

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

In re the Marriage of

NEHA CHANDOLA NKA NEHA VYAS
Respondent

and

MANJUL VARN CHANDOLA
Appellant

ON REVIEW FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR KING COUNTY

BRIEF OF *AMICI CURIAE* LEGAL VOICE, WASHINGTON STATE
COALITION AGAINST DOMESTIC VIOLENCE, KING COUNTY
COALITION AGAINST DOMESTIC VIOLENCE, BATTERED
WOMEN'S JUSTICE PROJECT, AND GINNY NICARTHY

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I. INTRODUCTION

This case concerns a parenting plan for P.R.C., the daughter of Respondent Neha Vyas and Appellant Manjul Varn Chandola. As with any parenting plan, the central focus should be the best interests of P.R.C.

Instead, Mr. Chandola largely focuses on his desire to engage in his preferred “parenting style.” In doing so, Mr. Chandola asks the Court to rewrite provisions of Washington’s Parenting Act. He also hints that Ms. Vyas raised concerns about possible sexual abuse for improper purposes, even though the experts in this case found no basis to question her motives. Finally, he frames this case as a clash over cultural issues.

There is no question here that Mr. Chandola is a loving father. But that does not make a person a competent parent. The record contains substantial evidence that Mr. Chandola had multiple parenting deficits that were adverse to P.R.C.’s best interests, including prioritizing his own needs ahead of P.R.C.’s; failing to establish boundaries, routines, schedules, and structure; discouraging P.R.C.’s exploration and independence; disrupting P.R.C.’s sleep; failing to learn how to parent independently; actively undermining Ms. Vyas’s efforts to provide essential parenting components; and engaging in abusive use of conflict.

The trial court properly recognized that such parenting deficits warrant restrictions under RCW 26.09.191(3)(g). *Amici* urge the Court to

affirm the parenting plan established by the trial court and to award fees to Ms. Vyas for defending this appeal.

II. IDENTITY AND INTEREST OF AMICI

The identity and interest of *amici* are set forth in the Motion to File Amici Curiae Brief, filed herewith.

III. STATEMENT OF THE CASE

Amici adopt Respondent Neha Vyas’s statement of the case.

IV. ARGUMENT

A. The Trial Court Acted Well Within Its Discretion In Ordering Restrictions Under RCW 26.09.191(3)(g)

The parenting plan entered by the trial court includes restrictions on Mr. Chandola pursuant to RCW 26.09.191(3)(g), which permits restrictions based on “such other factors or conduct as the court expressly finds adverse to the best interests of the child.” Mr. Chandola asserts that RCW 26.09.191(3)(g) “appears to be widely employed by superior court judges throughout the state.” Pet. for Rev. at 9. However, he provides no evidence that this provision is being used to justify inappropriate restrictions by courts across Washington. Nor was it here.

1. Mr. Chandola’s Interpretations of RCW 26.09.191(3)(g) Are Incorrect

In his petition for review, Mr. Chandola argued that RCW 26.09.191(3)(g) must require a court to “find a credible danger of

significant harm” and “a demonstrable risk of danger to a child’s physical, mental, or emotional health.” Pet. for Rev. at 11, 13. However, Mr. Chandola offers a new argument in his supplemental brief. He argues “the issue is whether the father’s parenting faults, as perceived by the trial judge, rise to a constitutional level of harm.” Pet. Supp. Br. at 7. He maintains that trial courts must find the same level of harm to a child required under Washington’s non-parental custody statute (RCW 26.10) – *i.e.*, parental unfitness or actual detriment to the child’s growth and development – before ordering restrictions under RCW 26.09.191(3)(g).

Because Mr. Chandola did not raise this constitutional argument in his petition for review, it need not be considered by the Court.¹ *See Denaxas v. Sandstone Court of Bellevue*, 148 Wn.2d 654, 671, 63 P.3d 125 (2003); RAP 13.7(b). But even if the Court considers this argument, it must fail. This Court recently rejected a similar argument, holding:

We have long recognized a parent's right to raise his or her children may be limited in dissolution proceedings because the competing fundamental rights of both parents and the best interests of the child must also be considered. ***As the Court of Appeals aptly stated below, a parenting plan that “complies with the statutory requirements to promote the best interests of the children” does not violate a parent's constitutional rights.***

¹ *See also In re Marriage of Katare*, 175 Wn.2d 23, 40, 283 P.3d 546 (2012) (noting the appellant’s “principal arguments over the life of this case have shifted to take on constitutional overtones” and that ““naked castings into the constitutional sea are not sufficient to command judicial consideration and discussion.””).

