

1 FILED
2 2021 SEP 17 11:57 AM
3 KING COUNTY
4 SUPERIOR COURT CLERK
5 E-FILED
6 CASE #: 18-3-05993-7 SEA

7 **IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

8 IN RE THE MARRIAGE OF:

NO. 18-3-05993-7 SEA

9 SONYA K. DELANCE,

Petitioner,

**MOTION FOR CLARIFICATION OF
FEBRUARY 23, 2021 FINAL
PARENTING PLAN**

11 and

12 MICHAEL A. DELANCE,

13 Respondent.
14

15 **I. RELIEF REQUESTED**

16 Petitioner/Mother, Sonya DeLance, moves the Court for an order clarifying the
17 February 23, 2021 Final Parenting Plan with respect to the continued appointment of the
18 Guardian Ad Litem, Dr. William Singer. Petitioner/Mother requests an Order Clarifying the
19 Final Parenting Plan, specifically that Dr. William Singer has not been discharged from the
20 case and remains the appointed GAL in this matter. The Respondent raised this dispute in
21 bad faith, and as such, the Petitioner requests payment of attorney's fees and costs for having
22 to file this motion.
23

24 **II. STATEMENT OF GROUNDS.**

25 The Final Parenting Plan was entered on February 23, 2021 following a 3-day trial.
26 The Final Parenting Plan includes provisions that necessitate the continued appointment of

1 Dr. Singer; however, the Order Appointing the GAL entered on March 6, 2020, stated that Dr.
2 Singer's appointment ends if the Final Parenting Plan is signed by the Court. Clarification of
3 the Parenting Plan allows the Court to define the rights which the parties have already been
4 given, and those rights may be completely spelled out if necessary. *Rivard v. Rivard*, 75
5 *Wn.2d 415, 451 P.2d 677 (1969)*. A court may clarify a Decree by defining the parties'
6 respective rights and obligations, if the parties cannot agree on the meaning of a particular
7 provision. *Christel*, 101 *Wn. App. at 22 (2000)*. In this case, the Respondent has now disputed
8 Dr. Singer's continued appointment, which requires clarification from the Court.
9

10 **III. STATEMENT OF FACTS**

11 ***1. Background.***

12 Sonya DeLance filed a Petition to Change a Parenting plan on December 3, 2019.
13 Following the filing of the Petition, Dr. William Singer was appointed as the Guardian Ad
14 Litem on March 6, 2020. Dr. Singer issued three (3) reports from the time he was appointed
15 until the final orders were entered. Judge Sean P. O'Donnell oversaw a three-day
16 modification trial and entered a Final Parenting Plan, a Final Restraining Order, and a Final
17 Findings on February 23, 2021.
18

19 There are several provisions necessitating involvement and input from the GAL
20 contained within the Final Parenting Plan. Accordingly, the GAL was not discharged when
21 the Final Parenting Plan was entered. However, no amended Order Appointing a GAL was
22 entered at the time the Final Parenting Plan was entered.
23

24 Following entry of the Final Parenting Plan, all parties operated under the belief that
25 Dr. Singer remained appointed as the GAL in this case. Recently, the Respondent has
26

1 challenged that Dr. Singer remains appointed in this matter, which has necessitated this
2 Motion.

3 The reason the Court continued the appointment of Dr. Singer was to provide
4 recommendations regarding whether the Respondent had complied with the Final Parenting
5 Plan, to request proof of compliance with prohibition on substance use, to approve an anger
6 management service provider, and to provide recommendations and input as to if/when it is
7 appropriate for the Respondent to move to the next phase of parenting under the plan.
8

9 **IV. STATEMENT OF ISSUE**

10 Whether the Court should clarify the Final Parenting Plan dated February 23, 2021
11 regarding the continued appointment of Dr. Singer?

12 Whether the Court should award attorney's fees and costs to the Petitioner in this
13 matter?
14

15 **V. EVIDENCE RELIED UPON**

16 Sonya DeLance incorporates by reference the files, pleadings, and records herein,
17 including the following pleadings:

- 18 • Parenting Plan entered February 23, 2021 (the "Parenting Plan").
19 • Declaration of Sonya DeLance dated September 16, 2021.

20 **VI. LEGAL AUTHORITY & ARGUMENT**

21 **A. THE PARENTING PLAN SHOULD BE CLARIFIED TO ORDER THE CONTINUED**
22 **APPOINTMENT OF DR. SINGER AS THE GAL IN THIS CASE.**

23 The Final Parenting Plan requires input from the GAL to make determinations as to
24 whether the Respondent has complied with the parenting plan and to make recommendations
25 as to if and when it is appropriate to move through the Phases enumerated in the Parenting
26 Plan.

1 This is necessitated due to the Respondent's proven inability to comply with court
2 orders and refusal to accept that his actions are detrimental to the children. Since entry of the
3 final plan he has been held in contempt and continued to violate multiple provisions of various
4 court orders. The GAL is an important resource for the children and the Court to make
5 recommendations that are helpful to correcting the Respondent's behavior and making
6 recommendations that will foster a health relationship between the children and their father.
7 The Respondent has been completely unable to do this on his own.
8

9 The Respondent's ability to move through the phases of the plan is based on the
10 following:

11 (a) "continued full compliance with all provisions outlined in the parenting plan and
12 *verified by the GAL;*"

13 (b) If there is any reason for the Respondent's non-compliance "*that the GAL does*
14 *not deem acceptable*, Phase 1 shall restart"

15 (c) "*The GAL shall provide input as to Mr. DeLance's compliance with the*
16 *provisions of this plan and the GAL may make additional recommendations.*"

17 (d) "*The GAL shall have the ability to request EtG/UA Screenings* from Mr. DeLance
18 at one time per month at random during Phases 1-3."

19 (e) With respect to Anger Management classes, the provider "*shall be approved by*
20 *the GAL.*"

21 The Respondent continued to communicate with the GAL following entry of the Final
22 Parenting Plan indicating that he too interpreted these provisions to necessitate the continued
23 appointment of the GAL. It was only after Dr. Singer attended a hearing on enforcement
24 where he was going to provide input to the Court that the Respondent raised this issue as a
25 'dispute.'
26

1 The clear language of the Order necessitates Dr. Singer's continued appointment as he
2 has the authority to request screening, he is court-ordered to provide input about the anger
3 management provider, and he is ordered to provide input on the Respondent's compliance
4 with the plan.

5 This is a bad faith dispute solely intended to delay resolution of issues require input
6 from Dr. Singer, which is ultimately intended to benefit the children. The Petitioner requests
7 that the Court enter an Order Clarifying that Dr. Singer remains appointed as the GAL in this
8 case and awards attorney's fees and costs for the Petitioner having to filing this Motion.

9 Dated: September 16, 2021.

10
11 BERESFORD BOOTH PLLC



12
13 By: Dimitra Scott, WSBA No. 34634
14 Anne B. Bennette, WSBA No. 50240
15 Attorneys for Sonya DeLance