



Doug Bartholomew, MS, LMHC
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January 12, 2011

Maureen Kelly

Enclosed are the documents you requested.

I would like to comment on a few points.

The following will show beyond a reasonable doubt that her petition is an effort to distract attention from her theft of our son's college fund. Her document is full of contradictions and boiler plate and never once documents anything that rose to the level of harassment, nothing that rose to the level of domestic violence and no actions on my part that could have reasonably caused her alleged fear.

The only concrete, provable statement in her petition is that I left two voice mails that she didn't like, she asked me to stop, and I did.

And that is really all that happened, The rest, as I will show below, is a fabrication and/or boilerplate.

The context.

Our son Nathan, on the first day of school in September, refused to live with her anymore and said he wanted to live with me from then on.

This meant she would not get any more child support. The parenting plan required that she honor this, so he moved. I agreed to not make her pay child support if she would sign the papers and stop garnishing my wages. She agreed to those conditions said she'd return the September check and any other checks she got during the process.

She kept the papers without signing them until after she got the October check, at which point she sent me the papers via Nathan with a note saying she'd cashed the checks and would pay the money back at the rate of \$20/month over the next four years, which was not the agreement.

At the same time I learned she'd cashed in and closed Nathan's college fund and spent it on herself.

Doug Bartholomew's response to Judith Weden's petition for an anti harassment order

My voice mail to her was simply confronting her with the fact that I'd discovered her theft and my intention to get her to repay Nathan.

Her allegations

The first line of her petition contains the time line which contradicts most of her following allegations.

The first line states that the night before she wrote the petition I left her two voice mails that she didn't like. She asked me to stop, there were no more calls, and the next day she wrote the petition.

After that she goes on to describe a plethora of events that occurred between the 11 PM call and the next morning which could not have possibly occurred in that time frame.

- she says that during that period I made repeated calls "at all times of the day or night"
- that I had time to lobby the boys and get them to be angry at her

She says I frightened her, without citing any examples of anything that could reasonably frighten her.

She says I harassed her without citing any examples of me contacting her after she asked me to stop. For example, her statement "he has chosen to ignore this and continues to call", when her first line states there were only two voice mails total in the whole event and the letter she sent came after the last voice mail.

Thus this allegation is clearly a fabrication.

She alludes to the content of the calls being abusive without citing anything abusive about the calls. I was merely confronting her with the fact that she'd stolen Nathan's college fund.

At one point she said she couldn't answer her phone out of fear, but in the first line she makes reference to having caller ID so there was no reason for her to be afraid to answer her phone: all she had to do was look at the caller ID.

Thus this allegation also is a fabrication.

At one point she says she has "asked him repeatedly to put everything in writing", when in the time line she established there was only one request and I honored it.

Since there was no time between 11 PM and 9 AM for her to have asked repeatedly and for me to have repeatedly ignored her request, this statement too is a fabrication.

In short, none of her allegations is consistent with the time frame she established in the first sentence and thus they are all fabrications for the purpose of distracting from the reality that she stole our son's college fund.

Allegations of fear

She alleges she is afraid of me and of my wife without once citing anything that could reasonably cause fear and thus this, too, is a fabrication for the purpose of distracting from the reality that she stole Nathan's college fund.

Boiler plate.

There are a number of comments which are so ubiquitous in all petitions of all kinds that they have no value.

One is "Mr.X is out of control and I am fearful his behavior will only escalate in the future" has been on virtually every petition I have read in the last ten years.

- She cites absolutely no reason whatsoever to support this statement
- She cites absolutely no behavior on my part which is "out of control"

Thus, this statement is "boilerplate" and a fabrication.

The next is "I fear for my own personal safety, he is acting irrationally". This piece of boilerplate is also ubiquitous, a "throwaway" comment.

- She cites absolutely no reason to fear for her own safety
- She cites absolutely no examples of me acting irrationally

Thus, this statement also is "boilerplate" and a fabrication.

In summary, by the above analysis that

1. She didn't file it as a domestic violence petition
2. She didn't mention any contacts after she notified us of her intention so nothing she said rose to the level of harassment.
3. She didn't mention anything about the contacts before that which were abusive other than she didn't want to be confronted.
4. She didn't allege domestic violence other than to say she was afraid that something would happen to her, but that refers to her feelings about the future, not anything I have done.

I believe that this shows beyond a reasonable doubt that all that happened was that I left a voicemail she didn't like, she asked me to stop, and I did.

The purpose of the petition was to distract from the reality that she had stolen our son's college fund and didn't want to have to hear about it, or be held accountable for paying it back.

Sincerely,



Doug Bartholomew MS, LMHC

Law Offices of
SUSAN ALEXANDER, P.S.
5400 Carillon Point
Kirkland, Wa 98033

Telephone: 425-576-4173
Fax: 425-576-4174
susanalexander99@aol.com

January 14, 2011

Maureen Kelly

RE: Douglas Bartholomew MS, LMHC

Dear Ms. Kelly,

I represent Doug Bartholomew in this matter. Enclosed please find the court records you requested. I understand that Mr. Bartholomew has not been informed of the allegations made against him and request that at this time you disclose the complaint to both Mr. Bartholomew and me.

