

FILED  
SUPERIOR COURT  
THURSTON COUNTY, WA

2016 APR 11 AM 10:22

Linda Myhre Enlow  
Thurston County Clerk

14-3-00778-8  
PP  
Parenting Plan (Final Order)  
189202



Superior Court of Washington  
County THURSTON

In re the Marriage of:  
ANNETTE MARIE ROTH

No. 14-3-00778-8

Parenting Plan

Petitioner,

Final Order (PP)

and

STEPHEN KEITH HICKS

Respondent.

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.

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

**I. General Information**

This parenting plan applies to the following child:

Name	Age
Lucas Michael Hicks	7

**II. Basis for Restrictions**

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



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

3 The respondent's residential time with the child shall be limited or restrained completely,  
4 and mutual decision-making and designation of a dispute resolution process other than  
court action shall not be required, because has engaged in the conduct which follows:

5 A history of acts of domestic violence as defined in RCW 26.50.010(1) or an  
6 assault or sexual assault which causes grievous bodily harm or the fear of such  
harm.

7 **2.2 Other Factors (RCW 26.09.191(3))**

8 The respondent's involvement or conduct may have an adverse effect on the child's best  
9 interests because of the existence of the factors which follow:

10 A long-term impairment resulting from drug, alcohol, or other substance abuse  
11 that interferes with the performance of parenting functions.

12 **III. Residential Schedule**

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

19 **3.1 Schedule for Children Under School Age**

20 There are no children under school age.

21 **3.2 School Schedule**

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

25 No contact between Father and son until Father provides evidence by Court filing that he  
26 has enrolled in and is compliant with his State Certified Domestic Violence Treatment  
Program, as well as Chemical Dependency Evaluation. Each provider shall receive  
collateral information from the Mother.

27 Once Father provides evidence to the Court of his enrollment and compliance in the  
28 above programs, the following shall apply with respect to contact between the Father  
and the child:

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2 1. Supervised visitation, on one day per week, for a period of four (4) hours,  
3 arranged by agreement of the parties. The parents may agree upon a supervisor, who  
4 shall sign and adhere to the Oath of Supervisor to be filed with the Court prior to any  
5 contact. In the event that the parties cannot agree upon a supervisor, the Father may  
6 exercise this time at a paid supervisory organization, at his expense. Visitation is  
7 dependent upon the Father's demonstrated participation and compliance with both his  
8 DV and Chemical Dependency programs. He shall demonstrate compliance by filing  
9 reports from each provider with the Court, and also to the Mother.

10 2. Upon the completion of eight (8) consecutive supervised, four (4) hour visits,  
11 the Father may exercise one eight-hour day of visitation per week, unsupervised, and  
12 arranged by agreement of the parties. Visitation is dependent upon the Father's  
13 demonstrated participation and compliance with both his DV and Chemical Dependency  
14 programs. He shall demonstrate compliance by filing reports from each provider with  
15 the Court, and also to the Mother.

16 3. Upon the completion of eight (8) consecutive unsupervised visits above, the  
17 Father may exercise a weekend visitation, every other week, beginning on Saturday at  
18 9:00 a.m. until Sunday at 6:00 p.m. In addition, the Father may have unsupervised  
19 contact on Wednesdays from 4:00 p.m. until 8:00 p.m. as a midweek visit on opposite  
20 weeks. Visitation is dependent upon the Father's demonstrated participation and  
21 compliance with both his DV and Chemical Dependency programs. He shall  
22 demonstrate compliance by filing reports from each provider with the Court, and also to  
23 the Mother. In order to exercise any overnight provisions herein the Father shall have a  
24 suitable residence and bed for the child.

25 4. Upon completion of eight (8) consecutive weeks of the visitation schedule  
26 above, the Father may exercise a weekend visitation, every other week, beginning on  
27 Friday at the release from school, until Sunday at 6:00 p.m. In addition, the Father may  
28 have further visitation on the opposite weeks, beginning at release from school on  
29 Wednesday until Thursday morning when the Father will deliver the child to school. At  
30 that time, all provisions of this Parenting Plan shall be in effect, and the Father will have  
31 visitation on Holidays, Special Occasions and School Breaks, as written herein.  
32 Visitation is dependent upon the Father's demonstrated participation and compliance  
33 with both his DV and Chemical Dependency programs. He shall demonstrate  
34 compliance by filing reports from each provider with the Court, and also to the Mother.  
35 In order to exercise any overnight provisions herein the Father shall have a suitable  
36 residence and bed for the child.

