# Superior Court of Washington

**County of Snohomish**

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| In re the Marriage of:  JANE D. SMITH,  Petitioner,  and  JOHN D. SMITH,  Respondent. | **No.** 55-5-55555-5  **FATHER’S DECLARATION IN RESPONSE TO MOTION FOR TEMPORARY ORDERS** |

**I. INTRODUCTION**

I, John D. Smith (Respondent/Father/Husband), submit this declaration in response to Jane Smith’s (Petitioner/Mother/Wife) motion for temporary orders. This case is about Jane fibbing to get what she wants. She has a history of fibbing to the kids to make them side against me, including now (see our therapist’s declaration). She’s telling the court I never took care of the kids and spent all my time sleeping (correspondence and bank statement show otherwise). Lastly, she claims I cut her off financially and should have to pay her attorney fees as a result (bank statements show she’s had access to half my earnings this entire time).

**II. BACKGROUND**

My name is John Smith, I am 46 years old. My spouse’s name is Jane Smith, she is 49. We were married on February 14, 1997 and separated on January 30, 2015 (18-year marriage). We have three children: Sam age 14, Hoby age 11, and Johnny Jr. age 10. I currently live with friends in Snohomish, WA; because my wife kicked me out in spectacular fashion in front of the kids after I had discretely asked for a divorce. Our children and Jane are still living in the former family home in Everett. I’ll be moving into an apartment shortly.

**III. ABUSE & ADDICTIONS (DANGERS TO CHILDREN)**

**1. Abusive Use of Conflict / Parental Alienation**. As our relationship deteriorated, Jane increasingly involved the children in our disputes, even going so far as to call them from wherever they were in the house to listen to her badmouth and fib about me. That was how she “won” our arguments. She would ask the kids to come listen to our arguments and then criticize me in front of them to force me to concede. She knew I did not want to fight in front of the kids, so she used that as leverage.

The day we separated was a perfect example. Jane demanded that I move out of our home. I initially refused, because I didn’t think the kids and I should be apart. She then brought the children into the argument. She told them I was stealing from the family (which isn’t true) and used extreme vulgarities until I left.

Since then she has continued to badmouth me and talk about the divorce in front of the children, fibbing to make me look bad in their eyes. Adding insult to injury, I can’t tell them the truth without putting them in the middle. For example, she says she asked me for a divorce (untrue—I asked, not her) because I am seeing someone (also untrue).

My bundled 3rd party declarations include a declaration from our therapist. It proves Jane has been misleading the kids to make me look bad. I hear therapists can’t normally supply declarations. Ours is obviously stepping out on a limb to inform the court of the truth and protect the children.

**IV. PARENTING DURING LAST 12 MONTHS**

The two of us shared responsibilities in raising the children, even though she doesn’t work. My work schedule is and has been Monday through Friday, 10 pm to 6:30 am, meaning I was with the kids before and after school. Admittedly Jane did most of the laundry and cooking, though I performed the cooking for get-togethers. Most importantly, I was the one who performed the majority of the parenting functions involving education and direct contact with the kids. I am the one who actually “parents” in the layperson’s sense of the word.

For example, prior to separation I was the one who helped the kids with their homework and interacted with their teachers. My recent email correspondence with Johnny Jr.’s teacher demonstrates this. Attached as **Exhibit A** is a January 2015 email chain between me and Johnny Jr.’s teacher about Johnny Jr. getting sick, and me helping Johnny Jr. with his homework. The email chain reads in relevant part:

[**Me:**] . . . Johnny Jr. has had a stomach flu . . . . He threw up last night and isn’t really feeling well but I know he needs to complete his missing assignments. Is th[ere] any way he can try to finish his rough draft at home today and I can email it to you?

[**Johnny Jr.’s Teacher**:] He can definitely work on it at home. I sure hope he’s feeling better. Poor guy!

. . . .

[**Me:**] . . . What were the requirements for the assignment? My other two sons have done this project and I know he needs to also get the tri-fold together with pictures and text along with a costume.

Please notice that the email chain indicates I was familiar with the assignment because I had helped my other two sons with the same project when they were Johnny Jr.’s age.

Attached as **Exhibit B** are recent weekly bulletins that Johnny Jr.’s teacher sends to her students’ parents. Johnny Jr.’s teacher sent those emails to me, not Jane. Jane had very little interest in the children’s school activities and didn’t want to receive the emails.

Attached as **Exhibit C** is an email chain proving Johnny Jr.’s teacher didn’t even have Jane’s email address until after we separated. Jane and I separated January 30, 2015; and, as the emails show, I asked Johnny Jr.’s teacher to add Jane to the teacher’s bulletin distribution list on February 18, 2015. The email chain reads:

[**Me:**] . . . I don’t know if you have my wife’s email address but can you please add her to your contacts so she can receive these same emails[?] Thanks.

[**Johnny Jr.’s Teacher:**] Done!!! ☺

I was usually the one who drove the kids to and from the school bus stop, their social events, sports activities, and friends’ homes. The main exception was when the kids needed transportation during the middle of the school day, which was when I slept. Dental appointments are a good example. But I still took the kids to more than half their dental appointments, because I could schedule them for after school. I’m supplying a 3rd party declaration from the dentist’s office, confirming I’ve shared the responsibility of taking the kids there and have shown a “genuine interest in the management and wellbeing of [our] kids’ oral health.”