My role at this point is to make sure that due process is followed and that he has a chance to defend himself before a conclusion is reached. I believe the State's investigation will be unbiased and complete only by allowing Mr. Bartholomew to be apprised of all the information in the complaint, including but not limited to the complainant, and by affording Mr. Bartholomew a full and fair opportunity to address the allegations against him.

If I may be of further assistance with this matter, please do not hesitate to contact me.

Sincerely,

s/ Susan Alexander
Sent without signature to avoid delay

Susan Alexander

cc: Doug Bartholomew MS, LMHC

1 by either in parenting classes.

2 Paragraph 6.2. The words "agree to" which are set
3 out in Lines 1 and 3 are stricken and replaced by the
4 word "shall."

5 MS. RINGE: I'm sorry, 6.2 on Page 9?

6 THE COURT: Of the parenting plan.

7 MS. RINGE: Okay. And Lines 1 and 2 --

8 THE COURT: There's two entries on Line 3 where the
9 words "agree to" are used and one on Line 1 where --
10 and I'm replacing "agree to" with "shall." I think
11 frankly that's probably a typographical error. This is
12 an order, not an agreement.

13 MS. RINGE: Okay.

14 THE COURT: All right. Now, turning from those
15 changes, the first issue I will address is the
16 allegation by Irene of domestic violence against Tom.
17 I find specifically that Tom has not committed domestic
18 violence in the relationship as defined by State law.
19 This finding is made after listening to the testimony
20 of Tom and Irene and considering the other evidence in
21 this case. On balance, domestic violence has not been
22 proven.

23 In this regard, I will first review the testimony
24 and report of Doug Bartholomew who performed a risk
25 assessment for Tom Bubernak. Mr. Bartholomew's

1 analysis, fact-finding and conclusions are not what
2 this court has a right to expect from one who presents
3 himself as an expert in domestic violence. He seems to
4 move from a predetermined result to a preconceived
5 conclusion. He finds credible everything Irene and her
6 collateral sources report and discredits virtually
7 everything Tom and his collateral sources, including
8 neutral professionals, have reported to him. I know
9 nothing of Mr. Bartholomew's professional reputation
10 and have not heard him testify before. His report is
11 sloppily written, his logic weak and his assessment
12 rife with inconsistency and bias.

13 For example, on a key issue of credibility, he
14 writes on Page 8 that, quote: Tom wasn't surprised by
15 Irene's leaving, close quote. He later writes on Page
16 11, quote: Yet in spite of an abundance of
17 information indicating that she was unhappy, he claimed
18 to be surprised that she left, close quote.

19 Clearly, the evidence in this case demonstrated that
20 Tom was very surprised by Irene's leaving the family
21 home with Sean. There had been no discussion of a
22 separation between them before -- immediately before
23 the departure of Irene and Sean. There was no note
24 telling him that she had left or where she had gone.
25 He came home from a business trip and found the house

1 empty. He called local hospitals and finally the
2 police. None of this is disputed. Yet Mr. Bartholomew
3 concludes that Tom is lying when he told him he was
4 surprised.

5 In finding Tom totally incredible, Mr. Bartholomew
6 writes on Page 9: Another much more serious
7 credibility issue -- this is a quotation, quote:
8 Another much more serious credibility issue is that he
9 admits he entered into evidence some very private
10 paperwork related to her, quote, self-inventory, close
11 quote. This is an act which throws all of his
12 credibility in serious doubt, close quote. Now, while
13 this act by Tom was ill-advised and perhaps
14 mean-spirited, it has absolutely nothing to do with
15 credibility.

16 Just before that rather startling credibility
17 analysis, Mr. Bartholomew writes, quote: He wasn't
18 surprised by her leaving, he did take money out of the
19 bank and he did threaten to take Sean and leave her,
20 leading to significant psychiatric symptoms which are
21 more damning of the things that he did which led to
22 those symptoms than they are of her for having those
23 symptoms -- or having of symptoms, as he wrote
24 it, close quote.

25 I find this an absurd conclusion to advance in a

1 domestic violence risk assessment. Mr. Bartholomew is
2 not a psychiatrist and has no professional credential
3 or expertise which would qualify him to opine on what
4 events caused any psychiatric symptoms which Irene may
5 have had.

6 Bartholomew's testimony and report is carelessly put
7 together despite making very serious findings. After
8 all his condemnation of Tom and his conclusion that Tom
9 has committed domestic violence, as he defines it, he
10 writes on Pages 18 that, quote: It can't be determined
11 in this evaluation whether he assaulted her, close
12 quote. And then he continues, quote: What can be
13 determined is that his nature, disposition and
14 personality type are not at all inconsistent with the
15 behaviors Irene is describing. On the contrary, his
16 presentation, history and thinking are quite consistent
17 with the alleged behavior, close quote.

18 This assessment that he performed was a forensic
19 examination and we have standards for the performance
20 of forensic examinations, yet this last conclusion is
21 precisely the type of conclusion that our Rules of
22 Evidence, particularly Rule 404, forbids.

23 In 22 years on the bench, I have never reviewed any
24 expert report such as this. It is internally
25 inconsistent, not at all neutral, and so sloppily

1 drafted that the author never even proofread it, as he
2 admitted. Consequently, I give no credence to the
3 Bartholomew report.

