

July 31 2024 3:27 PM

CONSTANCE R. WHITE
COUNTY CLERK
NO: 24-3-02379-7

Superior Court of Washington, County PIERCE

In re the parenting and support of:

Minor Children:

MAKAIL AGOSTO
MICHAEL BRAYLOCK-AGOSTO
MI'EIRIE AGOSTO

Petitioner:

AURAJHIA BAILEY

And Respondent:

MICHAEL JAVON AGOSTO

No.

Parenting Plan
(PPP / PPT / PP)

Clerk's action required: **1**

Parenting Plan

1. This parenting plan is a **Proposal** by a parent Aurajhia Bailey. It is not a signed court order (PPP).
2. **Children** - This parenting plan is for the following children:

Child's name	Age
1. Makail Jakobe Agosto	8
2. Michael Javon Braylock-Agosto	7
3. Mi'Eirie J-Lee Braylock-Agosto	3

3. **Reasons for putting limitations on a parent** (under RCW 26.09.191)

a. Abandonment, neglect, child abuse, domestic violence, assault, or sex offense.

1 A parent has one or more of these problems as follows:

2 **Domestic Violence** - Michael Agosto (or someone living in that parent's home) has a
3 history of domestic violence as defined in RCW 7.105.010.

4 **b. Other problems** that may harm the children's best interests:

5 A parent has one or more of these problems as follows:

6 **Emotional or physical problem** - Michael Agosto has a long-term emotional or
7 physical problem that gets in the way of his/her ability to parent.

8 **Substance Abuse** - Michael Agosto has a long-term problem with drugs, alcohol, or
9 other substances that gets in the way of his/her ability to parent.

10 **4. Limitations on a parent**

11 **The following limits or conditions apply to Michael Agosto.**

12 Limited contact as shown in the Parenting Time Schedule below.

13 **Supervised contact.** All parenting time shall be professionally supervised. Visits shall
14 be supervised by a professional supervisor at a secured location with costs to be paid by
the Father. This supervisory requirement shall remain in effect until such time that
Father reaches Phase 3 as outlined in Sections 8 of this parenting plan.

15 The supervisor shall be a non-professional supervisor: an agreed upon third party or
16 if there is no agreement, a professional supervisor with costs
to be paid for the by the Father.

17 The dates and times of supervised contact will be as shown in the Parenting Time
Schedule below.

18 **Evaluation or treatment required.** Michael Agosto must:

19 be evaluated for: Psychological Evaluation with a PhD level evaluator or an MD level
20 evaluator. The evaluation shall be with collateral contacts to include the Mother,
documents she may provide, documents filed in this case, the DVPO cases
21 involving the parties and police reports (if any). In addition, the father shall sign a
release to allow the evaluator access to his previous diagnosis of psychological or
22 psychiatric illness(es).

23 Father shall also be evaluated for Drug/Alcohol Abuse with a state certified provider.
This evaluation shall be with collateral contacts to include the Mother.

24 Father shall also be evaluated for Domestic Violence with a state certified provider.
The evaluation shall be collateral contacts to include the Mother, documents filed in

24-2-01707-6, 18-2-01379-3, police reports and any other documents that Mother may provided.

start (or continue) and comply with treatment as recommended by the evaluation.

Provide a copy of the evaluation and compliance reports:

to the mother and provide a copy to the Court by filing the same in this case.

If this parent does not follow the evaluation or treatment requirements above, then:

Mother may at her option deny residential time. Mother may also deny residential time if she does not timely receive copies of the evaluations and compliance reports. This denial may occur until such time that Father is in compliance.

5. Decision-making

When the children are with you, you are responsible for them. You can make day-to-day decisions for the children when they are with you, including decisions about safety and emergency healthcare. Major decisions must be made as follows:

a. Who can make major decisions about the children?

Type of Major Decision	Joint <i>(parents make these decisions together)</i>	Limited <i>(only the parent named below has authority to make these decisions)</i>
School / Educational		Aurajhia Bailey
Health care (not emergency)		Aurajhia Bailey
Other: Extracurricular Activities		Aurajhia Bailey
Passport for the children/ Retaining the passport/international travel decisions		Aurajhia Bailey
Choice of daycare provider		Aurajhia Bailey
Out of state travel		Aurajhia Bailey

b. Reasons for limits on major decision-making, if any:

Major decision-making **must** be limited because one of the parents has problems as described in 3.a. above.

