

# Snohomish County Bar

MEMBERS NEWSLETTER

SEPTEMBER 2021

FAMILY LAW ISSUE

## Family Support Division

Guest content by Deputy Prosecuting Attys  
Helenka Koltonowska and Sanda Meeker

Our office may be involved in your client's family law case. Our division has four units explained below: Responding, Modifications, Contempt, & Parentage.

### What does Responding do?

RCW 74.20A.030 gives the State the authority to appear in family law cases, when the children receive state medical or state cash benefits. The State's job is to ensure that the children are financially supported, and that DSHS is reimbursed any money paid to support the children at issue. The State is a neutral party. The State's goal is to enter final child support orders in all family law cases that are reasonable, protect the State's interests, and comply with the law.

### How do you know if the state should be involved in your client's case?

The best solution is to contact the prosecutor's office and ask. You can call 425-388-7280 or email Sherley.Chester@co.snohomish.wa.us. We are happy to review every case where there might be a State interest as your client may or may not know what level of state benefits they are receiving. Only children who receive specific types of state medical assistance or cash benefits result in the State's appearance on a case. Another option is to serve a copy of initial pleadings on the prosecutor's office at Snohomish County Prosecutor's Office, 3000 Rockefeller Avenue, 6th Floor Bob Drewell Bldg MS 504, Everett, WA 98203 or the email above. Our office will either file a notice of non appearance (which informs the court that the State does not have an interest in the proceeding), or a response to your cause of action. If we file a notice of appearance, we need to receive notice of all hearings and any financial documents to help us determine the correct amount of child support.



Adam Sturdivant, Tobin Darrow, Breck Marsh, and Ted Thornton at the SCBA 2021 Golf Tournament



Dominic Bacetich, Jeff Pratt, Dani Pratt, & Bill Sullivan

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# BAR CALENDAR

SCBA BOARD MEETINGS, 5PM

9/17 10/21 11/18 12/16

9/6/21 COURTS CLOSED FOR LABOR DAY

10/7/21 SWEARING IN CEREMONY

10/30/21 PRO TEM TRAINING

Snohomish County District Court is holding a Pro Tem Training Saturday, October 30, 2021 from 8:30 am to 4:30 pm. See our website for further details

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## About Bar News

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"Family Support" continued from front page

## What does the Modification Unit do?

If a parent wants to change a child support obligation, either up or down, they can always ask the Division of Child Support for help to request a modification of their child support order. The general criteria for accepting a case is that the child support obligation changes by more than \$100, it has been at least three years since last order entry, 15% difference in the child support obligation, and \$2400 change in remaining life of the order (difference between old child support and new child support x months left in the order). If the children receive state cash or medical assistance, the Division of Child Support automatically reviews the child support orders every 35 months or so. The legal assistants in our Modification Unit will review the applications to modify child support, and run new child support worksheets. If the case meets our criteria, we will file a modification petition or motion for adjustment to change the underlying child support order. Right now, we are processing a large number of cases where we are modifying the order to add abatement language where the obligor is in prison.

## What does the Contempt Unit do?

The Division of Child Support can refer a case to us for enforcement if an obligor is not paying child support pursuant to an order enforced by the Division. The prosecutor's office will review the matter and determine if contempt proceedings are appropriate. In making this determination, we will review an obligor's history, current and back support obligations, location, employment history, potential disability, known criminal history, tribal status, and whether the obligor is involved in a bankruptcy. If contempt proceedings are appropriate, the Contempt Unit will file an Order to Show Cause and serve the ob-

continued on page 3



“Family Support” continued from page 2

ligor. Some obligors will be offered entry into an office diversion program, where they can work on coming into compliance through agreements with the prosecutor’s office and avoid a finding of contempt. The office also has a staff person to provide assistance to obligors looking for jobs or other resources to become compliant with their support obligations. The Court may order obligors to pay amounts over current support to reduce back support owed, pursue a modification, maintain job logs and daily diaries, seek disability income, file past and current tax returns, and fees. Non-compliant obligors also face incarceration.

