

No. 71899-1

COURT OF APPEALS, DIVISION I  
OF THE STATE OF WASHINGTON

---

In re the Parenting and Support of:

OLIVIA ESTELLA DANHOF,

Child,

EVELINA BARHUDARIAN,

Appellant,

and

ANDREW BERNARD DANHOF,

Respondent.

---

APPEAL FROM THE SUPERIOR COURT  
FOR KING COUNTY  
THE HONORABLE SUZANNE PARISIEN

---

BRIEF OF APPELLANT

---

SMITH GOODFRIEND, P.S.

TSAI LAW COMPANY

By: Valerie A. Villacin  
WSBA No. 34515

By: Todd R. DeVallance  
WSBA No. 32286

1619 8<sup>th</sup> Avenue North  
Seattle, WA 98109  
(206) 624-0974

2101 Fourth Avenue, Suite 1560  
Seattle, WA 98121  
(206) 728-8000

Attorneys for Appellant

65-1117 8-13-11  
SUPERIOR COURT  
KING COUNTY  
SUZANNE PARISIEN  
*SP*

## TABLE OF CONTENTS

I.	INTRODUCTION .....	1
II.	ASSIGNMENT OF ERRORS .....	2
III.	STATEMENT OF ISSUES .....	3
IV.	STATEMENT OF THE CASE .....	4
	A. Evelina and Andrew, who were never married, are the parents of a young daughter. Evelina was primary caregiver and stayed home to care for her older son and the parties' daughter.....	4
	B. The parties had a volatile relationship, and the parties separated soon after their daughter's birth. ....	6
	1. Evelina described Andrew as controlling, abusive, and intimidating. Andrew described Evelina as abusive and manipulative.....	6
	2. The parties' separation was rife with conflict, for which each parent blamed the other.....	9
	3. Evelina filed a petition for a parenting plan after Andrew refused to return the daughter to her. A temporary parenting plan was entered placing the daughter primarily with Evelina.....	14
	C. The court-appointed guardian ad litem recommended that the daughter live primarily with Evelina. ....	16

D.	The trial court ordered that the daughter reside equally with the parents until she starts school at which point she would live primarily with Andrew based on its finding that he would be the more “flexible” parent. ....	18
V.	ARGUMENT .....	22
A.	The trial court erred in relying on the “friendly parent” concept, and not the statutory factors under the Parenting Act in making its parenting plan.....	22
B.	The trial court erred in entering its parenting plan, because it was based on improper evidence. ....	30
C.	This Court should award attorney fees to the mother.....	33
VI.	CONCLUSION .....	33

## TABLE OF AUTHORITIES

### STATE CASES

<i>Custody of Halls</i> , 126 Wn. App. 599, 109 P.3d 15 (2005) .....	22
<i>Jacobson v. Jacobson</i> , 90 Wn. App. 738, 954 P.2d 297, <i>rev. denied</i> , 136 Wn.2d 1023 (1998) .....	23, 27
<i>Lawrence v. Lawrence</i> , 105 Wn. App. 683, 20 P.3d 972 (2001).....	1, 25-27
<i>Marriage of Cabalquinto</i> , 100 Wn.2d 325, 669 P.2d 886 (1983), <i>appeal after remand</i> , 43 Wn. App. 518, 718 P.2d 7 (1986).....	27
<i>Marriage of Kovacs</i> , 121 Wn.2d 795, 854 P.2d 629 (1993) .....	28
<i>Marriage of Littlefield</i> , 133 Wn.2d 39, 940 P.2d 1362 (1997) .....	22-23
<i>Marriage of Possinger</i> , 105 Wn. App. 326, 19 P.3d 1109, <i>rev. denied</i> , 145 Wn.2d 1008 (2001) .....	29
<i>Murray v. Murray</i> , 28 Wn. App. 187, 622 P.2d 1288 (1981) .....	24
<i>State v. Faford</i> , 128 Wn.2d 476, 910 P.2d 447 (1996).....	31
<i>Wagers v. Goodwin</i> , 92 Wn. App. 876, 964 P.2d 1214 (1998).....	32

### STATUTES

RCW 9.73.030.....	31
RCW 9.73.050.....	31

RCW 26.09.002 .....	27
RCW 26.09.004 .....	23
RCW 26.09.140 .....	33
RCW 26.09.187 .....	23-25, 28-29
RCW 26.09.191 .....	1, 25

**RULES AND REGULATIONS**

ER 801.....	32
ER 804 .....	32
ER 901.....	32
RAP 18.1 .....	33

## I. INTRODUCTION

The trial court erred in penalizing the mother for what it found was “openly hostile behavior” towards the father by depriving her of decision-making and primary care of the parties’ daughter, despite finding that there was no basis for limitations under RCW 26.09.191. The trial court’s parenting plan was improperly based on the “friendly parent” concept that this Court rejected over a decade ago in *Lawrence v. Lawrence*, 105 Wn. App. 683, 687, 20 P.3d 972 (2001). Whether a parent is more “likely to foster the child’s relationship with the other parent” is not a proper consideration in fashioning a parenting plan, because it is this state’s policy that “custody and visitation privileges are not to be used to penalize or reward parents for their conduct.” *Lawrence*, 105 Wn. App. at 687.

Here, the trial court stated its “reason” for substantially adopting the father’s proposed parenting plan was that it was “clear [ ] that the only party that is going to be flexible, at least at this point, and perhaps provide more contact between the parent and child” is the father. Because the parenting plan was not based on a proper consideration of the statutory factors under the Parenting Act, this Court should reverse the parenting plan and remand to the trial court for a proper consideration of the statutory factors.

## II. ASSIGNMENT OF ERRORS

1. The trial court erred in entering its Final Parenting Plan, in particular its decision to order an equal schedule that transitions to a schedule where the child resides primarily with the father, and orders sole decision-making to the father. (Appendix A) (CP 213-27)

2. The trial court erred in entering its Findings of Fact and Conclusions of Law on Petition for Parenting Plan and Order of Child Support. (Appendix B) (CP 202-07)

3. The trial court erred in entering its Memorandum of Opinion and the specific findings underlined in the attached Appendix C. (CP 185-88)

4. The trial court erred in entering its Judgment and Order Establishing Parenting Plan and Order of Child Support. (Appendix D) (CP 208-12)

5. The trial court erred in entering its Final Order of Child Support to the extent it is based on the child residing primarily with the father. (Appendix E) (CP 228-48)

6. The trial court erred in entering its Order Denying Reconsideration. (Appendix F) (CP 249)

7. The trial court erred in denying the mother's motion in limine to exclude recordings of private conversations between the parties. (RP 10)

8. The trial court erred in admitting an unsigned unauthenticated letter purportedly from the parties' joint therapist into evidence. (RP 462)

### **III. STATEMENT OF ISSUES**

1. This Court previously rejected the concept of whether a parent is "likely to foster the child's relationship with the other parent" as a consideration in crafting a parenting plan. Did the trial court err in designating the father as the primary residential parent when it stated its "reason" for doing so was its belief that the father was the "only party that is going to be flexible, at least at this point, and perhaps provide more contact between the [other] parent and child?"

2. Did the trial court err in admitting a recording of a private conversation between the parties when the mother specifically objected to any recording of the parties' interactions?

3. Did the trial court err in admitting an unsigned and unauthenticated letter purportedly from the parties' joint therapist

in order to discredit the mother's testimony of domestic violence by the father?

#### IV. STATEMENT OF THE CASE

**A. Evelina and Andrew, who were never married, are the parents of a young daughter. Evelina was primary caregiver and stayed home to care for her older son and the parties' daughter.**

Appellant Evelina Barhudarian, age 27 (DOB 10/24/86), and respondent Andrew Danhof, age 31 (DOB 10/11/82), started dating in October 2009. (RP 242; CP 229-30) The parties moved in together soon after, but never married. (RP 103) Their daughter, Olivia, was born on January 31, 2011. (Ex. 19)

When they met, Andrew had no other children. However, by the time of trial, Andrew was living with another woman with whom he now has a younger daughter, born shortly before trial. (RP 408, 410-11)

Evelina has an older son, age 8 (DOB 6/5/2006), from a previous marriage, who lives primarily with her. (RP 240; Ex. 45) By all accounts, the parties' daughter is very bonded with her older brother. (RP 31, 68, 89, 297) Under an agreed parenting plan with the son's father, Evelina's son resides with his father on alternating weekends, plus one mid-week evening visit. (RP 399; Ex. 45)

Evelina has a “really good co-parenting relationship” with her son’s father. (RP 399) Although Evelina initially could not recall any domestic violence in her relationship with her son’s father (*See* RP 308, 371), she later acknowledged that there had in fact been two incidents of domestic violence during the marriage. (RP 399)

As her children’s primary caregiver, Evelina is very involved with both her children. (RP 29-31, 48-49, 55-56, 68, 88-89) After their daughter was born, Evelina stayed home to care for the daughter and her older son. (RP 280) Evelina had anticipated returning to work after her daughter was born, but was laid off during her maternity leave. (RP 284) It was undisputed that Evelina has been primarily responsible for the daughter’s daily needs since her birth, including addressing any medical issues. (RP 236, 270)

Andrew works as a service technician for a business started by his father. (RP 481) Prior to that, Andrew had been in the military for nearly 8 years as a combat engineer and had several tours in Iraq. (*See* Ex. 42) When the parties started dating in October 2009, it had only been a month after Andrew returned from his last tour in Iraq. (RP 197) Andrew left active military duty in September 2010. (RP 482)

**B. The parties had a volatile relationship, and the parties separated soon after their daughter's birth.**

**1. Evelina described Andrew as controlling, abusive, and intimidating. Andrew described Evelina as abusive and manipulative.**

The parties' relationship started out "normal." (RP 242) Evelina described Andrew as "nice" and "charming" in the beginning. (RP 242) Over time, however, the relationship became "less and less healthy." (RP 243) Evelina described Andrew as possessive and jealous. (RP 245, 262) During their relationship, Andrew was prone to spontaneous and angry outbursts that scared Evelina. (RP 243-44, 261) Once, Andrew hit his fist so hard on a plate that his hand bled. (RP 244) Another time, Andrew grabbed Evelina by her hair, shook her "really hard," and put her arm behind her back. (RP 244-45) Andrew also once punched Evelina leaving a bruise on her face. (RP 248-49; Ex. 47) Third parties testified to seeing this bruise. (RP 36-37, 57, 71, 118) Andrew apologized after each incident and promised to never hurt her again. (RP 245)

During their relationship, Evelina confided in a co-worker that Andrew was controlling and that he threw and broke things when angry. (RP 59) Evelina's sister was intimidated by Andrew,

and described him as controlling, manipulative, and aggressive. (RP 115) A friend of Evelina testified that Evelina disclosed to her that Andrew was abusive. (RP 70) The friend once visited the parties' home and noticed a punched-in door and broken furniture. (RP 70-71)

Andrew could "flip at any second." (RP 119) For instance, Andrew started a fight at a wedding hosted at the Columbia Tower Club. (RP 119, 251) According to Evelina, a groomsman accidentally brushed shoulders with her as they passed. (RP 252) According to Andrew, the groomsman "hit" Evelina, who was pregnant at the time. (RP 168; CP 70) Because of this contact, Andrew punched the groomsman. (RP 251) After the fight was broken up, Andrew assaulted the wedding photographer who was photographing Evelina and her friends dancing, and was overheard yelling, "she is mine, this is my woman." (RP 119, 252) As a result of Andrew's actions, the Columbia Tower Club ended the wedding reception and made everyone leave. (RP 81, 120)

As they were leaving, Andrew once again attacked the groomsman. (RP 253; Ex. 27) It took several people, including security guards, to restrain Andrew. (RP 253; Ex. 27) The photographer feared for his safety and asked for a law enforcement

officer to escort him out. (RP 81) Andrew was described as “absolutely beyond drunk” during this incident. (RP 124)

