No. 1037732

SUPREME COURT OF WASHINGTON

In re the Marriage of

PHILIPPE CHANTREAU,

Respondent,

and

HELEN NOWLIN,

Petitioner.

ANSWER TO PETITION FOR REVIEW

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ANSWER TO PETITION FOR REVIEW

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Table of Cases

Constitutional Provisions

Statutes

Regulations and Rules

Other Authorities

None.

I. Introduction.

This case was resolved adversely to appellant on November 23, 2024, in a unanimous, unpublished opinion of Division II, Court of Appeals. The appellant's motion for reconsideration was denied by that court two weeks later on December 11, 2024. Appellant petitioned this court for review on January 7, 2025. This short response endeavors to show that the case was correctly decided at both the trial and appellate court levels and entirely lacks the characteristics of an outcome which ought to be reviewed as a matter of discretion under RAP 13.4(b).

II. Counter-Statement of the Case and Response.

Appellant filed this case as a child support modification case but put the trial court in the highly awkward position of providing none of the detailed forms, including with them their required data, for a child support modification case.[1] Appellant candidly acknowledged that by overlooking these requirements for the provision of data to support a child support modification case she

[1] Petition to Modify Child Support. WPF FL Modify 501, 9 pages, RCW 26.09.175(1). Washington State Child Support Schedule Worksheets Proposed by ____. *, 5 pages, RCW 26.09.175(1), (2)(a); RCW 26.19.050; CCSCLCR 4.1(c)(2). Financial Declaration of _____; WPF FL All Family 131, 6 pages; RCW 26.18.220(1); CCLCR 4.1(c)(1); Sealed Financial Source Documents, WPF FL All Family 011, 9 categories of financial records; GR 22(b)(8), (g).

"may have committed an error." Br. App. 29. The trial court nevertheless did its best to understand the crux of appellant's contentions but at the last concluded in its sound discretion that appellant had not sustained her burden of showing substantially changed circumstances for modification which were not in contemplation at the time of the prior order. *In re Marriage of Arvey*, 77 Wn.App. 817, 820, 894 P.2d 1346 (1995).

When this case was originally tried as the parties' marital dissolution case at the child's age of seven years, it was shown that the child was born with abnormally low birth weight and with complications during pregnancy and that the child had most likely sustained diminished oxygenation of the brain, resulting in impairment to some extent of mental functioning. CP 7. Appellant described the child's disability as one which "is usually diagnosed during childhood and persists throughout a person's lifetime." CP 9. Indeed, the child was in special education programs throughout all of her public school educational career. However, by the time of the parties' contested child support modification case at the child's age of 21 years, the trial court's conclusion and its finding was that the degree of impairment was no different than had been

contemplated 14 years earlier at the trial of the underlying marital dissolution case.

The child whose status was at issue was present during at least two sessions of court during the modification case and thus could be and was personally assessed by the court. The parties at the trial of the modification case disagreed as to the extent of the child's impairment, her functioning, and her employability, but the court made its judgment tracking closer to respondent's than to appellant's claims and left unchanged the original specification as to the materially extended end date of support, which in this case was at the child's age 20 years, 11 months, after she had belatedly completed high school.

As this court need not be reminded, child support modification cases are addressed to a trial court's sound discretion and are only reversed on a clear showing of manifest abuse. *In re Marriage of Scanlon and Witrak*, 109 Wn.App. 167, 194, 34 P.3d 877 (2001). This case is an especially clear one for application of the principle, as the parties were before the trial court vying for their opposing versions as to the extent of the child's disability, and the child was in the court's presence too and judged face to face as to her functioning by the trier of fact.

III. Conclusion.

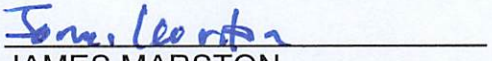
The decisions of the trial and appellate court are both correct. Appellant cites no basis under RAP 13.4(b) for further review by the Supreme Court, as the decision conflicts with no decision of the Supreme Court or Court of Appeals, raises no question under the state or federal constitutions, and addresses no question of substantial public interest. The petition for review by the Supreme Court should accordingly be denied.

IV. Statement Pursuant to RAP 18.17(c); Document Word Count.

The number of words contained in this document produced using word processing software, exclusive of words contained in the appendices, the title sheet, the table of contents, the table of authorities, the certificate of compliance, the certificate of service, signature blocks, and pictorial images (e.g., photographs, maps, diagrams, and exhibits) is 729.

Dated: February 5, 2025.

Respectfully submitted,



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