**What does the Parentage Unit do?**

The Division of Child Support refers cases to the prosecutor’s office when a parent wants to establish parentage for a child who is on TANF (Temporary Assistance for Needy Families) or at a parent’s request when they want to have parentage established for child support or a parenting plan. The Parentage Unit establishes parentage in many types of cases, using genetic testing or relying upon other evidence, for example “holding out” parentage cases. Our office has established parentage where a biological parent is deceased, where both parents are the

same gender, and where more than two parents are legally established. Guardian ad litem are appointed when appropriate to resolve concerns of whether or not genetic testing should occur, or for minor parents. If your client wants a parenting plan, remember to ask how parentage was established. Your client can then file a motion to establish a parenting plan or file a petition to establish a parenting plan under the original parentage action.

**Questions?**

The prosecutor’s office regularly initiates cases to help families establish child support. If you ever have any questions, please feel free to call 425-388-7280 and ask to speak to one of our attorneys. Besides child support and parentage, we can answer questions about some of DCS practices, policies, and procedures.

Our goal is to serve the community and we do so in part by being a resource for all of you.

*Sanda Meeker, DPA Responding Unit & Helenka Koltownowska, DPA Parentage Unit Family Support Division*



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New attorneys will be matched with experienced estate planning attorneys to interview clients and draft wills, advanced directives, and power of attorney documents for those aged 60 or older in HUD housing or living in poverty.

**When:** Saturday, September 18, '21  
9:00–12:30 p.m.: Orientation and Clinics  
(each attorney will see approximately 3 clients)

**Where:** Edmonds Waterfront Center,  
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To volunteer or for more info, contact Kari Petrasek at [kari@petraseklaw.com](mailto:kari@petraseklaw.com)



Jim Feldman and Dan Evich. 8/27/21

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# Parenting in the midst of a divorce/separation

Guest content by Jorge Manzanera, director of Successful Co-Parenting

Attorneys witness firsthand the struggle parties face as parents going through contested divorce proceedings. It can easily bring out the worst in people. It is paradoxical that the two people that love their children the most, are unwillingly and sometimes unconsciously, the ones creating so much hardship for their own children.

As an attorney, you have a resource to offer these families. Did you know the basic skills needed to minimize the negative consequences of a divorce/separation on families are teachable? The skills summarized here not only support the children's development and wellbeing, but also reduce the reactive patterns that make working with divorcing parties so taxing.

Our content and some exercises are based on the work of world class experts, among them Daniel Siegel, Tina Payne Bryson, Gabor Mate, Dan

Caspersen, Kathleen Bird. They have written a solid body of knowledge useful to our understanding of parenting.

In our four-hour class, we connect the act of parenting with a journey of personal growth. We share children's developmental stages, and link that to the types of engagement parents can offer. This relies on increasing participants emotional intelligence, moving from reaction to responsiveness. We also illustrate the many ways people can still actively parent and blend families to work best for the children. Parents are provided tips on how to advocate for the needs of the kids even if their ex-partner is not cooperating.

Parenting is a hard job, and we are proud of our years of service to help make it a little easier.

*Successful Co-Parenting offers a sliding fee scale and meets court requirements for parenting classes. For more information on referring clients, please see their advertisement below.*

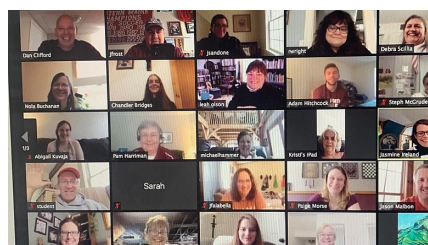
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# FAMILY LAW: THE HIGH COSTS OF JUSTICE DENIED

Marya C. Noyes, 123LLLT, MBA.

Greetings Readers.

