

**EXPEDITE** (if filing within 5 court days of hearing)

Hearing is set:  
 Date: \_\_\_\_\_  
 Time: \_\_\_\_\_  
 Judge/Calendar: \_\_\_\_\_

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 FILED  
 SUPERIOR COURT  
 THURSTON COUNTY, WA  
 2014 DEC -3 AM 11:27  
 BETTY J. GOULD, CLERK

**Superior Court of Washington  
 County of Thurston  
 Family & Juvenile Court**

In re the Marriage of:  
 In re the Domestic Partnership of:  
**ANNETTE MARIE ROTH**  
 Petitioner,  
 and  
**STEPHEN KEITH HICKS**  
 Respondent.

No. **14-3-00778-8**  
*Amended*  
 Parenting Plan  
 Proposed (PPP)  
 Temporary (PPT)  
 Final Order (PP)

This parenting plan is:

- the final parenting plan signed by the court pursuant to a decree of dissolution, legal separation, or declaration concerning validity signed by the court on this date or dated \_\_\_\_\_.
- the final parenting plan signed by the court pursuant to an order signed by the court on this date or dated \_\_\_\_\_, which modifies a previous parenting plan or custody decree.
- a temporary parenting plan signed by the court.
- proposed by (name) **ANNETTE M ROTH**.

**It Is Ordered, Adjudged and Decreed:**

**I. General Information**

This parenting plan applies to the following children:

<u>Name</u>	<u>Age</u>
<b>LUCAS MICHAEL HICKS</b>	<b>5</b>

## II. Basis for Restrictions

*Under certain circumstances, as outlined below, the court may limit or prohibit a parent's contact with the child(ren) and the right to make decisions for the child(ren).*

### 2.1 Parental Conduct (RCW 26.09.191(1), (2))

- Does not apply.  
 The  petitioner's  respondent's residential time with the child(ren) shall be limited or restrained completely, and mutual decision-making and designation of a dispute resolution process other than court action shall not be required, because  this parent  a person residing with this parent has engaged in the conduct which follows:
- Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions (this applies only to parents, not to a person who resides with a parent).
  - Physical, sexual or a pattern of emotional abuse of a child.
  - A history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

### 2.2 Other Factors (RCW 26.09.191(3))

- Does not apply.  
 The  petitioner's  respondent's involvement or conduct may have an adverse effect on the child(ren)'s best interests because of the existence of the factors which follow:
- Neglect or substantial nonperformance of parenting functions.
  - A long-term emotional or physical impairment which interferes with the performance of parenting functions as defined in RCW 26.09.004.
  - A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions.
  - The absence or substantial impairment of emotional ties between the parent and child.
  - The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development.
  - A parent has withheld from the other parent access to the child for a protracted period without good cause.
  - Other:

### III. Residential Schedule

The residential schedule must set forth where the child(ren) shall reside each day of the year, including provisions for holidays, birthdays of family members, vacations, and other special occasions, and what contact the child(ren) shall have with each parent. Parents are encouraged to create a residential schedule that meets the developmental needs of the child(ren) and individual needs of their family. Paragraphs 3.1 through 3.9 are one way to write your residential schedule. If you do not use these paragraphs, write in your own schedule in Paragraph 3.13.

#### 3.1 Schedule for Children Under School Age

There are no children under school age.  
Prior to enrollment in school, the child(ren) shall reside with the  petitioner  
 respondent, except for the following days and times when the child(ren) will reside with or be with the other parent:

from (day and time) \_\_\_\_\_ to (day and time) \_\_\_\_\_

every week  every other week  the first and third week of the month  
 the second and fourth week of the month  other:

from (day and time) \_\_\_\_\_ to (day and time) \_\_\_\_\_

every week  every other week  the first and third week of the month  
 the second and fourth week of the month  other:

#### 3.2 School Schedule

Upon enrollment in school, the child(ren) shall reside with the  petitioner  
 respondent, except for the following days and times when the child(ren) will reside with or be with the other parent:

FATHER MAY HAVE UPTO 1-2 OVERNIGHT  
EVERY OTHER WEEK, WITH 24-HOUR WRITTEN OR TEXT NOTICE.  
from (day and time) \_\_\_\_\_ to (day and time) \_\_\_\_\_