Because the restrictions imposed by the trial court ultimately complied with RCW 26.09.191(3) and served the best interests of the children, and because the trial court had to balance the constitutional rights of both parents, [the father's] constitutional rights as a parent were not violated.

In re Marriage of Katare, 175 Wn.2d 23, 42, 283 P.3d 546 (2012)

(internal citations omitted) (emphasis added).

Mr. Chandola's constitutional argument also overlooks that in a proceeding under RCW 26.10, a non-parent seeks custody of a child. This triggers a more stringent test than in a custody dispute between legal parents. *See, e.g., In re Custody of R.B.B.*, 108 Wn. App. 602, 613, 31 P.3d 1212 (2001) ("Although the 'best interests' test is proper when determining custody between parents, 'between a parent and a nonparent, application of a more stringent balancing test is required to justify awarding to the nonparent.'") (internal citations omitted).

It would be a quite different matter to hold that the constitutional requirements that apply in a non-parental custody action should apply in cases where two legal parents are litigating a parenting plan. The Court should decline this invitation here, not only because it is simply wrong, as a matter of doctrine, but because it would also lead inevitably to protracted litigation and hinder the trial courts in fulfilling their duty to protect the children affected by divorce.

Nor should a parent's preferences trump the best interests of the child in shaping parenting plans. Instead, as Chief Justice Madsen has observed, "[v]isitation rights must be determined with reference to the needs of the child rather than the . . . preferences of the parent." *Katare*, 175 Wn.2d at 50 (Madsen, C.J., dissenting) (quoting *In re Marriage of Cabalquinto*, 100 Wn.2d 325, 329, 669 P.2d 886 (1983) (ellipsis in C.J. Madsen's dissent)).

Nor do the rulings of this Court support Mr. Chandola's initial argument in his petition for review that restrictions under RCW 26.09.191(3)(g) must be based on "a credible danger of significant harm" and "a demonstrable risk of danger to a child's physical, mental, or emotional health." Pet. for Rev. at 11, 13. As this Court noted in *Katare*, Washington case law holds that "restrictions cannot be imposed for unfounded reasons." *Katare*, 175 Wn.2d at 37 (citing *In re Marriage of Wicklund*, 84 Wn. App. 763, 932 P.2d 652 (1996) and *In re Marriage of Watson*, 132 Wn. App. 222, 130 P.3d 915 (2006)).

The meaning of RCW 26.09.191(3)(g) is plain: a court may include restrictions in a parenting plan if the court expressly finds that a parent's conduct is "adverse to the best interests of the child." As Ms. Vyas observes, this standard provides necessary discretion for trial courts to restrict parental conduct that harms or poses a risk of harm to the child,

based on the facts of each case. And in this case, the harms specifically identified by the trial court were clearly adequate grounds to justify restrictions, particularly under an abuse of discretion standard.

2. The Trial Court’s Restrictions Under RCW 26.09.191(3)(g) Were Amply Supported And Do Not Reflect Mere Preferences Regarding Parenting Style

The trial court entered detailed findings regarding “[t]he factors and conduct of the father that the court expressly finds adverse to the best interests of the child.” CP 92. Among other things, the trial court found that Mr. Chandola “consistently engaged in a pattern of interaction with [P.R.C.] which . . . lacked, in concerning degree, objectivity with respect to her healthy development”; “was unwilling or unable to establish boundaries, routines, schedules, and structure”; “discouraged exploration and independence”; and “actively undermined the mother’s efforts to provide these essential parenting components resulting in an imbalance that appears to have had adverse consequences for the child.” *Id.*

The court also found that “[s]ubsequent to separation the child’s behavior repertoire increased dramatically,” resulting in a “changed child, more outgoing, interactive.” *Id.* at 93. Mr. Chandola’s testimony “failed to persuade this court that he appreciated the down side of his approach before separation or the risks and hazards of his parenting choices going forward,” an assessment consistent with the court-appointed parenting

evaluator's concerns about "his difficulties with integrating data inconsistent with his view of reality." *Id.* The court found it "necessary to impose such restrictions as may best be anticipated assure the mother's parenting is not diluted by the father." *Id.*