Evelina believed that Andrew’s erratic behavior was due in part to Post-Traumatic Stress Disorder (PTSD) from his time in the military. (*See* CP 7) Andrew told Evelina that he had killed several people during his tours. (RP 197) In January 2011, Andrew reported his “current symptoms” of PTSD as “being short-tempered; nightmares with sweating; intermittent low moods; anxiety attacks; and sleep impairment.” (Ex. 42) The Department of Veteran Affairs diagnosed Andrew with PTSD, depression, and “alcohol dependence, in remission,” and provided him with benefits. (RP 173-74; Ex. 42) Andrew participated in “sporadic” counseling for his PTSD, but took no medication. (RP 174-75) At trial, Andrew admitted that while he had initially suffered from PTSD when he returned from Iraq, he was now “back to normal life” and is no longer suffering from any symptoms. (RP 476-77) Andrew also testified that once the parties separated he was no longer depressed. (RP 175)

Andrew testified that Evelina was manipulative during their relationship, and was prone to making false accusations against him and others. (RP 434) For instance, Andrew testified that although

Evelina now describes her relationship with her son's father as good, she told others that he was abusive. (RP 434) Andrew also claimed that Evelina accused another former boyfriend of stalking and threatening her, even though she had recently resumed her friendship with this man and now denied any abuse. (RP 308, 437-38, 439-40)

Andrew's stepmother described the parties' relationship as "dysfunctional." (RP 140) A friend of Andrew testified that he once witnessed a fight between Evelina and Andrew, where Evelina struck Andrew. (RP 105) This friend also testified that after the parties separated, he overheard Evelina threaten to "put a bullet" in Andrew's head, which Evelina denied. (RP 111, 404)

**2. The parties' separation was rife with conflict, for which each parent blamed the other.**

The parties separated in October 2011, nine months after the parties' daughter was born. (RP 242) Andrew unilaterally left the parties' residence, leaving Evelina alone with both children. (CP 6) Initially, Andrew had little interest in pursuing time with the daughter. (RP 282) Nevertheless, during his first visit with the daughter, Andrew promised Evelina that he would return the

daughter, who was still breastfeeding, in two hours, but ended up returning her much later. (RP 282)

The parties eventually “agreed” to a shared schedule of week-on and week-off. (RP 144, 282-83) Evelina testified that Andrew “intimidated” her into agreeing to this schedule, and that she had not believed it was in the best interests of their daughter, who was less than a year old and still being breastfed. (RP 280, 282-83) This informal schedule created conflict between the parties, as each parent withheld the daughter from the other for various reasons. (RP 221, 319) Evelina explained that at times she would keep the daughter with her longer if the daughter was sick or had previously scheduled doctor appointments. (RP 319)

During her residential time, Evelina, who lived with and was supported financially by her parents, cared for the daughter and her older son as a stay-at-home mother. (RP 233, 284, 287) During his residential time, Andrew placed the daughter in daycare with a neighbor of his family while he worked. (RP 423, 426) At trial, Andrew’s new girlfriend testified that she was now a stay-at-home mother after the recent birth of her and Andrew’s daughter and could care for the parties’ daughter from home during Andrew’s residential time. (RP 419-20)

Evelina continued to be afraid of Andrew after the parties separated. (RP 261) The conflict between the parties did not stop after they separated, and seemed to get worse. (RP 261) Andrew called Evelina “many times in a row all hours of the night back to back.” (RP 262) Andrew sent a threatening text message to one of Evelina’s family members demanding to speak to Evelina. (RP 262) In July 2012, Evelina called 911 because Andrew came to her parents’ house where Evelina lives with the children and pounded on the door. (RP 268; Ex. 24) Andrew refused to leave until the police came and forced him to leave. (RP 268)

Andrew intimidated Evelina by wearing his gun during exchanges for the daughter. (RP 38, 74-75, 264) The trial court acknowledged that Evelina’s fear was credible on this point, and restrained Andrew from carrying a weapon during exchanges. (CP 186)

The parties often fought because the daughter was returned to Evelina from Andrew’s home looking sick, tired, or dressed inappropriately for the weather. (RP 38, 278-80; Exs. 48, 49, 50, 51, 52) The daughter was sometimes returned in “filthy condition” with rashes, matted hair, bruises, and a chipped tooth. (RP 278-80, 292-93; Exs. 48, 49, 50, 51, 52) The parties also fought because

Evelina did not believe that Andrew was following the “very strict diet” that was prescribed for the daughter due to her lactose intolerance. (RP 276-77, 485)

The daughter’s physician reported that he believed Evelina had “over-the-top health concerns” for the daughter, and that Evelina would frequently bring the daughter to the hospital unnecessarily. (RP 226) However, Evelina explained that while she might be “overly cautious” with regard to her children’s medical needs, it was because she does not have a medical background and looked for guidance from doctors. (RP 274-75)

Andrew blamed the conflict after separation on Evelina. Andrew claimed that Evelina wanted to keep the daughter from him, and also blocked his access to medical information for the daughter. (RP 191, 329) Evelina denied this claim, explaining that she preferred handling the daughter’s medical issues since she was the most familiar with them as the primary caregiver. (RP 270, 271-72, 319-20; Ex. 146) Andrew’s stepmother also testified that Evelina specifically told her that she did not want to keep the daughter away from Andrew. (RP 143-44)

Andrew presented a series of text messages between the parties at trial, purporting to show Evelina’s hostility towards him.

(Exs. 117, 122, 136, 149) The text messages related to the daughter's condition after being returned from Andrew's home or conflicts regarding the residential schedule. (Exs. 117, 122, 136, 149) Evelina denied the authenticity of the text messages, which had not been provided before trial, and pointed out that the presented text messages failed to show the full context of their conversations. (RP 265-66, 454-55, 457, 484)

Andrew also claimed that Evelina threatened to kill him in December 2012. (RP 430-31) After that, and purportedly at the suggestion of a police officer, Andrew began surreptitiously recording his interactions with Evelina. (RP 431) Evelina objected to the admission of any recordings at trial, but the trial court allowed them into evidence to "understand" the parties' ability to communicate with each other. (Sub no. 71, Supp. CP 324; RP 10)

In March 2013, Evelina and Andrew fought about the daughter's lactose intolerance, which caused the daughter diarrhea. (RP 442, 485-87) Evelina believed that Andrew was not taking the allergy seriously and was placing the daughter at risk by feeding her dairy. (RP 485-87) In a recording presented at trial, Evelina is heard threatening to "tie [Andrew] up to a tree and feed [him] fish," since Andrew is allergic to fish. (RP 442; Ex. 125) Evelina

explained that she was frustrated with Andrew's lax attitude about the daughter's lactose intolerance, and the threat was a "joke" since fish causes diarrhea with Andrew, just as dairy does for the daughter. (RP 442) Although Andrew laughed off the threat, Evelina told him that she was "serious" about her daughter's health and he should be too. (RP 486) Andrew admitted that he did not feel threatened, but believed her threat was evidence that she did not fear him. (RP 443)

**3. Evelina filed a petition for a parenting plan after Andrew refused to return the daughter to her. A temporary parenting plan was entered placing the daughter primarily with Evelina.**

In April 2013, Evelina contacted Andrew after he did not appear for a previously agreed upon exchange to return the daughter to her. (RP 269) Andrew refused to return the daughter, who he said was sleeping, claiming that Evelina was "very irate," "acting so aggressive and whatnot," and he "did not want to have that around our daughter." (RP 269, 432) Andrew testified that he told Evelina, "if you come here, I'm calling the police." (RP 433) Andrew then called 911 and told the police that Evelina threatened to "murder" him. (RP 432-33) Evelina denied the charge, and told the police that in fact, Andrew threatened to "snap her neck." (RP

272, 434) Although Andrew did not press charges, he succeeded in keeping the daughter an additional overnight. (RP 435)

The following day, the parties met at the daughter's previously scheduled doctor's appointment. (RP 436) According to Andrew, Evelina "grabbed" the daughter out of his arms. (RP 438)

After the doctor's appointment, Andrew filed a petition for a protection order. (RP 439; Ex. 106) On April 16, 2013, the court granted Andrew a temporary protection order, but declined to grant his request for custody of the daughter after finding that he "has not alleged nor proven any threats of violence to the child, except for allegedly 'ripping' the child from his arms at the doctor's office during a time [the mother] was scheduled to be with the child." (Ex. 106)

Without realizing that Andrew obtained a temporary protection order, Evelina filed a petition for a parenting plan and order of child support on April 19, 2013. (CP 1; Ex. 26) Evelina also obtained an *ex parte* restraining order against Andrew. (Ex. 25) The protection order was eventually dismissed and a mutual restraining order was entered against both parties on May 10, 2013. (CP 162) A temporary parenting plan was entered, placing the daughter primarily with Evelina and with Andrew during

alternating weekends (Friday afternoon to Sunday afternoon) and alternating mid-week overnight visits. (Ex. 3)

**C. The court-appointed guardian ad litem recommended that the daughter live primarily with Evelina.**

The daughter adjusted “great” to the temporary parenting plan placing her primarily with Evelina. (RP 290) Evelina preferred this schedule as it gave both children the consistency and stability that was lacking under the informal arrangement. (RP 290, 405) Evelina wished to continue this schedule until the daughter starts school when Evelina proposed that Andrew’s alternating weekend schedule extend to Monday morning so that he could return the daughter to school. (RP 302) Evelina also sought sole decision-making based on the history of domestic violence and the lack of cooperation between the parties. (RP 306-07)

Andrew proposed that the parties return to the week-on week-off schedule. (RP 452-53) If the parties do not live in the same neighborhood by the time the daughter, then age 3, begins school, Andrew proposed that the daughter reside primarily with him to provide her with a “consistent” schedule. (RP 453)

On May 10, 2013, the trial court appointed Melanie English as guardian ad litem (GAL) for the parties’ daughter. (CP 157) The

GAL was ordered to investigate the parenting issues and make a recommendation based upon the child's best interests. (CP 158)

The GAL acknowledged that while some collaterals, including the daughter's physician, told her that Evelina spoke poorly of Andrew in front of the daughter, this was during the earlier part of the parties' separation and the GAL believed that it appeared that both parties were now trying to be "friends" to care for their daughter. (RP 212, 226-27, 231-32) Evelina acknowledged to the GAL that she was "ashamed and regretted" some of her earlier negative text messages to Andrew, but explained that she was concerned because the daughter was being returned to her "very sick" after spending time with Andrew. (CP 306) Despite the earlier conflict, the GAL believed that both parents now desired peace. (RP 212, 232)

The GAL reported that it was clear that the daughter was bonded with both parents. (RP 218) The GAL believed that both parents were centered on their daughter. (RP 212) The GAL reported that despite the domestic violence allegations against each parent, the GAL did not find that there was any basis for parenting restrictions. (RP 223, 231-33; CP 313) The GAL recommended that the daughter reside primarily with Evelina, and with Andrew on the

1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> weekends of each month. (CP 318-19) The GAL recommended that Evelina have sole-decision making until Andrew completed a minimum of 30 sessions of individual therapy. (CP 320) The GAL “encouraged” Evelina to also participate in individual therapy. (CP 320)

**D. The trial court ordered that the daughter reside equally with the parents until she starts school at which point she would live primarily with Andrew based on its finding that he would be the more “flexible” parent.**

The parties appeared for a 3-day trial before King County Superior Court Judge Suzanne Parisien, commencing on March 17, 2014. The trial court acknowledged that at the time of trial, the daughter was “doing very well.” (RP 511; *See also* CP 185) The trial court also acknowledged that the daughter is “very bonded” with her parents and older half-brother, who resides with the mother. (CP 185; RP 511) The trial court stated it was “mindful” of the daughter’s sibling relationship with her older brother and now younger sister and its importance. (RP 511)

The trial court stated that it did not find credible evidence of any history of domestic violence by the father. (RP 512; CP 186) The trial court relied on an unsigned letter purportedly from a joint counselor who the parties met with the goal to “have a healthy

strong family and relationship” that stated there was “no mention of abuse or violence during these sessions.” (Ex. 114; CP 186) The trial court also found that it did not see any bruises on the mother in the exhibits presented by the mother. (RP 512) Despite testimony from third parties who saw bruises on the mother (RP 36-37, 57, 71, 118), the trial court found that these witnesses only reported what the mother told them. (CP 186)

The trial court found that the “most determinative” evidence that there was no domestic violence was the mother’s purported conflicting claims of the existence of domestic violence with her son’s father. (CP 186) The trial court stated that “such testimony demonstrates that the mother was willing to either fabricate domestic violence or that her memory is such that it cannot be trusted on this point.” (CP 186; RP 512-13)

