

**SEALED**

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF KING**

Christine Moyer,

Petitioner,

and

Robert Edward Moyer II,

Respondent.

**NO. 23-3-05392-7 SEA**

**PARENTING PLAN EVALUATION  
REPORT**

*The information in this report was obtained from a variety of sources. Given the extensive amount of information provided by both parents, this report is likely to contain some inaccurate or contradictory information. It represents the undersigned evaluator's best understanding of the circumstances and is presented here to inform the court of the data reported by the parties and others. This investigation was conducted for the current litigation and should not be used for other purposes except for being shared with treatment providers and other agencies involved with the family.*

**I. NATURE OF THE CASE AND BACKGROUND INFORMATION**

This is a dissolution case involving two minor children, Robert "Max" Moyer (16) and Adrian Moyer (12). The court entered a Stipulation and Agreed Order Appointing Parenting Plan Evaluator on 4/3/24. Per the order, the undersigned is to address "all issues related to making a parenting plan for the children; allegations of domestic violence of the respondent, mental health issues of the petitioner, the respondent, and the children; substance abuse of the respondent, whether both parties are willing to share decision making authority and/or whether shared decision making is in the children's best interests; and any other issues discovered that could affect the safety of the children."

The parents met in 1994 and were married on 9/5/98. The parents separated on 9/15/23. On 10/16/23 the mother filed a Petition for Dissolution. A Temporary Restraining Order was entered on 2/6/24 protecting the mother and children and prohibiting the father from contacting her via text, email, or telephone, and limiting communication to Our Family Wizard for purposes of co-parenting the parties' children.

The mother is employed as Senior Manager for Starbucks. She works 8:00 a.m. to 5:00 p.m. Monday through Friday with some additional work calls she takes in the morning or evening. The father is retired from Microsoft. The mother resides in the four-bedroom family home in Kirkland. The father lives in a three-bedroom house in Bellevue.

## II. INFORMATION REVIEWED

The following information was reviewed for this report:

1. In-office interviews with the mother on 6/7/24, 6/11/24, and follow up phone interviews on 9/30/24 and 10/11/24.
2. In-office interviews with the father on 6/21/24, 7/9/24, and follow up phone interview on 10/9/24.
3. Telephone calls and emails with the parents and their attorneys.
4. Review of the questionnaires from both parents.
5. Review of the reference forms returned from the mother's references:
  - Lisa Rudolph, see Collateral Contacts section below.
  - Elsa Moyer, see Collateral Contacts section below.
6. Review of the reference forms returned from the father's references:

The father did not include the names and contact information on his parent questionnaire for any references. Instead, he provided the name and phone number of one reference, Katharine Holdsworth, see Collateral Contacts section below.

  7. Home visit and observation of the mother and minor children on 9/5/24.
  8. Home visit and observation of the father and minor children on 8/24/24.
  9. Review of Washington State Patrol WATCH Reports on each parent indicates the mother has no guilty convictions in Washington State. The father has one guilty conviction for Reckless Driving on 8/4/19.
  10. Review of pleadings and orders provided by counsel for King County Superior Court case number: 23-3-05392-7 SEA.
  11. All written materials and documents provided by the mother/mother's counsel, including:
    - Allegro Pediatrics Medical Records for Adrian dated 7/12/12 to 3/28/24, indicate that for the thirty medical visits where a parent was identified as having attended the visit with Adrian, the mother is listed 28 times, the father is listed one time, and both parents are listed together for one visit. There are no indications of acute illnesses or injuries for Adrian in the record.
    - Text messages between Adrian and the father dated January 29<sup>th</sup>, with Adrian asking "Why did you do what did [sic] in Hawaii, Las Vegas, Hong Kong, Canada and the other times" The father acknowledges drinking, "but not Vegas though is that what you mean?" Adrian states, "I am just wondering why Because you really traumatized me" The father responds, texting "It is a terrible disease" and asks Adrian to talk directly.

- An undated page reportedly from Adrian's diary with content including "Like I already feel dead inside. I'm so fuked [sic]. I would jump off a cliff like my friends and die. They both killed themselves. IDK I don't talk about it. I hate my dad. Fuck you dad. You really fucked me up dad. Like you alcoholic bitch. I wish I was like Jason and Amari, dead."
- Undated picture of Max with a Skyy vodka bottle.
- Text of September 11<sup>th</sup> (no year provided) between Adrian and the mother requesting the use of a safe word with the mother to indicate when he felt unsafe.
- Our Family Wizard messages between the parents dated 1/11/24, 1/13/24, 1/14/24, 1/15/24, 1/17/24, 1/23/24, 1/31/24, 2/1/24, 2/2/24, 2/14/24, 2/15/24, 2/16/24, 3/18/24, 3/22/24, 4/20/24, 5/9/24, 6/14/24, 7/2/24, 7/11/24, 7/12/24, 7/13/24, 7/14/24, 7/17/24, 7/28/24, 8/3/24 and 9/1/24.
- Text messages from the father to the mother dated 7/22/19 and 7/23/19, in which the father calls the mother a "cunt," tells her she will regret it if she takes a screenshot of the message, tells her to answer her phone, telling her "you will be collateral damage," and telling the mother "you are not legal and you know it." The mother responds telling the father she is taking the children to a hotel because she and the children feel unsafe.
- Email thread between the parents dated 9/6/22, indicating that the mother had blocked the father's communication with her, and the father demanded she unblock him. The mother responds stating she asked the father not to return home due to "anxiety and discomfort it brings. You deliberately lied to me then faked taking pills after I indicated this was the last chance. I am no longer willing to live in a state of anxiety or being terrified of you. You can't force love or shame or guilt me into staying."
- Journal Timeline provided by the mother dated 9/10/23-9/13/23, describes arguments, requests to leave the home, the father appearing at the family home at 11:00 p.m. and turning on the lights and screaming at the mother, Adrian expressing he did not want to be alone with the father, and that the father called the mother deranged.
- Call logs documenting calls from the father to the mother between 10/10/23 and 5/29/24, include 5 missed calls on 10/10/23, 8 missed calls on 10/11/23, 9 missed calls on 4/20/24, 6 missed calls on 5/2/24, 6 missed calls on 5/4/24, 4 missed calls on 5/5/24, 6 missed calls on 5/10/24, 7 missed calls on 5/29/24, and 10 missed calls with no date identified.
- Emails between the parents dated 6/5/23 and 7/6/23.
- Emails between the father and Yurushka Martin from 9/1/23 through 9/26/23.
- Emails between the parents from 9/21/23 to 10/15/23.
- Separation and Co-Parenting Draft from the father, no date listed.
- Emails between the mother and Yurushka Martin dated 8/4/23 through 10/10/23.
- Email to both parents from Yurushka Martin dated 10/12/23.

- Municipal Court of Santa Clara County Amended Citation and Complaint against the father for driving with a suspended license on 8/24/97 and failure to use a seatbelt. The matter was dismissed on 12/20/98.
- Superior Court of California County of Santa Clara Misdemeanor Complaint dated 6/17/05 against the father “who did use and was under the influence of a controlled substance, opiates,” and for “driving under the influence of alcohol.” The complaint references “Prior Conviction (Driving Under the Influence),” and notes “It is further alleged that the defendant committed a separate violation of Vehicle Code section 23152, on or about December 20, 1998, and was convicted of that offense in the California Municipal Court, Stana Clara County (C9916497).”
- Kirkland Municipal Court pleadings dated 7/20/13 for the charge of DUI, reflect the father’s admission that the citation for DUI “was the result of or caused by Alcoholism,” that the father had tested at a .231/.228 BAC level on 7/20/13, and had two prior DUIs in 1998 and 2005 while living in California. A Drug and Alcohol evaluation from Assessment and Treatment Associates notes the father was diagnosed with Alcohol dependence and he was referred to an ASAM Level 1 and 2.1 treatment program. Treatment records of 8/27/13, 10/7/13, and 11/7/13, suggest the father was in compliance with treatment at Assessment and Treatment Associates. The records also indicate an Intoxalock system was installed on a vehicle for the father on 8/30/13.
- King County District Court West Division, Statement of Defendant on Plea of Guilty – Reckless Driving dated 9/19/21, includes the father’s signed statement that on 8/14/19 he “drove a motor vehicle with willful disregard for the safety of property. I was driving on SR-520 and made an erratic movement toward the skip line, and drove onto the shoulder twice, then continued swerving within my lane.”
- King County District Court West Division Order of Judgement and Sentencing for the Crime(s) of Reckless Driving with a violation date of 8/4/19, indicates the father received a suspended sentence for 24 months, was required to comply with substance abuse treatment, and not have any criminal law violations, alcohol-related infractions or drug-related infractions.
- Correspondence from Monique Brown, PsyD, ABPP, to and from the parents dated 12/19/23 through 4/24/24. The email from Monique Brown to the parents of 2/10/24 states that Dr. Brown met with Adrian individually on that date and she concluded “it does not appear that Adrian is influenced by any negative talk from Christine. His feelings appear to be his own feelings and are not influenced by anything but his experience with you, Rob.”
- Subpoena Duces Tecum and For Deposition issued to Monique Brown, Psy.D., dated 4/26/24, and undated Role Specification & Financial/Retainer Agreement and Forensic Informed Consent Contract and billing invoices from Monique Brown, Psy.D., emails,

billing statements, parenting plan templates, and other treatment materials related to participation by the parents in counseling with Monique Brown, PsyD.

- Unsigned and undated Final Parenting Plan with the parents listed in the case caption.
- Correspondence between the father and Kari Betts, LMFT, CMHS, MHP, dated 12/14/23.
- Summary of “Surveillance Activities: Temp Restraining Order Details,” includes an overview of the mother’s discovery of Blink cameras at the family home, images of what appears to be a camera in a garage, and image of wifi connected devices.
- Bank of America Checking Account Activity record for “Moyer Checking – 8654,” reflecting a transaction in the amount of \$303.00 at Higher Leaf in Bellevue on 6/3/24.
- American Express Card Transaction History for the father dated 3/29/24 through 4/28/04, lists a transaction in the amount of \$319.54 on 4/10/24 at Wine.com.
- Soberlink Client Detail Report for the father dated 10/19/23 through 6/9/24, indicates negative tests for the father for all tests taken during this time period except 5/5/24 when a positive test was received. At 10:02 p.m. the father’s test reflected a BAC of .013, a positive retest was received at 10:18 p.m. of .007, and a “compliant test” was received at 10:34 p.m.
- Soberlink Client Detail Report for the father dated 7/1/24 through 7/17/24 indicates negative tests for the father during this time period for all tests taken.
- Timeline summary of events 1997-2022 with attachments.
- Email communication between the parents of 7/5/18 through 9/17/18.
- An unsigned order regarding Soberlink.
- Phone records for the father’s cell phone dated 8/5/23 through 9/6/23.
- Emails dated 4/28/22, 4/29/22, 5/2/22, 5/5/22, and 5/6/22 to/from the mother and Seattle Public Schools and Hamlin Robinson School officials regarding testing and school enrollment for Max.
- Undated list of admissions activities for various prospective schools for Max.
- Emails between the parents dated 8/27/18 regarding treatment for the father’s neck pain.
- Stipulation RE Residential Schedule signed by attorneys for both parents dated 6/13/24, providing for professionally supervised visits for the father and Adrian every other Saturday from 10:00 a.m. to 4:00 p.m.
- Declarations (some unsigned/undated) from Lisa Rudolph, Olivia Slape, Connie Stark, Matthew Slape, and Christina Koczarski.
- Seattle Academy of Arts and Sciences (SAAS) Attendance, Student Credit, and Grade Reports for Max and Adrian for the 2023-2024 school year indicate no attendance issues, and that Adrian received a 3.91 grade point average for his spring trimester. Adrian had transferred from another school to SAAS on 3/13/24. Max’s records indicate no attendance issues and he received a 3.59 cumulative GPA for his ninth-grade year.

- Neuropsychological Evaluation for Max dated 6/30/15 through 7/2/15 conducted by Guy Oram, Ph.D., indicates that Max was diagnosed with Specific Learning Disorder with impairment in reading, ADHD, and dysgraphia. Accommodations were suggested for Max at school to support his academics.
- Neuropsychological Evaluation for Max dated 11/2/22 through 11/16/22 conducted by Philip Dunbar-Mayer, Psy.D., indicates that Max was diagnosed with ADHD, Dyslexia, Dysgraphia, Other Specified Anxiety Disorder, and was identified as a “twice exceptional” student. Recommendations for academic accommodations were included in the report.
- “Moyer Travel Timeline” reflecting communication and correspondence related to travel with the children from 12/28/23 through 7/31/24.
- Flight receipt for the purchase of a plane ticket dated 2/5/24 and 5/21/24.
- Email to/from Jennifer Keilin from Natalie de Maar dated 7/3/24.
- Consent for Minor to Travel from the father dated 6/13/24, 7/3/24 and 7/25/24. Undated and unsigned travel authorization with the father’s name for travel by the mother and children to Mexico in April 2024.
- Travel emails from the mother to her counsel, and from the mother’s counsel to the father’s counsel dated 5/30/24 and 6/3/24.
- Email between Jennifer Keilin and the parents dated 6/19/24.
- Undated texts between the father and Adrian.
- Emails between the parties from 7/22/24 through 7/29/24.
- Canceled check for storage of the father’s vehicle dated 8/22/19 and undated/unsigned declaration of Greg Long regarding storing the father’s vehicle at his business.
- Substance Abuse Timeline submitted by the mother on 9/4/24 detailing a report of the father’s abuse of substances starting in “Spring/Summer 2023” through 7/31/24.
- Texts and communications between the mother and a neighbor, John Rudolph, concerning a trip to Hawaii in 2019, flight confirmation records, and an email to Debbie Bayer, LMFT.
- Emails between the parents of December 2022 regarding the events of Christmas 2022, texts between the parents, and journal entries of the mother dated 12/25/22-12/27/22.
- Text messages between the mother and paternal grandmother dated 8/18/21-8/22/21 regarding a trip to Alabama and Florida in 2021 to visit the paternal family.
- Driftwood contract for services dated 8/25/18 for the father and communication between the mother and Driftwood staff of 7/16/18.
- Text messages between the mother and John Rudolph dated 8/20/24 through 8/29/24 regarding the father’s admission to Driftwood for treatment.
- Written summary of “Substance Timeline” from summer 2023 to present dated 9/4/24, includes the father’s substance abuse evaluation of October 2023 from New Life Recovery Solutions, urinalysis testing for the father dated 11/16/23 and 6/25/24 which

were negative for all non-prescribed substances tested, a hair follicle test of 6/25/24 which was positive for cannabinoids, and a letter from the father's individual counselor, Luis Merced dated 6/27/24.

- Hotel reservations, Lyft receipts, and flight confirmation reports of August 2023 regarding a family trip to Las Vegas.
12. All written materials and documents provided by the father/father's counsel, including:
- Invoices and e-mail Correspondence and attachments related to parenting plan matters to/from Monique Brown, PsyD, ABPP, and the parents dated 12/18/23 through 4/24/24.
  - Draft of undated and unsigned parenting plan with the names of the parents and cause number for this case in the caption.
  - Supervised Visitation Reports of Alan Schneider dated 3/30/24 through 10/12/24, as well as attached pictures from the visits and summary/commentary of the father for each visit except 4/27/24 and 5/11/24.
  - Multiple versions of proposed parenting plans, with alternate drafts of provisions and proposals from 2023 to 2024.
  - New Life Recovery Solutions Substance Use Disorder Assessments dated 8/20/19 and 10/11/23. The father was diagnosed with Severe Alcohol Use Disorder and was referred to level 2.1 intensive outpatient treatment and level 1.0 outpatient treatment on 8/20/19 after the father self-reported his use as "I drink a half a fifth of vodka a day during the week and a whole bottle on the weekends." The assessment of 10/11/23 for the father includes a diagnosis of Alcohol Use Disorder, In Full Sustained Remission, he was participating in the assessment "preemptively for family court reasons." According to the record, the father reported he was sober from 8/20/19 when he entered outpatient treatment until 7/3/21 when he relapsed. He was administered a urinalysis at that time which was positive for cannabis and negative for all other psychoactive drugs. His risk for relapse at the time of the assessment "may be high," and he was recommended to continue mental health services.
  - Soberlink Client Detail Report for the father dated 10/19/23 through 6/10/24 (see record summarized above).
  - Summary letters from New Life Recovery Solutions dated 7/8/21 and 11/20/2020, indicating the father had successfully completed IOP and Relapse Prevention programs at the program.
  - Family photos and videos provided by the father.
  - Texts between the father and Adrian 5/7/23 through 4/28/24.
  - Emails from the father to the mother (with couple's counselor, Yurushka Martin included on some correspondence), dated 9/1/23 through 10/13/23 regarding couples counseling, communication, and related resources.

- OFW messages between the parents dated 12/24/23, 12/25/23, 12/26/23, 12/27/23, 12/28/23, 12/29/23, 12/31/23, 1/1/24, 1/2/24, 1/3/24, 1/5/24, 1/31/24, 2/2/24, 3/1/24, 3/6/24, 3/10/24, 4/16/24, 8/16/24, 8/23/24, 8/25/24, 9/4/24, 9/5/24, 9/6/24, and 9/17/24.
- “DUI Records” for the father from 2013 through 2021 including arrest records, Complaint filings for the 2013 and 2019 DUI cases, assessment and treatment records.
- “Parenting Plans” records, including summaries of different versions of proposed parenting plans exchanged between the parents, correspondence between the father, mother, and Yurushka Martin, and correspondence regarding parenting plans and a restraining order from the father’s counsel.
- “Sobriety Verification” records including urinalysis testing for the father from ARCpoint labs, Millenium Health, and Sharetek, Soberlink testing reports, email correspondence from the father to the mother, letters of 3/21/24 and 7/2/24 from Scott Fanin, DO, letters of treatment status and completion from New Life Recovery Solutions.
- “Supplemental Information,” including emails between the parents and Adrian’s counselor, Kari Betts, regarding Adrian, email from the father to the undersigned of 9/4/24, text between the father and Adrian of 7/29 (no year listed), “Parenting Plan History” memorandum, email from the father to Jennifer Keilin dated 8/28/24, email from the father to Monique Brown and the mother dated 12/16/23 and 12/28/23, email from the father to the mother of 12/30/23 and email exchanges between the parents of 1/1/24, and texts between the parents of 12/31/23.
- “Therapist Engagement” materials, including a letter from Luis Merced, MS, LMHC regarding the father’s therapy with Mr. Merced.
- Text messages and emails between the parents on 8/15/24.
- Emails between Assistant General Counsel for Children’s Hospital and the father’s counsel of 9/12/24.
- An 18-page document from the father titled “Digitally Driven Resist/Refuse A Comprehensive Analysis” dated 9/10/24.
- Text messages with a date listed of 9/12/24 between Max and the father regarding Max’s request for his father not to attend curriculum night at his school in 2024.
- Undated statement from Elsa Moyer transmitted via email on 10/11/24.
- Phone call record of a telephone call between Elsa and the father with a date listed of 9/17/24.

13. Review of the following:

- Driftwood Recovery Records dated 8/29/18 through 9/27/18, indicate the father was admitted to inpatient treatment at Driftwood on 8/29/18 and was treated for pain predating treatment for a two-year period for which he had received opiates and muscle relaxers previous to his treatment admission. The father’s chief complaint was “Came for pain treatment and alcohol.” The records indicate the father “has been abusing alcohol,”

that he “uses alcohol and drinks to control pain,” and was diagnosed with “substance disorder alcohol.” The father admitted a prior treatment program for substance use in approximately 2013 described “the drinking style is vacation drinking and then winding down afterward,” and that he would drink excessively approximately once per month, consuming 3/4ths of a pint of liquor per occasion. The records state that the father’s binge drinking episodes last for about two weeks and occur four times per year, despite using Antabuse to curb drinking. The father disclosed “periods of hypomania lasting 3-5 days every few weeks with decreased need for sleep, high energy, euphoria, racing thoughts, invincibility, increased goal directed activity, and reports ‘this never happens when I am drinking.’” The father was noted to exhibit “a pattern of moderate or severe substance use and/or addictive disorder as evidenced by significant impairment in social familial, scholastic or occupational functioning,” there was “evidence for, or a clear and reasonable inference of, serious, imminent physical harm to self or others directly attributable and related to current abuse of substances such as medical and physical instability which would prohibit safe treatment in a less-intensive setting.” On 9/1/18, the father’s diagnoses were alcohol use disorder, moderate, Bipolar II disorder, and generalized anxiety disorder. The father was successfully discharged from treatment on 9/27/18 with follow-up care to include intensive outpatient treatment for substance abuse and individual therapy.

