

AUG 20 2020

SEA
SUPERIOR COURT CLERK

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IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

IN RE THE MARRIAGE OF:

NO. 18-3-05993-7 SEA

SONYA DELANCE,

Petitioner,

CONTEMPT HEARING
ORDER

and

(ORCN)

MICHAEL DELANCE,

Respondent.

CLERK'S ACTION

REQUIRED: 1, 8, 12

** Review Hearing **

Contempt Hearing Order

*10/20/2020 @
1:30pm
Court Conf Rmd*

1. Money Judgment Summary

Summarize any money judgment from section 8 in the table below.

Judgment for	Debtor's name <i>(person who must pay money)</i>	Creditor's name <i>(person who must be paid)</i>	Amount	Interest
Past due medical support from <u>10/2019</u> to <u>7/2020</u>	Michael DeLance	Sonya DeLance	\$495	\$
Past due children's expenses from <u>10/2019</u> to <u>7/2020</u>	Michael DeLance	Sonya DeLance	\$209.97	\$
Past due spousal support due on April 15, 2020 to 8/19/2020	Michael DeLance	Sonya DeLance	\$142,438.23	\$5,900.45
Civil penalty	Michael DeLance	Sonya DeLance	\$100	\$
*Lawyer fees and costs	Michael DeLance	Sonya DeLance	*Awarded/Re served	\$

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Other: Our Family Wizard Annual Fee	Michael DeLance	Sonya DeLance	\$209.97	\$
Yearly Interest Rate for child support, medical support, and children's expenses: 12% .				
Lawyer (name): Anne B. Bennette		represents (name): Sonya DeLance		
Lawyer (name): Amanda Gamble		represents (name): Michael DeLance		

The court has considered the *Motion for Contempt Hearing* and any supporting documents, response from the other party, reply, and other documents from the court record identified by the court. A contempt hearing was held on August 18, 2020.

The Court Finds:

β. Support Payments (child support, medical support, children's expenses, spousal support)

Support orders were **not** obeyed. (Name): Michael DeLance did **not** obey the following order(s) signed by the court on (date): June 26, 2019. (check all that apply):

- the child support order to:
 - provide or pay for medical support for the children (health insurance or health care costs not covered by insurance).
 - pay for the children's expenses (basketball).
- the spousal support (maintenance) order. Payment was due on April 15, 2020.

This person did not pay the other party support payments required by court order in the amounts and for the dates described in the Money Judgment in section 8 below.

a. Ability to follow orders in the past – This person (check one):

was able to follow the order/s checked above. The failure to follow the order/s was intentional.

Explain: The Respondent acknowledged that he failed to pay these support payments and failed to meet his burden of proof to show that he was unable to comply with these orders.

b. Ability to follow orders now – This person

(check one): **is** is **not able** to follow the orders now.

(check one): **is** is **not willing** to follow the orders.

Explain: _____

Other findings: _____

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4. **Parenting Plan, Residential Schedule, or Custody Order**

The parenting/custody order was **not** obeyed. MICHAEL DELANCE did **not** obey the following parts of the parenting/custody order signed by the court on December 23, 2019:

Other parts of the parenting/custody orders

The parenting/custody order was not obeyed as follows:

As described in the *Motion for Contempt Hearing*.

a. **Ability to follow orders in the past** – This person:

was able to follow the parenting/custody order. The failure to follow the order was intentional.

Explain: The Respondent failed to meet his burden of proof to show that any reasonable excuse for non-compliance and continued violations of the Court orders even after being directed by the Parenting Coordinator to comply with the provisions of the parenting plan.

b. **Bad faith** – When this person did **not** obey the parenting/custody order, he acted in bad faith.

The Respondent repeatedly disobeyed this Court’s orders as shown in the accompanying Motion and in the Declaration of Sonya DeLance filed and presented herewith.

c. **Ability to follow orders now** – This person

(check one): **is** **is not** able to follow the parenting/custody order now.

(check one): **is** **is not** willing to follow the parenting/custody order.