Despite the father’s own admission that he had symptoms of PTSD during the parties’ relationship (Ex. 42; RP 476-77), the trial court rejected the mother’s claims that the father suffered PTSD. (CP 187-88; RP 513) The trial court expressed concern over the mother’s purported “effort [ ] to portray [the father] as an angry military person with active PTSD.” (RP 513)

Although the GAL acknowledged that both parties were now seeking to work together (RP 212, 232), the trial court found that there was substantial evidence that the mother exhibited “openly hostile behavior” against the father. (CP 186; RP 515) However, the evidence relied upon by the trial court was at least a year old. For instance, the trial court relied on the March 2013 recording where the mother threatened to feed fish to the father even though he is allergic. (CP 186; RP 515) The trial court also relied on evidence that the mother allegedly threatened to “murder” the father or “put a bullet in [his] head,” both of which occurred before the current action was commenced in April 2013. (CP 186; RP 515) The trial court also found the mother’s earlier text messages, which the mother already acknowledged regretting (CP 306), “troubling.” (CP 187; RP 515) The trial court found that the evidence showed that the mother “is not interested in sharing important decisions or communicating in a positive way” with the father. (RP 519)

The trial court expressed concern that the mother resisted the father’s involvement in the daughter’s medical care, and was “very troubled” that the mother had apparently attempted to block the father’s access to medical records. (CP 187; RP 516) The trial court relied on the GAL’s report that the daughter’s doctor stated

that the mother speaks poorly of the father in front of the daughter, which the trial court found was “damaging” to the daughter. (CP 187; RP 518)

Finally, the trial court expressed concern that the mother had not yet participated in any of the counseling sessions recommended by the GAL. (CP 188; RP 519) However, the mother had explained that at the time of the recommendation, she did not have insurance or the financial resources to pay for counseling. (RP 351)

The trial court expressed its “philosophy” on parenting plans, which guided its decision. (RP 519) The trial court reasoned that in an “ideal” setting, the parenting plan should be “very flexible” and the parents should be encouraged to “go around the parenting plan and provide flexibility to one another, compassion to one another, and frankly more access to one another if it works out that way.” (RP 519-20) Based on this “philosophy,” the trial court designated the father as the primary residential parent, reasoning that he is “the only party that is going to be flexible [ ] and perhaps provide more contact between the [other] parent and child.” (RP 520) Even though the trial court specifically stated that “there will be no 191 [restrictions] in this case,” it restricted the mother’s

decision-making by granting the father sole decision-making on major decisions for the daughter. (RP 513, 521)

Until the daughter, age 3, starts school, the trial court ordered that the parties return to a week-on and week-off schedule. (CP 214) Once school starts, the trial court ordered the child to reside primarily with the father and with the mother on alternating weekends from Friday to Monday and Wednesday overnight every week. (CP 214)

The trial court denied the mother's motion for reconsideration. (CP 249) The mother appeals. (CP 199)

## V. ARGUMENT

### A. **The trial court erred in relying on the “friendly parent” concept, and not the statutory factors under the Parenting Act in making its parenting plan.**

Generally, this Court reviews a trial court's decision on the provisions of a parenting plan for abuse of discretion. *Custody of Halls*, 126 Wn. App. 599, 606, ¶ 18, 109 P.3d 15 (2005). A trial court abuses its discretion if its decision is manifestly unreasonable or based on untenable grounds or untenable reasons. *Marriage of Littlefield*, 133 Wn.2d 39, 46-47, 940 P.2d 1362 (1997). A decision is manifestly unreasonable if, based on the facts and the applicable

legal standard, the decision is outside the range of acceptable choices. *Littlefield*, 133 Wn.2d at 47.

A trial court's discretion in crafting a parenting plan must be guided by the factors set forth in RCW 26.09.187(3) and based upon the best interests of the child at the time of trial. *Jacobson v. Jacobson*, 90 Wn. App. 738, 745, 954 P.2d 297, *rev. denied*, 136 Wn.2d 1023 (1998). The factors that the trial court must consider include:

- (i) The relative strength, nature, and stability of the child's relationship with each parent;
- (ii) The agreements of the parties, provided they were entered into knowingly and voluntarily;
- (iii) Each parent's past and potential for future performance of parenting functions as defined in RCW 26.09.004(3), including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child;
- (iv) The emotional needs and developmental level of the child;
- (v) The child's relationship with siblings and with other significant adults, as well as the child's involvement with his or her physical surroundings, school, or other significant activities;
- (vi) The wishes of the parents and the wishes of a child who is sufficiently mature to express reasoned and independent preferences as to his or her residential schedule; and

(vii) Each parent's employment schedule, and shall make accommodations consistent with those schedules.

Factor (i) shall be given the greatest weight.

RCW 26.09.187(3). When the trial court's written findings or oral ruling fail to reflect a consideration of the factors under RCW 26.09.187(3)(a), as is the case here, remand is required. *Murray v. Murray*, 28 Wn. App. 187, 189, 622 P.2d 1288 (1981). Even though the trial court record might contain substantial evidence to provide a basis for analysis of the statutory factors, "any presumption that the trial court considered the statutory factors is rebutted by the failure of the written findings or oral opinion to reflect any application of the statutory elements." *Murray*, 28 Wn. App. at 189.

Here, the trial court erred by ordering an equally shared residential schedule, then designating the father as the primary residential parent when the daughter reaches school age, and ordering sole decision-making for the father, because it was based on an improper legal standard. The trial court's decision was not based on a consideration of RCW 26.09.187(3). In fact, the trial court does not mention the statute or its factors at all in either its memorandum decision or oral ruling. Nor did the trial court find a

basis for restrictions on the mother in the parenting plan under RCW 26.09.191. Instead, the trial court's decision was premised entirely on the "friendly parent" concept that this Court rejected in *Lawrence v. Lawrence*, 105 Wn. App. 683, 687-88, 20 P.3d 972, 974 (2001).

Under the "friendly parent" concept, "primary residential placement is awarded to the parent most likely to foster the child's relationship with the other parent." *Lawrence*, 105 Wn. App. at 687. As this Court stated, "Bills adopting the friendly parent concept, either as a presumption or a factor to be considered in custody decisions, have been rejected by our Legislature every year since 1982." *Lawrence*, 105 Wn. App. at 687. "The Legislature's rejection of this rule is consistent with our state's policy that "custody and visitation privileges are not to be used to penalize or reward parents for their conduct." *Lawrence*, 105 Wn. App. at 687-88. "Because the 'friendly parent' concept is not the law of the state, a trial court's use of the concept in a custody determination would be an abuse of discretion." *Lawrence*, 105 Wn. App. at 688.

In this case, the trial court did not designate the father as the primary residential parent after considering the factors under RCW 26.09.187. Instead, the trial court abused its discretion, because it

“penalized” the mother for what it found to be her “openly hostile behavior” toward the father while rewarding the father for being more “flexible.” (RP 515, 520) The trial court based its decision on its “philosophy” that a parenting plan need not be followed and parties should “go around” the parenting plan to provide more access to the other parent than what is defined under the parenting plan. (RP 519-20) Based on this “philosophy,” the trial court designated the father as the primary residential parent, because it found that the father, more than the mother, “is going to be flexible [ ] and perhaps provide more contact between the [other] parent and child.” (RP 520) But this is exactly the friendly parent concept that this Court rejected in *Lawrence*, 105 Wn. App. 687, as an improper consideration under the Parenting Act.

Even if the mother had been hostile to the father, the evidence that the trial court relied upon was from at least one year before trial, and before the parties’ had a temporary parenting plan that established a consistent residential schedule for the parties’ daughter. The GAL reported that the mother was regretful about her earlier behavior with the father through text messages, and the GAL believed that both parents were currently working towards cooperating on issues related to the daughter. (CP 306; RP 212,

232) There was no evidence that the mother's earlier conflicts with the father had any adverse effect on the daughter that warranted depriving the mother of primary care and decision-making for the parties' daughter. In fact, the trial court acknowledged that the daughter "was doing well despite the deep conflict existing between her parents." (CP 185)

It is not uncommon for one or both parents to be "uncooperative" when the parties are first seeking a separation. *Jacobson*, 90 Wn. App. at 745. This is especially true in this case, when the separation was unilateral and the father moved out of the parties' shared residence "without any reason or notice." (CP 6) The trial court cannot punish the mother by depriving her of primary care of her daughter and her right to make decisions for the daughter simply because of a conflict between the parents. *See Marriage of Cabalquinto*, 100 Wn.2d 325, 329, 669 P.2d 886 (1983) ("Custody and visitation privileges are not used to penalize or reward parents for their conduct"), *appeal after remand*, 43 Wn. App. 518, 718 P.2d 7 (1986); *Lawrence*, 105 Wn. App. at 687-88.

Under RCW 26.09.002, it is the State's general policy 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.” Here, the trial court’s parenting plan significantly changes the “pattern of interaction” between the daughter and mother, who has been the daughter’s primary caregiver since birth. The mother acknowledges that there is no “presumption in favor of placement with the primary caregiver.” *Marriage of Kovacs*, 121 Wn.2d 795, 800, 854 P.2d 629 (1993). Instead, the Parenting Act “requires consideration of seven factors” under RCW 26.09.187. *Kovacs*, 121 Wn.2d at 800. But the trial court did not consider the factors under RCW 26.09.187, and instead focused on the friendly parent concept based on its finding that the mother was hostile to the father.

The only statutory factor even remotely touched on by the trial court in making its decision was “the child’s relationship with siblings and with other significant adults.” RCW 26.09.187(3)(a)(v); *See* CP 186. Under this factor, the trial court acknowledged that the daughter is “very bonded” with her older brother as well as extended family on both sides. (CP 185) Although the trial court stated that it considered these relationships in fashioning a residential schedule (CP 185), it failed to explain how a parenting plan that removed the daughter from the primary

care of her mother with whom her brother lives would foster that relationship.

Further, while the trial court acknowledged that the child is “very bonded to both parents,” it failed to consider the factors under RCW 26.09.187, such as “which parent has taken a greater responsibility for performing parenting functions relating to the daily needs of the child” and each parent’s employment schedule. RCW 26.09.187(3)(a)(iii), (vii). Here, it was undisputed that the mother, who has been a stay-at-home mother since the daughter was born, took a “greater responsibility for performing parenting functions relating to the daily needs” of their daughter. Even when the parties shared an equal schedule after the parties first separated, a daycare provider was responsible for the “daily needs” of the child when she resided with the father, due to his work schedule.

Finally, the trial court’s decision is also contrary to the Parenting Act, because “the major purpose behind the requirement of a detailed permanent parenting plan is to ensure that the parents have a well thought out working document with which to address the future needs of the children.” *Marriage of Possinger*, 105 Wn. App. 326, 335, 19 P.3d 1109, *rev. denied*, 145 Wn.2d 1008 (2001).

The trial court cannot disregard its duty to craft a “detailed permanent parenting plan” by simply adopting one party’s parenting plan with the assumption that that parent will “go around” the parenting plan to provide more residential time than set forth in the trial court’s parenting plan. (*See* RP 520)

By focusing on the friendly parent concept rather than the statutory factors under the Parenting Act, the parenting plan crafted by the trial court was based on an improper legal standard. This Court must reverse, vacate the parenting plan, and remand to the trial court for a proper consideration of the statutory factors.

**B. The trial court erred in entering its parenting plan, because it was based on improper evidence.**

Compounding the trial court’s error in making its parenting plan was the fact that it premised its decision on improper evidence, including an unauthorized recording of the mother and an unsigned letter purportedly from the parties’ joint therapist. The trial court improperly relied on this evidence to make adverse credibility determinations against the mother, which was the basis for its findings that the mother was “openly hostile” to the father and had fabricated domestic violence claims.

RCW 9.73.030(1)(b) prohibits an individual from recording any private conversations “without first obtaining the consent of all the persons engaged in the conversation.” “Any information obtained in violation of RCW 9.73.030 [ ] shall be inadmissible in any civil or criminal case.” RCW 9.73.050; *State v. Faford*, 128 Wn.2d 476, 488, 910 P.2d 447 (1996) (“Evidence obtained in violation of the act is excluded for any purpose, including impeachment.”).