37 5. If at any point the Father fails to remain in compliance with either his DV or  
38 Chemical Dependency programs, he shall return to supervised visitation, as stated  
39 under #1 of this section.  
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**3.3 Schedule for Winter Vacation**

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

Upon completion of Steps 1-4 of the School Schedule above, Winter Vacation shall be as follows: In EVEN years the Mother shall have residential time from the release of school until Christmas Day at Noon. In EVEN years, the Father shall have residential time from Noon on Christmas Day until 6:00 p.m. on the Sunday prior to school recommencing.

In ODD years, the Mother shall have residential time from Noon on Christmas Day until the day that school recommences. In ODD years, the Father shall have residential time from the release of school until Christmas Day at Noon.

**3.4 Schedule for Other School Breaks**

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

Upon completion of Steps 1-4 of the School Schedule above, the Spring Break provision shall be implemented in full.

In EVEN years, the Mother shall have residential time during Spring Break, and in ODD years, the Father shall have residential time during Spring Break. Spring Break is defined as commencing upon release from school, until 6:00 p.m. on the Sunday prior to school recommencing.

**3.5 Summer Schedule**

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

Same as school year schedule.

Other:

Upon completion of Steps 1-4 of the School Schedule above, the Summer Schedule shall be implemented in full.

**3.6 Vacation With Parents**

Does not apply.

**3.7 Schedule for Holidays**

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

	With Mother (Specify Year Odd/Even/Every)	With Father (Specify Year Odd/Even/Every)
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New Year's Day	EVEN	ODD
Martin Luther King Day	ODD	EVEN
Presidents' Day	EVEN	ODD
Memorial Day	ODD	EVEN
July 4th	EVEN	ODD
Labor Day	ODD	EVEN
Veterans' Day	EVEN	ODD
Thanksgiving Day	EVEN	ODD
Christmas Eve	EVEN	ODD
Christmas Day	ODD	EVEN

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

Unless otherwise specified herein, Holidays shall begin at 9:00 a.m. on the day of the Holiday and end at 6:00 p.m. on the day of the Holiday.

Other:

Upon completion of Steps 1-4 of the School Schedule above, this Holiday Schedule shall be implemented in full.

Thanksgiving Holiday is defined as beginning at the release from school until the following Sunday at 6:00 p.m.

### 3.8 Schedule for Special Occasions

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

	With Mother (Specify Year Odd/Even/Every)	With Father (Specify Year Odd/Even/Every)
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Mother's Day	EVERY	
Father's Day		EVERY

Other:

Upon completion of Steps 1-4 of the School Schedule above, this Special Occasion Schedule shall be implemented in full.

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**3.9 Priorities Under the Residential Schedule**

Does not apply because one parent has no visitation or restricted visitation.

**3.10 Restrictions**

The respondent's residential time with the child shall be limited because there are limiting factors in paragraphs 2.1 and 2.2. The following restrictions shall apply when the child spend(s) time with this parent:

1. The Father shall not use corporal punishment with the minor child.
2. The Father shall not use any illegal substances or alcohol in the presence of the child nor shall he allow others to do so.
3. The Father shall remain in compliance with his Domestic Violence and Chemical Dependency programs at all times.

**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 shall transport the child to a neutral exchange location and the child shall walk between the cars. No contact between the Father and the Mother because of DVPO under Thurston County Superior Court Cause #15-2-30089-7.

**3.12 Designation of Custodian**

The child named in this parenting plan is scheduled to reside the majority of the time with the petitioner. This parent is designated the custodian of the child 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**

N/A

**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

1 personal service or by mail requiring a return receipt. This notice must be at least 60  
2 days before the intended move. If the relocating person could not have known about  
3 the move in time to give 60 days' notice, that person must give notice within 5 days after  
4 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).

5 If the move is within the same school district, the relocating person must provide actual  
6 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.

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

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

11 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.

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

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

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

17 An objection may be filed by using the mandatory pattern form WPF DRPSCU 07.0700,  
18 (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.

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

21 If the objecting person schedules a hearing for a date within 15 days of timely service of  
22 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.