Explain: _____

Other findings: _____

5. **Restraining Order or Other Order**

MICHAEL DELANCE did **not** obey the Order on Motion Enforcing Decree entered October 23, 2019

This order was not obeyed as follows:

As described in the *Motion for Contempt Hearing*.

a. **Ability to follow order in the past** – This person (check one):

was able to follow this order. The failure to follow this order was intentional.

b. **Ability to follow orders now** – This person

1 (check one): is is not able to follow this order now.

2 (check one): is is not willing to follow this order.

3 Explain: _____

4 _____

5 Other findings: _____

6 **6. Lawyer fees and costs**

- 7 The lawyer fees and costs listed in the Money Judgment in section 8 are awarded. The
8 amount is reserved for review of the costs associated with the Motion for Contempt and
9 segregated from the fees and costs incurred for the Motion for Enforcement of the Decree
that was filed contemporaneously.

10 **The Court Orders:**

11 **7. Contempt**

12 MICHAEL DELANCE is in contempt.

13 **8. Money Judgment**

- 14 The court orders the following money judgment (*summarized in section 1 above*):

Judgment for	Debtor's name (person who must pay money)	Creditor's name (person who must be paid)	Amount	Interest
Past due medical support from <u>10/2019</u> to <u>7/2020</u>	Michael DeLance	Sonya DeLance	\$495	\$
Past due children's expenses from <u>10/2019</u> to <u>7/2020</u>	Michael DeLance	Sonya DeLance	\$209.97	\$
Past due spousal support due on April 15, 2020 to 8/19/2020	Michael DeLance	Sonya DeLance	\$142,438.23	\$5,900.45
Civil penalty	Michael DeLance	Sonya DeLance	\$100	\$
Lawyer fees and costs	Michael DeLance	Sonya DeLance	*Awarded/ Reserved	\$
Other: Our Family Wizard Annual Fee	Michael DeLance	Sonya DeLance	\$209.97	\$

1 The **interest rate** for child support, medical support, and children's expenses is 12%. The
2 interest rate for other judgments is 12% unless another amount is listed below.

3 Other: _____

4 9. **Make-up parenting time**

5 Does not apply.

6 10. **Jail time**

7 Does not apply.

8 11. **Contempt can be corrected (purged) if:**

9 (Name): Michael DeLance does the following (specify):

10 (1) Michael DeLance must pay all judgment amounts in full no later than **October 5, 2020**;
11 (2) Michael DeLance must remain in STRICT COMPLIANCE with the Temporary Parenting
12 Plan, particularly relating to the communication provisions. Further restraints are reserved
13 for the review hearing.

14 (3) Michael DeLance must pay the Land Rover debt no later than the 14th of every month

15 12. **Court review**

16 The court will review this case on (date): **October 20, 2020** at (time): 1:30 p.m. The
17 Petitioner shall file materials regarding the status of the Respondent's compliance no later
18 than 12:00pm on October 6, 2020. The Respondent shall file responsive materials no later
19 than 12:00pm on October 13, 2020; the Petitioner shall file reply materials no later than
20 12:00pm on October 15, 2020.



21 in (Court, Room/Dept.): _____

22 (If you check this box, also check the "Clerk's action required" box on page 1.)

23 13. **Other orders** (if any) The Court reserves entry of a Restraining Order for the review
24 hearing on October 20, 2020 subject to the Respondent's strict compliance with terms
25 of the Temporary Parenting Plan. The Court awards attorneys' fees and costs incurred
26 in filing this Motion for Contempt. The amount is reserved subject to review of the
fees incurred related solely to this Motion for Contempt.

Ordered.

8/20/2020
Date

Nicole M. Wagner
Judge or Commissioner

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Petitioner and Respondent or their lawyers fill out below.

This document *(check any that apply)*:

- is an agreement of the parties
- is presented by me
- may be signed by the court without notice to me

This document *(check any that apply)*:

- is an agreement of the parties
- is presented by me
- may be signed by the court without notice to me

▶ _____
 Dimitra S. Scott, WSBA No. 3082
 Anne B. Bennette, WSBA No. 50240
 Attorneys for Petitioner

Appeared by phone

▶ _____
 Amanda Gable, WSBA No. 9082
 Attorney for Respondent

Appeared by phone