These findings are well-supported by substantial evidence. Indeed, they are largely consistent with the conclusions of Dr. Jennifer Wheeler, the court-appointed parenting evaluator. In turn, Dr. Wheeler's evaluation was reviewed by the father's expert, Dr. Marsha Hedrick. Based on her review, Dr. Hedrick acknowledged multiple concerns about Mr. Chandola's parenting as well, including his potential to create unnecessary conflict, his potentially inappropriate involvement of grandparents that increases conflict, his ability to be consistently appropriate with P.R.C. without support from his extended family, his ability to set limits with P.R.C., and his failure to impose age appropriate structure for P.R.C. RP at 724-25. She further confirmed concerns about the father's ability to impose age appropriate structure, and agreed that children who are not supported for age appropriate skills will end up behind other children, can struggle to fit in socially, and experience problems with control, school readiness, and peer relationships. *Id.* at 725-27.

On this record, this case cannot be characterized merely as one where the trial court chose between competing "parenting styles" that

posed no harm to P.R.C. As the Court of Appeals held, Judge Doerty's specific findings that restrictions are warranted under RCW 26.09.191(3)(g) are supported by substantial evidence.

3. The Parenting Plan Provisions Regarding Sleeping And the Paternal Grandparents Were Within The Trial Court's Discretion Under The Facts of This Case

Despite ample evidence in the record supporting Judge Doerty's findings, Mr. Chandola argues that the trial court inappropriately restricts his ability to engage in Indian child-rearing practices in favor of a "Seattle" approach to parenting. This argument again ignores the record.

Specifically, Mr. Chandola complains that the parenting plan improperly restricts him from co-sleeping with P.R.C. The parenting plan provides "the child sleeps in her own room at the father's house (unless otherwise recommended by the case manager)" during Stage 1 of the plan. CP 81. Putting aside the fact that this provision does not by its terms prohibit co-sleeping, there is substantial evidence in the record that Mr. Chandola was disrupting P.R.C.'s sleep, resulting in harm to P.R.C. As Ms. Vyas testified at trial:

I'm not opposed to co-sleeping, but eventually I began to object to it because I felt that [P.R.C.] wasn't sleeping. Manjul would hold her in the middle of the night. And sometimes children have to be soothed to go back to bed, but he would just randomly pick her up. At 2 in the morning, he's holding her. And if she wanted milk, feeding her milk. And I felt that the co-sleeping was more disruptive and it wasn't healthy for her because she's not sleeping

through the night.

RP 411-12. The trial court clearly accepted this testimony as credible.

Similarly, the trial court's decision to restrict the amount of time that Mr. Chandola's parents could spend with him during his residential time with P.R.C. is not based on cultural biases or insensitivities. The court made it clear that the restrictions were included to address concerns that Mr. Chandola would be unable to learn to parent independently unless he spent more time parenting without the assistance of his parents.

The trial court found Mr. Chandola's "opportunities to parent and to learn from the opportunities [to parent] must in large part be without the presence of his parents." CP 93. While recognizing that "there are several cultural aspects," the court concluded the "so called 'team' approach at this time needs to stop." CP 93-94. These findings are closely tied to evidence that Mr. Chandola was not able to parent independently.

For example, Dr. Wheeler expressed "concerns about Manjul's ability to perform some parenting functions (past and future), without the support of his extended family." Ex. 1 at 27. While "the involvement of extended family appears to be consistent with Indian culture, it is nonetheless unclear whether Manjul would be able to effectively perform all necessary day-to-day parenting functions, without the support of his parents." *Id.* Mr. Chandola's expert Marsha Hedrick also indicated he is

“untested” with respect to functioning as a parent independently. RP 724: 13-23. Where a parent’s basic ability to care for a child is questioned, the trial court has the duty and certainly the discretion to verify the parent acquires the necessary skills in order to protect the child from harm.

The record also contains substantial evidence that the paternal grandparents negatively impacted Ms. Vyas’s relationship with P.R.C. *See, e.g.*, RP 106-07, 203-05, 726. As Dr. Wheeler observed, “[o]ne of the themes that came through during my evaluation was the notion of [P.R.C.] getting reward from the father and other family members for being more oriented towards her father relative to her mother.” RP 191.