The trial court erred in admitting the recording of the mother purportedly threatening to force feed fish to the father. (RP 10; Ex. 125) The recording violated RCW 9.73.030, because it was of a private conversation between the parties and the mother specifically told the father that she “does not consent in being recorded in anyway.” (Ex. 33) The trial court’s admission of this evidence was contrary to RCW 9.73.050 and was prejudicial to the mother because the trial court specifically referenced this evidence when finding that the mother was “openly hostile” to the father, which was the premise of its decision to deprive the mother of decision-making and primary care of the parties’ daughter. (CP 186)

The trial court also erred in admitting an unsigned letter purportedly from the parties' joint therapist to find that the mother's allegations of domestic violence were not credible. (Ex. 114; RP 462) The trial court erroneously found that this letter was an "exception" to the hearsay rule because the letter had previously been referenced by the mother. (RP 462) But the mother never relied on this letter. And the letter had not been authenticated under ER 901 and is not an exception to the hearsay rule under either ER 801 or ER 804. Therefore, the trial court erred in considering this letter. *See Wagers v. Goodwin*, 92 Wn. App. 876, 882-83, 964 P.2d 1214 (1998).

In *Wagers v. Goodwin*, the appellate court held that the trial court erred in admitting an unsigned and undated letter that had not been authenticated. 92 Wn. App. at 882. The court held that the letter constituted inadmissible hearsay that the trial court should not have considered. *Wagers*, 92 Wn. App. at 882-83. The court acknowledged that the reason for excluding such evidence is based upon the principle that "untrustworthy evidence should not be presented to the triers of fact." *Wagers*, 92 Wn. App. at 882.

The trial court erred in admitting and considering the illegal recording and unsigned letter because they both served to taint the

trial court's consideration of other testimony, and more likely than not gave greater credence to the father's other evidence of the mother's purported hostile behavior and alleged false claims of domestic violence.

**C. This Court should award attorney fees to the mother.**

This Court should award attorney fees to the mother under RCW 26.09.140. RAP 18.1. The mother has the need for her attorney fees to be paid, because she is a stay-at-home mother who relies on the financial support of her parents. Even if she did work outside of the home, her earning ability is less than the father, who has the ability to contribute to the mother's attorney fees.

**VI. CONCLUSION**

The trial court failed to use the proper legal standard in making its parenting plan depriving the mother of decision-making and primary care of the parties' daughter. Its error was compounded by its consideration of a recording made of the mother without her consent and an unauthenticated and unsigned letter from a joint counselor. This Court should reverse the parenting plan and remand to the superior court for reconsideration of the

parenting plan after due consideration of the statutory factors under the Parenting Act and proper evidence.

Dated this 1st day of October, 2014.

SMITH GOODFRIEND, P.S.

TSAI LAW COMPANY

By:   
Valerie A. Villacin  
WSBA No. 34515

By:   
Todd R. DeVallance  
WSBA No. 32286

Attorneys for Appellant

**DECLARATION OF SERVICE**

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

That on October 1, 2014, I arranged for service of the foregoing Brief of Appellant, to the court and to the parties to this action as follows:

Office of Clerk Court of Appeals - Division I One Union Square 600 University Street Seattle, WA 98101	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> E-Mail
Todd R. DeVallance Tsai Law Company 2101 Fourth Avenue, Suite 1560 Seattle WA 98121	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
Andrew Danhof 18907 SE 265th Street Covington, WA 98042	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail

**DATED** at Seattle, Washington this 1st day of October, 2014.

*V. Vigoren*

\_\_\_\_\_  
Victoria K. Vigoren

2014 OCT -3 PM 11:59  
COURT OF APPEALS  
STATE OF WASHINGTON

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF KING**

In re the parenting and support of:  
  
OLIVIA ESTELLA DANHOF,  
  
EVELINA BARHUDARIAN,  
and  
ANDREW BERNARD DANHOF,  
  
Child,  
Petitioner,  
Respondent.

NO. 13-3-07923-6 SEA  
  
FINAL PARENTING PLAN  
(PP)

This parenting plan is a final parenting plan signed by the Court.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

**I. GENERAL INFORMATION**

This parenting plan applies to the following child:

<u>Name</u>	<u>Age</u>
Olivia Estella Danhof	3

**ORIGINAL**  
CP 213  
App. A

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

**II. BASIS FOR RESTRICTIONS**

2.1 PARENTAL CONDUCT (RCW 26.09.191(1), (2)).

Does not apply.

2.2 OTHER FACTORS (RCW 26.09.191(3)).

Does not apply.

**III. RESIDENTIAL SCHEDULE**

3.1 SCHEDULE FOR CHILD UNDER SCHOOL AGE

Prior to enrollment in school, the child shall reside with the father, except for the following days and times when the child will reside with or be with the other parent:

Sunday at 6:00 p.m. to Sunday, 6:00 p.m., every other week commencing on

Sunday, April 6, 2014.

3.2 SCHOOL SCHEDULE.

Upon enrollment in school, the child shall reside with the father, except for the following days and times when the child will reside with or be with the other parent:

Friday pick up after school (or 4:00 p.m. if there is no school) to Monday morning drop off at school, every other week, and

Wednesday after school to Thursday drop off at school, every week, provided the mother is responsible for transporting the child to/from any after school activities.

The school schedule shall commence when the child begins kindergarten.

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

3.3 SCHEDULE FOR WINTER VACATION.

The child shall reside with the mother during even years and will be with the father during odd years. The winter vacation shall commence on the last day of school until 6:00 p.m. the day before school resumes.

3.4 SCHEDULE FOR OTHER SCHOOL BREAKS.

The child shall reside with the mother during the spring break in odd years and with the father in even years; and with the mother during mid-winter break in odd years and with the father in even years. The school breaks shall commence at the break of the school and end at 6:00 p.m. the evening before school resumes.

3.5 SUMMER SCHEDULE.

Upon completion of the school year, the child shall reside with the father, except for the following days and times when the child will visit with the other parent:

Same as schedule for children under school age. The summer schedule will begin the day after the last day of school at 6:00 p.m. Summer schedule will also allow for exceptions not listed in holidays for example: Olivia's friends' birthday parties, weddings, etc. Requests to other parent should be made at least two (2) weeks in advance in email. Unless agreed upon, maximum time for special occasions is 24 hours, and standard time for exchange is from 10 am day of to 10 am the day after. Limit two (2) exceptions per year, even years mother has priority, odd years father has priority. The summer exceptions fall below all others in priority listing.

3.6 VACATION WITH PARENTS.

Each parent is entitled to two (2) weeks of vacation time per calendar year that may be used either in whole or on two (2) separate occasions. The parent wishing to use vacation time must notify the other parent at least 30 days in advance in email. Vacationing parent must provide the other parent with an itinerary, addresses where the child will be staying, who the child will be staying with, and contact phone numbers. In cases where the vacation time conflicts with the other parent's vacation plans, priority will be given to the

1 mother on even years and priority will be given to the father on odd years, with the  
3 exception of the child's school breaks. Priority of vacation time during the child's school  
5 breaks will be given to the scheduled parent for that school break.

7 3.7 SCHEDULE FOR HOLIDAYS.

9 The residential schedule for the child for the holidays listed below is as follows:

	With Mother (Specify Year <u>Odd/Even/Every</u> )	With Father (Specify Year <u>Odd/Even/Every</u> )
11 New Year's Day	Odd	Even
13 Martin Luther King Day	Odd	Even
15 Presidents' Day	Even	Odd
17 Memorial Day	Odd	Even
19 July 4th	Even	Odd
21 Labor Day	Odd	Even
23 Veterans' Day	Even	Odd
25 Thanksgiving Day	Odd	Even
27 Christmas Eve	Even	Odd
29 Christmas Day	Odd	Even
Halloween	Even	Odd
Easter	Odd	Even

31 For purposes of this parenting plan, a holiday shall begin and end as follows:

33 For purposes of this parenting plan, a holiday shall begin and end as follows (set  
35 forth times): If not categorized below, the Holiday will begin the morning of at 10  
37 am and will continue until the following day at 8 pm until the child starts school.  
39 Once school schedule begins, the parent who has the child for the holiday will  
41 take the child to school the day after, the receiving parent will be responsible for  
43 picking the child up from school.

Holidays which fall on a Friday or a Monday shall include Saturday and Sunday.

45 Thanksgiving will begin on the day prior at 8pm before the child begins school,  
47 when the child begins school it will begin at the end of the school day.  
Thanksgiving time will last until Sunday at 6 pm.

1  
3 Christmas Eve will begin on the day prior at 8 pm and will last until 8 pm the day  
5 of Christmas Eve. Christmas Day will begin on the day prior at 8 pm and will last  
7 until 8pm Christmas Day.

9 3.8 SCHEDULE FOR SPECIAL OCCASIONS.

11 The residential schedule for the child for the following special occasions is as follows:

	With Father (Specify Year <u>Odd/Even/Every</u> )	With Mother (Specify Year <u>Odd/Even/Every</u> )
17 Mother's Day	N/A	Every
19 Father's Day	Every	N/A
21 Father's Birthday	Every	N/A
23 Mother's Birthday	N/A	Every
25 Olivia's Birthday	Even	Odd
27 Allen's Birthday	N/A	Every
29 Elsie's Birthday	Every	N/A

31 Mother's Day and Father Day will begin the day prior at 6 pm and will last until 6  
33 pm the day of. Olivia's Birthday will begin the morning of at 10 am and will  
35 continue until the following day at 8 pm until the child starts school. Once school  
37 schedule begins, the parent who has the child for the holiday will take the child to  
39 school the day after, the receiving parent will be responsible for picking the child  
41 up from school.

43 3.9 PRIORITIES UNDER THE RESIDENTIAL SCHEDULE.

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

If the residential schedule, paragraphs 3.1 - 3.8, results in a conflict where the children are scheduled to be with both parents at the same time, the conflict shall be resolved by priority being given as follows:

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

- 7 school schedule (3.1, 3.2)
- 4 winter vacation (3.3)
- 3 school breaks (3.4)
- 6 summer schedule (3.5)
- 5 vacation with parents (3.6)
- 1 holidays (3.7)
- 2 special occasions (3.8)

3.10 RESTRICTIONS.

The father shall not carry a firearm during residential exchanges.

3.11 TRANSPORTATION ARRANGEMENTS.

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

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

The receiving parent will pick up the child from the other parent's residence or when the school schedule begins the receiving parent will pick up the child from the child's school on days where the exchange is made during a school day and will pick up the child from the other parent's residence on non-school days. If a person other than the parent is to pick up the child there must be prior notification and agreement. Only individuals with a valid driver's license, insurance and proper age appropriate child restraint systems may transport Olivia.

1  
3 3.12 DESIGNATION OF CUSTODIAN.

5 As of the time when Olivia begins school, she is scheduled to reside the majority of the  
7 time with the father. From the date of this Order, the father is designated the custodian of  
9 the child solely for purposes of all other state and federal statutes which require a  
11 designation or determination of custody. This designation shall not affect either parent's  
13 rights and responsibilities under this parenting plan.

15 3.13 OTHER.

17 Both the mother and the father will attend a minimum of 10 counseling sessions per year  
19 for the next two years and will be required to provide proof of compliance upon request.  
Both parties will supply a copy of the Court's Memorandum of Opinion to the therapist  
for his/her reference.

21 3.14 SUMMARY OF RCW 26.09.430 - .480, REGARDING RELOCATION OF A CHILD.

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

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

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

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

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

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

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

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

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

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

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

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

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

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

#### IV. DECISION MAKING

##### 4.1 DAY-TO-DAY DECISIONS.

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

##### 4.2 MAJOR DECISIONS.

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

Major decisions regarding each child shall be made as follows:

Education decisions	Father
Non-emergency health care	Father
Extracurricular activities	joint
Day care/Day camps	joint

4.3 RESTRICTIONS IN DECISION MAKING.

Does not apply because there are no limiting factors in paragraphs 2.1 and 2.2 above.

**V. DISPUTE RESOLUTION**

*The purpose of this dispute resolution process is to resolve disagreements about carrying out this parenting plan.*

Disputes between the parties, other than child support disputes, shall be submitted to arbitration with an agreed upon family law arbitrator. The parties cannot reach an agreement on a mediator, the father shall select three family law mediators and the mother shall select a mediator from the list provided.