- **Psychological Test Results Report for the father from Gary Wieder, Ph.D., dated 7/10/24 (attached).**
- **Psychological Test Results Report for the mother from Dr. Gary Weider, Ph.D., dated 7/10/24 attached).**
- **Moyer Family Status Report/Treatment Summary dated 9/26/24, issued by Jennifer Keilin, MSW, LICSW,** lists dates of treatment with each of the family members between 5/30/24 and 8/21/24, and notes that Ms. Keilin’s work was focused on the resist/refuse dynamics. She recommended a minimum of 2 contacts of 2-4 hours per week between Adrian and the father and a period of 60-90 days of stability within the family system “prior to starting the intervention.” She recommends a parent coordinator and regular increases in the father’s contact with Adrian based on the father’s behavior and Adrian’s adjustment.
- **Overlake Emergency Department Medical Records for the father dated 12/18/17 and 5/8/18,** indicate the father was admitted to the emergency room on 5/8/18 with a complaint of neck pain and was accompanied by the mother. He reported being in significant pain, and within fifteen minutes of admission he became agitated, stating “I don’t want to be here, I don’t have to be here.” The records note “[Patient] yelling at wife, cursing at staff. Wife trying to keep patient here in ED ‘can’t you just give him an epidural?’ Security was called after the parents had been taken to an examination room and “loud voices heard from room, including exclamations that ‘you are a bitch!’” The father was noted to “continue to verbally threaten staff. Wife again confirm [sic] that

[patient] is not a danger to her and has not made (suicidal ideation) statements." The records indicated that medical staff noted "patient had given knife to wife to put in purse, in lobby [patient's] wife was asked about knife, she willingly gave knife to this writer for safe keeping." The father was admitted to the emergency department on 12/18/17 due to neck pain. The father was noted as cooperative at this time, and indicated use of cannabis for pain control, stating "it is the kind that does not get you high." He was discharged with a recommendation for follow-up with his PCP.

14. Collateral contacts listed below.

### **III. INTERVIEW WITH CHRISTINE MOYER (this section is self-reported)**

The mother was born in Hong Kong and moved to the U.S. in 1998. Her parents remain in Hong Kong along with one older brother, while her younger brother lives in London. She reports having contact with her parents and brothers via phone and online platforms. She reports one other child from a prior relationship with Leonardo Macatangay, Elsa Moyer, who is 31 years old and lives in Seattle who she sees regularly.

The mother reports the parents met while she was attending the University of Hong Kong in 1994. The father was employed there at the time for approximately six months and the parents began dating immediately. She notes the father was transferred back to the U.S. and returned periodically, and during one of his visits, the first incident of physical violence occurred. She describes that while in the father's hotel room, the parents began arguing about a passport issue and the father "chased me into the stairway of the hotel" as she attempted to leave. The father "had his hands on my shoulders. He was holding me and I remember looking at my hand and it was bleeding. I don't know how my hand started to bleed. I was trying to get away." She indicates the parents separated at least once prior to their wedding.

The earliest memory the mother has of problematic alcohol use by the father was in 1997 in California when the father was arrested after a car accident and was suspected of driving under the influence. The mother was in the vehicle at the time, but "I don't know what he had to do from that charge." When asked to describe the father's alcohol consumption at that time, she states she would purchase bottles of vodka for the father, and "he would just drink from the bottle, he would take a swig" and put the bottle back. As a result, the mother did not know the amount of alcohol the father used at this time. She also describes he used cannabis, smoking flower out of a bong as well as concentrates. She acknowledges using cannabis with him. In December 1998 the father was cited for DUI in Santa Clara County, but she does not recall the circumstances or the outcome of any charges associated with the incident.

The mother said around the time they were married, the couple worked with the father's employer to facilitate the mother's immigration process and "the lawyers were working on the

paperwork. For whatever reason he wouldn't sign the legal documents to start the application for the green card." As a result, she was unable to obtain a driver's license and couldn't work for the first six months after arriving in California. The parents made the decision for her to remain home with Elsa, although she enrolled in community college "so I wasn't fully dependent or reliant on him. I came to this conclusion because I saw the drinking and the volatility. I couldn't be in the position to be dependent on him."

The mother observes that after moving to the U.S. the father was involved in Elsa's care and "would show up for big events and would go to parent-teacher conferences." She indicates his use of substances was excessive on the weekends, but that he was able to function at work until approximately 2003. Additionally, she notes, "I remember him telling me that he was doctor shopping for prescriptions while we were [in California]. He had lots of medications," although she acknowledges he suffered from back pain and had surgery. She states he mixed his prescription medication with alcohol. She denies confronting the father about his substance use during this time because, "the operating environment was to try to keep the calm and keep the peace. You do everything so he wouldn't become upset." She describes the father as angry at times, and that she left the home briefly with Elsa on occasion to avoid the father's hostile conduct. She notes police were contacted on one occasion in California by the neighbors when the father became escalated, but denies he was arrested at that time.

The family relocated to Washington in 2003 and the mother pursued a master's degree and was hired in an administrative position with an accounting and tax business. She reports the father expressed some dissatisfaction with her decision to work as, "he saw me going back to work as my plan B. He would say 'if [the mother] gave up the insurance policy of having a job,' he would focus and give himself to sobriety. He was saying, you have this plan B because you aren't fully committed. If I had stopped working he would stop drinking." During the years following their move from California, and after having moved into their current home in 2007, arguments between the two would escalate and she would leave the home to avoid the father. On one such occasion, she states she had gone to the garage after which he locked the door to the garage and the front door to the home preventing her from reentry. As a result she walked to their prior house which was vacant at the time and slept on the floor.

She became pregnant with Max in 2007 and notes it was a healthy pregnancy with no complications at the time of delivery. She remained home with the child for five months but denies the father took any parental leave. Max was enrolled at Bright Horizons for child care which she researched and toured, and while she was primarily responsible for well-child checkups she notes father attended some of the medical appointments. Max continued at Bright Horizons until he started kindergarten and she was responsible for delivering him and picking him up as well as communicating with his teachers there. Because of Max's strong will, "I didn't leave it to [the father] to manage his behavior." She states "it was more about not

exposing Max to [the father].” The mother did not recall the father using physical punishment with Max, but notes that “Max has said that [the father] beat him when he was younger. I don’t have this recollection.” She denies any significant arguments about Max’s care but attributes this to her serving in the role of primary parent for the child. Usually, “if [the father] was drunk I wouldn’t leave [Max]. But there were times that [the father] wasn’t and I would leave [the father] with Max.” The first incident she recalls she was concerned about the father’s care of Max occurred in approximately May 2009 when the father and his brother “got really drunk.” She asserts he had taken Max to the park while under the influence and she solicited the assistance of her friends and neighbors John and Lisa Rudolph to retrieve the child “and get Max back home safely.” Mr. and Ms. Rudolph were aware of the father’s drinking. The father was subsequently cited for an alcohol-related driving incident on 5/14/05 while in Santa Clara County after having hit a deer. She notes the father had to return to California for several weekends to complete community service as a result of that citation.

As Elsa got older, the mother notes she began to rebel and experience conflict with the father. Elsa began to leave the home in the evenings without her parents’ consent and the father removed her bedroom door and on one occasion “he took her phone and put a knife through her phone.” She also states the father took Elsa’s computer on one occasion and “went through everything.” While she does not recall any physical confrontations between Elsa and father, Ms. Rudolph “told me that she remembers picking up Elsa and taking her to a friend because [Elsa] was afraid.”

When she became pregnant with Adrian in 2011, she reports having mixed feelings as it was around this time she had discovered multiple affairs by the father. The father took several months of paternity leave and would change diapers and participate in the child’s care. She noted a continued pattern of the father using alcohol and becoming escalated, including an occasion shortly after Adrian was born when the family had flown to Mexico and a passenger adjusted their seat pushing the chair back into one of the children resulting in the father yelling at the passenger and making a scene on the flight. She notes having concerns also during this trip when she injured her hand and was seen at the hospital for surgery and she had to rely on him to supervise the children during the procedure. She states “I remember him getting so wasted while I was in the hospital waiting for surgery,” and she experienced anxiety about his condition and care for the children. She notes the couple began seeing a marital counselor in 2011 or 2012 to address the affairs and the father’s drinking, yet problems continued on both accounts. When the mother discovered the father’s affairs around this time she confronted the father resulting in a physical altercation. She reports that while in the family home she observed emails confirming the affair on his computer and there was a struggle over the laptop during which she sustained bruises to her arms and shoulders. She subsequently deleted the pictures she took of the injuries and “I wouldn’t call the police because he would say he would get me deported if the police were called.” The mother cites that when arguments became escalated she often retreated to the

parent's walk-in closet and would sit in the corner. The father would "lock the door and wouldn't leave me alone." During these episodes the mother states "I would be down on the ground. He would come over to me and grab me around my shoulders. He would hold me there for maybe 10 seconds. When I would try to move he would hold me there."

In 2013 the father was cited for DUI in Washington state. Following this charge the father received a substance abuse evaluation from Lakeside Milam and was diagnosed with moderate to severe substance abuse disorder. The father enrolled in services and sober support meetings, but the father had signatures forged on his AA attendance records. The father received a five-year deferred prosecution for the DUI and had to abstain from alcohol but, "was clearly not abstaining." A breathalyzer was installed in his vehicle and he attended inpatient treatment around this time. During another family vacation to visit the paternal grandfather and stepmother the father became so inebriated that he was unable to get out of the car to enter a restaurant to eat and there were difficulties navigating the airport in order to board the plane.

During Max's first few years of elementary school he struggled academically and was subsequently diagnosed with dyslexia and dysgraphia. Max was transferred to Lakeview Elementary School and an IEP was established to assist him with specialized support. Max was then enrolled at Hamlin Robinson, a private school for children who experience dyslexia and other learning disorders. She describes the father was not involved in coordinating enrollment or transfers of school for Max but did attend an IEP meeting and some parent-teacher conferences. She states on these occasions, "He would come in and would present as if he was actively engaged at the time. But, he wasn't. He would just present well."

On several occasions in 2016 the father's behavior was out of control, including when the family visited Seabrook, WA and the father drank to excess throughout the visit. In September of 2016 during the mother's 40<sup>th</sup> birthday on San Juan Island, she said "His behavior started to change" while the couple drove to the ferry and she was worried because "I was headed toward an island with no way off." While in the courtyard of the resort where they stayed, "another guest starts to set him off. He starts a verbal altercation with the guest. They were screaming obscenities. He pulled out a knife. He got a knife, maybe from the table. I remember that I had to try to corral him." She was able to get the father back to their room and "I was looking for bottles. On the boat later that weekend, I could see him not able to function." She states, "We were trying to leave the island. We checked out of the hotel and we go to a restaurant. In the restaurant, I saw that he was kind of woozy. I wasn't sure how I would get him from the restaurant to the plane. I got the cab driver to get us back the hotel where we stayed. The next day, I was supposed to be at work, but we had to stay over because he was too drunk. He was drunk in the morning." She reports, "he starts to climb the fence at the airport. I didn't know what I was going to do. It was taking care of him and problem-solving to address his consumption."

In 2017, Elsa was married in Mexico and “during that trip he was so wasted he had passed out after the wedding.” She states during this trip the father had “gone missing” and wasn’t able to be located for hours until he was found in the hotel lobby. During a trip to Hong Kong to visit the maternal family, the mother states the father became so inebriated that he fell and broke his collar bone. During a trip to Alderbrook Resort the father drank to excess and entered Bill Gates property next door and knocked on the door of his residence. While on another trip to Hong Kong in July of 2018 the father disappeared twice for hours after drinking, requiring the mother’s family to look for him. The mother states that in the morning following these episodes when the father had sobered up, “he recognized that he had been out of control drunk.” The father began working with a therapist around this time and subsequently entered inpatient treatment in 2018 at Driftwood Recovery in Texas. The father completed 30 days of treatment and attended outpatient treatment in Seattle thereafter and received medication management to stop him from drinking, although he swapped the pills for others to continue his alcohol consumption.

By 2019 she observed the father’s behavior to return to his previous patterns and she noted continued excessive drinking during trips to Mexico and Hawaii. The family traveled to Maui in April of 2019 and “He was drunk. He was belligerent, angry and that was when I made the decision to leave him at the condo in Maui.” She states she took the children and went back to Seattle while the father remained in Maui. During communication over the course of that week, she learned the father “had got a knife and he made marks on his arms.” She consulted with the provider the father had been seeing locally, Debbie Bayer, to “stabilize him enough to get him back.” She made arrangements with friends in Kirkland to remove the father’s car before he returned so that he couldn’t drink and drive. She arranged for a hotel for the father where he stayed for several days and during consult with Ms. Bayer, the substance abuse and marriage counselor, Ms. Bayer “said that in her experience, she had never seen anybody swap the (Antabuse) pills as he did.”

In August of 2019 the father was cited again for DUI after swerving on 520. His DUI attorney struck a plea deal that prevented the father from serving a year of confinement. She does not recall all of the terms of the plea agreement, but his license was suspended. Nevertheless, on a trip to Florida and Alabama to visit the maternal grandmother, “He was drunk this whole time and angry.” She took the children back to Seattle and left the father in Florida where he lost his wallet and there were complications arranging for his return to Seattle. Upon his return, “He would agree to the safeguards, he agreed to the pills, he would make commitments to get sober.” However, while traveling with Adrian for a vacation in Cabo San Lucas in 2022, Adrian called the mother back in Washington to report “dad is missing. I don’t know where dad is. I think he has been drinking. I finally got a hold of [the father] and he said he was just sitting outside. Adrian recalled to his therapist later that [the father] had gotten angry

and hit the television.” Max and the mother later joined Adrian and the father in Cabo and during this visit Max and the father were wrestling in the pool and Max kicked the father, breaking some ribs. She notes Max sustained some bruising as a result of the incident.

During the pandemic, the family elected to purchase a condo on Alki, and they used the residence on weekends to get away. The father modified the two-bedroom condo to create a home office for himself and he also began growing psilocibins in an area of the residence. She reports the father had worked with a therapist who provided instruction on growing psychedelic mushrooms. The mother admits to microdosing with the father with the psychedelics on one occasion.

By Christmas of 2022 the arguing and conflict between the parents had intensified, and the father began calling, texting, and emailing the mother excessively, including at work. The father’s emails to her work account were often vulgar and she feared her employer would discover the communications. The father would berate her before and after international calls she had with Starbucks executives and managers which made it difficult to concentrate during meetings and interfered with her ability to accomplish work tasks. The father also made claims that she was in the United States illegally, despite that she had obtained U.S. citizenship in October of 2022. The father then began accusing her of obtaining her citizenship illegally and threatened that she would be deported. The harassing conduct continued when in May of 2023 she visited an exclusive spa and resort with friends where personal cell phones were prohibited and he called the receptionist at the resort to locate the mother. When the mother refused to communicate further with him he threatened to call police to the resort for a welfare check. The mother asked for separation in July of 2023.

The mother contends, the father was “very angry I wanted a divorce” during a family trip to Las Vegas in August of 2023, and began arguing with her while the family was walking on the strip. Upon their return to the hotel room, the father began throwing items off of the bed, “was slamming the door and started shouting.” The mother took the children and returned to Seattle at that time and the father called her phone repeatedly to locate her. The mother believes the father was continuing to drink at that time. As with other instances, the mother describes that when she would take the children home during vacations due to the father’s behavior, “He said the kids would be taken away from me. He said what I was doing was illegal. The threats of deportation (of the mother) is what that would mean.”

The father had been laid off in 2023 by Microsoft and he moved out of the family home in September of 2023. Nevertheless, the father returned to the family home in September and October of 2023 and had become agitated and disruptive during these visits. In September the father had agreed to go to Bend, Oregon to “give us some space,” and he had asked the mother if he could stop by the house to shower and gather some personal belongings before his trip to

Oregon. The mother states the father asked to take a nap for 30 minutes and when she woke him up, "he started to shout at me." She states, "He screamed 'you are a cruel human being. I am so ashamed I had a child with you. You are so much worse than my mom.'" The father then grabbed the mother's phone from her hand and "runs out of the house with my phone and starts screaming 'you are the domestic violence perpetrator.'" She went into the garage to get in the car to leave and before she could close the driver's side door the father stood in the way so she couldn't leave. She exited the vehicle to walk away from the residence and while walking toward a main road saw her neighbor, Ms. Rudolph, while the father followed her on foot. The father attempted to intervene when Ms. Rudolph picked her up, taking the mother back to Ms. Rudolph's home where the father arrived shortly thereafter. Ms. Rudolph intercepted the father at her front door and instructed him to leave. In October of 2023 the mother reports that he "came in late at night and he flipped on the lights while I was asleep." The father yelled at her about his Tesla key, stating that he didn't have the key card. The couple began seeing a discernment counselor in 2023 and she recalls relaying another incident of violence by the father to the counselor, Ms. Martin, when the father had approached her while she was in the bathroom of their home and he had a knife in his hand, striking the wall of the bathroom with the knife. The mother does not recall the exact date of this episode or the argument precipitating the event. The mother reports other property damage committed by the father in the home, including punching a kitchen cabinet and damaging the stainless steel refrigerator in the kitchen. One of the doors to the master bedroom had to be repaired also because he had hit it. The mother reports numerous times she would take the father's keys to prevent him from driving drunk and on one such occasion when the father had pulled out of the garage, she attempted to block the car from leaving. When he had maneuvered around her she "got on top of the hood," and the father drove with her on the vehicle to the end of the cul-de-sac where she got off of the vehicle. The mother denies that her access to financial resources was restricted by the father until after she filed for divorce, when he changed the password to a Fidelity account the couple had. Concerning other coercive conduct, the mother reports that the father has taken compromising pictures of her, and has sent her "a couple of emails where he said, 'hey, I've got these pictures of you. Your face and your tattoo.'" The father claimed to have deleted them but has since sent her text messages with some of the pictures and "will insert them in a text string. It wasn't in a loving way."

By January of 2024 it was discovered that the father had installed security cameras without the mother's knowledge at the family home and he was monitoring activities at her residence. She states that she learned of the cameras after the father dropped Adrian off and "Adrian comes up and he says, 'mom did you just get home?' Adrian says he watched me get out of the car on [the father's] phone." The father later admitted to installing the cameras. She elected to pursue a restraining order against the father in February of 2024. Following entry of the restraining order she met the father at Starbucks near her home to exchange mail that had been sent to the residence, and when an argument escalated about their timeshare, "I just said,

‘this isn’t helpful, gave him the package and I went to my car to leave.’ The father stopped her from closing her door, attempted to continue the argument, but she was eventually able to close the door to her car. She states, “I backed out and started to drive,” and “I heard this bang where he hit my car because I had stopped.” The father followed her through the Starbucks parking lot to a grocery store parking lot and “banged on the back of my car.” When she sent the father a message on Our Family Wizard, the father complained that he only hit her vehicle because she hit him with her car. The mother denies hitting the father with her car.

Since separating Adrian has had supervised visits with the father with Alan Schneider. A psychologist they consulted with suggested reunification with the father and Max before initiating visits and Max had resisted visits with the father until mid-June when he went on a visit with the father around Father’s Day. The mother contends the parties have attempted to resolve the dissolution case by agreeing on a parenting plan, but “He was always pushing for 50/50. I didn’t think that was appropriate. I was concerned about the substance abuse.” The mother notes that Adrian has expressed some suicidal ideation, although this has decreased recently.

During a follow-up phone call with the mother on 9/30/24, she discussed both children having recently been seen by medical professionals, with Adrian sustaining a concussion at school, and Max being treated for an irregular heartbeat. When Max was at Children’s for this condition, the mother contends that Max pleaded with the father directly not to come to the hospital and “he was getting anxious.” She reports that Max was treated for the condition and interacted with medical professionals separate from the mother so she is unsure what was said to providers by Max at that time. The mother notes she went out to the lobby to speak to the father at which time he placed his hand on her lap or her elbow and “I just said stop, I don’t want you to touch me.” She left the lobby and both parents went outside where a hospital visitor asked if she was okay. After going back inside the father attempted to discuss their prior sex life and she discontinued all communication with him at that time. She indicates the father has accused the mother of harming Max by taking him off his ADHD medication, but that this was a decision made by Max during the summer and he has historically used the medication to help him concentrate at school. The mother states that medical professionals have indicated that discontinuing the medication did not result in his irregular heartbeat, despite that “[the father] has tried to use this as an example of neglectful parenting by me.” Since consulting with a cardiologist following Max’s treatment at Children’s in August, medical authorization has been given to restart Max on his ADHD medication which he is now taking.