4 Another witness whose testimony was rife with bias
5 Marion Hilfrink who has been Irene's counselor since
6 July 2007. Hilfrink apparently suggested Bartholomew
7 as a person to perform the domestic violence
8 assessment. Now, the court would not expect Hilfrink,
9 of course, to be in any way neutral in her testimony.
10 Her exposure to the issues in this case is solely what
11 she has heard from her client. Part of her role as a
12 therapist is to be supportive of her client.
13 Tellingly, however, she revealed her bias when she
14 stated, quote: Tom threatened early on in the
15 marriage to spend all of their money to take Sean away
16 from Irene, and I guess that's what we're doing here,
17 close quote.

18 There is no credible evidence of physical violence
19 by Tom against Irene nor is there any credible evidence
20 that Irene was ever in reasonable fear of any physical
21 violence from Tom. Tom may have been the dominant
22 partner in this marriage, he may lack a certain degree
23 of introspection, he may be somewhat rigid and he may
24 not be as empathetic as we would all like, but there is
25 no evidence that he has committed domestic violence as

STATE OF WASHINGTON
KING COUNTY DISTRICT COURT
East Division, Redmond Courthouse

NO. **Y3-034385**

Judith L. Wedan
Petitioner

Vs.

Douglas J. Bartholme
Respondent

PETITION FOR AN
ORDER FOR PROTECTION -
HARASSMENT
(PTORAH)

- 1. I am petitioning for an Order for Protection against Unlawful Harassment.
- 2. I am the victim of unlawful harassment committed by respondent, as described in the statement below.
 I am the parent or guardian of child(ren) under age 18 and seek to restrain a person age 18 years or over from contact with my child(ren) because contact is detrimental, as described in the statement below.
- 3. The harassment took place in this judicial district. Respondent lives in this judicial district.
- 4. Identification of Minors:

Name (First, Middle Initial, Last)	Age	Race	Sex	How Related to		Resides with
				Petitioner	Respondent	
 	 	 	 	 	 	
 	 	 	 	 	 	
 	 	 	 	 	 	
 	 	 	 	 	 	
 	 	 	 	 	 	

5. Other court cases or any other protection, restraining or no-contact orders involving me, the minors and the respondent:

CASE NAME AND NUMBER	
COURT/COUNTY	

REQUEST FOR TEMPORARY ORDER: AN EMERGENCY EXISTS as described in the statement below. I need a temporary restraining order issued immediately without notice to the respondent until a hearing to avoid great or irreparable harm. I request a Temporary Order for Protection that will:

I REQUEST AN ORDER FOR PROTECTION following a hearing THAT WILL:

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	RESTRAIN respondent from making any attempts to keep under surveillance, <input checked="" type="checkbox"/> me <input type="checkbox"/> the minors named in paragraph 6 above.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	RESTRAIN respondent from making any attempts to contact, except for mailing of court documents, <input checked="" type="checkbox"/> me <input type="checkbox"/> the minors named in paragraph 6 above.
	<input type="checkbox"/>	EXCLUDE respondent from any place I may reside.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	RESTRAIN respondent from entering or being within <u>500 ft.</u> (distance) of my <input checked="" type="checkbox"/> residence <input checked="" type="checkbox"/> workplace <input type="checkbox"/> other:
		OTHER:
		REMAIN EFFECTIVE longer than one year because respondent is likely to resume acts of unlawful harassment against me if the order expires in a year.
		REQUIRE the respondent to pay the fees and costs of this action.

Unlawful harassment means a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses, or is detrimental to such person and which serves no legitimate or lawful purpose. The course of conduct shall be such as would cause a reasonable person to suffer substantial emotional distress and shall actually cause substantial emotional distress to the petitioner or when the course of conduct would cause a reasonable parent to fear for the well-being of their child. Course of conduct means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes, in addition to any other form of communication, contact, or conduct, the sending of an electronic communication. Constitutionally protected activities are not included within the meaning of "course of conduct."

STATEMENT: The respondent has committed acts of unlawful harassment as follows. (Describe specific acts of harassment and their approximate dates, beginning with the most recent act. You may want to include police responses.)

Last night at 11:00pm Doug called, I didn't answer but he left a harassment message about paying him and how he would not tolerate this anymore, very angry and out of control. He has given him a letter to stop calling and harass me or I would call the police. He has

Chosen to ignore this and continues to call. If you answer my phone. I have asked him repeatedly to put his wishes in a written letter. I am fearful that he or his wife will harm me. They have threatened to have me put in jail, have my wages garnished. I have tried to stay out of their life. I only want to go left in peace. They continue to say extremely derogatory things to my children about the event though our divorce decree does not permit this. They are very angry at me and I fear that some great harm will happen to me from this situation. My wife is out of control and I am fearful his behavior

If you requested a fee waiver, describe the incident(s) involving stalking, a sex offense, or domestic violence:

will only escalate in the future. I fear for my own personal safety. He is acting irrationally. His wife called and left a message on my phone that she is going to teach me a lesson. He calls and texts me day or night and has even called me at work. This behavior is very stressful and needs to stop. I am hoping this will send a message to him to leave me alone and stay out of my life. Thank you.