The cost of this process shall be paid in full by the moving/petitioning party.

The mediation process shall be commenced by notifying the other party by written request with delivery confirmation.

In the dispute resolution process:

- (a) Preference shall be given to carrying out this Parenting Plan.
- (b) Unless an emergency exists, the parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support.
- (c) A written record shall be prepared of any agreement reached in counseling or mediation and of each arbitration award and shall be provided to each party.

- 1 (d) If the court finds that a parent has used or frustrated the dispute resolution process  
3 without good reason, the court shall award attorneys' fees and financial sanctions  
5 to the other parent.  
7 (e) The parties have the right of review from the dispute resolution process to the  
9 superior court.

## 11 VI. OTHER PROVISIONS

- 13 1. Neither party shall post photographs or personal information of the child on any public  
15 forums or social media sites without the written consent of the other parent.
- 17 2. Both parents should use a notebook during exchanges which details Olivia's nap schedule,  
19 diet, routine changes, appointments, health, etc. It is each parent's responsibility to bring the  
21 notebook to each exchange. If Olivia has any medications (including over the counter  
23 medications and/or things like diaper rash cream), each parent should detail the exact  
25 medication brand, amount, times and dosages given. The parents shall speak to each other  
27 only regarding issues relating to the child's health, welfare, education and the parenting  
29 plan issues and consider Olivia reading the notebook (now or in the future) when they are  
31 writing in it.
- 33 3. Each parent shall notify the other parent by text as soon as reasonably possible of when  
35 there is an issue related to the child's medical care. Texts should be respectful with no name  
37 calling and factual information only.
- 39 4. The parents will give the child all medication when and as prescribed by a doctor.
- 41 5. It is expected that the parenting plan residential provisions will be flexible and adaptable in  
43 accordance with the child's changing needs. As the child increases in age and maturity the  
45 child's needs and desires will become increasingly important and will be considered by both  
47 parents in scheduling residential time.
6. Both parents may participate in school and extra-curricular activities for the child regardless  
of the residential schedule. Both parents shall be cordial and friendly during any such

1 events for Olivia's sake.

- 3
- 5 7. Both parents shall have full access to school, day care, medical and other records of the  
7 child. Both parents will advise the other parent in advance of the child's doctor, dentist and  
9 counseling appointments. Both parents shall have equal and independent authority to confer  
11 with school, child care and other programs with regard to the child's educational, emotional,  
13 and social progress.
- 15 8. Neither parent shall ask the child to make decisions or requests involving the residential  
17 schedule. Neither parent shall discuss the residential schedule with the child except for  
19 plans that have already been agreed to by both parents in advance.
- 21 9. Neither parent shall encourage the child to change their primary residence or encourage the  
23 child to believe it is their choice to do so. It is a decision that will be made by the parents,  
25 or if they cannot agree, by the courts.
- 27 10. Both parents should be self informed of the child's school activities and conferences.
- 29 11. Each parent shall provide the other with the address and telephone number of his/her  
31 residence and workplace and update such information promptly whenever it changes.
- 33 12. Neither parents will or permit others to speak negatively, slander, or engage in other forms  
35 of defamation of the other parent or the other parent's friends, relatives or associates to the  
37 child or in presence of the child.
- 39 13. When a child of the parties is not residing with a given parent, that parent shall be permitted  
41 unimpeded and unmonitored telephone access with the child of not less than two calls per  
43 week at reasonable times and for reasonable duration. Phone messages left will be shared  
45 with the child.
- 47 14. Each parent shall exert every reasonable effort to maintain free access and unhampered  
contact and communication between the child and the other parent, and promote the emotions

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

of affection, love and respect between the child and the other parent. Each parent agrees to refrain from words or conduct, and further agrees to discourage other persons from uttering words or engaging in conduct, which would have a tendency to estrange the child from the other parent, to damage the opinion of the child as to the other parent, or to impair the natural development of the child's love and respect for the other parent.

15. Each parent shall honor the other parent's parenting style, privacy and authority. Neither parent shall interfere in the parenting style of the other nor shall either parent make plans or arrangements that would impinge upon the other parent's authority or time with the child, without the express agreement of the other parent. Each parent shall encourage the child to discuss his or her grievance against a parent directly with the parent in question. It is the intent of both parents to encourage a direct parent-child bond and communication.

16. Neither parent shall advise the children of any child support or other legal matters.

17. Neither parent shall use the child, directly or indirectly, to gather information about the other parent or take verbal messages to the other parent.

18. Neither parent shall schedule activities that interfere with the other parent's residential time with the child or impose a financial burden on the other parent without that parent's consent.

19. The parents may revise the parenting plan by mutual consent in writing at any time.

20. Neither parent shall use any physical or corporal punishment or discipline on the child or threaten to do so.

21. The parents understand that this residential schedule represents a minimum amount of time that the child will reside with the parents and that the child may reside with them at any other agreed to times.

- 1 22. Both parents should keep any firearms out of sight and reach of Olivia and should have proper  
3 storage and locking mechanisms at all times. The father should not carry any firearms on him  
5 to child exchanges.
- 7 23. Neither parent should consume alcohol or non-prescription drugs in Olivia's presence.
- 9 24. Neither parent will be permitted in taking the child to a country which is not an ally with the  
11 United States in the Hague Treaty/Convention. All overseas travels must be agreed upon by  
13 both parents.
- 15 25. This GAL should be dismissed.

17 **VII. DECLARATION FOR PROPOSED PARENTING PLAN**

19 Does not apply.

21  
23  
25 **VIII. ORDER BY THE COURT**

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

31 **WARNING:** Violation of residential provisions of this order with actual knowledge of its terms  
33 is punishable by contempt of court and may be a criminal offense under RCW 9A.040.060(2) or  
35 9A.40.070(2). Violation of this order may subject a violator to arrest.

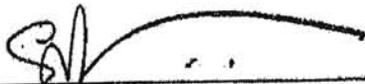
37 When mutual decision making is designated but cannot be achieved, the parties shall make a  
39 good faith effort to resolve the issue through the dispute resolution process.

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

45 Before signing the Final Parenting Plan, the Court consulted the judicial information system and  
47 databases, if available, to determine the existence of any information and proceedings that are  
relevant to the placement to the child.

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

Dated: 4/4/14

  
JUDGE SUZANNE PARI SIEN

Presented by:  
See Additional Page  
Andrew Danhof, Pro Se  
Respondent

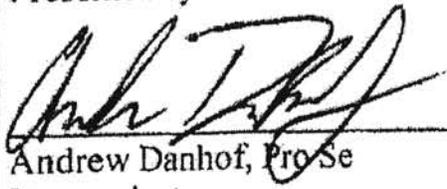
Melanie English, PhD, MSW  
Guardian Ad Litem

RETURNED BY  
  
Todd R. DeVallance, WSBA #32286  
Attorney for Petitioner/Mother

Evelina Barhudarian, Petitioner

7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

Presented by:



Andrew Danhof, Pro Se  
Respondent

---

Melanie English, PhD, MSW  
Guardian Ad Litem

---

Todd R. DeVallance, WSBA #32286  
Attorney for Petitioner/Mother

---

Evelina Barhudarian, Petitioner

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF KING**

In re the parenting and support of:

OLIVIA ESTELLA DANHOF,

Child,

EVELINA BARHUDARIAN,

Petitioner,

and

ANDREW BERNARD DANHOF,

Respondent.

NO. 13-3-07923-6 SEA

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW ON  
PETITION FOR PARENTING PLAN  
AND ORDER OF CHILD SUPPORT  
(FNFCL)

**I. BASIS FOR FINDINGS**

The findings are based upon a trial that was held on March 17-19, 2014. The following people

attended:

- Mother
- Mother's Attorney
- Acknowledged Father
- Guardian ad Litem
- Anya Barhudarian
- Kevin Sherry
- Angellina Bakhchinyan
- Yuliya Barhudarian
- Georgina Luiquin
- Svetlana Pristupa
- Frank Rorie

Findings/Concl of Law (Parenting Plan) (FNFCL) --  
Page 1 of 5  
WPF PS 15.0400 Mandatory (6/2008) --  
RCW 26.26. 375

**ORIGINAL**  
CP 202

1 Karen Blenz  
3 Jessica Woods  
5 Natasha Rakish

## 7 II. FINDINGS OF FACT

9 Upon the basis of the court record, the court *Finds*:

### 11 2.1 Notice and Basis of Personal Jurisdiction Over the Parties

13 All parties necessary to adjudicate the issues were served with a copy of the summons and  
15 petition and are subject to the jurisdiction of this court. The facts below establish personal  
jurisdiction over the parties:

17 The mother and acknowledged father engaged in sexual intercourse in the state of  
19 Washington as a result of which the child was conceived;

21 Respondent was personally served with summons and petition within this state;

23 Respondent submits to jurisdiction of this state by consent; and

25 The child resides in this state as a result of the acts or directives of respondent.

### 27 2.2 Period for Challenge to the Acknowledgement or Denial of Paternity

29 Andrew Danhof, the child's acknowledged father and Evelina Barhudarian, the child's mother  
31 signed the Acknowledgment of Paternity, which was filed with the Washington State Registrar of  
33 Vital Statistics on March 17, 2011.

35 This proceeding was begun more than 60 days from the effective date of the Acknowledgement  
37 of Paternity and a period of two years or more has passed since the date the acknowledgment was  
filed with the Washington State Registrar of Vital Statistics.

### 41 2.3 The Child Affected in This Action

43 This action affects:

45 Olivia Estella Danhof, age 3.  
47

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

**2.4 Basis for Jurisdiction Over the Child**

This court has jurisdiction over the child for the reasons set forth below:

This state is the home state of the child because the child lived in Washington with a parent or person acting as a parent for at least six consecutive months immediately preceding the commencement of this proceeding.

**2.5 Child Support**

The child is in need of support and child support should be set pursuant to the Washington State Child Support Schedule. The order of child support signed by the court on this date and the child support worksheet which has been approved by the court are incorporated by reference in these findings.

**2.6 Residential Schedule/Parenting Plan**

The residential schedule/parenting plan signed by the court on this date is approved and incorporated as part of these findings.

**2.7 Reimbursement**

Does not apply.

**2.8 Continuing Restraining Order**

Does not apply.

**2.9 Protection Order**

Does not apply.

**2.10 Other**

Both parties have requested attorney's fees and costs. The court has denied both requests.

Findings/Concl of Law (Parenting Plan) (FNFL) –  
Page 3 of 5  
WPF PS 15.0400 Mandatory (6/2008) –  
RCW 26.26. 375

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

III. CONCLUSIONS OF LAW

3.1 Jurisdiction

The court has jurisdiction to enter an order in this matter.

3.2 Disposition

The court shall enter an order that:

Declares this proceeding was properly begun;

Makes provision for a parenting plan, or past and current support, and health insurance coverage for the child; and

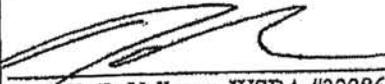
3.3 Other

See Memorandum of Opinion filed herewith.

Dated: 4/4/14



JUDGE SUZANNE PARISIEN

~~Presented by:~~  
*Received by*  
  
Todd R. DeVallance, WSBA #32286  
Attorney for Petitioner

Approved for entry:  
Notice of presentation waived:

*See Additional Page*  
Andrew Danhof  
Respondent

7 The court has jurisdiction to enter an order in this matter.

9  
1 **3.2 Disposition**

3 The court shall enter an order that:

5 Declares this proceeding was properly begun;

7 Makes provision for a parenting plan, or past and current support, and health insurance  
9 coverage for the child; and

1  
3 **3.3 Other**

5 See Memorandum of Opinion filed herewith.

7  
9  
1  
3 Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE SUZANNE PARISIEN

5  
7  
9  
1 Presented by:

Approved for entry:  
Notice of presentation waived:

3  
5  
7 \_\_\_\_\_  
Todd R. DeVallance, WSBA #32286  
Attorney for Petitioner

\_\_\_\_\_  
Andrew Danhof  
Respondent

Findings/Concl of Law (Parenting Plan) (FNFCL) -  
Page 4 of 5  
WPF PS 15.0400 Mandatory (6/2008) -  
RCW 26.26. 375

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

Eva Barhudarian, Petitioner

*For medical support only:*

 4/2/14

Melanie English, PhD, MSW  
Guardian Ad Litem

Deputy Prosecuting Attorney  
WSBA # ~~3081~~

**FILED**  
KING COUNTY SUPERIOR COURT

APR 03 2014

SUPERIOR COURT CLERK  
BY: PAMELA ANZAI  
DEPUTY

**Superior Court of Washington  
County of King**

In re parenting and support of;

OLIVIA ESTELLA DANHOF,

Child,

EVELINA BARHUDARIAN,

Petitioner,

and

ANDREW BERNARD DANHOF,

Respondent.