She states that despite the father’s involvement in activities and vacations in the year prior to her filing the current case, the children continue to have resistance to the father because “they were exposed to quite a bit. They were exposed to a lot of the abusive behavior.” She reports that Adrian still discusses seeing the video camera footage on the father’s phone. She notes that the decision to have supervised residential time for the father was at the suggestion of

his own attorney. She contends the father's history of substance abuse still isn't accurately reflected in the father's reports to various providers, including that his 2023 substance evaluation did not address his use of psilocybin. She notes the father has continued to send her inflammatory correspondence, including sending her information about the Hague Convention accusing her of kidnapping the children, and an article about a man that shot his ex-girlfriend which he claimed was a joke. She indicates that despite allowing the father to care for the children on several occasions in 2023, she elected not to do so during her trip to Milan, Italy in December 2023 because he had "stormed into the house" in October and became verbally abusive toward her at that time. With regard to the father's claims that she knew there were cameras located around the home, she indicates she never knew there was a camera located in the garage. She also indicates that if the outdoor cameras had received a signal and began working when the father removed belongings from the home as he asserts, he would have been alerted of this on Monday when the move occurred, and it was not until Wednesday when the father dropped Adrian off that Adrian saw the images on the father's phone so he knew they were operating for at least two days before Adrian alerted the mother to the cameras. The mother denies telling the children in July 2023 that she intended to divorce the father. Adrian has reported to Kari Betts that he felt unsafe with the father through their sessions in 2024. In July of 2024 Adrian and the father had an appointment with Kari Betts but he failed to appear at the appointment as scheduled. She denies having uninvited the father to this counseling session. She asserts greater safeguards should be in place to address potential relapse and the father's angry and abusive conduct as well as provisions for travel and decision making.

#### **IV. INTERVIEW WITH ROBERT MOYER (this section is self-reported)**

The father reports having retired from Microsoft in 2023 after 23 years of employment there. He indicates occasional volunteer work that occupies his time and that he plans to return to work but is unsure when. He was born in Tuscaloosa, Alabama to parents who separated when he was six years of age due to addiction issues, and reports that police responded to his childhood home when he was a youth, and that there were socioeconomic challenges for his family. He has one younger brother who he speaks to in Bend Oregon as well as stepsiblings in Indiana and Kentucky with whom he has annual contact. His father has passed, but his mother remains in Florida and he speaks with her several times per week. He witnessed domestic violence in his family home with his biological parents as well as his mother and stepfather, and he was disciplined as a child by physical means including belts, and was sent to a military academy. He began residing in Washington in 2003 after having lived overseas and in California.

He reports having met the mother in 1995 in Hong Kong when he was working for a data corporation while she was a student, a model, and a mother. He acknowledges drinking to excess during this period in the relationship and comments "My alcoholism is very real." He

denies any physical confrontation with the mother while he was staying at Bishop Lee Hotel in Hong Kong, stating "There were no arguments, not to say it couldn't happen. I don't remember a disagreement in a hallway of the Bishop Lee," and "I don't recall attempting to follow her as she left the hotel." After returning to the U.S., he describes having been separated by distance from the mother and Elsa for about a year. He acknowledges having been arrested for DUI in August of 1997 in Santa Clara County when with the mother. He blew a .002 and the matter "never went to court." The mother arrived to California to reside permanently one week before the wedding. The father contends there was limited drug use, "maybe some hash now and then, that was it." He describes drinking to excess primarily on the weekends and during holidays and vacations.

With respect to their life after they were married in September of 1998 in Los Gatos, California, the father notes that the mother's immigration process was handled by attorneys from his employer and he assumed she had a green card shortly after arriving because she worked at a bakery near their home. He denies impeding the mother's immigration process and recalls visiting the consulate with her. He notes the mother took classes, worked for his employer for a period of time, and cared for Elsa.

The father reports experiencing significant back pain during this period and was prescribed hydrocodone as, "There were points where I couldn't get out of bed." He was also cited for DUI in 1998, and was required to attend sober support groups as well as a victim's impact panel. He reports this is the first DUI that resulted in any charges, and that he was under the influence of opiate pain medication when he was contacted by police. He describes "it was an amazing time. One of the things that was bad was that [the mother] and Elsa were seeing what it was like to be around an alcoholic. [The mother] explained to Elsa that (the alcohol) was daddy's medicine." The father describes "I got into a terrible cycle," and he would take shots out of a bottle of vodka "straight from the bottle." He notes, "I would drink fast. I would do shots and put the bottle back." He reports hiding the alcohol containers "all over the place, everywhere."

The family relocated to Washington in 2003 when he received a work transfer to Kirkland for Microsoft. At that time the mother began working in an accounting office. He states, "for me, my memory is that is when the high-performing alcoholic had to step in. It would be (drinking) on weekends and then tapered off to vacations. I spent a lot of years being a weekend drunk. Once I was out of work (for a weekend or vacation) I would drink in an excessive way." He notes he used cannabis with the mother during this time approximately once per week at most. While traveling for work in 2005, the father indicates having been cited again for DUI after hitting a deer on the road. He reports having returned to his hotel room after the incident drinking mixed drinks and returning to the location where he previously struck the deer, at which time a tractor-trailer collided with his car. He indicates having participated in substance

abuse treatment following his arrest.

When the mother became pregnant with Max in 2007 both parents were happy, and they began looking for a new residence which they found in Kirkland. After Max was born, the mother pumped, allowing him to bottle feed Max at night. The parents both toured several childcare programs for Max but the mother was primarily responsible for his delivery to and pick up from daycare. As for other responsibilities, the father notes “we had pretty clear lines of delineation. I did all the cooking, the meal prep, so that has always been my job. She always did laundry.” He notes, both parents attended to Max when he was fussy or required diaper changes.

He indicates there was some increased tension in the marriage around this time resulting in “ridiculous arguments.” He states their disagreements were verbal only, and included “lots of yelling, slamming doors, we were terrible fighters, awful.” He notes, “I think in general, you realize you left a path of destruction on them. My alcoholism had a disproportional impact. I know it had to be a negative impact.” The father does not recall any instances in which the mother attempted to leave an argument by entering the garage and was subsequently locked out of the home, staying the night at their old residence. He does acknowledge damaging a kitchen cabinet once and causing damage to the refrigerator in the kitchen. He states, “I think it is safe to assume that [the mother] was present” during these episodes. He denies making any threats to harm other household members and denies threatening the mother’s immigration status at any time. He notes once the mother obtained her license, she always had access to her own vehicle and full access to the family resources, aside from his employer-based account with Microsoft. He acknowledges “a fight in the new house” in December 2007, and states the mother tried “to get me to stop (leaving) by standing in front of the car. I don’t remember how that was resolved and it got unnecessarily escalated.”

Compounding those issues was Elsa’s behavior. He states “She had a cell phone that she was doing stuff on that I ended up banging in half with a hammer” when Elsa continued to take the phone back from the parents after she had been placed on restriction. He noted later that he may have destroyed the phone with a cleaver instead, but couldn’t recall for certain. He contends that Elsa, “will say I was a strict disciplinarian.” He describes “There was a point where I realized that my discipline was inappropriate. That is when I stopped disciplining Elsa altogether.” The mother’s discipline often revolved around Elsa’s grades, and the mother regularly checked the online grade report database for Elsa’s school, which would cause the mother to become enraged and to berate Elsa for her missing assignments, which weren’t accurately accounted for in the online database. The mother would yell at Elsa, often with Max in her arms, and he notes, “At the time I did talk to [the mother] about the exposure to the yelling. But since I am an alcoholic, I am not in a position to judge anyone else.”

The mother became pregnant with Adrian in 2012 and while she was off of work for an

extended period, he was only able to take two weeks of family leave. After the mother's leave, Adrian was enrolled at Bright Horizons where Max had been attending and he states "I remember taking on more responsibility at this point. We couldn't just tag team one (child). I remember taking more time with [Adrian]," and that his involvement in the children's care increased when the mother damaged her hand on a zipline in Mexico and required surgery. The father notes that while he drank excessively during that trip to Mexico, he does not recall any conflict with another passenger during that trip as alleged by the mother when the other passenger hit Adrian with their seatback. He states that when on vacation, "I would do a couple of shots through the day, and at nighttime, it would be a third of a bottle," and "I would drink in a hotel room or it would be hidden" from others. The father was cited again for DUI while in Kirkland after driving through a yellow light. He doesn't recall what his BAC was at the time, but attended intensive outpatient treatment and probation for at least two years. In treatment, he was diagnosed with alcohol abuse disorder – moderate. From treatment, he learned "I wasn't the only one who had these problems." He notes he was self-medicating to avoid discomfort in other areas of his life and to detach from stressors. He notes he was able to refrain from alcohol for extended periods when he was completing urinalysis testing and was on probation, but would return to drinking.

When the family was not on vacation, both parents worked sixty or more hours per week, eventually resulting in the mother's decision to adjust her schedule so that she worked part-time and had three-day weekends. The parents were both involved in the search for an elementary school for Max, touring several schools before deciding to enroll Max. Max attended the Little School and the parents were told he was of limited intellect and he had a speech impediment that caused delays. The parents held him back a year but eventually enrolled him in Lakeview Elementary School for kindergarten and his academics improved. By third grade Max had an IEP, was diagnosed with dyslexia and dysgraphia and "he was borderline ADHD." For a period of time, the parents elected not to give Max medication for ADHD. He reports both parents attended parent-teacher conferences and "we equally showed up."

While the father was able to refrain from alcohol for a period of time, he began drinking again and was hiding his alcohol consumption from the family, including his father when they visited him in Tennessee in 2016. He denies having been so intoxicated that he couldn't help the children when they were playing in a body of water with snakes in it. He also denies being unable to get out of the car to go to a restaurant with the family as the mother alleges. However, he notes, "I had drunk my father's liquor while I was there."

At the time of the mother's 40<sup>th</sup> birthday, the father states "there were two incidents." The father describes "alcoholic behavior" on his part during the trip, noting the first incident involved another guest that was "making fun of us. I remember that being an issue. I remember us yelling at each other. There was nothing else. I never picked up anything like an implement.

I do recall a restaurant later. She told me I picked up a knife at the restaurant and I recall needing to get an uber driver. I needed help getting to the car.” He denies threatening anyone with the knife. He notes the family also missed their flight back home from Friday Harbor. While in Mexico for Elsa’s party in 2017, the father denies drinking excessively but admits that “Based on my history, the passing out was completely plausible.” He also reports that during this trip, “I have no recollection of getting drunk and wandering off.” His alcohol consumption continued to cause issues in the relationship and the mother began to communicate with family friends, John and Lisa Rudolph, to assist her when the father became inebriated. The father continued to have issues with back pain and in one instance he went to the urgent care department at Overlake Hospital and “got really upset.” He states “I was crazed because of my pain and I was drinking again. I know that I created a scene. I remember being inappropriate, belligerent, like a drunk gets. I remember [the mother] saying I had a knife, like a kitchen knife.” He reports he left the hospital without arrest. He indicates that at this time, while receiving pain medication from a provider at Bellevue Family Medicine, he completed a urinalysis test and was positive for methamphetamine, which he believes was mixed with cocaine he and the mother had used while on a trip in Mexico. As a result, restrictions were imposed on his access to pain medication for his back injury. With regard to trips to Hong Kong in 2017 and 2018, he denies being so intoxicated that he injured himself. In 2017 he “fell over the kids’ luggage in our hotel room in the dark and I hurt my arm.” In 2018 he asserts the family visited Hong Kong and would visit shops and go on other outings without the other members of the family, but “I never missed phone calls or was not present at any event. I never went missing.” However, he admits to drinking alcohol in Hong Kong during those trips. He states, “I think my alcoholism had a disproportionate effect on my ability to be on time or to act with best intentions. There is no question that I was a terrible timekeeper and it had a negative effect on my family and myself.”

By 2018, the father was enrolled in inpatient treatment in Driftwood, Texas when “I was just not in a good place. I couldn’t function at my job very well.” However, he claims that he attended the inpatient treatment “on the pain track and not on the alcohol track.” He reports “I equally could’ve gone down (to treatment) just for being an alcoholic.” After thirty days of inpatient, the father established a sponsor and remained sober until 2019. The parents began seeing a marriage counselor, Dr. Day, as well as a therapist experienced with the impact of addiction. He received medication management, taking Antabuse pills, but he began swapping the Antabuse pills to make it appear that he was continuing to take the medication. He described the mother would ask to see the pills as he took them, but “I would hide bottles, I was dishonest, wouldn’t be forthcoming about alcohol,” and that he “didn’t take [Antabuse] so I could drink.” The mother discovered his use while the family was in Maui in early April 2019 and took the children back to Seattle while he remained in the timeshare for the duration of the scheduled vacation. He denies communicating to the mother during this time that he wanted to hurt himself, and notes “I don’t remember cutting myself with the knife.” However, he states “I could have

sent images (of the knife/injuries) to her.” On return to Washington state, the father notes his car was secured in a location where he could not access it because, “I guess they thought that would be a safe way to make sure that I was not able to do anything that would harm myself. I think it was best intentions.”

The father was then arrested again in August 2019 for DUI. He does not recall his blood alcohol content but remembers participating in sober support groups. He asserts he had been involved in New Life Recovery at that time. In 2020 after the pandemic began, the family had a condominium on Alki where they would stay on weekends. He acknowledges growing psilocybin and using mushrooms at that time, including with the mother but notes that they took them in small doses 3 to 4 times total. The father admits to a relapse in July 2021 when he drank a beer and a hard cider. The family traveled again for vacation to Alabama and Florida in 2021 where he drank again and the mother returned home prior to the end of the vacation. At that time, while in Florida he lost his identification and was unable to return home for several days. The father worked with a new therapist to address PTSD, Luis Merced, but does not recall informing Mr. Merced of his relapses. The father notes that his last drink was on 8/16/21. The last time he used any other non-prescribed mood altering substances was during the summer of 2023 when he microdosed psilocybin.

The father notes the family traveled to Mexico in 2022 for vacation, during which he was responsible for Adrian for a period of time before the mother and Max arrived. He admits Adrian contacted the mother during this period as he couldn’t locate the father and believed the father had left him at the hotel. However, the father asserts he was present and supervised Adrian. He acknowledges a time while in the pool with Max during this trip when “Max and I were wrestling and he got really physical. I was very surprised he kicked me in the ribs.” The father was playing keep away with the children and denies that Max would’ve felt threatened prompting him to strike the father and injure him. He denies Max had any bruises at that time. The parent’s relationship continued to deteriorate in 2022 during the winter break when “we got in a fight on Christmas morning that was pretty brutal.” He states both parents “would say mean things verbally and I was doing that at the time with her,” and “that’s when I realized that regardless of sobriety, I had to work on anger management.”

The father notes, “2023 was a reckoning for me,” and that “[the parents] had made up. We had been doing regular praise, regular date nights, support of the kids.” At this time, because he had retired from Microsoft, “[the father] became the primary caregiver. I took care of the kids a lot more after I stopped working.” He notes that circumstances in their marriage improved dramatically, until the mother left for a retreat in Arizona in 2023 and began “screaming at me,” as she left for the airport. While the mother was at the retreat, he denies threatening to call for a welfare check on the mother by police at the resort as she has alleged. He notes there were restrictions on cell phones but the parents spoke at night when the mother was in her room.

The mother traveled to Hong Kong in June and July 2023, and while there called the father to report her intent to separate from him. Nevertheless, in August 2023 the family went on an outdoor adventure in Nevada and Utah, and upon return to the hotel in Las Vegas at the end of the trip, the parents began arguing about activities she had scheduled for the father and children which were of no interest to Max. He states “it was an instant explosion. The kids were in the other room.” He states “I don’t recall pushing anything off the bed” or “slamming the door.” The couple began discernment counseling around this time, the counselor expressed concerns about domestic violence in the marriage. The father believes the counselor overstepped her boundaries in coordinating conversations with the mother separate from him. He also indicates the mother had begun an affair with another man and that he had seen a picture of this individual on the mother’s laptop, but denies searching through the mother’s computer. He began staying more frequently at the residence on Alki as agreed upon in counseling, but returned to the family home, including in September 2023 shortly before he was scheduled to fly to Bend, Oregon. At that time he asked the mother to take a nap at the family home which he did, but “she woke me up and started yelling at me for sleeping on the couch and staying in the house.” At that time the parents began arguing and while standing in the hall telling father he needed to leave, the mother threatened to call police. He states “I don’t remember taking her phone from her,” but he does recall her going to the front yard and “screaming back into the house” where he was located. He states that she began walking down the driveway away from the residence when Lisa Rudolph “pulled up right in front of us” and the mother got into Miss Rudolph’s vehicle and left. The father does not recall an incident at the family home in October 2023 as alleged by the mother. He does admit the mother went to Milan, Italy in December of 2023 and that there had been confusion about childcare while she was away. He notes “I remember her telling me that someone (from work) was looking at her (while the parents were on the phone arguing),” and that this was causing [the mother] distress. He states “it was just confusing and I was feeling out of the loop about when I was supposed to take care of the kids.”

The father claims that when the mother filed for divorce in October 2023, “it was a new legal tact. I think that because my sobriety was increasingly not in question, that sobriety issue was losing its teeth because I’m establishing a history of being a sober person.” He notes claims of abusive behavior are intended to ensure that “I should not have contact with the kids.” With respect to the mother’s claims that he was intentionally monitoring the family residence at this time, he describes that the Xfinity cameras had been installed seven years prior and hadn’t worked in approximately four years so they installed two Blink cameras in 2020 but those were inoperable as well. When he swapped out two new cameras to replace the two Blink cameras he acknowledges not having told the mother at the time, but asserts “it didn’t work. This was the same thing we had the whole time.” He contends none of the cameras were functional so he felt it unnecessary to make mention of it. In January 2024 during moving of belongings from the family residence many of the doors in the residence were open for hours allowing the cameras to

pick up a signal and connect. At that time he received an alert on his phone which Adrian saw when he dropped the child off to the mother. He states “at that point, she was convinced I was spying. I tried to explain to her what was going on and she wouldn’t let me.” He notes the mother threatened to file a protection order thereafter, but instead, a restraining order was entered.

The father notes that after the filing of the dissolution petition, he saw Max for two hours on Thanksgiving in 2023 and for Christmas Day. He indicates having seen Adrian “a couple of times in September,” to play basketball, and upon picking him up in October 2023 “[the mother came out in the driveway one day as we were leaving and she said, ‘stop you aren’t going anywhere with him.’ She said I wasn’t allowed to see Adrian unless she drove.” He believes this was part of the mother’s strategy to limit his contact with the children. Nevertheless, he would visit Adrian and “[the mother] would drive us to the park.” The father signed up to coach Adrian’s basketball team and in November and December spent three days per week coaching practices and games. In December 2023 the mother withdrew plans to share time with the children over Christmas and instead “was going to a theme park vacation tour for winter.” Adrian visited the father in December approximately three times but never spent the night. He saw Adrian 2 to 3 times in January during basketball season. The parents exchanged ideas for a parenting plan while working with Debbie Bayer and Dr. Brown, with Dr. Brown devising a graduated residential schedule to include four or five months of sober Link testing and therapy, as well as a new intake for substance abuse treatment. While they began to implement a plan in January 2024, this was “when [the mother] brought up the DV stuff. [The mother] said I wasn’t allowed to see the kids anymore.” Dr. Brown established a “new plan,” and “we talked about gradually reintegrating Adrian. She said it was important for me to see Adrian.” Nonetheless, the mother refused to permit the father to see the children in February 2024. In March or April 2024 Adrian spent an overnight at the father’s residence, and the children began seeing a counselor named Kari Betts. The first supervised visit also occurred in March 2024 and Max joined a visit on Father’s Day 2024. He contends that the mother has intentionally shared the terms of proposed parenting plans with the children, causing Max to confront the father, saying “you are trying to take us to court and separate us. Mom said we have a vote and we are not on board with getting split up.” The father thinks he has made good progress with Adrian in therapy addressing Adrian’s response to experiencing the father’s substance abuse. The father notes reunification therapy has started with Jennifer Kielin, but that his time has been limited with Adrian to six hours every other week. He is concerned about the mother’s plans for summer vacation with the children in Hong Kong for three weeks between July and August and the impact on the reunification process.

The father believes that in order to reconnect with Max they will need “time and opportunity.” He believes the mother’s influence will have a detrimental effect on reestablishing his relationship with the children, and notes that the mother has removed all pictures and

memories of him around the family home. He states “they have all been taken away. Any notion of me has been stripped out of the house.” He reports concerns that Adrian has largely blamed himself for the parent’s separation and that “he is in the middle.” He notes sometimes his conversations with Adrian are difficult and he has “asked to establish some ground rules for conversations that won’t be intrusive.” He indicates concerns of gatekeeping by the mother and continued hostile conduct by her including after a recent reunification therapy appointment when walking to the car “she starts screaming and pointing her finger at me. Max had to come out and take her into the car.” He states “I can’t imagine Christine bad-mouthing me. But I think they just see her actions toward me.” He requests increasing visits and therapeutic interventions to help reestablish his connection with the children.