Here, Judge Doerty had clear reasons for including these restrictions. There is substantial evidence that reliance on the grandparents was preventing Mr. Chandola from learning to parent competently and independently. Such a concern goes directly to the question of whether the conduct is adverse to the best interests of P.R.C. There is no cultural bias or insensitivity in requiring a father or mother to learn to parent independently as a condition of a parenting plan.

4. The Father’s Abusive Use of Conflict Also Presented Significant Concerns

Because Judge Doerty found that restrictions in the parenting plan were warranted under the “catch-all” provision of RCW 26.09.191(3)(g),

it was not necessary for the trial court to determine whether restrictions were also warranted based on abusive use of conflict. However, the record in this case would equally support restrictions on that basis.

At trial, Dr. Wheeler testified:

The overarching concern that I have with regard to father's what appeared to me to be personality traits and style, again was a sort of rigid inflexibility in terms of his orientation towards the mother. During my evaluation, his upset, his hostility, his suspiciousness and mistrust of the mother was quite evident, and I am concerned about how that might continue to play out in terms of his own relationship with [P.R.C.] and how that may influence her perception of him, how it may influence her perception of her mother and therefore impacting her relationship with her mother, and then of course, the ongoing exposure to conflict between them that may be perpetuated by this kind of rigid inflexible style that he has.

RP 194:6-20.

Dr. Wheeler further testified that "the traits that I was seeing and the personality symptoms that were seeming to be evident in the course of this evaluation, the way that those were problematic specifically had to do with abusive use of conflict." RP 195:6-10. She noted that those concerns "would support .191 restrictions." *Id.* at 195:11-12. She concluded "[t]he way those traits do manifest themselves I think makes father vulnerable to abusive use of conflict" and that "he actually brought up a number of examples of how that might play itself out in the future." *Id.* at 195:12-16.

Among other examples, Dr. Wheeler noted Mr. Chandola's stated desire for "karmic justice for the parties involved in the future" and that

“he hoped that someday there would be some kind of revenge on the parties involved for all of these events.” RP 196:20-25. These examples showed “he was very focused on perpetuating the conflict and staying focused on the conflict versus what was really in [P.R.C.’s] best interest.” RP 197:2-4. They were also consistent with “having to have things go his way” and “having to have the family dynamics conform to the way that he wanted things done,” as well as “perpetuating [P.R.C.’s] preference of him at the expense of her relationship with her mother.” RP 200:3-7.

As Dr. Wheeler’s observations suggest, concerns about abusive use of conflict are consistent with Mr. Chandola’s need for control. Controlling behaviors include undermining the other parent’s authority or considering it “his right to make the ultimate determination of what is good for [the children] even if he doesn’t attend to their needs or even if he only contributes to those aspects of child care that he enjoys” Lundy Bancroft, *Why Does He Do That? Inside the Minds of Angry & Controlling Men* 241 (2002). The trial court touched on these concerns in its findings, noting the father “actively undermined the mother’s efforts” to provide essential parenting components and his “difficulties with integrating data inconsistent with his view of reality.” CP 92-93.

Perpetuating conflict poses serious risks to the best interests of the child. As Dr. Wheeler testified, “the risk to [P.R.C.] of those traits is

ongoing conflict that is essentially emotionally abusive to her,” which would justify residential restrictions. RP 305. These concerns provide another basis for ordering restrictions under RCW 26.09.191(3).

B. There Is No Basis To Adopt The Father’s Proposed Rules For Cases In Which A Parent Raises Sexual Abuse Concerns

Mr. Chandola asks the Court to adopt new rules in cases involving “false allegations” of sexual abuse. He also appears to suggest that Ms. Vyas raised concerns of possible sexual abuse for an improper reason. Pet. for Rev. at 18 (claiming “allegations of sexual abuse are all too frequent in divorce cases, in part because they are such an effective means to keep the accused parent out of the picture.”). These arguments have no basis in Washington law and rely on myths about the prevalence of false allegations.

1. The Mother Had Reason To Raise Concerns of Possible Sexual Abuse

The record shows Ms. Vyas had reasons to be concerned about possible sexual abuse. She proceeded cautiously and did not call the police or CPS. Instead, the parties conferred with counsel and agreed to a temporary parenting plan that provided Mr. Chandola supervised visitation several days a week, pending an evaluation by Dr. Wheeler.