No. 13-3-07923-6 SEA

MEMORANDUM OF OPINION

This matter came on for trial on the Mother's Petition for Permanent Parenting Plan. Trial was held on March 17<sup>th</sup> through March 19, 2014. The parties met in 2009 and separated in October 2011. They have one child, Olivia, who is three years old. The Respondent is the acknowledged father. Olivia appears to be doing well despite the deep conflict existing between her parents. Testimony from witnesses on behalf of both parties revealed that Olivia is very bonded to both parents as well as extended family (grandparents) on both sides. The mother lives with her parents and Olivia is close to them. Additionally, Olivia is very bonded with her five (5) year old brother, Allen, who is the mother's son from a prior marriage. The respondent is currently living with his girlfriend, Natasha Rakish, with whom he has a one month old daughter, Elsie. The court considered these important sibling relationships in fashioning a residential schedule for Olivia.

MEMORANDUM OF OPINION

Judge Suzanne Parisien  
King County Superior Court  
401 4<sup>th</sup> Avenue North  
Kent, WA 98032

**ORIGINAL**  
App. C

The mother testified that there was a history of domestic violence perpetrated by the father. She testified to being struck on the face on one occasion and feeling intimidated and controlled by the father. There was vague testimony from some of the petitioner's witnesses about these allegations. Most reported only what the mother told them. The court did not find credible evidence of domestic violence. The evidence indicates that the domestic violence claim was a recent phenomenon. Additionally, the therapist, Linda James, who saw the parties for counselling together in February 2012 provided a statement indicating that the mother never mentioned domestic violence during any sessions. Most determinative to the court's opinion on this issue was the mother's contradictory testimony regarding the presence of domestic violence in her prior marriage. Other witnesses testified that the mother alleged that she was abused by her prior husband. When directly questioned regarding this, mother testified "it's hard to remember whether there was DV." The next day at trial, she testified that she now recalled two past instances of domestic violence involving her prior husband. The court did not find it credible that the mother (or anyone) would "forget" being the victim of domestic violence. Such testimony demonstrates that the mother was willing to either fabricate domestic violence or that her memory is such that it cannot be trusted on this point.

There was testimony that the respondent frequently carried a concealed weapon including times when Olivia was being transferred. The mother testified that she felt intimidated by this which the court found to be credible. Accordingly, respondent is to refrain from carrying his concealed weapon during exchanges of the child.

With regard to the petitioner, there was substantial evidence regarding the threatening and openly hostile behavior exhibited toward the respondent. The court found the testimony of Frank Rorie to be credible with regard to specifically hearing the petitioner tell respondent "I will put a bullet to your head" on December 9, 2012. On April 14, 2013, the mother yelled "I am going to murder you" to the father. On March 28, 2013, the petitioner threatened to tie respondent to a tree and force feed him fish (to which he is allergic).

MEMORANDUM OF OPINION

Judge Suzanne Parisien  
King County Superior Court  
401 4<sup>th</sup> Avenue North  
Kent, WA 98032

Evidence at trial included a substantial quantity of troubling text messages written by the mother to the father evidencing open hostility, name calling and extreme profanity (Exhibits 149; 122; 136, and 117). Most importantly, the text messages between the parties showed the father repeatedly trying to be involved in the child's health and well-being (including efforts to go to doctor appointments and exchange medical information regarding Olivia) and the petitioner refusing such requests. Again, the texts were laced with name calling, profanity and hostility. The court was troubled by the petitioner's action in blocking the respondent from having access to any of Olivia's medical records and/or history. Petitioner also advised respondent that he was prohibited from using the insurance that she provided for Olivia. Such behavior with regard to the child's health is inexcusable and could potentially put the child's health at risk were she to experience a medical emergency while with the father.

The GAL reported that Olivia's pediatrician, Dr. Benci Franklin, reported that the mother has a "litany of negative things" against the father and that mother can be "extreme" in thinking the father is a horrible person and responsible for any of Olivia's illnesses. Dr. Franklin reported that the mother is obsessive with regards to the child's health making frequent visits for trivial matters. Dr. Franklin stated that he had around 15 visits with the mother and she reports "over the top" health concerns about Olivia but he has never seen any abuse or neglect by either parent. Dr. Franklin indicated the mother berates the father incessantly in front of Olivia and stated that she "abused the system" by running to the emergency room to report concerns of abuse and/or neglect by the father. The mother testified that in September 2012, she took Olivia to the emergency room because of a bruise on her arm. She testified that a nurse had initiated a CPS referral of the father for that injury. In reality, it was the mother who initiated the referral which was later determined to be "unfounded."

The mother also alleged that the father is suffering from PTSD (Post Traumatic Stress Disorder). There was no evidence of this. In fact, the evidence was to the contrary. The GAL

MEMORANDUM OF OPINION

Judge Suzanne Parisien  
King County Superior Court  
401 4<sup>th</sup> Avenue North  
Kent, WA 98032

testified that her recommendation that father attend 30 individual counseling sessions for PTSD was not based on any evidence that father was experiencing PTSD symptoms. VA records supplied by the father confirm that he is not experiencing any symptoms of PTSD. The court notes that in response to the GAL's recommendation that both parties participate in counseling, the father immediately began to comply with the recommendation (despite the fact that he is not entitled to paid therapy from the VA) and yet, the mother has yet to attend a single session.

Given the specifics of this case, and the court's ruling with regard to the father assuming the primary custodial role once Olivia starts school, the father may petition the court for a change in the child support calculation once mother obtains employment and/or Olivia begins pre-school or Kindergarten without a showing of adequate cause. Both parties are to notify one another within 72 hours if there are changes to their employment status or place of employment.

Dated: April 30 2014

  
\_\_\_\_\_  
Judge Suzanne Parisien

MEMORANDUM OF OPINION

Judge Suzanne Parisien  
King County Superior Court  
401 4<sup>th</sup> Avenue North  
Kent, WA 98032

**Superior Court of Washington  
County of King**

In re parenting and support of;  
OLIVIA ESTELLA DANHOF,  
Child,  
EVELINA BARHUDARIAN,  
Petitioner,  
and  
ANDREW BERNARD DANHOF,  
Respondent.

No. 13-3-07923-6 SEA

JUDGMENT AND ORDER  
ESTABLISHING PARENTING  
PLAN AND ORDER OF CHILD  
SUPPORT (JDORS)

Clerks action required para  
3.4,3.7

**I. JUDGMENT/ORDER SUMMARIES**

**1.1 Restraining Order Summary**

Does not apply.

**1.2 Money Judgment Summary**

Does not apply.

Judgment Summary is set forth below

A. Judgment creditor

B. Judgment debtor

C. Total judgment amount \_\_\_\_\_

D. Principle judgment amount (back support) \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

E. Interest to date of judgment \_\_\_\_\_

*Judgment/Ord Parenting Plan/Child Support (JDORS) - Page 1 of 4  
WPF DR 15.0500 Mandatory (6/2008) - RCW 26.26.130(7)(b), .375*

**ORIGINAL**

CP 208  
App. D

F. Attorney Fees \_\_\_\_\_  
G. Costs \_\_\_\_\_  
H. Other recovery amount \_\_\_\_\_  
I. Principal judgment shall bear interest at \_\_\_\_\_% per annum  
J. Attorney fees, costs and other recovery amounts shall bear interest at \_\_\_\_\_% per annum  
K. Attorney for judgment creditor  
L. Attorney for judgment debtor

## II. Basis

This matter has come before this court, the court considered the case record and has previously entered its findings of fact and conclusions of law.

## III. ORDER

### *It is Ordered:*

#### 3.1 Jurisdiction Over the Child

The court has jurisdiction over the child as the child was born and both parties reside in King County, of the state of Washington.

#### 3.2 Order of Child Support

When the child begins school, Evelina Barhudarian shall pay child support as set forth in the order of child support which was signed by the court on this date.

#### 3.3 Parenting Plan

The primary residence of the child shall be with Andrew Danhof, who is designated custodian solely for the purpose of other state and federal statutes. The parenting plan signed by the court on this date is adopted and incorporated by reference.

#### 3.4 Judgment for Back Child Support

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

#### 3.5 Judgment

*Judgment/Ord Parenting Plan/Child Support (JDORS) - Page 2 of 4  
WPF DR 15.0500 Mandatory (6/2008) - RCW 26.26.130(7)(b), .375*

Does not apply.

**3.6 County Costs**

Does not apply

**3.7 Guardian ad Litem**

Any guardian ad litem appointed by the court is discharged.

**3.8 Continuing Restraining Order**

Does not apply.

**3.9 Protection Order**

Both parties are restrained from disturbing the peace of the other party.

**3.10 Other**

Does not apply.

Dated: 4/4/14

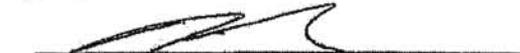
Presented by:

See Additional Page  
Andrew Danhof/Pro Se



~~Judge/Commissioner~~  
Suzanne Parisien

Approved for entry:  
RECEIVED 137



Todd R. DeVallance, WSBA #32286  
Attorney for Petitioner

Any guardian ad litem appointed by the court is discharged.

**3.8 Continuing Restraining Order**

Does not apply.

**3.9 Protection Order**

Both parties are restrained from disturbing the peace of the other party.

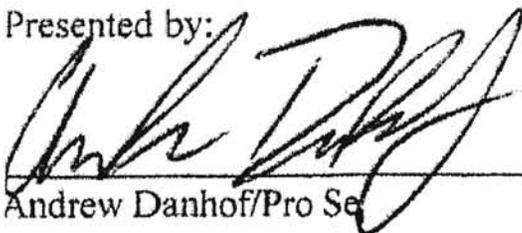
**3.10 Other**

Does not apply.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**Judge/Commissioner**

Presented by:

  
\_\_\_\_\_  
Andrew Danhof/Pro Se

Approved for entry:

\_\_\_\_\_  
Todd R. DeVallance, WSBA #32286  
Attorney for Petitioner

Melanie English, PhD, MSW  
Guardian Ad Litem

Print Name

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

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

 4/2/14  
Deputy Prosecuting Attorney/WSBA No. 30381

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF KING**

In re the parenting and support of:  
  
OLIVIA ESTELLA DANHOF,  
  
Child,  
  
EVELINA BARHUDARIAN,  
  
Petitioner,  
  
and  
  
ANDREW BERNARD DANHOF,  
  
Respondent.

NO. 13-3-07923-6 SEA  
  
FINAL ORDER OF CHILD  
SUPPORT (ORS)  
  
Clerk's Action Required

**I. JUDGMENT SUMMARY**

- 1.1 Judgment Summary for Non-Medical Expenses**  
Back child support and interest that may be owed is not affected by this order.
  
- 1.2 Judgment Summary for Medical Support**  
Unpaid medical support and interest that may be owed is not affected by this order.

*ORIGINAL*

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

**II. BASIS**

**2.1 Type of Proceeding**

This order is entered pursuant to a Judgment and Order Establishing Parenting Plan and Order of Child Support.

**2.2 Child Support Worksheet**

The child support worksheet which has been approved by the court is attached to this order and is incorporated by reference or has been initialed and filed separately and is incorporated by reference.

**2.3 Other**

Does not apply.