#### 23 **IV. Decision Making**

1 **4.1 Day-to-Day Decisions**

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

5 **4.2 Major Decisions**

6 Major decisions regarding each child shall be made as follows:

7 Education decisions: petitioner

8 Non-emergency health care: petitioner

9 Religious upbringing: petitioner

10 Upon completion of Steps 1-4 of the School Schedule above, these decisions shall be  
11 made jointly.

12 **4.3 Restrictions in Decision Making**

13 Sole decision making shall be ordered to the petitioner for the following reasons:

14 A limitation on the other parent's decision making authority is mandated by RCW  
26.09.191 (See paragraph 2.1).

15 One parent is opposed to mutual decision making, and such opposition is  
16 reasonably based on the following criteria:

- 17 (a) The existence of a limitation under RCW 26.09.191;
- 18 (b) The history of participation of each parent in decision making in  
each of the areas in RCW 26.09.184(4)(a);
- 19 (c) Whether the parents have demonstrated ability and desire to  
20 cooperate with one another in decision making in each of the  
areas in RCW 26.09.184(4)(a); and
- 21 (d) The parents' geographic proximity to one another, to the extent  
22 that it affects their ability to make timely mutual decisions.

23 **V. Dispute Resolution**

24 *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*



1 *the provisions of this plan must, be used before filing a petition to modify the plan or a motion for*  
2 *contempt for failing to follow the plan.*

3 No dispute resolution process, except court action is ordered.

#### 4 **VI. Other Provisions**

5 There are the following other provisions:

6 See School Schedule above. Upon completion of Steps 1-4, the following provisions shall also  
7 apply:

##### 8 6.1 PARTICIPATION IN CHILD'S EVENTS

9 The child shall be accompanied by the parent with whom they are residing with at the time of a  
10 given social event. The other parent shall not be limited from attendance at that event,  
11 providing said attendance by the non-residential parent is not disruptive to the other  
12 participants.

13 Each parent shall be responsible for keeping themselves apprised of school, athletic and social  
14 events in which the child participate. Both parents may participate in any and all school  
15 activities for the child.

##### 16 6.2 COMMUNICATION

17 Both parents desire to remain responsible and active in the child's growth and development  
18 consistent with their best interest. The parents will make mutual efforts to maintain open,  
19 ongoing communication concerning the child's developmental needs and interest and will  
20 communicate with each other to achieve that end, without violation of any current restraints. The  
21 parties may agree to modify the DVPO under Thurston County Superior Court Cause  
22 #15-2-30089-7 (or any other applicable restraints) to provide for email or text exchanges of  
23 information related to the child's care only. Modification of any restraints must occur prior to  
24 expanded communication.

25 Thereafter, the parents shall provide all communication in writing via email or text. The parties  
26 will be permitted to modify this method of communication so long as their agreement is in  
27 writing; email exchanges confirming the any agreement shall be sufficient. The parties may  
28 agree to modify the DVPO under Thurston County Superior Court Cause #15-2-30089-7 (or any  
29 other applicable restraints) to provide for expanded email or text exchanges of information  
30 related to the child's care only. Modification of any restraints must occur prior to expanded  
31 communication.

##### 32 6.3 ADDRESS AND TELEPHONE NUMBER

33 Each parent shall provide the other with the address and telephone number of their residence,  
34 as well as current email address, and shall provide updates of such information within 24 hours  
35 of any change occurring. This provision also applies to providing contact information in the  
36 event that one parent exercises visitation or vacation out of the State of Washington.

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WPF DR 01.0400 Mandatory (6/2008) - RCW 26.09.181; .187; .194

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6.4 TELEPHONE ACCESS

Each parent shall have the right to call the child at the parent's own expense. Calls should occur during reasonable hours, i.e. not before 9:00 a.m. and not after 7:00 p.m.; should be no longer than ten minutes in duration and should be restricted to no more than one telephone call per day. If the parent calling is unable to reach the child, a message should be left and the other parent should have the child return the call as soon as is practical.

The child have the right to call either parent at any reasonable time as often as they wish. Neither parent shall engage in the abusive use of conflict with respect to this provision e.g. berating or guiltting the child into calling. Neither party shall intentionally interfere with the other party's telephone contact with the child.

6.5 EDUCATION

Each parent shall have equal and independent authority to confer with school, daycare or other social or educational programs with regard to the child's progress and each shall have free access to school, daycare or other records. Each parent shall have authority to give parental consent or permission, as may be required, concerning school, daycare or other programs for the child when in that parent's care. This provision is not to be construed as allowing one parent to obligate the other with respect to payment of activities or to compromise or infringe upon that parent's residential time.