(Continue on separate page if necessary)

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

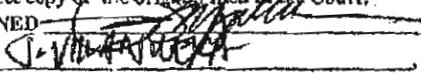
DATED 10-15-03 at Redmond Washington.
Judith L. Wedan
Petitioner

You have a right to keep your residential address confidential. You may list an address that is not your residential address where you agree to accept legal documents: _____

K.C.D.C. East Division
Redmond Courthouse
8601 160th Ave. N.E.
Redmond, WA 98052

CERTIFICATION - State of Washington, County of King. The undersigned, duly authorized clerk of the King County District Court, Washington, hereby certifies that the document on which this stamp is imprinted is a true and correct copy of the original filed in the Court.

SIGNED


_____, Court Clerk

STATE OF WASHINGTON

King County District Court
 NORTHEAST DIVISION
 8601 160th Ave. N.E.
 Redmond, WA 98052

CERTIFICATION: State of Washington, County of King. The undersigned, duly authorized clerk of the King County District Court, Washington, hereby certifies that the document on which this stamp is imprinted is a true and correct copy of the original filed in the Court.

SIGNED _____, Court Clerk

STATE OF WASHINGTON
 KING COUNTY DISTRICT COURT
 East Division, Redmond Courthouse

NO. **Y3-034385**

Judith Weldon
 Petitioner

vs.

Douglas Bartholomeu
 Respondent

TEMPORARY PROTECTION ORDER
 AND NOTICE OF HEARING
 (HARASSMENT) (TMORAH)

(Clerk's action required)

Next Hearing Date and Time: Oct 29 2003 at 10:00 AM

At: King Co. District Court - N.E. Division

WARNING TO THE RESPONDENT: Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 10.14 RCW and will subject a violator to arrest. Willful disobedience of the terms of this order may also be contempt of court and subject you to penalties under chapter 7.21 RCW.

Minors addressed in this order:

Name (First, Middle Initial, Last)	Age	Race	Sex

Based upon the petition, testimony, and case record, the court finds that the respondent committed unlawful harassment as defined in RCW 10.14.080, and **IT IS THEREFORE ORDERED THAT:**

<input checked="" type="checkbox"/>	Respondent is RESTRAINED from making any attempts to keep under surveillance petitioner and any minors named in the table on page one.
<input checked="" type="checkbox"/>	Respondent is RESTRAINED from making any attempts to contact petitioner and any minors named in the table on page one.

X	Respondent is RESTRAINED from entering or being within <u>100 yds</u> (distance) of petitioner's <input checked="" type="checkbox"/> residence <input checked="" type="checkbox"/> place of employment <input type="checkbox"/> other: <input type="checkbox"/> The address is confidential <input type="checkbox"/> Petitioner waives confidentiality of the address which is: If both parties are in the same location, respondent shall leave.
	Other:

It is further ordered that the clerk of court shall forward a copy of this order on or before the next judicial day to: _____ County Sheriff's Office

KIRKLAND Police Department WHERE PETITIONER LIVES which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

The clerk of court petitioner shall forward a copy of this order on or before the next judicial day to:

_____ County Sheriff's Office

BELLEUE Police Department WHERE RESPONDENT LIVES which shall personally serve the respondent with a copy of this order and shall promptly complete and return to this court proof of service.

OR Petitioner has made private arrangements for service of this order.

OR Respondent appeared; further service is not required.

The respondent is directed to appear and show cause why the court should not enter an order for protection effective for one year or more and order the relief requested by the petitioner or other relief the court deems proper, which may include payment of costs. **FAILURE TO APPEAR AT THE HEARING OR TO OTHERWISE RESPOND WILL RESULT IN THE COURT ISSUING AN ORDER FOR PROTECTION PURSUANT TO CHAPTER 10.14 RCW EFFECTIVE FOR A MINIMUM OF ONE YEAR FROM THE DATE OF THE HEARING. THE NEXT HEARING DATE AND TIME IS SHOWN BELOW THE CAPTION ON PAGE ONE.**

A copy of this Temporary Protection Order and Notice of Hearing has been filed with the clerk of the court.

This Temporary Order for Protection is effective until the conclusion of the next hearing on the date and time shown below the caption on page one.

DATED 10-15-03 at 11:50am



 JUDGE/COURT COMMISSIONER

I acknowledge receipt of a copy of this Order:

I acknowledge receipt of a copy of this Order:

Judith U. Wodan 10-15-03

 Petitioner Date

 Respondent Date

FAX COVER SHEET

Doug Bartholomew MS

1750 112th Ave. NE # B-218, Bellevue, WA 98004

Ph; 425-635-0188, Fax 425-451-8184

Email doug@doug-bartholomew.com

Web site www.doug-bartholomew.com

TO **Maureen Kelly, DCFS**

FAX **360-902-7903**

CONFIDENTIALITY NOTICE: If you have received this communication in error, please notify us by telephone. The information contained in this facsimile, including any following pages, is privileged and confidential information intended only for the use of the above named. If the reader of this message is not the intended person responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. Your cooperation is appreciated.



Doug Bartholomew, MS, LMHC
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December 15, 2010

Maureen Kelly
 DSHS

re: complaints against Doug Bartholomew and Associates

It has come to my attention that John Lukas, on his website Washington DV Press has published a false statement that court records revealed that in 2003 my ex-wife Judith Weden, fearing for her life, petitioned for and got an order of protection alleging domestic violence and it was granted.