**III. FINDINGS AND ORDER**

***It Is Ordered:***

**3.1 Child for Whom Support is Required**

<u>Name (first/last)</u>	<u>Age</u>
Olivia Estella Danhof	3

**3.2 Person Paying Support (Obligor)**

Name (first/last): Evelina A. Barhudarian  
Birth date: 10/24/86  
Service Address: 4704 NE 7<sup>th</sup> Pl., Renton WA 98059

THE OBLIGEE MUST IMMEDIATELY FILE WITH THE COURT AND THE WASHINGTON STATE CHILD SUPPORT REGISTRY AND UPDATE AS NECESSARY THE CONFIDENTIAL INFORMATION FORM REQUIRED BY RCW 26.23.050.

1 THE OBLIGEE SHALL UPDATE THE INFORMATION REQUIRED BY  
3 PARAGRAPH 3.3 PROMPTLY AFTER ANY CHANGE IN THE INFORMATION.  
5 THE DUTY TO UPDATE THE INFORMATION CONTINUES AS LONG AS ANY  
7 MONTHLY SUPPORT REMAINS DUE OR ANY UNPAID SUPPORT DEBT  
REMAINS DUE UNDER THIS ORDER.

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

13 The net income of the obligee is imputed at \$2,446.00 because the obligee is  
15 voluntarily unemployed.

17  
19 **3.3 Person Receiving Support (Obligee)**

21 Name (first/last): Andrew B. Danhof  
23 Birth date: 10/11/82  
25 Service Address: 18907 SE 265<sup>th</sup> St., Covington WA 98042

27 THE OBLIGOR PARENT MUST IMMEDIATELY FILE WITH THE COURT AND  
29 THE WASHINGTON STATE CHILD SUPPORT REGISTRY, AND UPDATE AS  
31 NECESSARY, THE CONFIDENTIAL INFORMATION FORM REQUIRED BY RCW  
26.23.050.

33 THE OBLIGOR PARENT SHALL UPDATE THE INFORMATION REQUIRED BY  
35 PARAGRAPH 3.2 PROMPTLY AFTER ANY CHANGE IN THE INFORMATION.  
37 THE DUTY TO UPDATE THE INFORMATION CONTINUES AS LONG AS ANY  
SUPPORT DEBT REMAINS DUE UNDER THIS ORDER.

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

43 Actual Monthly Net Income: \$4,681.42  
45  
47

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

**3.4 Service of Process**

SERVICE OF PROCESS ON THE OBLIGOR AT THE ADDRESS REQUIRED BY PARAGRAPH 3.2 OR ANY UPDATED ADDRESS, OR ON THE OBLIGEE AT THE ADDRESS REQUIRED BY PARAGRAPH 3.3 OR ANY UPDATED ADDRESS, MAY BE ALLOWED OR ACCEPTED AS ADEQUATE IN ANY PROCEEDING TO ESTABLISH, ENFORCE OR MODIFY A CHILD SUPPORT ORDER BETWEEN THE PARTIES BY DELIVERY OF WRITTEN NOTICE TO THE OBLIGOR OR OBLIGEE AT THE LAST ADDRESS PROVIDED.

**3.5 Transfer Payment**

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

<u>Name</u>	<u>Amount</u>
Olivia Estella Danhof	\$0
<b>Total Monthly Transfer Amount</b>	<b>\$0</b>

THE OBLIGOR PARENT'S PRIVILEGES TO OBTAIN OR MAINTAIN A LICENSE, CERTIFICATE, REGISTRATION, PERMIT, APPROVAL, OR OTHER SIMILAR DOCUMENT ISSUED BY A LICENSING ENTITY EVIDENCING ADMISSION TO OR GRANTING AUTHORITY TO ENGAGE IN A PROFESSION, OCCUPATION, BUSINESS, INDUSTRY, RECREATIONAL PURSUIT, OR THE OPERATION OF A MOTOR VEHICLE MAY BE DENIED OR MAY BE SUSPENDED IF THE OBLIGOR PARENT IS NOT IN COMPLIANCE WITH THIS SUPPORT ORDER AS PROVIDED IN CHAPTER 74.20A REVISED CODE OF WASHINGTON.

**3.6 Standard Calculation**

\$342.50 per month. (See Worksheet line 17.)

Until the child reaches school age, the residential schedule is split 50/50 and neither party will be responsible for any transfer payment. As for extra curricular activities, educational expenses, day care and unpaid medical expenses, the parties are responsible for their proportional share per line 6 of the Child Support Schedule Worksheet.

1  
3 Once, Olivia reaches school age, the mother will be responsible as of September 2016 for  
a monthly transfer amount of \$342.50.

5 **3.7 Reasons for Deviation From Standard Calculation**

7  
9 Until the child reaches school age, the residential schedule is split 50/50 and neither party  
11 will be responsible for any transfer payment. As for extra curricular activities,  
educational expenses, day care and unpaid medical expenses, the parties are responsible  
13 for their proportional share per line 6 of the Child Support Schedule Worksheet.

15 Once, Olivia reaches school age, the mother will be responsible as of September 2016 for  
a monthly transfer amount of \$342.50.

17  
19 **3.8 Reasons why Request for Deviation Was Denied**

21 N/A

23 **3.9 Starting Date and Day to Be Paid**

25  
27 Starting Date: September, 2016  
Day(s) of the month support is due: 5<sup>th</sup>

29  
31 **3.10 Incremental Payments**

33 Does not apply.

35 **3.11 Making Support Payments**

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

39  
41 Enforcement and collection: The Division of Child Support (DCS) provides  
support enforcement services for this case because: this is a public assistance  
43 case in the parent has requested services from DCS and has **signed** the application  
for services from DCS **on the last page of this support order**. Support  
45 payments shall be made to:

47 Washington State Support Registry

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

P. O. Box 45868  
Olympia, WA 98504  
Phone: 1-800-922-4306 or  
1-800-442-5437

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

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

**3.12 Wage Withholding Action**

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

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

**3.13 Termination of Support**

Support shall be paid until the child reaches the age of 18 or as long as the child remains enrolled in high school, whichever occurs last, except as otherwise provided below in Paragraph 3.14.

**3.14 Post Secondary Educational Support**

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

1 **3.15 Payment for Expenses not Included in the Transfer Payment**

3 The petitioner shall pay 34.3% and the respondent 65.7% (each parent's proportional  
5 share of income from the Child Support Schedule Worksheet, line 6) of the following  
7 expenses incurred on behalf of the child listed in Paragraph 3.1:

9 day care;  
11 educational expenses; and  
13 extracurricular activities.

15 Payments shall be made to the parent receiving the transfer payment.  
17

19 **3.16 Periodic Adjustment**

21 Does not apply.  
23

25 **3.17 Income Tax Exemptions**

27 The father shall be awarded the tax exemption for the child for odd years and the mother  
29 shall be awarded the tax exemption for even years.

31 **3.18 Medical Support – Health Insurance**

33 Each parent shall provide health insurance coverage for the child listed in paragraph 3.1,  
35 as follows:

37 **3.18.1 Health Insurance** (either check box A(1), or check box A(2) and complete  
39 sections B and C. *Section D applies in all cases.*)

41 A. Evidence

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

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

OR

(2)  There is sufficient evidence for the court to determine which parent must provide coverage and which parent must contribute a sum certain. Fill in B and C below.

B. Findings about insurance:

- Does not apply because A (1) is checked, above.
- The court makes the following findings: Andrew Danhof Respondent/Father

Andrew Danhof Respondent/Father	Evelina Barhudarian Petitioner/Mother	Check at least one of the following findings for each parent.
<input type="checkbox"/>		Insurance coverage for the child is available <u>and</u> accessible to this parent at \$_____ cost (child's portion of the premium, only).
	<input type="checkbox"/>	Insurance coverage for the child is available <u>and</u> accessible to this parent at \$_____ cost (child's portion of the premium, only).
<input type="checkbox"/>		Insurance coverage for the child is available <u>but not</u> accessible to this parent at \$_____ cost (child's portion of the premium, only).
	<input type="checkbox"/>	Insurance coverage for the child is available <u>but not</u> accessible to this parent at \$_____ cost (child's portion of the premium, only).
<input type="checkbox"/>		Neither parent has available or accessible insurance through an employer or union; but this parent is able to provide private coverage at a cost not to exceed 25% of this parent's basic support obligation.
	<input type="checkbox"/>	Neither parent has available or accessible insurance through an employer or union; but this parent is able to provide private coverage at a cost not to exceed 25% of this parent's basic support obligation.
<input type="checkbox"/>	<input type="checkbox"/>	(Check only one parent) Both parties have available and accessible coverage for the child. The court finds that this parent has better coverage considering the needs of

1			the child, the cost and extent of each parent's coverage, and the accessibility of the coverage.
3			Other:
5	[ ]	[ ]	
7			
9			

C. Parties' obligations:

- [ ] Does not apply because A (1) is checked above.
- [x] The court makes the following orders:

	Evelina Barhudarian Petitioner/Mother	Andrew Danhof Respondent/Father	Check at least one of the following options for each parent.
21			
23	[x]	[x]	This parent shall provide health insurance coverage for the child that is available through <b>employment or is unlon-related</b> as long as the cost of such coverage <u>does not exceed</u> 25% of this parent's basic support obligation.
25			
27			
29	[ ]	[ ]	This parent shall provide health insurance coverage for the child that is available through <b>employment or is unlon-related</b> even though the cost of such coverage <u>exceeds</u> 25% of this parent's basic support obligation. It is in the best interests of the child to provide such coverage despite the cost <i>because</i> :
31			
33			
35			
37	[ ]	[ ]	This parent shall provide <b>private</b> health insurance coverage for the child as long as the cost of such coverage <u>does not exceed</u> 25% of this parent's basic support obligation.
39			
41			
43	[ ]	[ ]	This parent shall provide <b>private</b> health insurance coverage for the child even though the cost of such coverage <u>exceeds</u> 25% of this parent's basic support obligation. It is in the best interests of the child to provide such coverage despite the cost <i>because</i> :
45			
47			

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

<input type="checkbox"/>	<input type="checkbox"/>	This parent shall pay \$_____ towards the health insurance premium being paid by the other parent. This amount is this parent's proportionate share of the premium or 25% of this parent's basic support obligation, whichever is less. This payment is only required if this parent is not providing insurance as described above.
<input type="checkbox"/>	<input type="checkbox"/>	This parent's contribution to the health insurance premium is calculated in the Worksheet and included in the transfer payment.
<input type="checkbox"/>	<input type="checkbox"/>	This parent shall be excused from the responsibility to provide health insurance coverage and from the responsibility to provide monthly payment towards the premium <i>because</i> :  (Only one parent may be excused.)

D. Both parties' obligation:

If the child is receiving state financed medical coverage, the Division of Child Support may enforce the responsible parent's monthly premium.

The parent(s) shall maintain health insurance coverage, if available for the child listed in paragraph 3.1, until further order of the court or until health insurance is no longer available through the parents' employer or union and no conversion privileges exist to continue coverage following termination of employment.

A parent who is required under this order to provide health insurance coverage is liable for any covered health care costs for which that parent receives direct payment from an insurer.

A parent who is required under this order to provide health insurance coverage shall provide proof that such coverage is available or not available within 20 days of the entry of this order to the other parent or the Washington State Support Registry if the parent has been notified or ordered to make payments to the Washington State Support Registry.

1 If proof that health insurance coverage is available or not available is not provided  
3 within 20 days, the parent seeking enforcement or the Department of Social and  
5 Health Services may seek direct enforcement of the coverage through the other  
7 parent's employer or union without further notice to the other parent as provided  
9 under Chapter 26.18 RCW.

### 3.18.2 Change of Circumstances and Enforcement

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

15 If the parents' circumstances change, or if the court has not specified how medical  
17 support shall be provided, the parents' medical support obligations will be enforced as  
19 provided in

21 RCW 26.18.170. If a parent does not provide proof of accessible coverage for the child  
through private insurance, a parent may be required to satisfy his or her medical support  
obligation by doing one of the following, listed in order of priority:

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

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

### 43 3.19 Uninsured Medical Expenses

45 Both parents have an obligation to pay their share of uninsured medical expenses.  
47

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

The petitioner shall pay 34.3% of uninsured medical expenses (unless stated otherwise, the petitioner's proportional share of income from the Worksheet, line 6) and the respondent shall pay 65.7% of uninsured medical expenses (unless stated otherwise, the respondent's proportional share of income from the Worksheet, line 6).