During a follow up call with the father on 10/9/24, he noted that he has never been contacted by CPS regarding child maltreatment. He is unaware of any prior DCYF referrals or investigations. He acknowledges having thrown a commuter mug during a family vacation in Whistler as alleged by the mother, and reports that the children were either in the doorway or present in the other room. When asked to describe the psychological testing results that he can hear sounds so well it bothers him, he notes that he has a medical disorder “where loud noises like people chewing or clipping their nails causes some irrational response in my brain.” He notes that the medical events of summer 2024 with Max being admitted to the emergency department have been distressing as he wants to provide input to medical providers as “I have always been the one in charge of Max’s heart condition, ADHD, and I have sat in on all the meetings with doctors.” He notes it is important that he is involved to the extent that Max will permit his involvement. With respect to the OFW message that included a screenshot of a title of an article involving a woman being killed by her former partner due to a custody dispute, the father states that it was sent as an inside joke, as the article was sent to him through “targeting” which he commented on in his OFW message. He notes that in addition to the subsequent OFW messages he sent explaining it was a joke, the mother also called him and he apologized for sending the material. With regard to a picture of Max from October 2023 with a Sky Vodka bottle, the father acknowledges the bottle was found while he was cleaning the house and it was an old bottle that had been stashed and subsequently discovered during the cleaning. He indicates when he found the bottle at the house he placed the bottle in the glove box of his car to conceal it, which was found by Max when he “kicked the glove box” and discovered it. He states, “It doesn’t in any way reflect that I was drinking it. I was hiding it. That was my behavior as an alcoholic.” Despite reports from his addiction medicine doctor that his last use was reported as December 2022, he asserts he hasn’t had a drink since August 2021. He could not explain this discrepancy. When asked about communications regarding the mother’s travel overseas and his requests for extensive information about the children’s trip with the mother, he acknowledges that “I think that some of (the requests) is overkill.” He reports that he hasn’t had the opportunity to travel with the children as the mother has, has had a lack of contact with the children, and he admits, “It was an overstatement of the detail that I needed.”

Concerning testing for use of substances, the father acknowledges that he did not use Soberlink while on vacation in Bali in July 2024 because “the straw broke,” and he communicated that he could not test due to this issue at the time. He notes the mother “said she had a problem with it later,” and that he tested the day before he left and the day he returned. Moreover, the Vivitrol shot would nullify any effects of alcohol consumption and he denies any use while on vacation. With regard to financial transactions attributed to him in January of 2024 and April 2024 at a cannabis store and Wine.com, he states he purchased cannabis for a friend in January and noted, “I have no idea what I purchased.” He reports having purchased “four bottles of a particular champagne (a friend) likes” as a gift, but that he consumed no alcohol. With respect to a Soberlink test of 5/5/24, he indicates that he tested positive at that time after having eaten a protein bar which had “sugar alcohol,” and that “If I eat that and don’t wait long enough, it’s going to pop positive.” Regarding a hair follicle test that was positive for cannabis in June 2024, he notes that his urinalysis of the same day tested negative for cannabis, but because hair follicle tests “can go back over a year, that was probably the sleep gummies I was taking,” which may have a small amount of THC in them that caused the positive test.

The father acknowledges having contacted the mother at her work email address in September 2024 despite that this is a violation of the restraining order. He notes that the mother was changing his settings on his email account and “she was in my emails. It felt like an emergency situation to me. So, I contacted her at her work email address.” Regarding his recent participation in a domestic violence assessment, he notes he made contact with A&TA because “I need to learn more about it.” He states the parents “had a bad screaming sort of relationship,” and that “our arguments were two-sided.” He reports he continues to receive treatment for depression and ADHD, receiving medication management from his doctor. He reports having been in counseling with his individual therapist for many years to address childhood trauma. He notes that Ms. Keilin’s September 2024 report of reunification efforts was confusing to him as “it says we are months away from reunification therapy,” despite that they have been in reunification therapy since May of 2024. He noted that Adrian has said in therapy that he doesn’t feel it is necessary for the father to use the Soberlink device when he sees him and hasn’t requested for the father to use Soberlink for approximately eight to ten months.

## V. CHILDREN

This GAL conducted a home visit to the father’s residence on 8/24/24. The house is located in a residential area of Bellevue near Lake Washington. The home includes three bedrooms, is well kept and organized and the father had breakfast for Adrian who was sitting with the visitation supervisor, Alan Schneider at the kitchen table. Max was not present for the visit. The father offered the GAL a tour of the home and encouraged Adrian to show the undersigned around the home, which Adrian agreed to do. There are two floors with a kitchen,

two living rooms, the father's bedroom and en suite bathroom as well as a guest bathroom on the top floor. The bottom floor includes a laundry room, another living room, and Adrian's bedroom where there was a bed, a desk and a television. There are multiple decks and patio areas outside with a basketball hoop and a covered ping pong table.

As the visit began, the father engaged Adrian in a game of ping pong on the patio outside, a game they reported playing regularly at the father's. Adrian assisted with preparations for the game by wiping down the table and gathering paddles and a ping pong ball while the father lit outdoor patio heaters as it was a relatively cold day outside. Adrian expressed interest in what the father was doing, noting "I never see you use those heaters," and the father described to him the steps for turning on the heaters. The father noted that they are "cutthroat" ping pong players and Adrian and humorously chided Adrian to pick the right paddle saying, "I don't want you to have an excuse for losing." Adrian shot back a smile at the father and laughed at him, at which time they began to play. After Adrian scored his first point and served the father reminded him to call out the score before each service and when Adrian hit a shot and missed the table the father gave him pointers about striking the ball with the great surface area of the paddle. The father occasionally spoke to the supervisor, Mr. Schneider, and discussed a trip to Taiwan, to which Adrian inquired, "You have been to Taiwan?" The father confirmed he had. As the game progressed and the father was winning, he said to Adrian, "If you aren't feeling it we don't have to play," but Adrian said it was okay and he wanted to continue. The father suggested they go back to taking practice shots which Adrian agreed with and the conversation returned to international travel, with the father noting that he wanted Adrian to travel to Japan some day, which was appealing to Adrian and to which he added that his school has an international program for travel that includes trips for students to Japan. Adrian then took the lead during conversation while they played the game and reported he also wanted to go on a school sponsored trip to Alaska. The father asked Adrian about this trip, his prior trip on a sailboat cruise he had taken with his school, and another school trip to Camp Orkila. Adrian told the father a story of his assignment on "anchor watch" during sailing and the responsibilities of the role. He noted he was required to share the boat with other students and take turns laying in the whisker nets of the boat. The father interjected and offered empathy to Adrian that taking turns can be difficult when enjoying an activity. Adrian became more animated and seemingly comfortable taking up more space in the conversation, sharing his experiences on boats and joining in when the father recounted prior boat trips the family had taken together. Adrian smiled at times remembering times he had jumped from the bridge of the boats they were on and that the father jumped multiple times with his brother.

As their ping pong game was ending Adrian continued to bring up other trips they had been on, joking about Max's inability to stay with others during hikes while camping, and having seen a bear during one of the trips. Adrian then shared some of the details of his recent trip with the mother to Hong Kong, and noted his disappointment that his older brother and cousins were

often on their phones and disinterested in planned activities during their trip. Adrian lamented their lack of social etiquette, and the father then shared his memory of one of their family trips to Whistler, B.C. Adrian noted his disdain for mountain biking during the trip, and the father commended him on biking anyway in light of the interest others had in the activity and noted Adrian had been a good sport to go along with the others. It was evident from the dialogue that the father and Adrian had numerous bonding experiences while on vacations they'd taken and could share cherished memories of those times. After ping pong the father asked if Adrian wanted to play Uno, which Adrian agreed to do and Mr. Schneider agreed to play as well. While playing, the two discussed Adrian's birthday, some of his friends that had attended previous birthdays, and the father was able to list three friends of Adrian's, one of whom Adrian noted he no longer spends time with. During Uno, Adrian seemed to relax more, chiding the father each time he forced the father to draw more cards, and taunting the father that he was going to beat him. The father said to Adrian jokingly "you stink" when Adrian would foil the father's strategy, and during the time they weren't playfully chiding one another Adrian asked questions about his family and a family reunion, asking the father how many cousins he had, and what countries they live in. As Adrian was winning, the father jokingly insinuated he was cheating, which prompted a wry smile from Adrian and resulted in the father picking up a pillow and hitting Adrian's leg with it while Adrian laughed and rolled on the couch. Adrian then began to engage the father to conspire against Mr. Schneider and they shared with one another what cards they believed Mr. Schneider had. When their strategy failed and Mr. Schneider won the game the father and Adrian laughed with one another about their efforts. As the visit concluded, the father and Adrian discussed the upcoming basketball season that was starting with AAU and Adrian talked about his hope to join other teams as well, asking the father if he was considered a point guard, which the father confirmed. The bond they have is apparent from their interaction and Adrian gave his father a hug before departing. From the observation, it was apparent that the father and Adrian have shared interests in sports, games, and have fond memories of experiences during family vacations and trips which they reflected on extensively during the visit.

On 9/5/24 this evaluator conducted a home visit to the mother's residence, a four-bedroom residence located in Kirkland. The house is set back in a cul-de-sac and there is a fenced in yard with a deck and hot tub. At the time of the visit the mother, Max, and Adrian were home with the family dog and a cat. Upon greeting the undersigned at the door, introductions of each child, and Harry, a well-behaved Aussie-Labradoodle mix, the mother asked what particular activities the undersigned had in mind for the visit, and a tour of the home was suggested. Max volunteered to provide a tour, taking the undersigned upstairs to his room while the mother and Adrian remained in the kitchen downstairs. Max has a bed, desk and multiple screens, aside from gaming hardware, Funko Pop collectible dolls were organized throughout the room and Max commented that many were as yet unopened but that he intended to open them when the mother moves from the residence, which he inferred would be an eventuality. When asked if he knew why the undersigned was conducting the visit, he noted it

was to have someone “check in,” to ensure the cleanliness of the home and that the mother provided proper care for he and his brother. He readily agreed to answer the questions of the undersigned after having been told he could pass on any question. As his closet was adorned with Kansas Softball posters the undersigned asked about his older half-sister and he noted he has contact with her weekly and they go shopping together. He expressed having a close bond to her and as they have matured, his relationship with his brother, Adrian has been less conflicted which was comforting to him. While showing the undersigned his dolls, he described his relationship with his mother as close and that he respects her work ethic, organization, and cleanliness. He described her as dedicated to his care and to ensuring his needs are met. He expressed an appreciation for her sacrifices to support him. When asked what he would change about his mother, he described that he would want her to listen to him more, and when asked to give an example he noted he tells her to relax and to not work as hard as she does, which he associates with the care required for he and his brother. He could not think of other things he would change about her. When asked what the rules are at the mother’s house, he emphasized cleaning up messes and caring for personal belongings, and he noted that when a rule is broken the mother gives a verbal reprimand and may remove phone privileges. He did not report that this occurs often.

When asked about his interests he reported he is a part of the drama production crew at school and that theater is a passion of his as is riding his bike, drawing, and playing video games. When asked to describe his first week of 10<sup>th</sup> grade and academic interests he noted math is his strongest subject, that health science is his least favorite class, and he enjoys arts of which he is taking animation currently and will take fiber arts next semester. Max has a group of peers at school he identifies with as well as staff. He noted he has not determined what professional pursuits interest him after completing school, but planned to attend college.

Max was asked if he was surprised when his parents separated and he denied such, stating that he had told his mother multiple times to separate from “Robert.” He commented that the father took issue when he referenced him by his first name and that he has experienced a litany of interactions with his father he similarly found hurtful, offering an example that his father could be hypercritical, and had ridiculed him for not knowing what a foyer was on one occasion. Max described his father as self-centered, and he believes that while the father has expressed an intention to change past behavior, he is unlikely to do so. Max was unequivocal in his position that he does not wish to spend time with his father, and when asked about his visit with him on Father’s Day he noted he chose to go after witnessing a phone call during which he overheard the father “throwing a fit” and imploring the mother to compel Max to go. He indicated he experienced the father’s behavior to be superficial during the visit. He conveyed that his feelings toward his father have been influenced by a number of episodes where the father was explosive in his reactions to others, yelled at the mother, and threw objects, and reported needing to avoid the father at times when he consumed alcohol. He recalled that he also experienced the father as “in his own

world," noting that he came home late from work often and would listen to music or watch television at 10 or 11 when Max was trying to sleep. Max was asked when he had spoken to his father last and he indicated it was the prior Sunday and when he does have contact with the father it is due to the father canceling streaming subscriptions or changing log-in information. He also texts the father to ask him not to contact the mother which he does when the mother is working from home and in meetings. Max was asked about a picture when he held a Vodka bottle and the circumstances at the time the image was taken. He noted he found the bottle in the glove box of the father's car in 2023 after they had been driving together. When asked about efforts to improve his relationship with his father, Max indicated he had been to reunification counseling twice and he didn't know if sessions would continue. He remarked he hadn't been attentive during counseling due to being tired and doesn't believe it is productive. When asked about what his brother has shared of the father, he noted Adrian doesn't like going to see him and described that his brother has been fearful of the father in the past. He believes the most helpful development would be if the divorce was finalized and the mother "can be done dealing with [the father]."

Adrian then volunteered to show this evaluator his room and he noted the undersigned was visiting to "figure out the parenting situation." Adrian is in 7<sup>th</sup> grade, and he transferred to SAAS last year due to issues with teachers at his prior school. He noted his best subject is math and his least favorite is science. He enjoys improv class because he can make up games to play with his friends of which he reports he has many at Seattle Academy. When he isn't at school he enjoys basketball, cross country running, flag football, and watching movies. He described his mother as "nice, caring, beautiful, generous, awesome, very outgoing, and laid back." His favorite memory of the mother is when she bought him boba tea and candy before he went to Camp Coleman. When asked to describe his father he noted he is extroverted, wild, and outgoing, but he noted "two years ago I couldn't tell you anything (about the father) because he was either working or sleeping on the couch." Adrian noted it was the father's recent retirement that prompted the change. When asked what his favorite memory of the father is, he reported two live sports events, including Slam Ball in Las Vegas and a Seahawks game when the family had attended the game together. Adrian recounted that while he enjoyed the game, he recalls the father leaving for an hour to get food, but he later learned the father had gone to purchase beer, and on the drive home the father argued with the mother and "was going super fast in the car." When asked what he would change about the mother, he noted that she was not perfect but he couldn't think of anything at the time. When asked what he would change about his father he said "drinking addiction," and that the father's substance abuse has resulted in the father shouting at him and his brother, and it has "ruined trips when he argued with my mom a lot." Adrian recalled a time the father drank alcohol after the family had arrived in Hawaii for a vacation, the father's drinking disrupted extensive plans the family had, and that the mother and children left the accommodations and stayed separately from him. Adrian notes the father's drinking has impacted "people outside our family," including his grandparents on both sides. He recounted times when the father has thrown objects while vacationing in Canada, slammed a television screen in Mexico, and that he experienced his father driving him and his

brother home while intoxicated.

When asked to describe what if anything he would change about his schedule with the parents, he noted “I like my schedule,” but also stated “I don’t want to see my dad anymore.” Adrian stated “you can’t fix trauma with money.” He noted he does feel safe when Alan, the visitation supervisor is present, but doesn’t know if he would want to see the father without a supervisor. He described feeling safe with the mother, but has felt unsafe with the father in the past.

Both children continued the tour after Adrian’s interview, and the tour ended in the living room where the mother was working on her laptop. The children and mother exchanged ideas about various topics including Adrian’s cross-country team, neighbors, and Max’s recent AFIB diagnosis and emergency treatment. The mother explained Max will see a cardiologist the following week to determine further measures to address his condition. The mother discussed the potential for relocating from the home in the near future, and Max and Adrian threw a football in the backyard as the visit concluded.

## VI. COLLATERAL CONTACTS

**Luis Merced, MS, LMHC, the father’s therapist**, indicates that he has been providing therapy to the father since December 2020 when he was referred to Mr. Merced through Debbie Bayer, the counselor the parents had been seeing. At that time Mr. Merced was seeing the father once per week, but increased sessions when the father retired from Microsoft. The father had been cited for DUI shortly before Mr. Merced began therapy with the father, he was “overwhelmed, agitated, it was affecting his sleep and encapsulating most of his life.” The father exhibited poor emotional insight, and difficulty with emotional regulation, and “he was compartmentalizing in a maladaptive way.” As a result, he worked with the father on “connecting with his own emotions.” With respect to his marriage, during the first two years of therapy, the father described his relationship with the mother in positive terms but “he was concerned about how much [Max and Adrian] were participating in activities and not having time to do kid things. They had lots of extracurricular activities that were placed on their schedule and he didn’t feel like he could have a conversation with [the mother] about that.” Although he described his relationship to the mother as “perfect and idyllic,” the father additionally reported issues in his marriage prompting the marital therapy with Ms. Bayer, and the father did report “they had a solid foundation, but because of his active addiction and verbal abuse they were experiencing marital problems.” The father has reflected on guilt he’s experienced during the time he was abusing alcohol, and “being drunk and inebriated during family vacations in the past.” He notes, “He has also identified the issue of ensuring that he is not repeating those experiences by giving his kids everything he can, and his daughter as well,” and “to not repeat the cycles of his own stepdad and father.” The father acknowledged when the

parents were together, “When he was inebriated and would yell and have arguments, he does deny that it happened often, but it happened.” When asked about other acts of abusive or coercive behavior, Mr. Merced states the father never discussed monitoring the mother’s whereabouts, property damage, or other physical or sexual abuse. Mr. Merced indicates that the last relapse he is aware of for the father was in 2019. The father is not on any psychotropic medications according to Mr. Merced.

Mr. Merced also provided EMDR treatment specific to trauma the father had experienced in his family of origin, and that “the trauma was more pronounced because of his work stress.” He notes the father “was very functional despite his trauma but he was still traumatized.” Following the mother’s request for divorce, the therapeutic focus “shifted predominantly to his grief,” and this has remained the case to date. Through the years of therapy he has provided to the father, he diagnosed him with PTSD due to his family of origin issues. There have been no other diagnoses. Since the parents separated, the father has presented concerns related to parental alienation and “not seeing the children and stress around that.” When asked for examples of parental alienation provided by the father, he reports that “anytime [the mother] goes away [the father] isn’t able to be with his children. [The mother] blocks and threatens him with police contact if he were to come to the home or interact in any way,” and that efforts to have joint therapy between the father and Max were canceled. The father has indicated that prior to the separation his relationship with the children was positive, but that “Now he identifies his relationship with Max as distant. Max yells at him, doesn’t want to interact with what happened, and he hasn’t interacted with supervised visits.” The father describes his relationship with Adrian as “distant because of not being able to interact with him. His supervised visits he says are still fun, they do have positive interactions.” Instead of EMDR he has used DBT as the therapeutic approach to address the grief from the demise of his marriage, they have continued to work on relapse prevention skills and have been focused on helping the father establish relationships and supports separate from those the father had while still married to the mother. Mr. Merced states that through EMDR the father has “done a lot of clearing of past traumas,” and the father has been consistently engaged in DBT and “utilizing some of the resources.” Mr. Merced referred the father to Northwest Family Life for a domestic violence assessment, “because of the case presented against him and not due to any present DV concerns within their sessions together.” Once the divorce is finalized and grief and loss therapy concludes with the father, Mr. Merced indicates he will resume EMDR to work through remaining childhood trauma and anticipates approximately one year of EMDR before the father is discharged from treatment.