Ms. Vyas’s concerns about possible sexual abuse were based on P.R.C.’s statements and conduct. Among other things, P.R.C. would point

to her vagina and say it hurts; said she was afraid of Mr. Chandola; grabbed Ms. Vyas's breast and crotch; threw frequent tantrums over changing diapers; spread her legs apart and touch her crotch while saying "rub, rub"; and said on one occasion "he touches me." RP 800-02.

Neither Dr. Wheeler nor Dr. Hedrick expressed concern that Ms. Vyas raised these issues out of anything but concern for P.R.C. It is also clear Ms. Vyas raised these concerns reluctantly. Dr. Wheeler testified:

During my evaluation, Neha was very clear that she reluctantly over time came to regard the statements as more and more concerning. In other words, it took sort of repeated events, repeated incidents, repeated situations, combined with her own knowledge and her history for her to sort of unwillingly open her mind to the possibility that this might be happening. But she presented as very reluctant to go down that path and very open to the possibility that there might be other explanations for all of this, but that she felt like she needed to at least find out and explore this and have this investigated before exposing her daughter to further risk. But she definitely presented as sort of unwillingly following this path out of the need to protect her daughter.

RP 205-06. Dr. Wheeler observed that "Neha was mostly upset by the idea that this might have occurred. It was clear she would like to believe this had not occurred because that would be best for [P.R.C.]. . . if her motivation had been to create a divisive wedge between father and [P.R.C.], then I would have expected more of a push down that direction and more attempting to persuade." RP 207:17-23.

Similarly, Dr. Hedrick testified that she had no basis to believe that Ms. Vyas's reporting of P.R.C.'s behaviors or statements regarding possible sexual issues were inaccurate. RP 723:13-17. Dr. Hedrick also indicated that given the statements from P.R.C., she did not take particular issue with the mother retaining an attorney, instituting supervised visits, or having Dr. Wheeler complete an evaluation. RP 723-24.

As a leading expert in child sexual abuse cases has noted, “[i]t is essential to differentiate insufficient evidence and mistaken cases from deliberate fabrications.” In making such distinctions, “the parent who makes an allegation with insufficient evidence to satisfy a legal standard, or who makes a good faith but mistaken allegation, should not be equated with the malicious parent who deliberately fabricates.” Lynn Hecht Schafran, *Adjudicating Allegations of Child Sexual Abuse When Custody Is In Dispute*, 81 *Judicature* 30, 32 (1997). As discussed below, the danger from conflating these two situations is that parents will be made hesitant to report valid, good faith concerns, which flatly violates Washington's policy of promoting reporting as a means to protect children. Here, Ms. Vyas did not act with an improper purpose, and she should not be treated as if she did.

2. Parents Who Have Concerns About Possible Sexual Abuse By Another Parent Have No Easy Options

A parent who suspects possible sexual abuse by the other parent faces a terrible situation. If she takes no action, she risks allowing her child to be critically harmed – and she may also risk losing her parental rights for failing to protect her child. Taking action also will almost certainly mean the end of the relationship with the other parent.

But if she raises concerns, she does not simply run the risk that she may be wrong. Instead, she faces the risk that “[t]he judge and other professionals involved in the case may disbelieve her allegations, believing instead that the allegation were made for a strategic purpose: to strengthen her bargaining position in divorce negotiations.” Mary E. Becker, *Double Binds Facing Mothers in Abusive Families: Social Support Systems, Custody Outcomes, and Liability for Acts of Others*, 2 U. Chi. L. Sch. Roundtable 13, 23 (1995).²

Mr. Chandola suggests that raising false claims of sexual abuse is often used to gain advantage in child custody cases. However, “the empirical evidence does not bear out the anecdotal, gender-biased assertion that mothers are rampantly falsely accusing fathers of child

² Indeed, a 1990 study in Massachusetts found that a majority of judges believed that “mothers allege child sexual abuse to gain a bargaining advantage in the divorce process.” Gender Bias Study Committee, Mass. Sup. Jud. Court, *Gender Bias Study of the Court System in Massachusetts*, 24 New Eng. L. Rev. 745, 843 (1990).

sexual abuse in order to gain the upper hand in divorce cases.” Lynn McLain, *Children Are Losing Maryland’s “Tender Years” War*, 27 U. Balt. L. Rev. 21, 64 (1997). A comprehensive study found that only 2% of 9,000 divorce cases studied involved allegations of sexual abuse; of those, Child Protective Services found only eight cases where allegations were malicious in nature. *Id.* To propagate the fiction of false allegations is destructive to efforts to protect children from abuse.