I hope this article finds you well. Considering recent world events, I truly hope the last two months have been relatively uneventful for you. Like you, I am tired of being part of another major historical event. Personally, I would love to circle back to the litany of problems that needed resolving before the world went off the rails. To that end, this month's topic is supposed to be about family law. As you may or may not know, among my other degrees I am a limited licensed legal technician licensed in the area of family law. Consequently, my days and sometimes nights are thoroughly steeped in this particular subject.

That being said, this article is not going to be about the legal services I provide to my family law clients. As with my previous articles, I'm going to focus this month's article on the thousands of people desperately in need of legal services. If you work in family law, I am sure you are already acquainted with the extraordinary amount of people that must be turned away because they do not have the resources to retain legal services. Even as a legal technician I am rarely able to take on new clients because of capacity issues. Our front office is constantly searching for professionals that will accept our lower income referrals. Unfortunately, I am not alone. Almost every single legal technician I know lives in a constant state of client overwhelm.

Now even if you don't work in family law, spending more than 45 seconds in the ex-parte courtroom will confront the casual observer of the desperate need for legal aid. It is almost impossible to sit through one court session without being accosted by a parade of pro se litigants completely ignorant of the particulars of the legal system.

One can only imagine the economic downturn created by the pandemic and disproportionately experienced by lower income Washingtonians has only served to exacerbate this problem. Unfortunately, the sad truth is that we don't really have any idea how many of our fellow citizens are without



legal resources. Yes. You read that right. We really don't understand the true extent of the problem.

We don't know because the last civil needs study by the Washington State Supreme Court was completed in 2015. The previous study was completed in 2003 as a result of the Task Force on Civil Equal Justice Funding established by the Supreme Court in 2001. <sup>1</sup> We have no recent data. Even worse, there is no mechanism in place for gathering updated data on this problem.

Meanwhile, our fellow Washingtonians are more than likely experiencing a tremendous amount of suffering without these badly needed resources. The 2003 Civil Needs study showed that thousands of our state's residents have serious legal problems and cannot get help resolving them. Generally, women and children have more legal problems than the remainder of the population especially on matters relating to family law and domestic violence. Legal problems experienced by low-income people are more likely to relate to family safety, economic security, housing, and other basic needs than those experienced by people in higher income brackets. In 2003 low-income people faced more than 85 percent of their legal problems with-



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out help from an attorney. One can only imagine this number has just increased.

The 2003 study is full of heartbreaking statistics. If you feel like being depressed, I have included the link below for your reference. While certainly troubling, the results of this study are hardly surprising. Under the current model, if a person cannot afford legal assistance, they are expected to educate themselves on the law and procedure applicable to their situation and represent themselves effectively against an oftentimes represented party. Further, the pro se party is expected to complete this Herculean task in the face of limited resources, minimal time, and possibly inadequate childcare. Frankly, the proposition is absurd.

Obviously, these expectations are unreasonable. Yet, their perpetuation has led to a tremendous amount of inefficiency in our court system and disproportionately positive outcomes for the economically advantaged. Again, I urge you to spend an hour in any commissioner's courtroom if you doubt of the veracity of these statements.

Who pays of the cost for this inefficiency outside of the individuals directly affected by the outcome of the case? Well, it turns out that we all do. Our le-

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gal system externalizes the cost of its inefficiency to other areas of the public sector less capable of resolving the problem. Society pays the cost for an inefficient legal system in the support of mental health services, health care, police, jails, public assistance, etc. etc. We all pay the cost for lack of ac-

continued on page 8



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cess to justice in family law.