**3.20 Back Child Support**

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

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

**3.21 Past Due Unpaid Medical Support**

Unpaid medical support that may be owed is not affected by this order.

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

**3.22 Other Unpaid Obligations**

Other obligations that may be owed are not affected by this order.

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

**3.23 Other**

Does not apply.

Dated: 4/4/14



JUDGE SUZANNE PARI SIEN

Presented by:

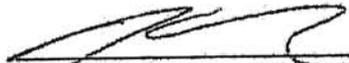
Approved for entry:  
Notice of presentation waived:

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

See Additional Page

Andrew Danhof  
Respondent

*Accepted by*



Tedd R. DeVallance, WSBA #32286  
Attorney for Petitioner

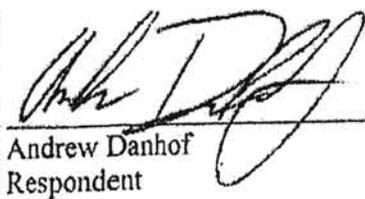
I apply for full support enforcement services from the DSHS' Division of Child Support.

Signature of Party

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

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

See Additional Page  
Deputy Prosecuting Attorney/WSBA No.

1   
3 Andrew Danhof  
Respondent

Todd R. DeVallance, WSBA #32286  
Attorney for Petitioner

5  
7  I apply for full support enforcement services from the DSHS' Division of Child Support.

9  
11 \_\_\_\_\_  
Signature of Party

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

- 17  Current Child Support
- 19  Back Child Support
- 21  Medical Support
- 23  Other:

25 \_\_\_\_\_  
Deputy Prosecuting Attorney/WSBA No.

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47

Andrew Danhof  
Respondent

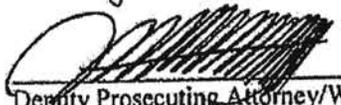
Todd R. DeVallance, WSBA #32286  
Attorney for Petitioner

I apply for full support enforcement services from the DSHS' Division of Child Support.

\_\_\_\_\_  
Signature of Party

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

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

  
Deputy Prosecuting Attorney/WSBA No. 30381 *4/2/14*

## Washington State Child Support Schedule Worksheets

Proposed by  Petitioner  State of WA  Other (CSWP)  
 Or,  Signed by the Judicial/Reviewing Officer. (CSW)

**Mother** Evelina Barhudarian  
 County KING

**Father** Andrew Danhof  
 Case No. 13-3-07923-6 SEA

Child(ren) and Age(s): Olivia Estella Danhof, 3			
Part I: Income (see Instructions, page 6)			
	Father	Mother	
<b>1. Gross Monthly Income</b>			
a. Wages and Salaries (Imputed for Mother)	\$5,116.50	-	
b. Interest and Dividend Income	-	-	
c. Business Income	-	-	
d. Maintenance Received	-	-	
e. Other Income	\$803.00	-	
f. Imputed Income	-	\$2,446.00	
g. Total Gross Monthly Income (add lines 1a through 1f)	\$5,919.50	\$2,446.00	
<b>2. Monthly Deductions from Gross Income</b>			
a. Income Taxes (Federal and State) Tax Year: Manual	\$800.86	-	
b. FICA (Soc. Sec.+Medicare)/Self-Employment Taxes	\$317.22	-	
c. Other (business expenses)	\$120.00	-	
d. Mandatory Union/Professional Dues	-	-	
e. Mandatory Pension Plan Payments	-	-	
f. Voluntary Retirement Contributions	-	-	
g. Maintenance Paid	-	-	
h. Normal Business Expenses	-	-	
i. Total Deductions from Gross Income (add lines 2a through 2h)	\$1,238.08	-	
<b>3. Monthly Net Income (line 1g minus 2i)</b>	<b>\$4,681.42</b>	<b>\$2,446.00</b>	
<b>4. Combined Monthly Net Income (line 3 amounts combined)</b>	<b>\$7,127.42</b>		
<b>5. Basic Child Support Obligation (Combined amounts --&gt;)</b>			
Olivia Estella Danhof \$998.00		\$998.00	
-			
-			
-			
<b>6. Proportional Share of Income (each parent's net income from line 3 divided by line 4)</b>	.657	.343	

<b>Part II: Basic Child Support Obligation</b> (see Instructions, page 7)		
7. Each Parent's Basic Child Support Obligation without consideration of low income limitations (Each parent's Line 6 times Line 5.)	\$655.69	\$342.31
<b>8. Calculating low income limitations: Fill in only those that apply.</b>		
Self-Support Reserve: (125% of the Federal Poverty Guideline.)	\$1,216.00	
a. Is combined Net Income Less Than \$1,000? If yes, for each parent enter the presumptive \$50 per child.	-	-
b. Is Monthly Net Income Less Than Self-Support Reserve? If yes, for that parent enter the presumptive \$50 per child.	-	-
c. Is Monthly Net Income equal to or more than Self-Support Reserve? If yes, for each parent subtract the self-support reserve from line 3. If that amount is less than line 7, enter that amount or the presumptive \$50 per child, whichever is greater.	-	-
9. Each parent's basic child support obligation after calculating applicable limitations. For each parent, enter the lowest amount from line 7, 8a - 8c, but not less than the presumptive \$50 per child.	\$655.69	\$342.31
<b>Part III: Health Care, Day Care, and Special Child Rearing Expenses</b> (see Instructions, page 8)		
<b>10. Health Care Expenses</b>	<b>Father</b>	<b>Mother</b>
a. Monthly Health Insurance Paid for Child(ren)	-	-
b. Uninsured Monthly Health Care Expenses Paid for Child(ren)	-	-
c. Total Monthly Health Care Expenses (line 10a plus line 10b)	-	-
d. Combined Monthly Health Care Expenses (line 10c amounts combined)		
<b>11. Day Care and Special Expenses</b>		
a. Day Care Expenses	-	-
b. Education Expenses	-	-
c. Long Distance Transportation Expenses	-	-
d. Other Special Expenses (describe)	-	-
	-	-
	-	-
e. Total Day Care and Special Expenses (Add lines 11a through 11d)	-	-
12. Combined Monthly Total Day Care and Special Expenses (line 11e amounts Combined)		
13. Total Health Care, Day Care, and Special Expenses (line 10d plus line 12)		
14. Each Parent's Obligation for Health Care, Day Care, and Special Expenses (multiply each number on line 6 by line 13)	-	-
<b>Part IV: Gross Child Support Obligation</b>		
15. Gross Child Support Obligation (line 9 plus line 14)	\$655.69	\$342.31
<b>Part V: Child Support Credits</b> (see Instructions, page 9)		
<b>16. Child Support Credits</b>		
a. Monthly Health Care Expenses Credit	-	-
b. Day Care and Special Expenses Credit	-	-

c. Other Ordinary Expenses Credit (describe)	-	-
	-	-
d. Total Support Credits (add lines 16a through 16c)	-	-
<b>Part VI: Standard Calculation/Presumptive Transfer Payment (see Instructions, page 9)</b>		
17. Standard Calculation (line 15 minus line 16d or \$50 per child whichever is greater)	\$655.69	\$342.31
<b>Part VII: Additional Informational Calculations</b>		
18. 45% of each parent's net income from line 3 (.45 x amount from line 3 for each parent)	\$2,106.64	\$1,100.70
19. 25% of each parent's basic support obligation from line 9 (.25 x amount from line 9 for each parent)	\$163.92	\$85.58
<b>Part VIII: Additional Factors for Consideration (see Instructions, page 9)</b>		
20. Household Assets (List the estimated value of all major household assets.)	Father's Household	Mother's Household
a. Real Estate	-	-
b. Investments	-	-
c. Vehicles and Boats	-	-
d. Bank Accounts and Cash	-	-
e. Retirement Accounts	-	-
f. Other: (describe)	-	-
	-	-
	-	-
21. Household Debt (List liens against household assets, extraordinary debt.)		
a.	-	-
b.	-	-
c.	-	-
d.	-	-
e.	-	-
f.	-	-
22. Other Household Income		
a. Income Of Current Spouse or Domestic Partner (if not the other parent of this action)		
Name	-	-
Name	-	-
b. Income Of Other Adults In Household		
Name	-	-
Name	-	-
c. Gross Income from overtime or from second jobs the party is asking the court to exclude per Instructions, page 8	-	-
d. Income Of Child(ren) (if considered extraordinary)		
Name	-	-
Name	-	-

e. Income From Child Support			
Name		-	-
Name		-	-
f. Income From Assistance Programs			
Program		-	-
Program		-	-
g. Other Income (describe)			
		-	-
		-	-
23. Non-Recurring Income (describe)			
		-	-
		-	-
24. Child Support Owed, Monthly, for Biological or Legal Child(ren)		Father's Household	Mother's Household
Name/age:	Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	-	-
Name/age:	Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	-	-
Name/age:	Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	-	-
25. Other Child(ren) Living In Each Household (First name(s) and age(s))		Eisle Danhof 4weeks	Allen Gashkayan 7 years
26. Other Factors For Consideration			
<p>Until the child reaches school age, the residential schedule is split 50/50 and neither party will be responsible for any transfer payment. As for extra curricular activities, educational expenses, day care and unpaid medical expenses, the parties are responsible for their proportional share per line 6 of the Child Support Schedule Worksheet.</p> <p>Once, Olivia reaches school age, the mother will be responsible as of September 2016 for a monthly transfer amount of \$342.50</p> <p>Given the specifics of this case, and the court's ruling with regard to the father assuming the primary custodial role once Olivia starts school, the father may petition the court for a change in the child support calculation once mother obtains employment and/or Olivia begins pre-school or Kindergarten without a showing of adequate cause. Both parties are to notify one another within 72 hours if there are changes to their employment status or place of employment.</p>			

Other Factors For Consideration (continued) (attach additional pages as necessary)

**Signature and Dates**

I declare, under penalty of perjury under the laws of the State of Washington, the information contained in these Worksheets is complete, true, and correct.

\_\_\_\_\_  
Mother's Signature

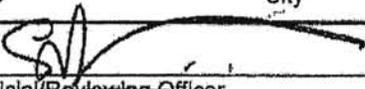
\_\_\_\_\_  
Father's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
City

\_\_\_\_\_  
Date

\_\_\_\_\_  
City

  
\_\_\_\_\_  
Judicial/Reviewing Officer

**Suzanne Parisien**

4/4/14  
\_\_\_\_\_  
Date

Worksheet certified by the State of Washington Administrative Office of the Courts.

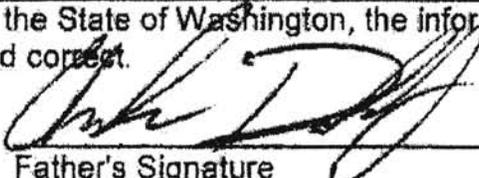
Photocopying of the worksheet is permitted.

Other Factors For Consideration (continued) (attach additional pages as necessary)

**Signature and Dates**

I declare, under penalty of perjury under the laws of the State of Washington, the information contained in these Worksheets is complete, true, and correct.

\_\_\_\_\_  
Mother's Signature

  
\_\_\_\_\_  
Father's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
City

4/2/14  
\_\_\_\_\_  
Date

COVINGTON, WA  
\_\_\_\_\_  
City

\_\_\_\_\_  
Judicial/Reviewing Officer

\_\_\_\_\_  
Date

**Worksheet certified by the State of Washington Administrative Office of the Courts.**

**Photocopying of the worksheet is permitted.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

In re the Parenting and Support of:

OLIVIA ESTELLA DANHOF,

Child,

EVELINA BARHUDARIAN,

Petitioner,

and

ANDREW DANHOF,

Respondent.

NO. 13-3-07923-6 SEA

**ORDER DENYING PETITIONER'S  
MOTION FOR RECONSIDERATION**

**(Clerk's Action Required)**

THIS MATTER CAME ON REGULARLY FOR THE HEARING UPON THE  
PETITIONER'S Motion for reconsideration of the final parenting plan entered on April 4,  
2014 pursuant to CR 59 (a)(9). The court having reviewed the motion and all submissions  
therewith:

NOW, THEREFORE, IT IS HEREBY ORDERED that petitioners Motion is denied.

DATED this 23<sup>rd</sup> day of April, 2014.



\_\_\_\_\_  
Judge Suzanne Parisien