If anything, mothers tend to be very reluctant to disclose suspected abuse, in part “because of the enormous backlash against women who have made allegations of sexual abuse during divorce in the past.” Merrilyn McDonald, *The Myth of Epidemic False Allegations of Sexual Abuse in Divorce Cases*, 35 Court Rev. 12, 17 (1998). Mothers report that “no matter what they do it is considered wrong by the legal system.” *Id.* at 17-18. Few parents act rashly in raising concerns about possible sexual abuse. The evidence is clear in this case that Ms. Vyas did not act rashly, but acted carefully and in good faith out of concern for the child.

3. The Rules Proposed By The Father For Cases In Which A Parent Raises Concerns About Sexual Abuse Are Unwarranted And Would Rewrite Washington’s Parenting Act

Mr. Chandola asks the Court to adopt special rules in cases where a parent has raised concerns about sexual abuse that do not prove to be

founded. These proposals should be rejected because they have no basis in Washington law and would require this Court to read new requirements into the Parenting Act.

Mr. Chandola suggests that if a parent has raised concerns of sexual abuse that do not prove to be founded, “the appellate court should strictly scrutinize the parenting plan to ensure that it provides for expeditious restoration of the disrupted parent-child relationships.” Pet. for Rev. at 18-19. Adopting such a rule would amount to rewriting the Parenting Act. In any case, nothing in the record suggests that Judge Doerty penalized Mr. Chandola in the parenting plan due to the concerns that Ms. Vyas raised about possible sexual abuse. If anything, as discussed earlier, courts tend to penalize the parent who raised mistaken concerns about sexual abuse. Instead, Judge Doerty included restrictions on Mr. Chandola due to the parenting deficiencies that were specifically identified by the court and supported by substantial evidence.

Mr. Chandola also suggests “when one party’s parenting has been disrupted prior to trial . . . it is inappropriate to cast in stone a permanent parenting plan” and that trial courts should instead enter an “interim plan” while postponing a final decision until “more data” is available. *Id.* at 19-20. Once again, this argument must fail because it would add requirements to the Parenting Act that the Legislature has not included.

It is within the equitable powers of a trial court “to defer permanent decision making with respect to parenting issues for a specified period of time following entry of the decree of dissolution of marriage.” *In re Marriage of Possinger*, 105 Wn. App. 326, 336-37, 19 P.3d 1109 (2001). But to hold that a trial court *must* enter an interim plan in a particular case is not consistent with *Possinger*, which merely held that a trial court is “not precluded by the Parenting Act” from entering an interim plan. *Id.* at 336. The court cautioned that such authority should be exercised sparingly due to the strong presumption favoring finality. *Id.* In any case, Mr. Chandola did not even request such an interim plan here.

C. The Mother Should Be Awarded Fees On Appeal

Finally, *amici* agree with Ms. Vyas that she should be awarded her attorney’s fees for defending this appeal. In determining whether to award fees, “[a]n important consideration, apart from the relative abilities of the two spouses to pay, is the extent to which one spouse's intransigence caused the spouse seeking the award to require legal services.” *In re Marriage of Buchanan*, 150 Wn. App. 730, 739, 207 P.3d 478 (2009).

Mr. Chandola was entitled to pursue appeals and to seek review in this Court. However, he also told Ms. Vyas that if she ever filed for divorce he would “ruin” and “bankrupt” her. RP 415:10-11. Mr. Chandola also previously stated that he would “spend \$100,000 if I have

to and then keep my daughter to myself.” RP 382:2-4. Coupled with Mr. Chandola’s “difficulties with integrating data inconsistent with his views of reality,” (CP 93), these statements raise concerns that Mr. Chandola has pursued and will continue to pursue litigation to perpetuate conflict and to impoverish Ms. Vyas, rather than to advance P.R.C.’s best interests. To compensate Ms. Vyas and to guard against similar protracted litigation, the Court should award Ms. Vyas her fees in defending this appeal.

V. CONCLUSION

For the foregoing reasons, *amici* urge the Court to affirm the trial court’s decision and to award attorney’s fees on appeal to Neha Vyas.

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