Recently someone calling himself "A Patient Man" posted that he used this information to file a complaint with your office on the grounds that I failed to disclose having been party to a civil action involving domestic violence.

In the event that this is the content of the complaint against me I would like to submit the enclosed court docket which contradicts that false allegation.

The situation

In 2003 my son Nathan became adamant that he wanted to live with my current wife Kathy and me. As Judith and I were concluding changing the Parenting Plan I learned that she had taken all the money out of his college fund and spent it on herself

I left her a voice mail saying that that was stealing and for her to replace the college fund immediately. She left a follow-up message telling me to not contact her any more for any reason and for all communication to take place between attorneys.

I complied with her request and have had no contact of any kind with her for seven years. Nor has she alleged any contact since the time she requested it.

The next day she petitioned for a civil anti-harassment order. It was not filed as a domestic violence anti-harassment order (see page one of the docket where I circled the text "DV N" which, according to two different court clerks and my attorney means it wasn't a dv case), and the petition only recounted the above events and didn't allege domestic violence. She did not pursue the anti-harassment order as we filed an agreement that she would pay back the college fund and I wouldn't contact her.

Both of those occurred and as the docket shows on page two (see the two places I marked) that on 12-1-03 she did not appear to pursue the case and that on that date the case was vacated.

Thus I did not violate the conditions of WAC 388-60-0455 (3) requiring " A statement for each current paid or volunteer staff person whether or not the staff person has ever been a party to any civil proceedings involving domestic violence" because I have never been a party to any civil proceedings involving domestic violence.

1. It did not involve DV
2. It was not filed as DV
3. It was not processed as a DV case
4. It did not allege DV
5. DV was never mentioned
6. The order was vacated without adjudication

Furthermore, contrary to what the web site said

1. This was an anti-harassment order, not a protection order
2. It did not involve domestic violence
3. It was never adjudicated

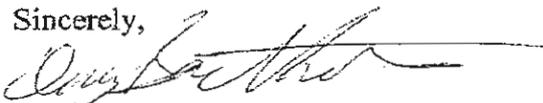
Thus, per the directives of WAC 388-60-0455 there was nothing for me to report because no civil proceeding involving domestic violence occurred.

This docket constitutes my entire records check with the court other than a five miles per hour over the limit speeding ticket.

Thus to the extent that this complaint is based upon the existence of a civil proceeding involving domestic violence which I failed to report in my application, I believe this settles the case because that proceeding simply didn't exist. There was nothing to report.

Please let me know if there is anything more I can do to expedite a resolution of this complaint or other issues related to the false statements about this case.

Sincerely,



Doug Bartholomew MS

FILED
96 FEB -1 PM 3: 34
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

96-3-00935-4SEA

In re the Marriage of:

NO. RICHARD D. EADIE

DOUGLAS J. BARTHOLOMEW,

MOTION AND

Petitioner,

DECLARATION FOR

TEMPORARY ORDER

(MTAF)

and

JUDITH L. BARTHOLOMEW,

Respondent.

I. MOTION

Based on the declaration below, the undersigned moves the court for a temporary order which:

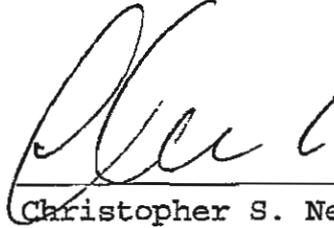
1. orders the temporary maintenance
2. orders child support as determined pursuant to the Washington State Support Schedule.
3. approves the parenting plan which is proposed by the petitioner.
4. restrains both parties from transferring, removing, encumbering, concealing or in any way disposing of any property except in the usual course of business or for the necessities of life and requiring each party to notify the other of any extraordinary expenditures made after the order is issued.
5. restrains both parties from entering the home of the other party.
6. restrains the respondent from assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any insurance policies of either or both parties whether medical, health, life or auto insurance.

ORIGINAL

1 7. makes each party immediately responsible for their own future
2 debts whether incurred by credit card or loan, security interest
or mortgage.

3 Other: Restrains both parties from coming to the other parties'
4 place of employment.

5 Dated: 2/11/1996



6 Christopher S. Nelson, WSBA #6347
7 Attorney for Petitioner

8 II. DECLARATION

9 Temporary relief is required because:

10 I expect that this dissolution will be an emotionally difficult
11 time for the Respondent. As such, I'm trying to limit the trauma
12 associated with this dissolution and have voluntarily moved from the
13 family residence to an apartment approximately one-quarter of a mile
14 from our home. I am hopeful that by moving voluntarily the trauma
15 will be less for the Respondent.

16 The Respondent has a history of being treated for depression and
17 has been in counseling. I well expect the condition may become worse
18 before it gets better. As a professional in the mental health area, I
19 am sympathetic to my wife's condition. But, the continuation of our
20 marriage and the unhappiness that we both experience will do further
21 damage to not only ourselves, but also our children. This is not an
22 easy decision for me.