ON OPPOSITE WEEK

every week  every other week  the first and third week of the month  
 the second and fourth week of the month  other:

From (day and time) FRIDAY 6 PM to (day and time) SUNDAY 6 PM

every week  every other week  the first and third week of the month  
 the second and fourth week of the month  other:

The school schedule will start when each child begins  kindergarten  first grade  
 other:

**3.3 Schedule for Winter Vacation**

The child(ren) shall reside with the  petitioner  respondent during winter vacation, except for the following days and times when the child(ren) will reside with or be with the other parent:

TO BE MUTUALLY DETERMINED

**3.4 Schedule for Other School Breaks**

The child(ren) shall reside with the  petitioner  respondent during other school breaks, except for the following days and times when the child(ren) will reside with or be with the other parent:

TO BE MUTUALLY DETERMINED

**3.5 Summer Schedule**

Upon completion of the school year, the child(ren) shall reside with the  petitioner  respondent, except for the following days and times when the child(ren) will reside with or be with the other parent:

- Same as school year schedule.
- Other:

**3.6 Vacation With Parents**

- Does not apply.
- The schedule for vacation with parents is as follows:

TO BE MUTUALLY DETERMINED BASED ON WORK AND VACATION SCHEDULES. EACH PARENT MAY HAVE UP TO TWO CONSECUTIVE WEEKS WITH 30 DAYS WRITTEN NOTICE

**3.7 Schedule for Holidays**

The residential schedule for the child(ren) for the holidays listed below is as follows:

	With Petitioner (Specify Year <u>Odd/Even/Every</u> )	With Respondent (Specify Year <u>Odd/Even/Every</u> )
New Year's Day	_____	_____
Martin Luther King Day	_____	_____
Presidents' Day	_____	_____
Memorial Day	_____	_____
July 4th	_____	_____
Labor Day	_____	_____
Veterans' Day	_____	_____
Thanksgiving Day	_____	_____
Christmas Eve	_____	_____
Christmas Day	_____	_____
_____	_____	_____

For purposes of this parenting plan, a holiday shall begin and end as follows (set forth times):

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

Other: **TO BE MUTUALLY DETERMINED**

**3.8 Schedule for Special Occasions**

The residential schedule for the child(ren) for the following special occasions (for example, birthdays) is as follows:

	With Petitioner (Specify Year <u>Odd/Even/Every</u> )	With Respondent (Specify Year <u>Odd/Even/Every</u> )
Mother's Day	<u>EVERY</u>	_____
Father's Day	_____	<u>EVERY</u>
_____	_____	_____
_____	_____	_____

Other: **BIRTHDAYS AND OTHER SPECIAL OCCASIONS TO BE MUTUALLY DETERMINED**

### 3.9 Priorities Under the Residential Schedule

- Does not apply because one parent has no visitation or restricted visitation.
- Paragraphs 3.3 - 3.8, have priority over paragraphs 3.1 and 3.2, in the following order:
- Rank the order of priority, with 1 being given the highest priority:
- |  |  |
|--|--|
| <input type="checkbox"/> winter vacation (3.3) | <input type="checkbox"/> holidays (3.7)              |
| <input type="checkbox"/> school breaks (3.4)   | <input type="checkbox"/> special occasions (3.8)     |
| <input type="checkbox"/> summer schedule (3.5) | <input type="checkbox"/> vacation with parents (3.6) |
| <input type="checkbox"/> Other:                |  |

### 3.10 Restrictions

- Does not apply because there are no limiting factors in paragraphs 2.1 or 2.2.
- The  petitioner's  respondent's residential time with the children shall be limited because there are limiting factors in paragraphs 2.1 and 2.2. The following restrictions shall apply when the children spend time with this parent:

- There are limiting factors in paragraph 2.2, but there are no restrictions on the  petitioner's  respondent's residential time with the children for the following reasons: **HE IS A GOOD FATHER WHEN HE IS PRESENT**

### 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(ren), between parents shall be as follows:

**WE WILL MEET AT A MUTUALLY AGREED PLACE**

### 3.12 Designation of Custodian

The children named in this parenting plan are scheduled to reside the majority of the time with the  petitioner  respondent. This parent is designated the custodian of the child(ren) solely for purposes of all other state and federal statutes which require a designation or determination of custody. This designation shall not affect either parent's rights and responsibilities under this parenting plan.