Major decision-making **should** be limited because:

One of the parents does not want to share decisions-making and this is reasonable because of problems as described in **3.b.** above.

the parents' ability and desire to cooperate with each other in decision-making.

6. Dispute Resolution

Important! After this parenting plan is signed by a judge or commissioner, if you and the other parent disagree about shared decisions or what parts of this plan mean, the court may require you to use a dispute resolution provider before going back to court. The court may only require a dispute resolution provider if there are **no** limitations in **3.a.** above. If a dispute resolution provider is checked below, the parents may, and sometimes must, use this provider before filing a Petition to Change a Parenting Plan or a Motion for Contempt for not following the plan. Check your county's Local Court Rules.

a. The parents will go to the dispute resolution provider below:

Mediation: Pierce County Center for Dialog and Resolution

If a dispute resolution provider is not named above or if the named provider is no longer available, the parents may agree on a provider or ask the court to name one.

Important! Unless there is an emergency, the parents must participate in the dispute resolution process listed above in good faith, before going to court for disagreements about joint decisions or what parts of this plan mean. This section does **not** apply to disagreements about money or support.

b. If mediation, arbitration, or counseling is required, one parent must notify the other parent by certified mail. The parents will pay for the mediation, arbitration, or counseling services as follows: Aurajhia Bailey will pay 50%, Michael Agosto will pay 50%.

What to expect in the dispute resolution process

- Preference shall be given to carrying out the parenting plan.
- If you reach an agreement, it must be put into writing, signed, and both parents must get a copy.
- If the court finds that you have used or frustrated the dispute resolution process without a good reason, the court can order you to pay financial sanctions (penalties) including the other parent's legal fees.
- You may go back to court if the dispute resolution process doesn't solve the disagreement or if you disagree with the arbitrator's decision.

7. Custodian

The custodian is Aurajhia Bailey solely for the purpose of all state and federal statutes which require a designation or determination of custody. Even though one parent is called the custodian, this does not change the parenting rights and responsibilities described in this plan.

(Washington law generally refers to parenting time and decision-making, rather than custody. However, some state and federal laws require that one person be named the custodian. The custodian is the person with whom the children are scheduled to reside a majority of their time.)

Parenting Time Schedule (Residential Provisions)

Complete the parenting time schedule in sections **8 – 11**.

8. School Schedule

a. Children under school-age

The schedule for children under school-age is the same as for school-age children.

Children under school-age are scheduled to live with Aurajhia Bailey except when they are scheduled to live with Michael Agosto on:

Other:

Phase One: up to 4 hours of residential time on either Saturday of every weekend professionally supervised with no missed visits, no negative reports by the supervisor, no violations of the existing DVPO, and no violations criminal law

Phase Two: Once father has completed Phase One for 6 consecutive months without missed visits, Father shall have residential time from Saturday at 10:00 a.m. to 5:00 p.m. and Sunday at 10:00 a.m. to 5:00 p.m. of every other weekend. This phase will be similarly supervised by a professional supervisor. At this phase, parties may agree to a lay supervisor so long as there is agreement. Otherwise visits shall be supervised by a professional supervisor with costs paid by the Father.

Phase Three: Once father has completed Phase Two and finished all treatment obligations as provided in Section 4, and has stable housing (with address provided to the Mother) with private sleeping areas for the children, Father shall have residential time from Saturday at 10:00 a.m. to Sunday at 5:00 p.m. of every other weekend. Provided that if Father no longer has stable housing, he shall have an affirmative obligation to provide Mother notice. Upon notice, Father's residential time shall return to Phase Two.

b. School-age children

This schedule will apply immediately.

The children are scheduled to live with Aurajhia Bailey except when they are scheduled to live with Michael Agosto on:

Other:

Phase One: 8 hours of residential time on either Saturday of every weekend. Father shall confirm his visits 48 hours prior to his visits. Visits shall occur at David Ewing's home for now and so long as both parties agree to David Ewing. If the parties cannot agree

Phase Two: Once father has completed Phase One for 4 consecutive months without missed visits, Father shall have residential time from Saturday at 10:00 a.m. to 5:00 p.m. and Sunday at 10:00 a.m. to 5:00 p.m. of every other weekend.