**Leah Koenig, MA, LMHC, parent coach for the father**, indicates she began seeing the father for parent coaching in December 2023 after he was referred to Ms. Koenig by his attorney. She notes he paid for 12 appointments at that time, and she provided consultation to the father to address the terms of a temporary parenting plan which the parents were processing

with another provider, Dr. Brown. She states, “[the father] presented the boys' academic and summer schedules, provided personal and family background that led to the separation, and shared details about the boys' personalities. He also outlined a few proposed communication goals for the parents. [The father] sought [Ms. Koenig's] feedback on the types of schedules that tend to work best for teens in similar situations, based on the information he had provided regarding his family and his own personal background.” She notes he wanted Ms. Koenig's opinion about the perspective of the children living between their two homes and to discuss the “best-case scenarios to try to make the schedule he had in mind work.” She describes the conversations she had with the father at that time about best practices for the parenting plan and the children's experience were different in May 2024 when he resumed sessions with Ms. Koenig again. In May 2024 she states “[the father] wanted more help connecting, especially with Adrian because there were a lot of stories the boys held. There was a resist-refuse dynamic.” Ms. Koenig notes that from the information relayed by the father, “[the mother] had shared some of the legal issues and the parenting plan (with the children) and Max was upset. Max called [the father] and begged him not to force them into a parenting plan.” However, with Adrian, “[the father] didn't see a lot of resistance from him. Adrian seemed to come pretty easily (to visits).” The father relayed to Ms. Koenig that during some visits Adrian took time to warm up initially and she helped with providing the father ideas to start residential time with low-intensity activities such as movies and museums before moving to more involved activities. While the father's last visit with Max was in June 2024, and the father reported the visit “went really well,” Max hasn't agreed to more visits, but “[Max] will still voluntarily call [the father],” and that this occurs when Max needs assistance with technology related problems that Max has, such as “a technology glitch on a game.” The father enjoys these opportunities because they allow the father and Max to work together to solve a problem. The goals for her work with the father include helping him with perspective-taking, and feelings of powerlessness in the legal process. She has worked with the father to help him appreciate the position the children are in and to remain empathetic with them. She observes that the father “seems very stable,” and that they address the father's past use of alcohol and the resulting impacts on his relationship with the children. She states despite the father being sober for three years, Adrian would bring up the father's alcohol use and question whether the father was using alcohol during interactions they had. Adrian had established a safe word with the father and when he said the word the father would test using Soberlink and show Adrian the results so Adrian understood the father was not using alcohol. She notes that one of the issues the father has raised more recently in parent coaching is his confusion that the year prior to the parent's separation “they had this beautiful year together where he took care of the boys. Their relationship seemed stronger in his opinion, but he understands now that there were so many cracks that they hadn't worked on in the relationship,” and that those issues still influence the dynamics between the father, Adrian, and Max. With respect to anger or abusive conduct, Ms. Koenig notes that the father “is getting to a place of talking about anger. In his mind, he hasn't expressed a lot of anger to Adrian or Max, but he recognizes that they have seen the anger

directed towards others and know that he is capable of it." She has not conducted a domestic violence screening, but the father has acknowledged that "when [the parents] fought they were loud." Aside from this, the father has not disclosed any domestic violence history with the mother. The father updates Ms. Koenig on his testing and his Vivitrol treatments. Ms. Koenig has not met the children or the mother. She notes the father is very willing to participate in services that will improve his relationship with the children. She states, "[The father] seems so supported in my mind in terms of sobriety, seeing a parenting coach, seeing a treatment provider. I don't see risk with him."

**Chris Trimis, MA, LMHC, School Counselor for Adrian, Seattle Academy of Arts and Sciences (SAAS)**, indicates that Adrian transferred in March of 2023 to SAAS. At the time he transferred, Mr. Trimis observed that Adrian presented as anxious, quiet, and withdrawn, and Mr. Trimis promoted connections for Adrian with peers at the school. Mr. Trimis "saw a massive evolution and shift" since. He states, "This year he is very outgoing and well-liked by many peers. He is sharing a lot more of himself." On reflection, Mr. Trimis states, "I got a sense there was more going on under the surface," and he was curious about different factors that could have been impacting Adrian's presentation. Since the start of the 2024-2025 school year, Adrian has scheduled one-on-one check-ins with Mr. Trimis. Through meetings with Adrian this year, "it has become clear that things he has experienced at home have been difficult for him. He has shared with me that his parents have a very contentious relationship. He and his dad, and his dad and brother have a contentious relationship. He shared that he doesn't think his dad is a safe person. He shared that his dad has a history of alcohol abuse, and this has led to interactions that have made him feel unsafe emotionally and psychologically." Adrian shared one example of his brother running away from his father out of fear. Mr. Trimis notes "Adrian didn't discuss further details" of that event. When discussing Adrian's current contact with the father, Mr. Trimis states "he doesn't feel comfortable around him, doesn't want to have to see him. He feels a lack of safety with his dad." When asked about disclosures of any incidents that would have caused Adrian to feel uncomfortable, Mr. Trimis indicates Adrian described a trip to Florida during which "they had to leave early due to his dad's behavior, drinking and screaming and yelling." He notes times Adrian has discussed verbal aggression by the father and that Adrian also reports being uncomfortable during his visits when the father takes pictures and, "his dad is trying to show them off, he said that specifically. Like [the father] was taking pictures to make it appear that the visits were happy, and he was comfortable. But he wants to leave and wants it to be over." Adrian has no disciplinary issues at school and performs well academically. When asked about Adrian's disclosures concerning the mother, Adrian identified the mother as safe and caring. When asked about influences on Adrian's observations and opinions, Mr. Trimis notes "I get this sense he is being very straight up, not that anyone is attempting to sway him either way." Mr. Trimis intends to continue to see Adrian for the remainder of the school year and is advocating for Adrian academically as needed.

**Yurushka Martin, MA, LMCHA**, former couple's counselor, indicates she began providing counseling to the parents on 7/27/23 and had eleven sessions with them until 10/12/23. Ms. Martin states, "From the first session it was clear there were issues around communication," and the parents were determining whether they were going to separate. She describes that her sessions were with the parents jointly, that she conducts counseling through telehealth, and at times they logged on separately. She provided two individual sessions for the mother and father and never met them in person. The goals for treatment included "to learn how to communicate," but by the time of the final session they had not made progress and elected to pursue the support of a mediator, and "I didn't feel I was the appropriate venue for them." Ms. Martin notes the mother "reported a history of feeling threatened, feeling unsafe, that [the father] made a reference to her immigration," and that "at some point, both had reported physical aggression around property. They had both been getting angry at one another." Ms. Martin could not recall what property damage was alleged, and it was reported that the threats and property destruction had occurred in the past. She states, "When I checked in (with the mother) in the present, she said she felt safe at that time." She did not conduct any safety planning with the mother or conduct domestic violence screening. Ms. Martin denies that there was any deliberate effort by the mother to undermine the father or orchestrate a plan to establish a narrative related to domestic violence by him. She notes the parents became verbally aggressive towards each other but she did not witness direct physical assault or harm perpetrated directly by one parent toward the other. She notes, "Sometimes when they fought they talked about the past and I tried to keep it about the present." When asked if either parent had disregarded advice she was giving them, she notes that "they would not give each other space when requested by the other party" as directed but that there were no other examples of deliberately violating agreements or instructions from the therapy process. She notes she didn't have sufficient information to conclude the mother had been the victim of abuse by the father. Ms. Martin provided no directions to the parents about managing the children or arranging time and contact with them. She was not informed of any information indicating there was child maltreatment and she made no CPS referrals.

**Scott Fannin, M.D.**, indicates he initially met with the father for one in-office appointment in August 2022, but began seeing the father for regular monthly appointments beginning in October 2023. At the time of the initial visit, the father was referred by New Life Recovery Solutions where he had been a client previously. The father was seeking Vivitrol shots to manage his alcohol misuse, but in August 2022 Dr. Fannin couldn't provide the treatment because the father was using Kratom, which he took for restless leg syndrome. Despite that Kratom was available over the counter, it activates the opioid receptor and would have caused the father to experience sickness if he had taken it with the Kratom. The father and mother returned to Dr. Fannin in October 2023 and "he had come off the Kratom and by that point he was off the alcohol as well." He notes he did not take any historical information about the father's substance use from the mother at the time of that appointment. The father started taking

intramuscular Vivitrol shots in 2023. The father discussed his substance use history, and Dr. Fannin states he reported his last use of alcohol as having occurred in December of 2022, and that “is when he became fully sober.” Dr. Fannin is unaware of how many DUIs the father received or other consequences of his use, as this information is unnecessary to provide treatment. He notes that he does address relapses with clients, that the father has shown no indications of having relapsed since he began treating him in October 2023, and the father has consistently attended appointments except for once recently when one of the children was sick. With respect to psilocybin use, Dr. Fannin noted it is not a drug of dependency and doesn’t typically result in “chronic change and impact” to behavior as depressants and stimulants tend to. The father did not disclose use of psilocybin to Dr. Fannin. When asked, he noted if there were indications of a potential relapse as reflected in financial charges or other documentation, he reports he would “try to parse out where that came from,” and may supplement treatment with oral medicine or schedule injections more frequently. He states that “if [the father] is having some slip-ups here and there, it all comes out. They don’t maintain their instability without it being visible.” Insofar as treatment compliance, Dr. Fannin states, “he is doing well.”

**Kari Betts, LMFT, CMHS, MHP, Lake Sammamish Therapy**, indicates she first started working with the family on 3/6/24 after the father contacted her. At the time of intake, it was determined she would meet with the children individually as a child therapist and to try to involve the parents “as much as possible.” She met with Max and conducted “a handful of sessions,” with him, and while the intention was to provide individual counseling to Max, “Max wasn’t interested in that.” Max has not been involved in recent therapy sessions given his position. She observed both parents together initially, but “with the parents in the same room, it was a bit difficult for [the mother]. She looked uncomfortable, so I agreed to see [the parents] individually.” She met with Adrian and included each parent separately at the end of Adrian’s sessions to provide them with information about the therapeutic process. She states, “most of the things that Adrian talks about are his challenges with his dad.” The first joint session she had with Adrian and his father occurred on 4/20/24 and there have been several other sessions when the father participated in counseling “for a few minutes with Adrian.” The only time the mother was present with Adrian in session was at intake in March 2024, and at that time Ms. Betts inquired of Adrian “who he wanted (to have in session). He wanted his mom to come.” At that time Adrian was experiencing suicidal ideation which became the focus of her work with the child. She notes “to me it sounded like he had this ongoing feeling of being sad, feeling misunderstood, feeling like things were hard.” Adrian reported being bullied at times by peers at his prior school and this was addressed through therapy with Ms. Betts. She diagnosed Adrian with adjustment disorder and has formulated no other diagnoses since treatment began. Goals for treatment included increasing his level of communication about his emotions and decreasing suicidal ideation. Adrian has made “significant progress,” and his suicidal ideation has dissipated.

A joint session between the father and Adrian in August 2024 was prompted when Adrian offered specific concerns he had “about how Adrian interprets his dad’s body language. Adrian has eagle eyes on his dad, looking for his dad to be mad. It’s good to have [the father] know that his body posture and tone of voice play a big role in how Adrian feels. We discussed communication styles, how [the father] speaks when he is standing, how that makes him feel. He mentioned he doesn’t want [the father] to talk about his mom unless Adrian asks. Adrian said, ‘that is what we do at [the mother’s] house in regards to dad.’” Adrian has confirmed that “[the mother] won’t talk about dad” in Adrian’s presence unless Adrian asks her questions. Adrian described that when the child ‘has talked about feeling on edge, there was anticipation that Adrian had. His dad would seem like everything is okay, then would have an outburst and would be really upset.’” As an example, Adrian identified a time when the father threw a drinking glass “and it really scared him. He also said his dad drove when he was in the car and was drunk.” She notes that while she was not provided exact dates when events such as this occurred, the father shattering a glass “sounded like it was around 5th grade when that happened. Around that time, he also said when he went camping in 4th or 5th grade, he realized not all dads get drunk and mad.” The example Adrian described when the father drove while under the influence also reportedly occurred when he was in elementary school. Adrian offered other examples of “feeling uncomfortable about his dad, him being intoxicated,” and mentioned a time at a Seahawks game when “[the father] was excited and gregarious. [Adrian] felt like his dad was out of control so we had conversations around that.” In response to sharing this example, the father offered to complete breathalyzer testing if Adrin felt uncomfortable, and although Adrian felt that the exchange of ideas was helpful, Adrian said “he wouldn’t want to prompt his dad (for a breathalyzer). He doesn’t want the responsibility of asking.” When asked whether it was Adrian’s idea to discuss this with the father, Ms. Betts states, “I was the one that brought that up. Adrian was feeling mad toward his dad. Dad apologized to Adrian so he let Dad come into the room.” Adrian has additionally referenced times during family vacations when he was prompted by the mother to leave due to the father’s conduct and anger, and that “He never said mom said it was unsafe,” but Adrian did describe “leaving and feeling scared.”

She made several CPS referrals due to this and Max’s report of “wrestling in the water (with the father) and he felt the play was aggressive. Max kicked him because he felt like he was under threat.” with the father in a pool. On another occasion, Max described the father “threw him into a wall during elementary school.” Because of the time that had elapsed, Ms. Betts did not believe these referrals were accepted for investigation by CPS. Adrian has discussed that “he is satisfied with the amount of time he sees [the father] presently.” She notes, “At this time, I feel like supervised visits seem to be going okay. He hasn’t complained a lot about them, he says he is fine with having a supervisor there. He is very nervous about the idea of [the father] potentially having a relapse or [the father] getting upset. That third person there helps him feel more at ease because nothing is going to happen.” She anticipated that with further counseling and support, Adrian and the father could “work towards something more,” but at present she is

focused on his current level of comfort with arrangements for contact. In sessions with the father, she observes that Adrian can present as somewhat tense when discussing “the hard stuff. Adrian is not as relaxed. He worries about becoming like his dad. He says his dad changes who he is, where he is at, and how he is going to act.” With respect to Adrian’s presentation in his mother’s presence, she observes “he is relaxed with his mom. He is at ease. His body language with Dad is huddled up, arms crossed.” She notes that Adrian can feel anxious when he believes his mother is experiencing stress, “but it isn’t something Adrian has talked about.” She intends to continue seeing the child and include the parents when warranted.

**Lisa Rudolph, neighbor**, indicates she has known the parents for approximately two decades and met them when they shared a driveway in the prior family home, and her residence is nearby the home the parents shared until their separation. She notes that the parents separated because of the father’s addiction issues and the mother “couldn’t do it anymore. It became obvious for the safety and mental health of the children, she could no longer do this.” She notes, her husband, John, was very involved with the Moyer family as well, and escorted the father to treatment in Austin, Texas. She has known both children for their entire lives, spent holidays with the family and her house served as a “safe house,” when arguments escalated and the mother needed to leave the residence. Ms. Rudolph reports that when arguments would escalate between the parents, “[The mother] would flee and she would come over and I was trying to make sure that she was okay. She told me at the time when he would lock her out of the house. John would try to go over and talk to [the father]. It was traumatic.” She indicates there were instances of property destruction which included “There was a cabinet in the kitchen that he hit, slammed it, or threw something at it,” and that “John said [the father] put a knife into the wall to scare [the mother].” She recalls the father would make statements about the mother “that she wasn’t a citizen, was going to send her back, and it was really threatening,” and that she recalls while the parents were at Ms. Rudolph’s house on one occasion “he had come over completely inebriated and was going off on [the mother]. He said she would never be able to take the kids because she is an illegal alien.” She states, “He was threatening to send her back to Hong Kong. The kids were scared,” and had witnessed the threats at that time. One of the worst incidents she recalls occurred when she was driving near the parent’s home and “I saw [the mother] with [the father] right behind her. I looked over, she was not okay and she came right up to the backdoor of the car. [The father] tried inserting himself and keeping her from getting in. She was shaking. She was telling me to drive.” The mother was able to get into the car and they returned to Ms. Rudolph’s house where the father arrived shortly thereafter and she met him at the door and spoke to him for forty-five minutes. She notes he did not try to enter her home. She became aware of conduct by the father that posed a risk to the children when “Max was a baby and I remember [the mother] called our house, called for John and said, ‘you need to go find Robert, he has taken Max and he is drunk.’” Prior to the separation she observed prescription medications within reach of the children, and the father “would just leave his bong out on the counter in the bathroom.”

The mother has disclosed to Ms. Rudolph more recently that she thought the father was stalking her, as after she had put some boxes with his belongings “in front of the house she got a message from him saying ‘you leave my things alone,’” prompting the mother to make arrangements to spend the night at Ms. Rudolph’s house. She did not observe the cameras around the home but notes it is not something she would have noticed. She states that “when things were good and [the father] was sober he really is an incredibly sensitive person and can be very caring and intelligent. Given the opportunity, when he had those times with his sons, he was good. He was a good dad. Having said that, there was a grandiose part of [the father] that would convince us, and he would say he was doing everything for the kids, taking them to their sports, he was a super dad. But he wasn’t.” She states, that when the father was working, “there was a lot of fluctuation with his schedule, there was travel involved, extended weekends, two weeks being gone,” and that when he was home “he was never home to take over and care for the kids. When he was home it always involved him doing something else.” She describes that one of the things she admired about the mother was “She would never say anything defamatory about their dad in front of the boys,” and that “She never discussed custody.” She notes concerns for the mother’s safety and is worried that the father “becomes more unhinged as the process moves forward,” noting the father has sent the mother a news story of a man who had killed his domestic partner. She does not believe the parents should have regular communication with one another.

**Gary Wieder, Ph.D.**, indicated he conducted psychological testing for both parents in July 2024. In addition to the summaries of test results (above), Dr. Wieder states that the father demonstrated “honesty and openness on testing” related to his alcohol abuse, which is contrary to most litigants who may be inclined to deny such problems. With respect to testing results for the father that indicated he is likely non-aggressive and values harmony, Dr. Wieder notes that on the PAI, “if someone wants to present themselves as a peaceful person, they can,” and “a person can make themselves appear non-aggressive.” He notes that with a subject that scores highly on scales reflecting optimistic or “pollyannish,” as reflected in the father’s testing, “they may sugarcoat things,” and the testing on aggression scales may not be accurate. Concerning any impact related to impairment of functioning due to stress as reflected in the PAI results, Dr. Wieder notes that the stress would not be likely to impact his ability to parent. Concerning the mother, Dr. Wieder states that “there were no critical items for testing that rose to a level of concern,” and that in light of the current litigation, “all the testing items would be expected.” While the individual and subscale scores of the MMPI noted some personality features that might be relevant, this was only considered relevant if tendencies toward introversion prevented a parent from promoting social relationships for their children and engaging in activities that would support socialization.

**Elsa Moyer, the mother’s oldest child, and stepdaughter to the father, describes that**



she has contact with her stepfather approximately four times per year and talks to her mother daily or weekly. She indicates the parents separated because “[The father] was volatile and awful to [the mother] for no reason,” the father’s history of alcoholism, and that “he is emotionally, physically, and mentally abusive.” She indicates the mother was responsible for the majority of the care of Max and Adrian and cites the mother’s efforts to promote academic testing and applications to private schools for the children as critical to their educational success, stating the father was rarely involved in these responsibilities. When asked to describe incidents of abuse by the father, Ms. Moyer notes that when she was six and living with the parents in an apartment in California, the family had purchased bicycles which they rode regularly and the mother had an accident and cut her elbow causing it to scab. She reports, a couple of days later she observed the “scab was gone and it was all bleeding. I asked what happened and she said that dad pushed her, she hit the wall and her scab came off.” Ms. Moyer notes another time when she was thirteen and had been given a personal cell phone, but had been placed on restriction from the phone by the father due to having been in trouble. She notes that after having been instructed to go to her room, “I heard a loud banging and walked out and I see my dad with a butcher knife banging on my phone. He told me to leave. I went to my room. I could hear everything.” She reports waking up the next day to find her phone still in the kitchen with a steak knife in the screen. She describes the father used a knife in the home on another occasion when he “was angry at [the mother] and stabbed a knife in the wall next to her.” She reports she did not witness the event, was not in the home at the time it occurred, and her mother informed her of this episode within the last year. Ms. Moyer recalled another incident when she was nineteen and home from college for winter vacation when the father “was really drunk, yelling at my mom, and he came downstairs to see us.” As the father became upset and was escalating the mother asked him to remove himself and go upstairs, and “I got up and confronted him, and he shoved me.” She describes seeing “doors that have been broken, holes in doors which is embarrassing. He threw a cup at my mom in Whistler.” She recalls “waking up to see things broken or the house in disarray was common.” She observed the father would interact with Max in a way that was dismissive and would “snap” at the child, and that when she was young she was often accused of lying. She states that in October 2023 while cleaning up the garage she found a bottle of vodka, and had previously discovered bottles of booze in the house and in the father’s car subsequent to his substance abuse treatment, and that the father tended to hide his use from others. She notes she has asked her father why he is requesting equal time with Adrian as he was uninvolved for much of Adrian and Max’s childhood, and that prior to resigning from Microsoft “[the father] chose to work significant hours.” She notes that despite the mother also working long hours, she provided care for the children, managed their daily needs, and “is able to make the room for it.” When she has asked Adrian about his time with the father, “he says it’s okay, it’s fine,” but that unless either of the children bring up the father, she doesn’t discuss him or their relationship with him. She states “I have not heard my mom say things to damage their relationship. [The father] has done enough at early ages for the boys that they have made the decisions about their dad themselves.” She indicates that Adrian does want a father-son

relationship and enjoys seeing the father at his basketball games, stating “he’s a sports kid and that’s [the father’s] way of connecting. I have that connection with him and those memories as well.” With respect to the cameras installed at the mother’s home, she notes that the camera that the father had previously mounted near the front entryway was white and had been there for years, but that she noticed the cameras were switched to black cameras near the same location and in the garage. She asserts the father installed the new cameras around the time he moved out of the home and contends that this was done to surreptitiously monitor the home. She states that Adrian should have some choice over his time with the father.