On the upside, it only follows that if we invest in legal aid, not only will we directly aid the aforementioned vulnerable populations, but society will also save the costs currently being stressed by this inefficient system. In September 2019, the World Bank, and International Bar Association (IBA) jointly published a report which analyzed over 50 cost benefit studies of legal aid and related services in a range of countries and jurisdictions across the world.<sup>2</sup>

This report clearly demonstrated that improving legal aid services is as important for economic growth as providing functioning hospitals, schools, and roads. Further, the report found that investment in legal aid provided benefits in other public sectors. For example, a study in Wisconsin found that each prevented incident of domestic violence saved \$3,201 per year in avoided medical care, mental healthcare, lost productivity, and property damage.<sup>3</sup> Another study from Kentucky found that every \$1 spent on obtaining a protective order saved \$32 in avoided costs for society.<sup>4</sup>

The burden of the justice gap falls disproportionately on women, children, minorities, and people with disabilities. Therefore, closing the justice gap would economically aid these particularly vulnerable populations. Our state pays a substantial price for the justice gap in the form of increased law enforcement, child services, health care costs and an inefficient court system. According to the cost benefit analysis presented in the 2019 World Bank report, targeted investment in legal aid would not only benefit the legal services industry, but it would also benefit vulnerable populations and society as a whole.

Citations:

1 Washington State Supreme Court (September 2003) 2003 Washington State Civil Legal Needs Study <https://www.courts.wa.gov/newsinfo/content/taskforce/civillegalneeds.pdf>

2 The World Bank. (September 2019) A Tool for Justice – The Cost Benefit Analysis of Legal Aid. <http://documents1.worldbank.org/curated/en/592901569218028553/pdf/A-Tool-for-Justice-The-Cost-Benefit-Analysis-of-Legal-Aid.pdf>

3 Washington State Supreme Court (September 2003) 2003 Washington State Civil Legal Needs Study <https://www.courts.wa.gov/newsinfo/content/taskforce/civillegalneeds.pdf>

4 The World Bank. (September 2019) A Tool for Justice – The Cost Benefit Analysis of Legal Aid. <http://documents1.worldbank.org/curated/en/592901569218028553/pdf/A-Tool-for-Justice-The-Cost-Benefit-Analysis-of-Legal-Aid.pdf>

## Kristin L. Timm

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# Using Financial Analysts in Divorce Cases

Guest content by Jesse Deason, Divorce Financial Analyst

Since the early 1980s, divorce attorneys have been including the assistance of financial analysts. The client sets the scope of the engagement, so each case varies. But generally, services include: (1) preparation of financial statements related to assets, liabilities, incomes, and expenses, (2) assistance in identifying financial discovery needs, (3) analysis of current and projected needs and/or abilities to pay, (4) child support calculations, (5) identification of tax implications of retirement assets, property distributions, and alternative support scenarios, (6) analysis of financial and tax issues related to the marital residence, and (7) participation in strategic planning and settlement conferences.

As you consider using a divorce financial analyst, here are some benefits of this service: **Time and cost savings** By outsourcing financial data entry, data organization and reporting, and bird-dogging clients for missing financial information, clients will pay less and attorneys can be more productive.

**Access to specialized knowledge/ resources** The financial

landscape is constantly changing. For example, parents began receiving advance Child Tax Credit payments earlier this summer, and October 31, 2021 marks the deadline to take advantage of the one-time opportunity to opt out of the new WA Cares Fund payroll tax. Sometimes, staying current on changes requires support.

**Analysis of the client's options** Consider the scenario where you are representing a client considering sale of the marital home. The house has appreciated significantly and she is wondering whether it makes sense to sell it or convert it into a rental property. A financial analyst could forecast the benefits and risks of both options for your client in terms of income, net worth, and tax savings.

**Education for the financial novice** Not everyone you serve has a financial advisor. Decisions on retirement funds, marital debts, and college saving accounts can feel complicated. Attorneys able to refer these conversations to a financial analyst avoid the risk of providing financial advice and help ensure optimal outcomes for the client.

*About the author: Jesse Deason is a Certified Divorce Financial Analyst® and a Certified Financial Planner™. She has been a financial planner since 2016. See "Serene Divorce" ad, page 8*



Laura Polly, Carmen Elisa Valencia, Steven James, Julie Russell, SCBA Tournament 8/27/21





Joel Nichols, John Sheilds, and Kent Millikan, SCBA Golf Tournament 8/27/21

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