally inappropriate in cases involving domestic violence and child abuse. In order to effectively identify cases where issues of domestic violence and child abuse are present and reduce conflict in dissolution matters: (1) Where appropriate parties shall be provided access to trained domestic violence advocates; and (2) incases where a victim requests mediation the court may make exceptions and permit mediation, so long as the court makes a finding that mediation is appropriate under the circumstances and the victim is permitted to have a supporting person present during the mediation proceedings.

...

Sec. 303. RCW 26.09.191 and 2004 c 38 s 12 are each amended to read as follows:

(1) *The permanent parenting plan shall not require mutual decision making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period 1 of time or substantial refusal to perform parenting functions; (b) 15 physical, sexual, or a pattern of emotional abuse of a child; or (c) a 16 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)(a) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in RCW 25 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection. This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent

from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises residential time in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the parent

requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have residential time with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the

presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised residential time has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of residential time between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised residential time has occurred for at least two years during which time the adjudicated juvenile has had no further arrests,

adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after *consideration of the testimony* of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of residential time between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is *residing with the parent*.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. The limitations shall also be reasonably calculated to provide for the safety of the parent who may be at risk of physical, sexual, or emotional abuse or harm that could result if the parent has contact with the parent requesting residential time. The limitations the court may impose include, but are not limited to: Supervised contact between the child and the parent or completion of relevant counseling or treatment. If the court expressly finds based on the evidence that limitations on the residential time with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits residential time under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of

the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

- (a) A parent's neglect or substantial nonperformance of parenting functions;
- (b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;
- (c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;
- (d) The absence or substantial impairment of emotional ties between the parent and the child;
- (e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;
- (f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or
- (g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In cases involving allegations of limiting factors under subsection (2)(a)(ii) and (iii) of this section, both parties shall be screened to determine the appropriateness of a comprehensive assessment regarding the impact of the limiting factor on the child and the parties.

(5) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

~~(5)~~(6) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

~~(6)~~ (7) For the purposes of this section, a parent's child means that parent's natural child, adopted child, or stepchild.

NEW SECTION. Sec. 304. A new section is added to chapter 26.09 RCW to read as follows:

Before entering a permanent parenting plan, the court shall determine the existence of any information and proceedings relevant to the placement of the child that are available in the judicial information system and databases.

PART IV - Additional Services

NEW SECTION. Sec. 401. A new section is added to chapter 26.09 RCW to read as follows:

In order to provide judicial officers with better information and to facilitate decision making which allows for the protection of children from physical, mental, or emotional harm and in order to facilitate consistent healthy contact between both parents and their children:

(1) Parties and witnesses who require the assistance of interpreters shall be provided access to qualified interpreters pursuant to chapter 2.42 or 2.43 RCW. To the extent practicable and within available resources, interpreters shall also be made available at dissolution-related proceedings.

(2) Parties and witnesses who require literacy assistance shall be referred to the multipurpose service centers established in chapter 28B.04 RCW.

(3) In matters involving guardian ad litem, the court shall specify the hourly rate the guardian ad litem may charge for his or her services, and shall specify the maximum amount the guardian ad litem may charge without additional review. Counties may, and to the extent state funding is provided therefor counties shall, provide indigent parties with guardian ad litem services at a reduced or waived fee.

(4) Parties may request to participate by telephone or interactive videoconference. The court may allow telephonic or interactive videoconference participation of one or more parties at any proceeding in its discretion. The court may also allow telephonic or interactive videoconference participation of witnesses.

(5) In cases involving domestic violence or child abuse, if residential time is ordered, the court may:

(a) Order exchange of a child to occur in a protected setting;

(b) Order residential time supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the supervisor is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor if the court determines, after a hearing, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child. If the court allows a family or household member to supervise residential time, the court shall establish conditions to be followed during residential time.

(6) In cases in which the court finds that the parties do not have a satisfactory history of cooperation or there is a high level of parental conflict, the court may order the parties to use supervised visitation and safe exchange centers or alternative safe locations to facilitate the exercise of residential time.

Appendix H

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Search Business Licenses

License Information:

Entity Name: MICHAEL ZANE GOUDE
Business Name: EARTHTRIBE PERCUSSION
License Type: Washington State Business
Entity Type: Sole Proprietor

UBI: 601966100 Business ID:001 Location ID:0001

Status: To check the status of this business, go to [Department of Revenue](#).

Location Address:
 2028 S DIVISION
 MOSES LAKE, WA, 98837

Mailing Address:
 700 NW GILMAN BLVD #361
 ISSAQUAH, WA, 98027

Registered Trade Names:
 EARTHTRIBE PERCUSSION
 HOUNDDOG PRODUCTIONS

Status	Expires	First Issued
Active	N/A	12/26/2000
Active	N/A	07/08/1999

Governing People:
 MICHAEL ZANE GOUDE

Information Current as of 07/30/2014 6:39AM Pacific Time

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