1 III. PARENTING PLAN

2 I am proposing a parenting plan which acknowledges both of our
3 importance to our children and my desire that the children spend
4 approximately 50 percent (50%) of each week with both of us. My
5 desire that the children spend approximately 50 percent (50%) of the
6 time with each of us is based upon my belief that both the Respondent
7 and I can work together in a cooperative fashion. I have purposely
8 taken an apartment with two (2) bedrooms initially and will secure a
9 three (3) bedroom apartment if necessary and finances permit so that
10 the children can spend the time with me. The apartment is, as
11 previously stated, only one-quarter of a mile from our present house
12 so that the children can actually walk between residences and will
13 attend the same school.

14 I acknowledge here that until the last couple of years, we have
15 had a traditional marriage in that I worked and my wife stayed home or
16 worked part-time. This was due primarily to the nature of my
17 employment. Consequently, she spent more time with the our children
18 during their early childhood. The Respondent is a certified teacher,
19 and now has a permanent position with Metropolitan Jewish Dayschool as
20 a half-time teacher.

21 I believe that the parenting plan that I have proposed may, in
22 fact, evolve further. Because of the closeness of our residences, the

1 children may choose to spend more or less time with each of us. It is
2 possible that my older son will spend a majority of the evenings with
3 me, and our younger son may spend a majority of the evenings with his
4 mother. I am also trying to encourage that the boys spend as much
5 time together as possible. They have periods of time in which they're
6 not really pleased with each other or us, and I don't want them to
7 feel like they have complete control over where they stay or to use
8 that to manipulate their parents. There needs to be some structure,
9 but there needs to be some flexibility also. As a result of the
10 Respondent's depression, she often reports feeling overwhelmed by
11 normal levels of parenting, employment, and housekeeping
12 responsibilities. She has begun spending increasing periods of time
13 in bed. In fact, a significant part of her non-working hours are
14 spent in bed. The boys have reported that usually she goes to sleep
15 upon arrival from work, often staying there until I arrive home.
16 Thus, the children may need to be in my care more often.

17 Both of the children are doing reasonably well academically and I
18 believe to be generally well adjusted. But because of the unhappiness
19 that both the Respondent and I are experiencing in our marriage, our
20 decreasing involvement with each other, and divergent parenting
21 styles, the children unfortunately have begun to compare us and to
22 verbalize differences between us. I don't want the children to

1 believe that they can exercise control in this area. My observation
2 as to where I believe the children will want to spend a majority of
3 the time is based on whom I believe they see as the parent most
4 available to meet their parenting, developmental, emotional, and
5 educational needs.

6 IV. EMPLOYMENT

7 I am self-employed as a counselor in Bellevue. My primary area of
8 expertise is domestic violence. I was the developer and later the
9 manager of the Eastside Mental Health's domestic violence and anger
10 management program. Since 1990, I've been self-employed, conducting
11 anger management and domestic violence workshops and counseling
12 individuals. My employment requires that I've had to work two week
13 nights per week and several weekends per year. In 1991, we received a
14 tax liability that has continued to be carried forward, and I have
15 worked some overtime to pay this liability. In the future, I don't
16 anticipate having to work when the children are with me. These late
17 hours working have caused stress in our relationship and exacerbated
18 pre-existing accusations that I am not a good husband, provider, or
19 father. That, unfortunately, is the Respondent's perception, and I
20 know it to be false.

21 V. INCOME

1 I have estimated my income based upon 1994's business income and
2 expenses. I've yet to have 1995's prepared, but I hope that it will
3 be similar to last year's expenses and income, and not less.
4 Currently the mental health field has experienced, as have I, a drop
5 in income the last 12 months.

6 The Respondent, since 1993, has held a half-time kindergarten
7 teaching position. She is a certified teacher, and I believe has the
8 ability in the future to be employed full-time. I recognize that her
9 income until next fall is fairly fixed at \$1,000 per month. I am
10 proposing that our incomes be equalized.

11 VI. CHILD SUPPORT

12 I am proposing that I pay the Respondent child support according
13 to the schedules of approximately Four Hundred Dollars (\$400) per
14 month. That reflects the equal amount of time the children spend with
15 each of us and the fact that I earn substantially more than the
16 Respondent. It also reflects the fact that I am paying the children's
17 medical and dental insurance, and most of their incidental expenses
18 (scouting, skiing, computers, etc.).

19 VI. SUPPORT

20 I am proposing that the difference between child support and one-
21 half of our combined net income, the amount of \$1,215 be paid as
22 spousal support. Again, I understand the necessity for spousal

1 support until this fall. But, I believe that the Respondent needs to
2 be instructed that she has to make a documented effort to find full-
3 time employment.

4 VII. DEBTS

5 I will try to maintain the consumer debt and the back taxes to
6 IRS, but the Respondent will need to pay the house payment, her auto
7 loan, auto insurance, and living expenses. My proposal will require
8 both of us to live at an income level lower than we would like. But
9 until the Respondent earns more, we both will have to adjust our life
10 styles.

11 For the tax year 1994, we had underestimated payments made. With
12 interest and penalties, the amount was \$18,000. For 1995, the tax
13 repayment plan was \$1,882. I have made every payment. But, I'm
14 uncertain as to what my tax obligation for 1995 will be. I suspect
15 it's \$18,000, and I have little or no money currently to pay for 1995
16 taxes. I will try to maintain our consumer debt and try to catch up
17 with the IRS. From the Respondent's income, child support, and
18 spousal support, she will need to make the house payment, living
19 expenses, and pay the auto loan. My proposal requires both of us to
20 live at an income level lower than we would like. But, until the
21 Respondent is able to increase her earnings, we both have to adjust
22 our lifestyles.