Phase Three: Once father has completed Phase Two and finished all treatment obligations as provided in Section 4, and has stable housing (with address provided to the Mother) with private sleeping areas for the children, Father shall have residential time from Saturday at 10:00 a.m. to Sunday at 5:00 p.m. of every other weekend. Provided that if Father no longer has stable housing, he shall have an affirmative obligation to provide Mother notice. Upon notice, Father's residential time shall return to Phase Two.

9. Summer Schedule

Summer begins and ends according to the school calendar.

The Summer Schedule is the **same** as the School Schedule (*Skip to 10.*)

10. Holiday Schedule (includes school breaks and special occasions)

The children are scheduled to spend holidays, school breaks, and special occasions as follows: With holiday residential time, Father shall provide 14 days prior notice (prior to the date of the holiday or special occasion day) of his intent to exercise residential time or else his residential time shall be forfeit.

Mother's Day – Begins and ends: 10:00 a.m. to 5:00 p.m. on Mother's Day

Every year with Aurajhia Bailey

Memorial Day – Begins and ends: 10:00 a.m. to 5:00 p.m. on the holiday

Odd years with Aurajhia Bailey; Even years with the other parent

Father's Day – Begins and ends: 10:00 a.m. to 5:00 p.m. on Father's Day

Every year with Michael Agosto

Fourth of July – Begins and ends: 10:00 a.m. to 5:00 p.m. on the holiday

Odd years with Michael Agosto; Even years with the other parent

Labor Day – Begins and ends: 10:00 a.m. to 5:00 p.m. on the holiday

Odd years with Aurajhia Bailey; Even years with the other parent

Thanksgiving Day / Break – Begins and ends: 10:00 a.m. to 5:00 p.m. on the holiday

Odd years with Aurajhia Bailey; Even years with the other parent

Christmas Eve / Day – Begins and ends: December 25th from 10:00 a.m. to 5:00 p.m.

Odd years with Michael Agosto; Even years with the other parent

New Year's Eve / Day – Begins and ends: January 1st from 10:00 am. to 5:00 p.m.

Odd years with Aurajhia Bailey; Even years with the other parent

Important! Families in Washington observe a broad range of religions and traditions. Your Parenting Plan can provide for how children will spend time on other significant days. (Examples: Eid, Passover, Easter, Chinese New Year, birthdays, etc.) Add lines as needed.

11. Conflicts in Scheduling

The Holiday Schedule must be observed over all other schedules. If there are conflicts within the Holiday Schedule:

Named holidays shall be followed before school breaks.

Children's birthday/s shall be followed before named holidays and school breaks.

12. Transportation Arrangements

The children will be exchanged for parenting time (picked up and dropped off) at other location:

Phases 1 and 2: So long as the visits occur at the supervisory location, Mother shall deliver the children to the supervisory location (supervised visit location). Father shall not arrive early to any visit.

At a public location designated by the Mother once the father is on Phase 3. Father shall send a designee to the exchange location once the exchange location is no longer the supervised visitation location. Father shall not be present at the exchange location and instead shall send a third party exchange person. The third party exchange person chosen by the father shall be (1) over the age of 18 (2) have valid operator's license and insurance; and (3) be in possession and child/height appropriate child safety seats.

Who is responsible for arranging transportation?

Other details:

See above.

13. Moving with the Child/ren (Relocation)

Anyone with majority or substantially equal residential time (at least 45 percent) who wants to move with the children **must notify** every other person who has court-ordered time with the children.

Move to a different school district

If the move is to a different school district, the relocating person must complete the form *Notice of Intent to Move with Children* (FL Relocate 701) and deliver it at least **60 days** before the intended move.

Exceptions:

- If the relocating person could not reasonably have known enough information to complete the form in time to give 60 days' notice, they must give notice within **5 days** after learning the information.
- If the relocating person is relocating to a domestic violence shelter or moving to avoid a clear, immediate, and unreasonable risk to health or safety, notice may be delayed **21 days**.
- If information is protected under a court order or the address confidentiality program, it may be withheld from the notice.
- A relocating person who believes that giving notice would put themselves or a child at unreasonable risk of harm, may ask the court for permission to leave things out of the notice or to be allowed to move without giving notice. Use form *Motion to Limit Notice of Intent to Move with Children (Ex Parte)* (FL Relocate 702).