I coach flag and tackle football; attached as **Exhibit D** are pictures of me coaching this year or last year. The boys and I go on hikes together; attached as **Exhibit E** are pictures of some of this years’ hikes. This summer the boys and I built a large paved fire pit in our backyard; attached as **Exhibit F** is a picture of us doing that. The boys are interested in boy things, and I’m the one they spend their time with.

**V. UNFAIR ACCUSATIONS**

**1. Gave Jane $4,550 Since Separation + $2,398 from Tax Return**. Jane stated I have only given her $1,500 since our separation. I have sealed financial source documents showing that I have given her a total of $4,550 which consisted of checks/money orders in the amounts of $300, two for $1500, and one for $1,250 (half of a recent Boeing incentive bonus). She will also receive $2,398 as half our joint tax return when she digitally signs for it.

What’s more, my sealed financial source documents contain our recent bank statement for our joint account. We each had separate card numbers, which makes it possible to show the Court who purchased what. Her bank card was the one labeled 6002 on the statement. As the bank statement shows, but Jane had free access to the account. She made 32 purchases in the last month of the marriage.

**2. Don’t Sleep 12-16 Hours a Day & Neglect the Kids**. This is not only untrue, it’s impossible. It’s well documented that I run most of the errands (see card ending in xxxx5718 on sealed joint bank statement), coach (see supporting declarations and pictures), supervise the boys’ homework (see correspondence with teacher), etc. Our joint bank statement also shows my card purchasing tremendous amounts of soda from vending machines (to stay awake at work). That’s because I hardly sleep, not because I sleep through almost every day. Along those lines, she wrote to the court that I “never” helped with things like “buying the groceries” because I was “always sleeping”. Yet the joint bank account shows my card made the majority of the purchases at stores that sell groceries, such as Safeway, Costco, and Whole Foods. The truth is I’m a good father, and I sacrifice sleep to ensure I spend as much time with my kids as I can.

**6. Jane Chooses Not to Work**. Jane says I have recognized she should be a stay at home mom and have asked her not to work. The truth is, Jane’s been reluctant to return to the work force, despite my encouragement. For example, in 2014 I paid to transfer her California cosmetology license to Washington. She still chose not to work. See my sealed financial source documents for the checks I wrote to transfer Jane’s cosmetology license.

The kids attend school now and don’t need a fulltime stay-at-home parent.

**VI. EDUCATIONAL BACKGROUND & WORK HISTORY**

**A. Mine**. In 2006 I received a bachelor’s degree in information security from Phoenix Online, and I currently work in that field for Gandolf Enterprises.

In 2012 I made $118,179 gross, $127,009 gross in 2013, and $130,552.32 gross in 2014. Of note, my 2014 pay included a one-time signing bonus of $10,000 that is not recurring income and should be excluded from these income calculations. Excluding that $10,000 bonus, my average annual income is $121,913.44 gross (($118,179 + $127,009 + $130,552.32 - $10,000) / 3 = $121,913.44). As shown on my financial declaration, my net income is $7,207.62 per month.

**B. My Spouse**. Jane's education consists of graduating high school in 1985 and attending a vocational college to earn her license in Cosmetology and Barbering in 1987. She has been a housewife for the last ten years (by her choice since the kids began school). She worked for Supercuts for approximately 12 years as a hair stylist. She earned approximately $15,000 - $20,000 per year.

**VII. CALCULATION OF UNDIFFERENTIATED FAMILY SUPPORT**

**A. Undifferentiated Support of $2,809.81**. I propose paying Jane half my net income, after making adjustments for liabilities I am paying on the community’s behalf. That would be a monthly undifferentiated support amount of $2,809.81, calculated as follows:

As stated above, my net income is $7,207.62. From that I pay the following monthly amounts on behalf of the community:

* Cell Phones: $335
* Health Insurance: $220
* Loans: $257
* School Loans: $171
* BECU Line of Credit: $75
* BECU Visa: $230
* Priceline Visa: $90
* Cabela’s Visa: $70
* Paypal: $35
* Sears: $25
* Dell: $80
* **Total = $1,588**

Thus my net income after subtracting the $1,588 I pay in community bills is $5,619.62 ($7,207.62 - $1,588 = $5,619.62). Half that is $2,809.81 ($5,619.62 / 2 = $2,809.81).

**VIII. REQUESTED RELIEF**

**A. Temporary Parenting Plan**. I ask that the Court enter my proposed temporary parenting plan, which evenly divides the residential time.

**B. Spousal Support / Undifferentiated Family Support**. I ask that the Court award Jane undifferentiated support of $2,809.81.

**C. Find Work**. I ask the Court to order Jane to find fulltime work, and that there be a review hearing in two months.

**D. Family Home**. I am fine with Jane remaining in the former family home. However, in the long run, the home may prove unaffordable if she refuses to pursue a career. I am willing to return to the family home and pay the mortgage if the Court would prefer stability for the children’s sake.

**E. No Award of Attorney Fees**. Jane has as much ability to pay her attorney as I do. I have been giving Jane half of what I make since we separated, I have been paying all the community liabilities (other than the house), and I am going to continue paying her half my net income. Moreover, I have to pay my own attorney.

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