VIII. RESTRAINING ORDERS

I believe that for both our protection that the requested restraining order be entered and made mutual. I need to know that she will not try to interrupt my practice, and we both should be responsible for our own future debt.

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

Signed at Bellevue, Washington on this 1 day of 2
_____, 1996.


DOUGLAS J. BARTHOLOMEW, Petitioner

(modec.tmp)

ORIGINAL

FILED

SUPERIOR COURT OF THE STATE OF WASHINGTON COUNTY OF KING
In re the Marriage of [Name] 85 FEB 15 PM 1:20

DOUGLAS J. BARTHOLOMEW,)	NO. 96-3-00935-4 SEA
Petitioner,)	DECLARATION OF JUDITH
)	BARTHOLOMEW IN RESPONSE
and)	TO MOTION FOR TEMPORARY
)	ORDERS
JUDITH L. BARTHOLOMEW,)	
)	
Respondent.)	

I, Judith Bartholomew, under penalty of perjury under the laws of the State of Washington, do hereby declare as follows:

1. I am the Respondent in the above entitled action.

PARENTING PLAN

I am extremely surprised with Petitioner's proposed parenting plan because it provides absolutely no stability for our children. He is apparently proposing that the children switch back and forth between their home and his apartment on virtually a daily basis. I want to make sure that our children are able to continue to have a strong relationship with their father, but it is extremely important that the parenting schedule provide a sense of stability. I am also very concerned because Petitioner has a two-bedroom apartment and when both boys spend the night, our youngest is currently sleeping with his father. I believe alternative sleeping arrangements should be required during overnight visitation.

Since Petitioner moved out of our home on January 19, 1996, we have agreed to a temporary parenting schedule consistent with the

1 proposed parenting plan I have provided to the court allowing the
2 father alternate weekends, plus two evenings each week. These
3 are the only two evenings Petitioner is available to spend time
4 with the children due to his work schedule.

5 Petitioner acknowledges that we have had a traditional
6 marriage in that we agreed that I would stay home and take care
7 of our children, or work part-time around their school schedule.
8 He has worked full-time or more throughout our marriage,
9 particularly since he started his business several years ago. I
10 am currently working part-time as a kindergarten teacher at the
11 Jewish Day School, and my hours are 12:00 noon to 3:45 p.m.
12 Monday and Friday, and 8:00 a.m. to 12:00 noon Tuesday, Wednesday
13 and Thursday. Nathan is in school from 8:40 a.m. to 3:15 p.m.,
14 and Ian is in school from 7:45 a.m. to 2:15 p.m. On Tuesday,
15 Wednesday and Thursday I take Ian to school and pick up Nathan
16 from school. On those days, Nathan rides to school with Kacey
17 Murray, a close friend and neighbor who is also the PTSA
18 president. On Monday and Friday, I take Nathan to school and he
19 is picked up by Kacey. I am available at all times during the
20 day for my children if they need me for any reason.

21 I have provided virtually all of the primary care for our
22 children throughout our 20 year marriage. Even when I went back
23 to work three years ago, I arranged my schedule so that I would
24 be available to care for our children. I currently have a one
25 year contract as a kindergarten teacher. I have recently been
26 notified by the administration at the school that I am not
27 assured of a similar position next year because they are not sure
28

1 whether they will have enough children for three kindergarten
2 classes. If the position is not available next year, I will seek
3 similar employment at other schools in the area.

4 I am extremely concerned about Petitioner's position allowing
5 our children extraordinary flexibility to decide the residential
6 schedule. Petitioner also indicates that he doesn't want the
7 children to feel they have complete control over where they stay
8 in order to manipulate their parents. I recognize, particularly
9 with our oldest son, that he is of an age where the parenting
10 schedule must take into account his schedule and activities. I
11 am willing to make all reasonable and necessary adjustments to
12 the parenting schedule to allow significant time between our
13 children and their father. However, I believe it is necessary to
14 establish their family home as their primary residence to
15 minimize the trauma of their parent's separation. Petitioner's
16 proposed plan would turn the children's schedules upside-down and
17 complicate their sense of stability developed over many years,
18 especially as we have lived in the same home for 11 years.

19 I am absolutely dismayed that Petitioner would allege that I
20 spend the majority of time I am not working in bed. This is
21 absolutely not true, and Petitioner knows it. He is simply
22 making a statement to support his claim that the children should
23 spend more time with him in order to support a claim that he
24 should pay less child support.

25 Petitioner also claims that we have both been having
26 difficulty in our marriage for some time. Although our
27 relationship had deteriorated recently, I was absolutely shocked

1 when Petitioner informed me he was moving out of our home and
2 filing for divorce. Just prior to that time, I had asked him if
3 he were planning to leave, and he replied "no."