**Connie Curlett, LMHC, the father’s former therapist**, indicates she met with the father from April 2024 through June 2024 for seven individual counseling sessions. She states the presenting issues were “working through the anxiety of being alienated from his kids, the stress of that, the distress of the divorce process. Our sessions were mostly around his kids and his love for his kids.” She diagnosed the father with “adjustment disorder with anxiety and depression, mostly anxiety,” The father’s anxiety was related to the legal process and when it would conclude, the uncertainty of the divorce process, and custody related matters. She was not aware of any other individual counselors working with the father during the time she saw him, and she primarily worked on strategies for managing anxiety, self-regulation, grounding techniques, and “what would be helpful for him to get through this.” She assessed the father’s progress toward treatment goals as “very eager to improve, he was open to any help he could get. He was very amenable to treatment.” Sessions were discontinued when the father did not schedule follow-up appointments with Ms. Curlett, but counseling “ended on good terms.” When asked to describe any examples of alienation the father had noted in therapy, Ms. Curlett stated, “He hadn’t seen his kids, not having one-on-one time with them. There was a lack of being able to see them to really know what was going on in their lives. He wasn’t able to parent.” She notes he discussed some acts of the other parent and how they undermined his relationship with the children, stating “We talked about things including how she was manipulating the legal system which impacted how he was seeing his children, was manipulating the schedule so he couldn’t see the children, and discrediting his reputation.” As an example, he indicated she was prolonging the legal process or engaging in administrative delays. Ms. Curlett could not recall more specific examples of manipulation of the schedule but notes that the father referenced a trip or vacation with the children the mother took. With regard to discrediting his reputation, “it seems like she was really leaning into the substance abuse issue, but he did a lot of digital monitoring through a testing program to discredit the allegations.” The father made no disclosures of ongoing substance abuse and she notes “he really loves his kids and seemed to know a lot about them,” and that “I didn’t get a sense of concerns regarding his parenting.”

**Debbie Bayer, LMFT, SUDP, CIP, CSAT, CPTT, marital therapist**, indicates she started working with the parents after the father was referred to her through someone he had been seeing for treatment in 2019. She notes that between sessions that began in 2019 and a final

couple's counseling session she had with them on 3/13/20, she saw the father for a couple of individual sessions, and saw the parents in joint sessions seven or eight times. At the time of those sessions, she notes “[the father] was in and out of addiction and so he was having trouble staying sober. He would be sober for a while and would relapse again. [The mother] was reacting to it.” She notes, “It was really a dance, a pattern of him relapsing, her reacting, and then him getting back in line.” She describes when “[the father] would relapse, he was a mess. He would get it back together again, but they weren’t able to resolve to where there was a long enough period of sobriety coupled with treatment. It would be a crisis, then ignoring the crisis, and then treatment and it was an unhealthy pattern.” She states, “I was helping him with his thinking around his relapses.” She described sessions stopped in March 2020 when the father went to treatment.

The second set of counseling sessions with the parents occurred from October 2023 to December 2023, and were focused on helping to address the separation, and the father’s related anxiety and depression. She describes “What I really got out of the last sessions is that both were posturing, wanting to have a witness to the posturing.” When asked to cite examples of posturing she states “[The mother] was coming to treatment and it felt like she was being coached by an attorney,” and that the mother often presented as rigid. She acknowledges that the mother “has to have strong boundaries with [the father] because he doesn’t adhere to boundaries, but there was a little extra.” She states in 2023 the father would care for the children in the mother’s absence for a week, and thereafter the mother “would decide he was unsafe for the kids. It was a lot of power plays on her part.” She states, “[the father] seemed to want to level the playing field by telling me [the mother] was currently having an affair.” Ms. Bayer notes that when the mother would establish boundaries, “[The father] was reacting in self-destructive ways,” and that “His reaction was very adolescent.” She notes the father’s self-destructive behavior was a trauma response to perceived abandonment. Ms. Bayer reported she had informed the mother she was “weaponizing the children. If he was being sober and having clean UAs, [the mother] said what a good dad he is. Then he would have a positive UA and would minimize and she would be appropriately concerned. [The father] didn’t want to be held to her standards.” She indicates that at times, “[The father] was trying his best to manipulate [the mother] and this made her have to have her boundaries a bit stronger. I would say to [the father] that he doesn’t hear her. You come over when she has asked you not to, She gives you a bit of leeway and you just go storming in. She is in a difficult position, but also his difficulty was that he was cut off from his kids.” She notes the parents were unable to negotiate a “middle ground” in their sessions which was one of the primary reasons for the counseling. There were no clear plans in place as a result of the sessions for the holidays in 2023. She notes the father “felt he was entitled to be in the (family) home.” She does not know what occurred during the holidays in 2023 as her last session with the parents was 12/19/23. She never met the children. When asked if any of her sessions involved reports of either parent disparaging the other parent in the presence of the children, Ms. Bayer states “I can’t think of any specific examples of alienation.

I don't think she was being very encouraging of his relationships, but it was his own fault because he was being emotionally dysregulated." Eventually, he aborted treatment. I was just too confrontational." She notes in these final sessions the mother "was trying to be generous (toward the father)," but that "he would push the boundaries and at one point something just clicked inside of her and she put the wall up and he just kept being reactive." She notes that "[The mother] was feeling like she was supporting the kids who didn't feel like they could tell their dad about their feelings of his behavior. What I think was that she was projecting some of her stuff onto the child, but could have given more space. She said many times in sessions that he was a good dad." She denies making any projections about what would happen following the end of treatment in December 2023, but "I thought probably if [the father] wasn't clean and sober she was going to protect the kids. I would support her 100% in doing that." She believes that if the father is engaged in recovery and sober, having contact with him in a therapeutic setting will assist in their relationship with him and that eliminating all contact under those circumstances would be counterproductive. When asked, she denied conducting a domestic violence screening, but notes that she was informed of "some incidents of screaming and yelling. [The mother] talked about feeling intimidated and unsafe. But when he was activated, he was big. He was the type of person who was animated and could be loud." When the mother became upset with the father's behavior "she would get quieter but very cold, which he would react to." She notes, "I think she told me about property destruction. I don't recall if he had hit her. I think it was mostly yelling but I don't know what kind of property destruction." She states, "There was verbal abuse and he was like a petulant child when she tried to set boundaries." She contends it would benefit the family for the children to have individual therapy, for the father to receive substance abuse counseling and individual treatment for his past trauma history, and for the children and father to have some joint counseling to process the past.

**Natasha Holian-Ryan, ACC, Domestic Violence Program Manager, Assessment and Treatment Associates (A&TA),** indicates the father initiated a domestic violence assessment with A&TA in September 2024 which is not complete. During intake, the father disclosed three instances of property destruction including damaging a cabinet in the kitchen, damaging a refrigerator, and breaking a travel mug. While the father did not disclose the use of knives or other weapons, "I do have [the mother] reporting that he stabbed a knife through a phone." The father denied removing the mother's phone from her. There is a report from the mother of having to leave hotel rooms due to the father's escalated behavior. The father "engaged in some blame that she caused arguments to be in front of the children." She states there was a disclosure "of computer monitoring, possibly of the oldest daughter. I don't think there was anything specific about [the father] monitoring [the mother's] whereabouts." Ms. Holian-Ryan indicates the mother provided messages between the parents and "many of them are in violation of the court orders. The messages are emotionally abusive, there is abusive language." As an example, Ms. Holian-Ryan reports that a message states, "You are so completely clueless about anything that plugs into the wall, you are crazy," and another message that states "How dare you after all

the crazy bullshit accusations, you have pushed me over the edge. I will be taking countermeasures.” She describes the messages as “ongoing,” and “Some of them rise to the level of threats, covertly worded threats.” The mother reported to A&TA that the father threatened her immigration status, and “There’s a lot of involvement of the children, using them to continue to try to control her.” As an example, Ms. Holian-Ryan notes the father sent the mother an article about a man who killed his ex-partner due to conflicts over the children, and “talking to her about his discussion with the reunification therapist and blaming her for it not working.” Ms. Holian-Ryan noted that overall, “where [the father] takes accountability is the emotional abuse he engaged in during active addiction. It would appear to me that post active addiction, he does not take accountability for his actions.” She asserts that from the information she has gathered, “There’s a pattern of alcohol abuse and a pattern of domestic violence. In this relationship, we see that when the substance abuse stopped, the harassing messages and borderline threatening messages continued.” Ms. Holian-Ryan notes that the A&TA assessment will be completed within the next month.

**Monique Brown, Psy.D., ABPP**, indicates that she began work with the Moyer family in September 2023 to address parenting plan issues and discontinued work in February 2024. She met with each child one time and met with the parents separately and together. The purpose of her work was to help the parents agree to a fair parenting plan without needing further legal system involvement. During the course of her work with the parents, they each submitted drafts of parenting plans and she helped identify areas of agreement and disagreement. She notes the parenting plans that the parents had submitted and discussed with Ms. Brown were not ultimately accepted and implemented by both on an ongoing basis due to points of contention on the part of each of the parents. Dr. Brown states that for the mother, those points of contention included that “There were concerns about DV that were separate from parenting stuff that needed to be addressed,” and that “[the mother] was uncomfortable with jumping into a 50/50 parenting plan.” The father was requesting an equally shared schedule and “didn’t want to jump through excessive hoops.” Dr. Brown did not conduct a domestic violence assessment as that was not her role. When the mother discussed domestic violence, Dr. Brown stated she reported “much of it related to his alcoholism and angry outbursts. I don’t recall (some details the mother may have reported) without looking at notes, but she might have mentioned a door slamming.” Dr. Brown notes, “I don’t know if possessiveness is an accurate word, but he definitely did not want to let go of the relationship. [The mother] felt like he was obsessed with her. I imagine that doesn’t feel safe, regardless of the motivating factor behind the behaviors.” As she was not appointed to conduct a domestic violence assessment, she provided the mother with resource information for a state-certified domestic violence treatment program. When she met with Adrian, the child reported concern that “[the father] was possibly surveilling them,” as he was privy to a conflict concerning a camera system in the home where the mother and children had been residing. She notes, “there was some discussion about Adrian being brought into that conversation,” as well as disagreement about the timing and the intent of the camera system. Adrian did discuss having

seen the video on his father's phone. Adrian's remarks to Dr. Brown reflected that he loves the father, wants time with him, "but wasn't sure if he could trust [the father]." In session with Dr. Brown, Adrian discussed his reservations about the father's history of alcoholism, and "He didn't know which version of his dad would show up. That's a normal child's way of describing a parent that has a substance abuse problem." When she spoke with Max, "Max reported that he didn't want to see his dad anymore. He said he had given his dad enough chances and his dad was out of chances. The angry outbursts and drinking were things [Max] described." Dr. Brown notes that she had limited information and worked with the family for a short period of time. While she did not conduct a thorough investigation of the family, she notes that based on the information she had, "I did not see a strategic and malicious effort to alienate the children. I think [the mother] was scared and concerned." She reached no definitive conclusion on risks posed to the children by either parent. Because of the allegations of abusive conduct by the father, the level of conflict between the parents, and substance abuse history, she suggested a parallel parenting arrangement instead of active co-parenting between the mother and father. Because of her role, she only made suggestions and offered no directives to the parents about the terms and conditions of a parenting plan or therapeutic support. She notes that suggestions she made regarding parenting plans "in [the father's] mind needed to be followed, but my suggestions were simply that and this was not any sort of legally binding parenting document." At the time of discharge, services she believed would be of help included therapy for both parents, reunification counseling for the father and Adrian, and individual counseling for the children.

**Jennifer Keilin, LICSW, reunification therapist**, indicates that aside from her report dated 9/26/24, she issued no other reports or written treatment summaries for the Moyer family. While she met with both children individually during her therapeutic work, insofar as joint reunification sessions, "Max just refused." In regard to her recommendations, "I focused more on Adrian because that is the relationship that is amenable to repair." To promote the relationship between Max and the father, a team approach with multiple professionals providing support would likely be necessary, "because it's an uphill battle."

When asked about the reference in her report to "chaos in the system," Ms. Keilin described that the parents would participate in appointments, and would communicate their intentions to address issues in their family system, but "then Robert would have communication with someone that would then put everything back in a tizzy again." As an example, she cites a message sent by Robert to the mother with an article about a man who killed the mother of his children due to custody disputes. In another instance, the father was advocating for contact or communication with the children related to their trip to Hong Kong, resulting in attorney communications and a focus on that single issue rather than the broader family issues. She notes that the father struggled with his limited contact with the children. His urgency was so high that it interfered with his insight into his behavior. An additional example included the filing of a

motion for temporary orders by the father while Ms. Keilin and the attorneys were in discussions about moving the family forward, which undermined those efforts.

Ms. Keilin stated the father's impulsive behavior was a concern. She advised the father to cease communication with the mother as "It was keeping things stirred up," and "disrupting the system." She notes "[the father] couldn't maintain that. I wasn't tracking it, but it became clear to me that he resumed contact with her."

As examples of necessary changes in the father's behavior, she notes he must refrain from inappropriate communication with the mother and other professionals, as well as "showing up on time, keeping sessions, following the other criteria you are supposed to do," including any treatment or therapeutic interventions. She declined to identify ways in which the mother had struggled to hide her anxiety and distress related to the father's behavior as described in her 9/26/24 report, but instead noted "I would say it was observational data. Nothing more specific than I can say on that." She notes, "[the mother] needs to feel less anxious by [the father] doing less anxiety-provoking things." She recommended more frequent contact between the father and Adrian as the "amount of contact they have right now keeps the relationship on life support. It doesn't allow for it to build through frequent interactions, and it is in restart mode. It just stays tentative." She notes that continued counseling for Adrian would help with his anxiety. She cites the father and Adrian need an opportunity for their relationship to progress, and for the father to "manifest enough behavior changes to make progress occur. For [the father] it is unknown. How will he respond to the interventions? It is hard to say." Due to her caseload with other matters, she would not be in a position to serve as a reunification counselor in the near future.

**Katharine Holdsworth, friend of the family who was identified by the father as a reference for him in this evaluation.** Ms. Holdsworth indicated "I probably don't have sufficient detail on the family at home. My interactions have been during holidays or outside of the home so I am not going to give [this evaluator] the information that will be useful." She noted that she believes stability will be important for both children and that "I want to make sure the children's wishes are well understood." She indicated "I don't want any of my words to end up in court," and provided the name of another family friend, Milo Brooling, who could speak on these matters. She then elected to discontinue the call with this evaluator.

**Maribel, Laboratory Technician, at United States Drug Testing Laboratories (USDTL),** provided information about hair follicle testing at USDTL. She indicated that for head hair, cannabis would be detected for up to a 90 day period prior to sample collection, whereas cannabis can be detected in body hair for up to one year from the date of collection.

**The mother declined to sign a release of information for her current therapist,**

**Amal Hasting.**

### **VIII. CONCLUSIONS**

This is a dissolution case involving two children, Max, who is sixteen years old, and Adrian, who is twelve years old. The court entered a Stipulation and Agreed Order Appointing Parenting Plan Evaluator on 4/3/24. Per the order, the undersigned is to address all issues related to making a parenting plan for the children; allegations of domestic violence of the respondent, mental health issues of the petitioner, the respondent, and the children; substance abuse of the respondent, whether both parties are willing to share decision making authority and/or whether shared decision making is in the children's best interests; and any other issues discovered that could affect the safety of the children." The work of the parenting plan evaluator began on 4/14/24 after the retainer was received.

Before discussion of the issues in this case, the undersigned highlights records and information, that were not available that could have some bearing on the analysis and conclusions of the report. Despite the history of claims, complex family dynamics, and length of time since the petition was filed in this case, the pleadings, declarations, and orders are limited, reducing the material for consideration by this evaluator. The mother declined to sign a release of information for her current therapist, Amal Hastings, so the undersigned was unable to address some issues related to the question of her mental health and current therapy. One of the couple's counselors seen by the parties prior to their marital counseling with Ms. Bayer, Merrie Day, Ph.D. was not listed by either parent as a collateral and was not consulted for this evaluation. Both parties denied CPS involvement at the time of their interviews, claimed they had never been contacted by a DCYF social worker, and although Adrian's counselor reported having made several referrals to CPS, those referrals pertained to concerns of child maltreatment dating back several years, and it does not appear CPS was involved aside from receiving a referral at intake. CPS records were not obtained or reviewed given the reports of both parents and the late notice to the undersigned of prior referrals. While the mother provided medical records for Adrian in this case, no such records were made available pertaining to Max, and neither parent identified a provider seeing Max specifically for ADHD treatment in collateral requests from the undersigned. However, the undersigned gathered educational records, academic and psychological testing records, spoke to Max directly and gathered information from two separate mental health professionals who had seen Max within the last year.

While there have been multiple allegations regarding risks posed to the children by each parent, before analysis of these issues the undersigned recognizes some of the many positive attributes of the parties and strengths of this family. For his part, the father should be credited for having served as a significant source of financial support and has made many efforts to engage various services of providers to address multiple issues including substance abuse,

childhood trauma, couple's counseling, and parent coaching, among others. Several of his providers note his openness to any support he can access, and in addition to locating and soliciting the help of counselors and coaches, he has voluntarily committed to Soberlink testing and a domestic violence intake assessment with a state-certified provider. For the mother's part, she too has been a financial contributor, working extensive hours to support the family. She has engaged in counseling with providers to address parenting, has facilitated the children's involvement with counselors, and has also taken great pains to coordinate care and treatment for the father for physical ailments and substance abuse. Moreover, both children are exceptional students, with grade reports reflecting high academic achievement at a private school with rigorous academic standards. Despite emotional struggles for both, they are reportedly engaged in numerous extracurricular activities and volunteer opportunities that will serve to anchor them and provide valuable life experiences. The parents should take pride in having raised two intelligent and capable children who are on track developmentally by all accounts.

Although there are other issues that appear to have contributed to the demise of the marriage, the father's alcoholism had the most profound and damaging impact to this family system. While the father claims in his declaration of 9/16/24 that he had "been arrested for suspicion of driving under the influence twice, once in 2013 and once in 2019," he was also arrested for such in 2005 in Santa Clara County, and on at least one other occasion in approximately 1998 as noted in records from California and Kirkland Municipal Court. As with many alcoholics, his pattern of use was often secretive, involved extensive binge drinking, and he admits to refraining at times when he was required to complete testing or was on probation but would return to drinking again thereafter. Based on the information available, he has been in inpatient treatment at least once, outpatient treatment at least twice, has had ignition interlock devices installed in his vehicle, and his license was suspended. He is currently receiving treatment from an addiction medicine specialist who administers Vivitrol shots to nullify the effects of alcohol and has received counseling about addiction from at least two other therapists (Merced and Bayer) within the last five years. He has used alcohol at times when he was being prescribed disulfiram, has admittedly swapped this medication for other pills to make it appear to those around him that he was compliant with medication management, and he has acknowledged that in addition to formal legal systems involvement, his drinking caused problems at work and "left a path of destruction" impacting the mother and children. The harm that has been caused by the father's addiction has altered the terms of his relationship with each family member in different ways. To his credit, he has offered accountability for his drinking and articulated this impact to treatment providers and counselors in therapeutic settings, although on at least two accounts there are discrepancies related to his date of sobriety and the number of arrests he's had for drinking and driving.

Notwithstanding the above history of decades of substance abuse and efforts by the father to establish and maintain sobriety, the mother noted several current concerns on this account.

The mother alleges, and the father admits that after discontinuing his alcohol use, there was a period of time when he was growing and using psilocybin and that this was not considered during his most recent drug and alcohol evaluation at New Life Recovery in 2023. When asked to speak to this, one of the father's treatment providers, Dr. Fannin, noted that hallucinogenic mushrooms tend not to result in "chronic change and impact" to behavior as depressants and stimulants do. As is typical for most drug testing, none of the more recent substance abuse test results for the father submitted with recent pleadings include panels for psilocybin. Given the information available, while it's undisputed the father and the mother had microdosed mushrooms as recently as 2023, there is not enough information to indicate this is a drug the father is abusing currently. As to the father's use of cannabis, it's not disputed he has smoked cannabis and used edibles in the past, he was positive for marijuana metabolite at the time of a urine test collected on 11/1/23, and his hair follicle test report dated 7/1/24 reveals a positive result for cannabinoids. As the specimen collected was head and not body hair, it appears the father's use occurred within a 90-day window prior to the date of collection, or sometime between March 2024 and June 2024. This time period coincides with the timeframe of a purchase the father admittedly made at a cannabis dispensary on 5/5/24, when he asserts he bought cannabis products for a friend. He denied using cannabis at that time stating his last use was with the mother in October of 2023 or earlier. The results of the hair follicle test are particularly perplexing given this claim. He also contends that he has used CBD edibles for restless leg syndrome and it seems plausible that trace amounts of THC could be detected in CBD products and would result in a positive hair specimen test. There is some evidence that the father may consume cannabis from time to time, although it is not considered by the undersigned to be an immediate risk to the children currently.