### 3.13 Other

### 3.14 Summary of RCW 26.09.430 - .480, Regarding Relocation of a Child

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

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

If the move is outside the child's school district, the relocating person must give notice by personal service or by mail requiring a return receipt. This notice must be at least 60 days before the intended move. If the relocating person could not have known about the 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).

If the move is within the same school district, the relocating person must provide actual 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.

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

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

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 children.

### 4.2 Major Decisions

Major decisions regarding each child shall be made as follows:

Education decisions	<input checked="" type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint
Non-emergency health care	<input type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input checked="" type="checkbox"/>	joint
Religious upbringing	<input type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input checked="" type="checkbox"/>	joint
_____	<input type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint
_____	<input type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint
_____	<input type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint
_____	<input type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint
_____	<input type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint
_____	<input type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint

### 4.3 Restrictions in Decision Making

- Does not apply because there are no limiting factors in paragraphs 2.1 and 2.2 above.
- Sole decision making shall be ordered to the  petitioner  respondent for the following reasons:

- A limitation on the other parent's decision making authority is mandated by RCW 26.09.191 (See paragraph 2.1).
- Both parents are opposed to mutual decision making.
- One parent is opposed to mutual decision making, and such opposition is reasonably based on the following criteria:
  - (a) The existence of a limitation under RCW 26.09.191;
  - (b) The history of participation of each parent in decision making in each of the areas in RCW 26.09.184(4)(a);
  - (c) Whether the parents have demonstrated ability and desire to cooperate with one another in decision making in each of the areas in RCW 26.09.184(4)(a); and
  - (d) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

- There are limiting factors in paragraph 2.2, but there are no restrictions on mutual decision making for the following reasons: **WE BOTTA HAVE CHILD'S INTEREST IN MIND.**



## V. Dispute Resolution

*The purpose of this dispute resolution process is to resolve disagreements about carrying out this parenting plan. This dispute resolution process may, and under some local court rules or the provisions of this plan must be used before filing a petition to modify the plan or a motion for contempt for failing to follow the plan.*

- Disputes between the parties, other than child support disputes, shall be submitted to (list person or agency):
- counseling by \_\_\_\_\_, or
- mediation by \_\_\_\_\_, if this box is checked and issues of domestic violence or child abuse are present, then the court finds that the victim requested mediation, that mediation is appropriate and that the victim is permitted to have a supporting person present during the mediation proceedings, or
- arbitration by \_\_\_\_\_.

The cost of this process shall be allocated between the parties as follows:

- \_\_\_\_\_% petitioner \_\_\_\_\_% respondent.
- based on each party's proportional share of income from line 6 of the child support worksheets.
- as determined in the dispute resolution process.

The dispute resolution process shall be commenced by notifying the other party by  written request  certified mail  other:

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.
  - (d) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court shall award attorneys' fees and financial sanctions to the other parent.
  - (e) The parties have the right of review from the dispute resolution process to the superior court.
- No dispute resolution process, except court action is ordered.

## VI. Other Provisions

- There are no other provisions.  
 There are the following other provisions:

## VII. Declaration for Proposed Parenting Plan

- Does not apply.  
(Only sign if this is a proposed parenting plan.) I declare under penalty of perjury under the laws of the state of Washington that this plan has been proposed in good faith and that the statements in Part II of this Plan are true and correct.

*Shanta M. Holt*  
Petitioner

DEC 3 2014 OLYMPIA WA  
Date and Place of Signature

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Date and Place of Signature

## VIII. Order by the Court

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

**WARNING:** Violation of residential provisions of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under RCW 9A.40.060(2) or 9A.40.070(2). Violation of this order may subject a violator to arrest.

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

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

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

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

Presented by:

Approved for entry:

\_\_\_\_\_  
Signature of Party or Lawyer/WSBA No.

\_\_\_\_\_  
Signature of Party or Lawyer/WSBA No.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name