# Superior Court of Washington

**County of Snohomish**

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| In re Marriage of:  JANE D. SMITH,  Petitioner,  vs.  JOHN D. SMITH,  Respondent. | **No.** 16-3-01108-1  **RESPONDENT’S DECLARATION IN SUPPORT OF TEMPORARY ORDERS** |

**I. INTRODUCTION**

I, John D. Smith, the respondent-father in this parenting plan modification proceeding, submit this declaration in support of my motion for determination on adequacy of cause and temporary orders. Jane D. Smith is the petitioner-mother. She has been acting erratically and angrily for many years, and her strange behavior intensified in the last year. Much of her strange behavior has been harmful to the child we have in common, Smalls. In early April 2016 I learned Jane is on drugs and drinking heavily. Our son has been living with me since then.

**II. BACKGROUND**

Jane and I married in 2008 and divorced in January 2012. We have one child together, our 5-year-old son, Smalls. Our divorce decree is from Japan, where I was stationed in the military. The custody order was a vague section of the decree awarding “joint custody” to each of us but with “primary residence” to Jane. *See Japan Decree for Dissolution of Marriage at Court Docket #3, p. 7 (“The Parties shall have joint custody of the minor child”)*. I live in Snohomish County. She lives in Pierce County. We have a zero-sum child support order in our Japan Decree.

**III. CHANGES IN CIRCUMSTANCE**

In 2015 Jane began having serious difficulty getting our son to and from elementary school during her residential time. The school called me about it repeatedly, and I had to drive down from where I live (Snohomish County) to where she lives (Pierce County) at the school’s request on a few occasions. Attached as **Exhibit A** is our son’s Pierce County school attendance record for 2015. The records show numerous unexcused tardy arrivals and unexcused absences. Attached as **Exhibit B** is a May 2015 letter the school cc’d me on out of concern. Attached as **Exhibit C** are a few of the Facebook messages I wrote to Jane in May 2015 about the unexcused tardy arrivals and unexcused absences. Attached as **Exhibit D** is a June 2015 letter from CPS about Jane leaving our son home alone.

In or around June 2015, Jane also stopped following our informally agreed upon residential schedule. She claimed I wasn’t paying child support (there is no child support per our decree) and didn’t deserve to see our son. She also began:

* Telling our son that he could not have things he wanted because I was not paying child support;
* Insulting my current wife, Abby; and
* Only allowing me to visit our son at her house unless and until I paid her money.

Attached as **Exhibit E** are true and correct copies of some of the Facebook messages between me and Jane beginning in June of 2015. They read in pertinent part:

**June 3, 2015**

**John**: So are we doing the parenting plan this weekend?

. . . .

**Jane**: MAYBE IF I PUT IT IN CAPS YOU’LL READ AND RETAIN IT . . . NO MEANS NO DAWG

. . . .

**Jane**: Haha[.] Bye, deadbeat and his ogre looking leach. Smalls knows you don’t support him.

**[June 7, 2015]**

**Jane**: Until you step up and fix this [, meaning pay money,] I don’t think you’re going to be able to have him over [to visit at your house.] Sorry! Also, is Abby really more important than Smalls? We all know that bitch doesn’t skip meals[.] You’re an idiot & you’re so stupid you can’t see it. Life’s hard, harder when you’re a fucking moron. Your mom always chose men over you and your siblings . . . And Abby’s Mom too. Must run in the family.

**[June 25, 2015]**

**John**: Smalls said that you told him I don’t care about him.

**Jane**: . . . Probably because I tell him the truth about things[,] why we can’t afford something, why we don’t have any other food. He knows when we tell you that he needs something, and sees that you don’t do it . . . .

**John**: So when you can’t afford something you tell him it’s because of me? Nice.

**[October 15, 2015]**

**Jane**: . . . you will not see him until you pay support. . . . at all. you will not.

**John**: You can’t legally do that . . . . There is no court ordered support. So how can you keep my son from me until I start paying for support? You don’t have the right to do that.

**Jane**: [Y]ou can come see him, here.

**John**: . . . So you’re trying to tell me that I’m only allowed to see my son in your home? Why do you feel like the rules and laws do not apply to you?

. . . .

**[October 25, 2015]**

**John**: When can we have Smalls again?

**Jane**: [Y]ou can come and see him anytime!

**John**: When can he come stay with me? That’s what I’m asking.

**Jane**: I’m saying you are always welcome to come see him here.

**John**: I have the right to have him in my home . . . . This is completely going against our custody papers.

**Jane**: [H]uh? Figure out what you need to do to be a more present and good dad? [Pay me.]

**John**: You aren’t following the divorce decree.

. . . .

**[October 27, 2015]**

**Jane**: . . . [Y]ou can’t afford child support[. M]aybe you should have thought about that before having so many financial obligations . . . .

Our son’s school attendance issues continued into 2016. Attached as **Exhibit F** is a copy of this year’s attendance record in Pierce County. Jane has also continued withholding my residential time in order to extort child support from me.

In early April 2016, Jane’s best friend, Maya Sims, contacted me out of concern for our son’s safety. She informed me Jane’s **using drugs, drinking heavily, leaving our son unattended for long periods, sleeping through the day, and habitually failing to drop off our son at school and pick him up**. I’m supplying Maya’s declaration.

I have insisted that Smalls live exclusively with me since then, and I enrolled him in school fulltime here in Snohomish County. I have also made efforts to ensure Jane and Smalls stay in contact, though they have not gone the way I hoped. Jane usually does not answer Smalls’s calls (from my phone), and Smalls often declines to speak with her.

Given that phone contact was not working, I encouraged Jane to spend a full day with us in person. The date for the all-day visit was this Sunday, April 24, 2016. She did not arrive until **9 pm**. We politely ask her to leave when it was well past Smalls’s bedtime. She refused, created a scene, and eventually left under a police escort.

**IV. RELIEF REQUESTED**

A. Determine there is adequate cause to proceed with this parenting plan modification.

B. Adopt my proposed temporary parenting plan.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at [City & State] on [Date].

Signature:

JOHN D. SMITH