As for concerns about alcohol, Soberlink test results of 5/5/24 were positive with a .013 BAC on that date. According to Soberlink records, within 32 minutes of that test, a compliant (negative) test was subsequently received, and it seems unlikely that there would be such a dramatic reduction in his blood alcohol content in that short span of time if he were actually consuming alcohol. This evaluator can't explain these results with the information available, but the father has offered his account that he consumed a protein bar with sugar alcohol in it. The father also admits to purchasing alcohol from Wine.com on 4/10/24 when he bought champagne for a friend, and there were conflicting accounts provided as to the date of the father's last use of alcohol. The date the father cites as his last use of alcohol (8/20/21) was over a year prior to the date that Dr. Fannin identified as his date of reported sobriety and the father could not explain this discrepancy. There was also some discrepancy between the father's sober date of August 2021 and Mr. Merced's report that the father has not consumed alcohol since 2019, although the father admits he did not recall reporting to Mr. Merced that he drank in 2021.

While there are no other test results revealing he has used alcohol since he began Soberlink testing, and multiple providers working with the father indicate there are no

indications of relapse, as he says, "My alcoholism is very real," as are the prospects for relapse for anyone with his history. The undersigned commends him for his work in treatment and willingness to participate in regular testing via Soberlink for the last year, and it's apparent that maintaining sobriety will require a lifelong effort. The father's abstinence from alcohol will likely be the most important variable in his relationship with his children as well. Relapse is always a possibility despite commitments to recovery, and this evaluator recommends Soberlink testing for another two years with random urinalysis testing once per month to screen for any other mind-altering substances. All test results should be transmitted to the mother, as well as quarterly reports from Dr. Fannin confirming the father's compliance with his monthly Vivitrol injections, and all providers for the father should receive a copy of the sealed version of this report. It is the opinion of this evaluator that an RCW 26.09.191 restriction should apply to the father for a history of substance abuse that impaired his parenting functions.

Evaluations of family issues in the context of child custody matters warrant universal screening and assessment of domestic violence, and the undersigned was directed to address this matter per the order of appointment. For purposes of this evaluation, domestic violence is defined as physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one intimate partner by another intimate partner, or of one family or household member by another family or household member. This evaluation focuses on the nature and context of intimate partner violence, the effects, and the implications of this history vis-à-vis the terms of a final parenting plan.

The history of domestic violence claims dates back to the parent's time residing in Hong Kong, when the mother reports the father pursued her out of a hotel room as she was attempting to leave, held her in a hallway, and she sustained an injury to her hand. While the mother notes only one instance of police becoming involved during an episode that occurred while the couple were residing in California, she states no arrests were made. After arriving in Washington in 2003, violent and threatening acts by the father appear to have escalated, with numerous examples of psychological aggression, throwing of objects, use of implements to damage property that likely inflicted fear for the mother and other family members, threats to the mother related to her immigration status, efforts to impose control over the mother's physical movement and access to sources of support, as well as excessive calls and communication via email that seem to constitute violations of the Temporary Restraining Order. The mother also reported the father arrived at the home uninvited after the parents had separated and harassed and instigated unnecessary conflict, as well as monitored the family residence via video cameras he installed.

For his part, the father admits to yelling and slamming doors, striking and damaging a kitchen cabinet and refrigerator, and acknowledges having recently contacted the mother at her work email in violation of restraints. As confirmed by the father's mental health counselor, Mr.

Merced, the parents experienced marital problems because of his reported verbal abuse and alcoholism. The father possessing and using knives in a threatening manner was a theme in this case, with his acknowledgment of a disturbing act in 2005 or 2006 of plunging a knife through a cell phone belonging to Elsa, who was thirteen at the time. Elsa contends he used both a butcher knife as well as a steak knife to damage the phone, that there were multiple instances in which she “woke up to see things broken or the house in disarray,” and described her stepfather as emotionally, physically, and mentally abusive. Another report of the father’s use of a knife, while denied by the father, included that he had stabbed a wall near the mother while agitated during an argument. Elsa notes the mother informed her of this incident last year, but that she was not at the home to witness the event when it occurred. Lisa Rudolph, a friend and neighbor to the parents for twenty years, noted that her husband had reported to her that the father had put a knife through the wall in the parent’s home. A third incident when the father was in possession of a knife at the emergency department while seeking treatment was documented in hospital records obtained by this evaluator, although no direct threats with the implement are noted in the materials provided. A fourth incident is alleged by the mother and denied by the father when he was intoxicated on San Juan Island and an argument with another hotel guest resulted in the father brandishing a knife in a threatening fashion. This episode could not be corroborated with the information available, as was the case with an episode alleged to have occurred in a Starbucks parking lot on 4/20/24 when the mother contends the father pursued her to her vehicle, held her car door ajar so she couldn’t leave, and hit the trunk of her car when she was attempting to drive away.

While evidence of direct physical assaults of the mother by the father were limited and could not be corroborated by medical or law enforcement records, Elsa and Ms. Rudolph both report witnessing injuries to the mother that they considered suspicious for physical abuse or were directly informed by the mother that the injuries were caused by physical violence by the father. Elsa describes the mother informing her at the age of six that the father pushed her into a wall causing reinjury to a scratch that had healed over, and Ms. Rudolph relates seeing bruises on the mother’s arms which the mother disclosed to her were the result of physical aggression by the father, and that the mother appeared scared, was crying and in shock while confiding in Ms. Rudolph. The mother offered a description of an episode in 2012 when she sustained bruises to her arms and shoulders after a struggle over a laptop when confronting the father about infidelity which was consistent with the account reported by Ms. Rudolph. Elsa has relayed the father assaulted her during the holidays in approximately 2011 when she was 19 and he pushed her as she attempted to intervene in an argument between the parents. Although there was a lack of information to corroborate that the father specifically confined the mother to the walk-in closet and held her there to engage in verbal assaults as she has asserted, there are credible reports of the mother feeling unsafe, with accounts from two witnesses of the father pursuing the mother on foot when she attempted to flee the home in September 2023. As reported by Ms. Rudolph and her son-in-law who issued a statement, they witnessed the mother emotionally “shaken up” and

“terrified,” far from her front door with the father “trailing behind her walking quickly” and pursuing her as she attempted to enter Ms. Rudolph’s car. The statement from Ms. Rudolph included that the father attempted to prevent the mother from entering Ms. Rudolph’s vehicle. When the mother was driven to Ms. Rudolph’s home to remove her from the situation, the father arrived and attempted to contact the mother and children. Ms. Rudolph notes that there were numerous occasions when the father became hostile and confrontational toward the mother and her home was considered a safe location where the mother and children would stay the night to avoid him.

The mother has disclosed property destruction and verbal abuse to several mental health providers, including Ms. Bayer and Ms. Martin consistent with admissions by the father of such. Despite that they were still together at the time of discernment counseling with Ms. Martin, she states the mother “reported a history of feeling threatened, feeling unsafe, that [the father] made a reference to her immigration,” and that “at some point, both had reported physical aggression around property.” Ms. Bayer, whom the parents had seen since 2019, described disclosures of property damage and verbal abuse as well. Some of the more troubling instances of coercive control by the father which were corroborated by text messages and communications provided by the mother as well as reports of third parties included statements the father made toward the mother about her immigration status. There are documented reports of the father calling the mother names in public such as “bitch” and written communication referring to the mother as “cunt” and informing her “you will be collateral damage.” Text messages from the father to the mother during disputes between the two include the father telling the mother “you are not legal,” and Ms. Rudolph reports having witnessed firsthand the father’s verbal threats to “send her back” to Hong Kong because she “was an illegal alien.” It is difficult to conceive of these threats as anything other than an attempt to intimidate and coerce the mother. It is noteworthy, that Ms. Rudolph reports such threats were also made in the presence of the children. The mother has additionally provided call records of dates between 4/20/24 and 5/29/24 reflecting 38 individual contacts the father made to the mother’s phone that went unanswered, with some back-to-back calls within one minute or less of the prior contact. It appears that such continuous calls when no response was received were harassing in nature and violations of the restraining order of February 2024. Moreover, the father admits to recently sending the mother emails to her work address which also seems to violate the terms of restraints, and these violations raise concerns about the father’s ability to comply with binding court orders. In July of 2024, despite the pending litigation, a restraining order, and the domestic violence allegations by the mother that were known to the father, he sent her an image of an article describing a man killing the mother of his children after a custody dispute. Despite that he claims this was “a joke” with additional commentary that “It’s an olive branch extended you [sic] to heal,” this evaluator finds it is more likely than not that this communication was coercive and threatening. Finally, the mother reports that the circumstances prompting her request for a restraining order in February involved the discovery of cameras she states were installed by the father for purposes of

monitoring the residence. The father has indicated the cameras were present for a period of time prior to the separation, and as with other cameras that were located around the home, they weren't able to operate due to a lack of signal from the home router. He notes that he was only able to see video on one occasion in January 2024 when numerous doors were left open allowing access to the router and activating the cameras. The only information from third-party sources made available regarding the allegations of video monitoring was Elsa's report that the cameras were of a different color than the prior devices, suggesting that the new cameras were installed without notice to other family members, and Ms. Rudolph's statement that the mother was contacted by the father after he moved out complaining that she was placing boxes of his belongings outside, something he would have only known if he had been monitoring the front entrance of the house remotely. The father's explanation for the circumstances surrounding the cameras involves extensive knowledge of the home and technical knowledge of how the devices operate. Without additional information, the undersigned did not have sufficient basis to conclude that the father used the cameras for monitoring the mother, although this is just one of many claims that the father engaged in domestic violence.

Based on the data reviewed, this evaluator concludes that an RCW 26.09.191 restriction should apply to the final parenting plan due to a history of acts of domestic violence. He notes his recent participation in a domestic violence assessment with A&TA, stating that "I need to know more about (domestic violence)," and this evaluator concurs with the father's conclusion. It is the opinion of the undersigned that recognition of how violence, verbal, and psychological abuse have harmed other family members is an important component of the healing process for this family, and developing skills to avoid such conduct in the future can serve to prevent those patterns of conduct from repeating in future relationships.

Regarding the impact of this history of behavior for multiple family members, Adrian's anxiety and hypervigilance was noted by his mental health counselor. Adrian has disclosed that when the father threw a glass it caused him fear, Max has commented to the same therapist that the father threw him into a wall when he was in elementary school, and it's not disputed that Max and the father became physical with one another in a pool in Mexico in 2022, when Max reported he was scared that his father was going to hurt him so he kicked the father in the ribs causing injury. Adrian has reported to his counselor "feeling scared" when arguments escalated and vacation plans were canceled and the mother and children had to leave because of the abuse. The opinion of this evaluator is that the father's domestic violence has shaped the children's perceptions of him, and remains a significant factor in their willingness to spend time with him and lack of a sense of safety. In addition to recommendations that the father complete the pending domestic violence assessment and comply with recommendations for treatment, this evaluator recommends that the father participate in the DV Dad's Program to further understand the children's experience of this history of abuse.

Between the prior acts of domestic violence and the legacy of the father's addiction, the impact to the mother and children is evident. There are valid fears and insecurities which continue to be expressed by both children to mental health providers, school counselors, and the reunification therapist. As reported by his mental health counselor, Adrian remains vigilant when in the father's presence, with hypersensitivity to the father's mood and physical movement. Adrian's apparent trepidation and reactions to the father as reported in sessions with Ms. Betts as recently as August 2024 are common for children who have been subjected to unpredictable and erratic behavior by a caregiver. As an example, while it has been several years since Adrian has reportedly been a passenger in a car driven by the father after he'd been drinking, he continues to persevere about the prospects for a repeat of such circumstances. It is telling that Adrian's experiences prompted his use of a safe word when he was concerned about his father. The passage of time, a dedicated commitment to demonstrating marked change by the father in his conduct, and domestic violence treatment are all factors that will determine whether and how Adrian's relationship with his father will progress. As Ms. Betts reports, Adrian "is very nervous about the idea of [the father] getting upset," but with further counseling, Adrian could "work towards something more."

To this end, the father has been included in sessions, and has articulated his understanding of his son's anxiety, and how his behavior in the past contributes to Adrian's reactions in the present. This is a sign of progress, although it appears that at times the father may still have challenges in appreciating and anticipating Adrian's anxiety and stress responses. He was under the influence during various incidents of volatile and abusive behavior Adrian witnessed, and the father's interactions with Adrian since March 2024 have been under professionally supervised conditions or in therapy, settings where Adrian has explicitly stated he feels greater degrees of comfort when with the father. March of 2024 is also the first time that Adrian began to process these experiences in a therapeutic setting. Although reunification therapy was discontinued recently limiting the number of opportunities that Adrian has to address these issues, in the near term, to the extent that Ms. Betts concludes the father's involvement in Adrian's counseling is prudent, the father should be permitted to participate in counseling as directed by Ms. Betts.

With respect to concerns the father has raised about the mother, he alleges she has engaged in a pattern of alienating the children, and that their current disposition toward him is a product of her efforts. Among other acts, he reports the mother has shared the terms of parenting plan proposals with them, removed pictures of him and other mementos from the family home, and rescinded agreements for him to care for them in December 2023 while she was away. The claim that the mother has engaged in manipulation of the children to isolate their affection for the father has been considered and three mental health professionals who have worked with the family reported a lack of evidence to conclude that she has actively and intentionally discussed the father in negative terms in their presence. Instead, multiple professionals who have met with

the children attribute their feelings about the father to his drinking, anger, and the escalation of conflict they have witnessed firsthand. The father acknowledges that many of the parent's arguments were witnessed by the children, and exposure to such tends to create loyalty divides and alignment with a parent, which appears to have occurred over many years, rather than any sudden or dramatic shift in their affections toward either parent. The father contends that Adrian's behavior changed abruptly in March 2024, and he was less affectionate with the father, which he believes is attributable to the mother. However, it appears Adrian was communicating the struggles he was having with his historical experiences with the father to the father directly months before this, when he relayed his upset about times when the father was inebriated, describing in text messages to him "I am just wondering why Because [sic] you really traumatized me." As Dr. Brown notes in her written correspondence to the parties directly after meeting with the children, "it does not appear that Adrian is influenced by any negative talk from Christine. His feelings appear to be his own feelings and are not influenced by anything but his experience with you, Rob." The children have likely developed stronger tendencies toward alignment with the mother after experiencing the father's anger and abuse, and that they may be protective of her at times is not surprising. As reported by the parent coach, the father believed that the year prior to the parent's separation his relationship was improving with stronger ties to Max and Adrian, "but he understands now that there were so many cracks that they hadn't worked on in the relationship," which continue to influence those father-son relationships. Based on the information available, there is insufficient evidence to conclude the mother is engaged in intentional or malicious alienation.

While the mother has been active and primarily responsible for many aspects of the children's care, the father was present for school events and academic support meetings for the children and he has consulted on medical decisions, particularly for Max in the last year. It is not disputed that he has promoted and participated in team sports with Elsa. Sports have been a source of important bonding with Adrian as well, and the father was involved in coaching basketball within the last year. While it is apparent that more progress is needed in the father's relationships to his sons, it is a sign of hope that the father can demonstrate some insight as noted by the parent coach, and offer productive responses to the children on several accounts. He articulates responsibility for his substance abuse history in relating to his children, has communicated effectively with Max in written correspondence when the child was escalated, and offered an apology to Adrian in therapy. As Ms. Rudolph and Elsa have observed, there are examples of the father's ability to be caring and sensitive when he is not abusing substances.

With respect to the mental health issues of each parent and the children, despite the mother declining to execute a release for her current therapist, multiple mental health professionals who have worked with the family and have seen the mother for marital and reunification counseling were consulted, and the mother completed the psychological testing as a component of this evaluation. The reunification counselor and Adrian's therapist have both

remarked that the mother appears to exhibit signs of anxiety about and in the presence of the father, prompting Ms. Betts to see the parents separately. Ms. Keilin remarked that the father's behavior is anxiety-inducing for the mother, and observed that “[the mother] needs to feel less anxious by [the father] doing less anxiety-provoking things.” The adverse effects of dysfunctional patterns of interaction between the parents, volatility, and abuse over a twenty-five-year relationship likely contribute to increased apprehension and stress in the mother, particularly as she continues to work toward establishing personal boundaries with the father and navigating the resolution of the legal issues in this case. However, there were no items in the mother’s psychological testing that required follow-up and her profile did not reveal indications of major psychological problems. Ongoing therapy can serve as a source of support and guidance as she manages future interactions with the father and would be of additional benefit to a coordinated approach to reunification with Adrian and the father.

As for Max and Adrian’s mental health, perhaps the most troubling development in the last year is Adrian’s suicidal ideation in March 2024. Ms. Betts confirmed he no longer has thoughts of self-harm, and to the credit of the parents, they have encouraged his participation in counseling where he has made progress toward treatment goals. Adrian is developing the skills to communicate some of the ways he feels emotionally burdened by the father’s prior conduct, he has more insight as to how he can manage his anxiety when with the father, and his work with Ms. Betts should continue to promote his wellbeing. According to the information available, Max is a twice exceptional student, who is intellectually gifted but has challenges with ADHD and anxiety. He has reportedly used techniques recommended through a neuropsychological evaluation of 2022, including physical exercise to manage his ADHD, and now that there is reduced exposure to conflict in the home, he reports his day-to-day living environment is less stressful. Max was discharged from counseling by Ms. Betts after he declined to engage, and there are limitations to compelling a child of Max’s age to participate in therapy. Max should be afforded therapeutic support to the degree that he is willing to engage in such moving forward.

Regarding mental health issues for the father, his work in counseling to address extensive prior childhood trauma, grief and loss, and limitations in his contact with the children is ongoing. His therapist projects his EMDR treatments will require another year to fully address traumas from his past, he receives medication management for ADHD and depression, and counseling for grief and loss. Treatment records from 2018 noted a diagnosis of Bipolar II, which hasn’t been a diagnosis formulated or confirmed by any of the other providers involved with the father’s mental health treatment, nor was it identified through the psychological testing conducted by Dr. Wieder. Based on the available information, mental health concerns for the father are being addressed with current resources. However, both Mr. Merced and the father’s medication management provider should have a full copy of this report to assess additional treatment needs and address some of the father’s recent maladaptive behavior.

With respect to other issues related to making a parenting plan, by all accounts, including the father's, Max and the father's relationship has become so estranged that he is not advocating for specific times of contact with this child presently as reflected in his motion of 9/16/24. Max participated in a visit only once thus far in 2024. Upon speaking with multiple mental health professionals who've worked with Max, as well as interviewing him directly, it is the opinion of this evaluator that the nature of the father's relationship with Max presently is not conducive to ongoing requirements for specific periods of residential time. It is noteworthy that Max reports intermittent communications with the father via text, and appears to have communicated to the father as recently as 9/11/24 via text that he is willing to speak to him via phone and wants to have a relationship with the father, despite not wanting him to attend his curriculum night. The undersigned endorses the father's proposal that Max have discretion over the extent of his contact with him.

Concerning decision-making, the father requests to have joint decision-making and has advocated for a co-parenting relationship that involves regular and coordinated communication and engagement of both parents together. The mother expresses resistance to arrangements that would require her to consult with the father to any significant degree on matters pertaining to the children. Several factors which complicate prospects for effective communication and cooperation include multiple examples of the father's failure to adhere to boundaries, such as the violations of the temporary restraining order, and messages he has sent that undermine trust and security. The father has made unreasonable requests that the mother provide unnecessary details for travel with the children, has resisted and delayed consent to travel at times despite that the travel was not considered detrimental to contact and communication between the father and children, and sent correspondence by email to the mother citing the Hague Convention and insinuating she was coordinating the children's abduction. Third-party professionals have remarked that the father has had difficulty letting go of the relationship, that he causes "chaos in the system" which is antithetical to the co-parenting relationship he claims he wants, and that the parents have a very dysfunctional pattern of maladaptive behavior by the father, prompting the mother to react and establish boundaries, and the parties were reported as unable able to reach a compromise on numerous issues in couple's and discernment counseling raising questions as to their capacity to make decisions together for the children in the future. Additionally, a mandatory limitation restricts joint decision-making, and it is the opinion of the undersigned that while there should be a process for communicating decisions about the children, it would be antithetical to the children's best interests for all major decisions to be negotiated and agreed upon jointly.

When confronted with what appear to be violations of the temporary restraining order as well as derisive and unproductive conduct and communication between the parents, the father notes that he will "make mistakes in the future." While this may be true, such mistakes and

violations will likely serve to damage relations further and are not conducive to a healthy parenting environment. To reduce the potential for those mistakes and avoid interactions that escalate hostilities, this evaluator endorses a parallel parenting arrangement, which was also supported by Dr. Brown when she discontinued her work with the family. The longstanding pattern of emotional entanglement, codependency, and dysfunctional communication must cease, and a shift in relations of this sort likely requires the suspension of any interface between the parents that does not involve emergency circumstances. The undersigned recommends cessation of contact between the parents aside from OFW communications related only to the children's residential schedule, medical care, extracurricular activities, and adjustments to contact between the father and Adrian. Separate participation in certain activities involving the children is advisable, at least for a period of time while roles are redefined and benchmarks for treatment and healing are met. A specific schedule and set of provisions related to communication and contact provide the structure that can serve as a measure of whether many of those benchmarks are met. Moreover, a parent coordinator should be appointed and authorized to monitor and manage correspondence and intervene if needed, facilitate adjustments to contact as circumstances warrant, and direct therapeutic support to promote Adrian's contact and relationship with the father in the future.