The *Notice of Intent to Move with Children* can be delivered by having someone personally serve the other party or by any form of mail that requires a return receipt.

If the relocating person wants to change the *Parenting Plan* because of the move, they must deliver a proposed *Parenting Plan* together with the *Notice*.

Move within the same school district

If the move is within the *same* school district, the relocating person still has to let the other parent know. However, the notice does not have to be served personally or by mail with a return receipt. Notice to the other party can be made in any reasonable way. No specific form is required.

Warning! If you do not notify...

A relocating person who does not give the required notice may be found in contempt of court. If that happens, the court can impose sanctions. Sanctions can include requiring the relocating person to bring the children back if the move has already happened, and ordering the relocating person to pay the other side's costs and lawyer's fees.

Right to object

1 A person who has court-ordered time with the children can object to a move to a different
2 school district and/or to the relocating person's proposed *Parenting Plan*. If the move is
3 within the same school district, the other party doesn't have the right to object to the move,
but they may ask to change the *Parenting Plan* if there are adequate reasons under the
modification law (RCW 26.09.260).

4 An objection is made by filing the *Objection about Moving with children and Petition about*
5 *Changing a Parenting/Custody Order (Relocation)* (form FL Relocate 721). File your
6 Objection with the court and serve a copy on the relocating person and anyone else who
7 has court-ordered time with the children. Service of the *Objection* must be by personal
service or by mailing a copy to each person by any form of mail that requires a return
receipt. The *Objection* must be filed and served no later than **30 days** after the *Notice of*
intent to Move with Children was received.

8 ***Right to move***

9 During the 30 days after the *Notice* was served, the relocating person may not move to a
different school district with the children unless they have a court order allowing the move.

10 After the 30 days, if no *Objection* is filed, the relocating person may move with the children
11 without getting a court order allowing the move.

12 After the 30 days, if an *Objection* has been filed, the relocating person may move with the
children **pending** the final hearing on the *Objection* **unless**:

- 13 • The other party gets a court order saying the children cannot move, or
- 14 • The other party has scheduled a hearing to take place no more than 15 days after the
15 date the *Objection* was served on the relocating person. (However, the relocating
16 person may ask the court for an order allowing the move even though a hearing is
pending if the relocating person believes that they or a child is at unreasonable risk of
harm.)
- The court may make a different decision about the move at a final hearing on the
Objection.

17 ***Parenting Plan after move***

18 If the relocating person served a proposed *Parenting Plan* with the *Notice*, **and** if no
Objection is filed within 30 days after the *Notice* was served (or if the parties agree):

- 19 • Both parties may follow that proposed plan without being held in contempt of the
20 *Parenting Plan* that was in place before the move. However, the proposed plan
cannot be enforced by contempt unless it has been approved by a court.
- 21 • Either party may ask the court to approve the proposed plan. Use form *Ex Parte*
Motion for Final Order Changing Parenting Plan – No Objection to Moving with
Children (FL Relocate 706).

22 ***Forms***

23 You can find forms about moving with children at:

- 24 • The Washington State Courts' website: www.courts.wa.gov/forms,
- Washington LawHelp: www.washingtonlawhelp.org, or
- The Superior Court Clerk's office or county law library (for a fee).

(This is a summary of the law. The complete law is in RCW 26.09.430 through 26.09.480.)

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14. Other

- a. Father shall not disparage the mother in front of the children or within the hearing of the children.
b. Father all not allow another to disparage the mother in front of the children or within the hearing of the children.

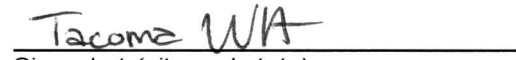
15. Proposal

This is a **proposed** (requested) parenting plan. (*The parent/s requesting this plan must read and sign below.*)

I declare under penalty of perjury under the laws of the State of Washington that this plan was proposed in good faith and that the information in section 3. above is true.



Parent requesting plan signs here



Signed at (city and state)

Other parent requesting plan (if agreed) signs here

Signed at (city and state)

16. Court Order

Does not apply. This is a proposal.