

FILED
KITSAP COUNTY CLERK
2008 AUG -7 AM 10:39
DAVID W. PETERSON

**Superior Court of Washington
County of Kitsap**

In re the Parenting and Support of:

Adeline Marylynn Feulner

Child(ren)

Heather Wood

Petitioner

and

Lenard Feulner

Respondent.

No. *07-3-01713-1*

~~*(07-5-00352-8)*~~

Parenting Plan

☒ Proposed (PPP)

☐ Temporary (PPT)

☐ Final Order (PP)

This parenting plan is:

- ☐ the final parenting plan signed by the court pursuant to a judgment and order establishing Residential Schedule/Parenting Plan/Child Support 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) *Lenard Feulner*.

It is Ordered, Adjudged and Decreed:

I. General Information

This parenting plan applies to the following children:

Name	Age
<i>Adeline Marylynn Feulner</i>	<i>14 months</i>

7 #

II. Bases 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 ☐ mother's ☐ father'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 ☐ mother's ☐ father's involvement or conduct may have an adverse effect on the child'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 ☒ mother ☐ father, except for the following days and times when the child(ren) will reside with or be with the other parent:

from (day and time) Tuesday 8:45 Am to (day and time) Tuesday 10:30am
☒ every week ☐ every other week ☐ the first and third week of the month ☒ the second and fourth week of the month ☐ other: Thursday 9:00 am to 11:45 am

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 ☐ mother ☐ father, 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:

- ☒ The school schedule will start when each child begins ☐ kindergarten ☐ first grade
☐ other: Child will be home schooled, and will continue Headstart program

3.3 Schedule for Winter Vacation

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

Christmas Eve from 5:00 pm to 9:30 pm

3.4 Schedule for Other School Breaks

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

Every other Thanksgiving from 1:00 pm to 5:30 pm

3.5 Summer Schedule

Upon completion of the school year, the child(ren) shall reside with the ☐ mother ☐ father, 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:

3.7 Schedule for Holidays

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

	With Mother (Specify Year Odd/Even/Every)	With Father (Specify Year Odd/Even/Every)
New Year's Day	<i>odd</i>	<i>even</i>
Martin Luther King Day	<i>even</i>	<i>odd</i>
Presidents' Day	<i>odd</i>	<i>even</i>
Memorial Day	<i>even</i>	<i>odd</i>
July 4th	<i>odd</i>	<i>even</i>
Labor Day	<i>even</i>	<i>odd</i>

Veterans' Day
 Thanksgiving Day
 Christmas Eve
 Christmas Day

odd
even
~~odd~~
every

even
~~odd~~
every

- ☐ 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:

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 Mother (Specify Year Odd/Even/Every)	With Father (Specify Year Odd/Even/Every)
<u>Mother's Day</u>	<u>every</u>	<u>every</u>
<u>Father's Day</u>		<u>every</u>
<u>Paternal Great Grandmother's birthday</u>		<u>every</u>

☐ Other:

3.9 Priorities Under the Residential Schedule

- ☐ Does not apply because one parent has no visitation or restricted visitation.
- ☐ If the residential schedule, 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:

<u> </u> winter vacation (3.3)	<u> 1 </u> holidays (3.7)
<u> </u> school breaks (3.4)	<u> 2 </u> special occasions (3.8)
<u> </u> summer schedule (3.5)	<u> </u> vacation with parents (3.6)

☐ Other:

3.10 Restrictions

- ☒ Does not apply because there are no limiting factors in paragraphs 2.1 or 2.2.
- ☐ The ☐ mother's ☐ father'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 ☐ mother's ☐ father's residential time with the children for the following reasons:

3.11 Transportation Arrangements

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

Transportation arrangements for the child(ren) between parents shall be as follows:

Mother shall provide any/all transportation

3.12 Designation of Custodian

The children named in this parenting plan are scheduled to reside the majority of the time with the ☒ mother ☐ father. 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"/>	mother	<input type="checkbox"/>	father	<input type="checkbox"/>	joint
Non-emergency health care	<input checked="" type="checkbox"/>	mother	<input type="checkbox"/>	father	<input type="checkbox"/>	joint
Religious upbringing	<input checked="" type="checkbox"/>	mother	<input type="checkbox"/>	father	<input type="checkbox"/>	joint
<u>Nutritional health/education</u>	<input checked="" type="checkbox"/>	mother	<input type="checkbox"/>	father	<input type="checkbox"/>	joint
_____	<input type="checkbox"/>	mother	<input type="checkbox"/>	father	<input type="checkbox"/>	joint
_____	<input type="checkbox"/>	mother	<input type="checkbox"/>	father	<input type="checkbox"/>	joint
_____	<input type="checkbox"/>	mother	<input type="checkbox"/>	father	<input type="checkbox"/>	joint
_____	<input type="checkbox"/>	mother	<input type="checkbox"/>	father	<input type="checkbox"/>	joint
_____	<input type="checkbox"/>	mother	<input type="checkbox"/>	father	<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 ☒ mother ☐ father for the following reasons: Because she wants it that way.

☐ 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:

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:

- ☐ _____% mother _____% father.
- ☐ 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 attorney's 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:

This is what I feel is in the best interests of my daughter until she is no longer being breast-fed. Once she is weaned I would like to be able to spend more time with her.

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.

Mother

Leonard Feulner

Father

Date and Place (City and State) of Signature

8-7-08 Port Orchard, Wa.

Date and Place (City and State) 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 RCW 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