The recommendations below are issued based on conditions that are apparent from the information gathered, namely that the children will continue to reside primarily with the mother as the father has proposed in recent pleadings, that because of the ongoing healing and reconciliation of prior harms, the father's involvement with Adrian should include joint therapy and/or reunification therapy which may need to be altered and revised by third party professional such as a parent coordinator consistent with Adrian's adjustment, and that there is critical need for a period of limited to no contact between the parents reflecting acceptance and withdrawal from the dynamics of divisiveness and dysfunctional patterns of interaction. Final orders in this case will represent case resolution and settling of the legal matters, but an emotional settlement is also needed and this will require new methods of coordination and communication. It is the opinion of this writer that increased and unsupervised time between Adrian and the father is an important goal, that Adrian desires a relationship with the father as indicated by his half-sister, therapist, and reunification counselor, and that such contact is safe as long as the father is committed to substance abuse supports, mental health therapy, substance monitoring, domestic violence treatment, and consistent and weekly contacts with Adrian to include graduated increases of time with the child that are unsupervised so as to provide for the child to process the prospects of unsupervised and increased contact in counseling. Since 2023 there has been a reduction in the father's involvement and contact with the children, and during the summer of 2024 there were periods when his visits weren't occurring regularly or were disrupted. As Ms. Keilin notes, there must be an emphasis on routine contact and visits between Adrian and the father to help improve their relationship and for the father to have opportunities to utilize skills developed through therapeutic interventions. Recommendations for long-term periods of contact

between the father and children during vacations and holidays, and suggestions for a long-term parenting plan without consideration of the myriad number of variables impacting how the children will respond to the father, progress in treatment, and the family's ability to address the trauma of the past are unlikely to be reliable or productive and this case presents with a number of circumstances that may be subject to change. As such, the provisions offered below are a framework that should be used for the purposes of establishing benchmarks for progress, and to designate near-term goals that can serve as the foundation for a more sustained period of healing, sobriety, and reconciliation of past harms.

## IX. RECOMMENDATIONS

- 1. There be restrictions against the father under RCW 26.09.191 for a history of acts of domestic violence and a long-term impairment resulting from substance abuse that interferes with the performance of parenting functions.**
- 2. Treatment recommendations:**
  - A continuing restraining order should be entered preventing email communications, text, and telephone calls between the parents. All communication should be through Our Family Wizard unless in the case of an emergency requiring medical care or other life-threatening circumstances.
  - The father to enroll within four weeks and complete a state-certified domestic violence treatment program (at the level recommended by the program). The father to sign a release so the mother may receive copies of his progress reports and notice of completion of the program directly from the provider. Providers include: ACT&T, A&TA, and Northwest Family Life.
  - The father to enroll in DV Dads when he has completed enough of the DV treatment program to do so, and complete the DV Dads program. The father to sign a release so the mother may receive copies of his progress reports and completion of the program directly from the provider.
  - A parent coordinator should be appointed for a period of two years from the date of the final parenting plan. Some resources include Jodie Nathan (206-669-2515), Yoshimi Pelczarski (206-683-2754), or Elizabeth Selleck (206-261-6367). The role of the parent coordinator should include assisting the parties in reaching a resolution of the matters involving the children's residential schedule, recommending any other services for the parties and/or the children including, but not limited to, parenting classes, further evaluation or assessment, and individual psychotherapy for the parties and/or child or family counseling or reunification counseling, establishing and enforcing communication guidelines for the parents and/or the child pursuant to provisions of the Final Parenting Plan, recommending to the parents non-substantive changes to the Final Parenting Plan, and providing dispute resolution as specified in the Final Parenting Plan.

- Adrian to continue in counseling with his current provider, meeting at least twice a month, or for a longer time or more frequent sessions if recommended by the therapist. The father should be included in Adrian's counseling at the direction of the provider. Within the next sixty days, Adrian's therapy should include a focus on skills and resources needed to accommodate future visits of additional time and unsupervised contact.
  - The father should continue treatment with Dr. Fannin to include regular Vivitrol shots and medication management necessary for continued sobriety. Dr. Fannin should issue a quarterly status report to be provided to the mother detailing the father's compliance with treatment. A copy of this report (64 pages) should be made available to Dr. Fannin.
  - The father to continue in therapy with Luis Merced at least twice monthly or more frequently as directed by Mr. Merced.
  - A copy of this report (63 pages) to be given to all providers referenced above as well as the father's medication prescriber within 10 days of beginning or continuing treatment.
  - The father should participate in hair follicle testing once every 90 days. The panel for testing should include THC, Opiates, PCP, Cocaine, Amphetamines, and Psilocybin. The father shall sign a release so that test results can be sent directly to the mother. Some resources for testing include Arc Point Labs (206-455-8970), American Diagnostics (206-762-4456), or Any Lab Test Now (425-200-6072).
  - The father to participate in Soberlink testing three times per day every day for at least two years. The father should be enrolled in the text reminder program, must maintain the necessary technical requirements to test (facial recognition technology, charged testing device, and internet connectivity), and should test within 30 minutes of the designated testing time. The father should provide approval for weekly test results to be emailed to the mother and parenting coordinator and for the mother to receive instantaneous test results via text message. The father should be permitted a maximum of one missed test per quarter. A second missed test or a failed test should result in suspension of the father's time with the children pending further court orders.
3. **School schedule:** The children will reside with the mother except that the children will reside with the father as follows:

**Max** – The child shall have contact with the father on days and times as agreed upon between the two. Max should be permitted to stop contact with the father at any time at his discretion.

**Adrian – Phase I:** For a period of 90 days, Adrian should have professionally supervised visits with the father every week on Saturday or Sunday (dependent on the supervisor's availability) for up to six hours. Barring injury or illness, visits should not be interrupted or canceled during this time. Vacation/travel plans should not interfere with regular supervised visits during Phase I. **Phase II:** Once the father has enrolled in any recommended domestic violence treatment program, has submitted Soberlink tests as recommended above for 90 days, participated in any joint counseling sessions if directed by Ms. Betts, and upon the appointment

of a parent coordinator who has approved plans for an increase in time, for a period of 90 days Adrian should reside with the father unsupervised twice per week on Sunday for six hours, and every Wednesday from after school until 7:30 p.m. If Adrian is scheduled to participate in extracurricular activities during the father's designated residential time, the father should be permitted to transport Adrian and attend those activities. **Phase III:** Upon proof of compliance with domestic violence treatment, Soberlink tests as recommended above, participation in any joint counseling sessions if directed by Ms. Betts, or reunification therapy if directed by the parent coordinator, for a period of 90 days Adrian should reside with the father every other Saturday from noon until Sunday at noon, and every Wednesday from after school until 7:30 p.m. If Adrian is scheduled to participate in extracurricular activities during the father's designated residential time, the father should be permitted to transport Adrian and attend those activities. **Phase IV:** Upon proof of compliance with domestic violence treatment, Soberlink tests as recommended above, participation in any joint counseling sessions if directed by Ms. Betts, or reunification therapy if directed by the parent coordinator, Adrian should reside with the father on alternating weekends from Friday after school until Sunday at 6:00 p.m., and every Wednesday from after school until 7:30 p.m. If Adrian is scheduled to participate in extracurricular activities during the father's designated residential time, the father should be permitted to transport Adrian and attend those activities.

4. **Vacations:** Until the commencement of Phase IV above, the mother should be permitted two consecutive or nonconsecutive weeks of vacation time with the children each year. The father should be permitted Zoom/Skype/Facetime contact with Adrian twice per week during the mother's vacation. After the commencement of Phase IV above, and starting in the summer of 2025, the father should be permitted one week of vacation time with Adrian each year. With continued compliance with the requirements of Phase IV above, starting in the summer of 2026, the father should be permitted two consecutive or nonconsecutive weeks of vacation time with Adrian each year. The parents should be required to submit their plans for vacation with the children to one another by March 1<sup>st</sup> of each year. If the parent's plans conflict, the mother's plans should have priority in even years, and the father's plans should have priority in odd years. Each parent to provide the other with dates of travel, flight numbers, location of stay, and an emergency phone contact where the traveling parent/child may be reached at least 30 days in advance of travel. For international travel, the nontraveling parent shall execute a signed and notarized letter permitting travel within 30 days of notice by the traveling parent of their plans. The mother should maintain possession of passports for the children. Permission for travel should not be unreasonably withheld.
5. **Summer:** Same as school schedule except for vacations as recommended above.
6. **Holidays:** Beginning with the commencement of Phase IV, the parents will alternate the following holidays: July 4<sup>th</sup> (mother even, father odd). July 4<sup>th</sup> should begin on July 4<sup>th</sup> at noon and end on July 5<sup>th</sup> at noon. Memorial Day, Labor Day, and Martin Luther King Jr. Day shall be spent with the parent with whom Adrian resides for the adjoining weekend, with the weekend ending on the Monday holiday at 6:00 p.m. Thanksgiving Day (mother odd, father

even). Thanksgiving will be defined as after school the day before Thanksgiving to 6 pm the day after Thanksgiving.

7. **Special Occasions:** Mother will have Adrian for her birthday and Mother's Day. Upon commencement of Phase IV, the father will have Adrian for his birthday and Father's Day, and the parents will alternate Adrian's birthday with the mother having Adrian on his birthday in even years, and the father having Adrian for his birthday in odd years. If a special occasion falls on a school day, the special occasion shall be defined as beginning after school until 7:30 p.m. If the special occasion falls on a weekend, the special occasion shall be defined as beginning at 10:00 a.m. on the day of the special occasion and ending at 6:00 p.m.
8. **Decision making:** Each parent will make decisions regarding the day-to-day care and control of the children while the children are residing with that parent. Either parent can make emergency decisions affecting the health or safety of the children. Due to a restriction against the father and the parents' inability to effectively make decisions, the mother will have sole decision-making for major decisions such as education, non-emergency health care, counseling, driver's license, evaluations and treatment providers.
9. **Dispute Resolution:** If the parents have disputes regarding the parenting plan, they will submit the disputes to arbitration or the court.
10. The mother should populate the Our Family Wizard calendar with any extracurricular activities, camps, planned vacations, and school-related trips. The father should have access to the calendar and shall be responsible for providing transportation and supervision for those activities that are scheduled during his regular residential time.
11. Any transfers of the children to be at a public place within 2 miles of the halfway point between the parents' homes, chosen by the mother.
12. Both parents to notify each other promptly of any change in residence via OFW.
13. Both parents should be self-informed of the children's academic status and school attendance.
14. The children will have unrestricted telephone/social media contact with the parents.
15. Each parent shall notify the other parent as soon as reasonably possible when there is an issue related to the children's emergency medical care.
16. Neither parent shall advise the children of the status of child support payments or other legal matters regarding the parents' relationship.
17. Neither parent, nor any other adult in their presence, shall make any disparaging remarks about the other in the presence of the children.

Respectfully submitted this 18<sup>th</sup> day of October, 2024.

  
Connor Lenz, MSW

Dr. Gary B. Wieder, PLLC  
2101 Fourth Avenue, Suite 1380  
Seattle, WA 98121  
206/728-4217

## **PSYCHOLOGICAL TEST RESULTS**

Name: Robert Moyer  
DOB: 01/05/1967(57)  
Date of Testing: 07/02/2024  
Purpose of Testing: Adjunct to evaluation by Connor Lenz  
Tests Administered: Personality Assessment Inventory (PAI)  
Minnesota Multiphasic Personality Inventory – 2 (MMPI-2)

### **Referral**

Robert Moyer was referred for testing by Connor Lenz as an adjunct to a more comprehensive evaluation for a family law proceeding. Robert described himself as a separated male with three children. Currently retired from Microsoft, he indicated that he has been diagnosed with ADHD and had taken prescribed Vyvanse on the day of testing. He reported no learning disabilities or any major health problems. Testing was administered testing in the office after the signing of informed consent and an authorization to release information.

### **Test Disclaimer**

Psychological test results described below represent hypotheses about an individual's personality or behavioral tendencies. They should not be considered conclusive or definitive. Before drawing conclusions about the individual being tested, hypotheses should be verified by data collected from other sources. The interpretations contained below are designed to facilitate the evaluation process by a professional and should be used only by those who are trained and qualified to interpret psychological testing. The results were obtained for a specific purpose and at a specific time and should not be used for any other purpose. Test results can change over time and as a result of changing life circumstances. They provide data on an individual only for a particular time and context. Results should be considered confidential,

legally privileged, and sensitive and should not be disclosed to any party other than those who have received legal authorization to receive them.

### **Personality Assessment Inventory**

The Personality Assessment Inventory (PAI) is an objective measure of personality and psychopathology. It consists of four sets of scales, assessing validity, personality and psychopathology, treatment and case management orientation, and interpersonal approaches. It has very good validity and reliability, and exceeds other personality inventories in its psychometric properties. In clinical and forensic settings, it is becoming one of the most widely used and accepted instruments for the assessment of personality.

Responses were consistent and non-bizarre, suggesting that this subject attended well to items and understood their content. Unlike most subjects in this setting, he was non-defensive in responding to test items. He appeared to be very frank about his struggles, and he exhibited no effort to minimize them.

The clinical profile revealed evidence of a likely problem with the misuse of alcohol. Individuals with this profile often struggle with their drinking and have suffered negative consequences as a result. He now reports experiencing significant levels of stress, and that stress is likely having an impact on his daily functioning. He seems have diminished energy and an inability to endure his usual level of activity, though he does not seem to be suffering from major depression. He is reporting some turbulence in his relationships and a tendency to become easily frustrated and angry.

His openness to the testing suggests that if he is now sober and in recovery, he is demonstrating a good degree of honesty and is able to acknowledge his problems. His high level of stress might then be the result not only of actual stressful life events, but also possibly a result of his abandonment of his usual coping strategy (i.e., using alcohol to numb).

In interpersonal relationships, and possibly parenting, he showed normal levels of dominance. This suggests the capacity to set limits and structure, and to assertively, but not aggressively, advocate for the interests and care of his children. Warmth was also at normal levels, suggesting the capacity to attach and bond, to empathize with others, and to value harmony.

### **Minnesota Multiphasic Personality Inventory – 2 (MMPI-2)**

The MMPI-2 is an objective measure of personality and emotional disorders. It is one of the most highly researched psychological tests and shows very good reliability and validity. Items on the inventory are scored and grouped into scales consisting of both validity scales and clinical scales. Validity scales measure the test-taking approach of the client, whereas clinical scales

measure the presence of emotional and psychological issues. The clinical scales are also looked at in combination, called the profile, which is often interpreted as well.

Like his results on the PAI, no evidence was found of defensive responding. Again, he appeared to approach the test items with honesty and frankness.

Findings suggest the presence of high levels of stress in an individual who might seek overly simplistic and naïve solutions to problems. He is acknowledging having a problem with addiction, as well as a good amount of guilt and self-reproach. He reports having imbibed alcohol excessively and having gotten into trouble with the law, and also reports having engaged in unusual sexual practices and having had very peculiar and strange experiences. He reports that at times he hears so well that it bothers him. These responses might deserve more specifics than the testing can provide.

He seems to be an individual who seeks harmony and tries to be optimistic. Though he likely prefers looking at the world through rose-colored glasses, when faced with challenges and difficulties, he might be apt to deny that they exist until he can no longer avoid acknowledging their presence. But facing them will probably not be easy for him.

He likely is experiencing an atypical depression, characterized by some dysphoric mood, bouts of crying, fatigue and loss of energy, anxiety, and insecurity, but he may deny feeling this way. In relationships with others, he might become dependent on a partner and be apt to adopt the persona of a martyr, carrying around feelings of having been mistreated. Others may view him as a bit immature.

He probably bottles up his feelings and is sensitive to criticism, but likely is non-aggressive by nature. He probably is conscientious and responsible, but overly self-critical when he stumbles.

Under penalty of perjury under the laws of the State of Washington I declare that the foregoing is true and correct to the best of my abilities.

Dated this 10<sup>th</sup> day of July 2024 in Seattle, WA.

Signed:

*Gary Wieder, PhD* (electronic signature)

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## **PSYCHOLOGICAL TEST RESULTS**

Name: Christine Moyer  
DOB: 09/26/1976 (47)  
Date of Testing: 07/05/2024  
Purpose of Testing: Adjunct to evaluation by Connor Lenz  
Tests Administered: Personality Assessment Inventory (PAI)  
Minnesota Multiphasic Personality Inventory – 2 (MMPI-2)

### **Referral**

Christine Moyer was referred for testing by Connor Lenz as an adjunct to a more comprehensive evaluation for a family law proceeding. Christine described herself as a separated female with three children and employment as a tax accountant. Born in Hong Kong and mixed race, Asian-Caucasian, she reportedly came to this country in 1998 where she received post-graduate education and her Master's Degree. She reported having no learning disabilities or any major health problems or diagnosis of ADHD. Testing was administered testing in the office after the signing of informed consent and an authorization to release information.

### **Test Disclaimer**

Psychological test results described below represent hypotheses about an individual's personality or behavioral tendencies. They should not be considered conclusive or definitive. Before drawing conclusions about the individual being tested, hypotheses should be verified by data collected from other sources. The interpretations contained below are designed to facilitate the evaluation process by a professional and should be used only by those who are trained and qualified to interpret psychological testing. The results were obtained for a specific purpose and at a specific time and should not be used for any other purpose. Test results can change over time and as a result of changing life circumstances. They provide data on an

individual only for a particular time and context. Results should be considered confidential, legally privileged, and sensitive and should not be disclosed to any party other than those who have received legal authorization to receive them.

### **Personality Assessment Inventory**

The Personality Assessment Inventory (PAI) is an objective measure of personality and psychopathology. It consists of four sets of scales, assessing validity, personality and psychopathology, treatment and case management orientation, and interpersonal approaches. It has very good validity and reliability, and exceeds other personality inventories in its psychometric properties. In clinical and forensic settings, it is becoming one of the most widely used and accepted instruments for the assessment of personality.

Responses were consistent and non-bizarre, suggesting that this subject attended well to items and understood their content. She exhibited an average degree of defensive responding for this testing context, showing some likely apprehension about how test results might be interpreted, but not significant enough to invalidate them. Testing is likely valid, but may underestimate some personal difficulties.

The clinical profile was within normal range and showed no evidence of any major psychological problems (anxiety, depression, mania, paranoia, disordered thought or personality, antisocial tendencies, alcohol or drug abuse, or aggression).

She seems to be experiencing some moderate degree of stress that might be normal for her circumstances and are not apt to render her impaired. She also is describing some relationship turbulence that might also have to do with her current situation.

In interpersonal relationships, and possibly parenting, she showed normal levels of dominance. This suggests the capacity to set limits and structure, and to assertively, but not aggressively, advocate for the interests and care of her children. Warmth was also at normal levels, suggesting the capacity to attach and bond, to empathize with others, and to value harmony.

In sum, no significant concerns were evident from any scores.

### **Minnesota Multiphasic Personality Inventory – 2 (MMPI-2)**

The MMPI-2 is an objective measure of personality and emotional disorders. It is one of the most highly researched psychological tests and shows very good reliability and validity. Items on the inventory are scored and grouped into scales consisting of both validity scales and clinical scales. Validity scales measure the test-taking approach of the client, whereas clinical scales measure the presence of emotional and psychological issues. The clinical scales are also looked at in combination, called the profile, which is often interpreted as well.

Results showed more defensiveness than was evident on the PAI. It suggested some denial of problems and possible lack of insight. She might also be slow to adapt to unpredictable situations and to be somewhat morally rigid. Though test results probably are valid, they might also minimize the presence of problems.

The overall clinical profile was within normal range, suggesting an absence of serious psychological difficulties. Individual scale and subscale scores do suggest some personality features that might be relevant.

She appears to be a person who is likely to perform well and succeed in structured environments, where expectations are clear, and she might be a person who is dutiful and invested in following "shoulds" and "oughts." She is likely to be self-reliant and independent, and to keep her emotions well under control. She may not find socializing all that fun or energizing, and might seek to avoid some social gatherings as a result. She also probably is uncomfortable disclosing personal details to others about her life, preferring instead, to keep her own counsel.

She is reporting a tendency to cry easily and seems to have numerous fears. She also indicates a pattern of getting mad easily, but also getting over her anger quickly.

Under penalty of perjury under the laws of the State of Washington I declare that the foregoing is true and correct to the best of my abilities.

Dated this 10<sup>th</sup> day of July 2024 in Seattle, WA.

Signed:

*Gary Wieder, PhD* (electronic signature)

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Dr. Gary Wieder  
Clinical and Forensic Psychology