6.6 HEALTH CARE

Each parent shall have full access to all of the child's medical, dental and counseling records and each parent shall execute all authorizations and/or releases necessary to ensure compliance with this provision.

6.7 VERBAL REMARKS

Each parent shall be prohibited from making disparaging remarks about the other party or allow others to do so in the presence of the child. Neither parent shall allow or encourage the child to make derogatory comments about the other parent.

The child shall not be used, directly or indirectly, by a parent to gather information about the other parent or take verbal messages to the other parent.

Responsibility to communicate for visitation-related issues shall be that of both the mother and the father. Neither parent shall instruct either child not to disclose emergency information regarding either child or that parent.

6.8 INFLUENCE ON CHILD

Neither parent shall ask the child to make decisions or requests involving the residential schedule or any legal matters involving the parents or the child.

1 Neither parent shall discuss the residential schedule with the child except for plans which have  
2 been agreed upon by both parents in advance, or as is consistent with this parenting plan.

3 Neither parent shall encourage the child to change their primary residence, nor encourage them  
4 to believe it is their choice to do so.

5 Neither parent shall make claim that a child has represented independently that a child wishes  
6 to change residences or has a preference regarding the residential schedule.

7 In any event, neither parent shall engage the child in any conversation whatsoever regarding  
8 this residential schedule with the exception of agreed upon plans that have already been made.

#### 9 6.9 INFORMATION TO CHILD

10 Neither parent shall advise the child of the status of their child support payments nor other legal  
11 matters regarding the parents' relationship.

#### 12 6.10 SMOKING/ALCOHOL/DRUG USE

13 Neither parent shall smoke in the presence of the child, nor allow others to do so.

14 Neither parent shall abuse alcohol in the presence of the child nor allow others to do so.

15 Neither parent shall use mind- or mood-altering or illegal drugs, except as specifically  
16 prescribed by a physician in the course of treatment for injury or illness, prior to or during any  
17 visitation with the minor child, nor shall they allow others to do so.

#### 18 6.11 TRAVEL AND RESIDENCE

19 Neither party shall remove the child from the State of Washington without notice to the other  
20 parent, and shall not do so outside of the provisions stated herein.

#### 21 6.12 EMERGENCY HEALTHCARE

22 Each parent is empowered to obtain emergency healthcare for the child without the consent of  
23 the other parent. Each parent is to immediately notify the other parent as soon as reasonably  
24 possible of any illness requiring medical attention or of any emergency involving the child.

25 In the event that a parent experiences a medical emergency that may negatively impact upon  
the care of the child, that parent shall immediately notify the other parent as soon as reasonably  
possible, and make arrangements for that parent to assume residential time, if needed. In any  
event, the parent shall not withhold emergency information that might negatively impact the care  
of the child by that parent.

#### 26 6.13 CHANGES TO PARENTING PLAN

Acceptance or waiver of any deviation from the provisions of this parenting plan shall not  
constitute acceptance of waiver of subsequent deviations from this plan. The provisions of this

Parenting Plan (PPP, PPT, PP) Page 11 of 12

WPF DR 01.0400 Mandatory (6/2008) - RCW 26.09.181; .187; .194

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1 plan shall remain in effect until modified by an appropriate written Order entered by a Court of  
2 competent jurisdiction.

3 **VII. Declaration for Proposed Parenting Plan**

4 Does not apply.  
5

6 **VIII. Order by the Court**

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

9 **WARNING:** Violation of residential provisions of this order with actual knowledge of its terms is  
10 punishable by contempt of court and may be a criminal offense under RCW 9A.40.060(2) or  
11 9A.40.070(2). Violation of this order may subject a violator to arrest.

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

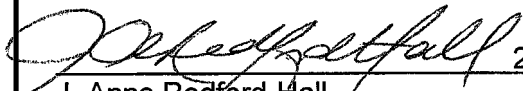
14 If a parent fails to comply with a provision of this plan, the other parent's obligations under the  
15 plan are not affected.


16 Dated: 4/11/16

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

17 Presented by:

Approved for entry: **Christine Schaller**

18  27963  
\_\_\_\_\_  
J. Anne Redford-Hall  
19 Signature of Party or Lawyer/WSBA No.

  
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Stephen Hicks  
20 Signature of Party or Lawyer/WSBA No.  
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