4 I have been seeing a counselor over the past year for
5 depression as a result of the recent deaths of eight family
6 members. My brother died of bone cancer and stayed in our home
7 during his chemotherapy treatments. A close cousin also died of
8 cancer and another cousin died of AIDS just a few weeks ago. My
9 favorite uncle was killed instantly in a car accident. In
10 addition, my mother underwent cancer surgery and Petitioner's
11 mother received a triple bi-pass on the same day that my husband
12 required an angioplasty to correct a 95% blockage in his heart.
13 Doug's surgery occurred approximately one year ago, and I believe
14 was the source of a lot of the difficulty we have recently
15 experienced in our relationship. After that time, he was both
16 physically and emotionally absent from our family, continuing to
17 spend more and more time away from home with various work
18 activities and obligations. Even when home, he spent much of the
19 time on the phone with clients or on the computer working on his
20 newsletters or workshops. Since he moved out of our home, there
21 has been a significant reduction in the stress in our family. At
22 no time have I allowed the depression that I feel to effect my
23 parenting. Although I cry occasionally, I have not allowed
24 myself to cry in front of our children. On the other hand, our
25 children have indicated to me that they are upset because their
26 father is very emotional during visitation.

FINANCIAL ISSUES

Child Support:

Child support should be entered consistent with the child support guidelines. The court should deny Petitioner's request to deviate from the guidelines based upon his proposed parenting plan. My gross base salary is \$867.00 per month. I do, however, from time to time get additional work as a substitute teacher and average approximately \$1,000.00 per month for 1995. The Petitioner provided me with a computer print-out of income and expenses which indicated that his total income for 1995 is approximately \$105,00.00. (See computer printout attached as Exhibit A.) The child support should be calculated on actual 1995 income rather than 1994 income as proposed by petitioner. I have provided child support worksheets based on 1995 income.

Petitioner filed a financial declaration indicating his monthly expenses living alone totaled \$2,429.00 excluding payment on credit card and tax debt. Under paragraph 5.3, he claims food and supplies for two people, although he lives alone, at \$300.00, and also claims an "other" expense without identifying the nature of the expense at \$350.00 per month. I have provided a financial declaration indicating my monthly financial expenses total \$4,282.00. I average approximately \$875.00 per month net. I realize our separation will require each of us to tighten our budgets more significantly than we have in the past. However, it is imperative that child support be awarded consistent with the child support guidelines of \$1,325.00. Petitioner's proposal to pay a total of \$1,630.00 per month child support and maintenance

1 would result in me and our children receiving far less to live on
2 than he would have available to live alone. He is also asking
3 that out of the funds I would receive, that I pay the mortgage on
4 our family home of \$1,896.00 per month. I currently have a car
5 payment of \$400.00 per month, which is in excess of what I am
6 able to pay under the financial circumstances. Therefore, I
7 would request that the court allow me to sell the vehicle if
8 necessary in order to acquire a more economical vehicle.

9 DEBTS/SPOUSAL MAINTENANCE

10 In addition to the debts Petitioner has agreed to assume, I
11 would ask that the court order Petitioner to pay the mortgage
12 payment on the family home. In the alternative, if I am ordered
13 to make the mortgage payment, Petitioner should be required to
14 pay spousal maintenance in an amount adequate to allow me to meet
15 my basic monthly living expenses. If Petitioner is going to
16 receive the tax benefit of paying spousal maintenance rather than
17 making the mortgage payment and I am going to have to pay
18 additional taxes as a result of declaring spousal maintenance as
19 additional income, Petitioner should pay maintenance in the
20 amount of \$2,000.00 per month. Based on 1995 income, this still
21 allows each party to meet their basic monthly living expenses.
22 My children and I would be allowed \$4,200.00 per month to live
23 on, whereas Petitioner would still have over \$2,400.00 per month
24 to meet his own personal living expenses.

25 TAX EXEMPTIONS

26 Petitioner is asking the court to enter an order that he be
27 allowed to take both children as tax exemptions. We are
28

1 intending to file 1995 taxes as a joint return, and tax exemption
2 for 1996 and thereafter should be reserved for trial.

3 ATTORNEY'S FEES

4 It was necessary to take a cash advance against a credit card
5 to pay the initial retainer to my attorney. It was also used to
6 meet monthly living expenses since our separation. Petitioner
7 has only given me \$800.00 since our separation. I assume,
8 however, he has continued to pay our monthly bills, including the
9 mortgage payment for February. I would ask that, based on my
10 financial need and Petitioner's ability to pay, that he pay my
11 temporary attorney's fees in the amount of \$2,000.00. I would
12 also request that he be required to pay \$2,000.00 toward a
13 business valuation, which will become necessary to conclude this
14 matter. His financial declaration indicates that Petitioner has
15 \$40,000.00 in other liquid assets. I know a good portion of that
16 amount is IRA's and cash values of life insurance in his name, as
17 well as in the names of the children. However, the computer
18 print out shows transfers of \$200.00 each week into his savings
19 account during 1995. I don't know how much of those funds he has
20 left, and whether those funds are now traceable. As a result,
21 this case may require substantial discovery and I therefore
22 request a minimum of \$4,000.00 to be paid by Petitioner toward my
23 initial attorney fees and expert costs.

24
25
26 I declare under penalty of perjury under the laws of the State
27
28

1 . of Washington that the foregoing is true and correct.

2 DATED this 15 day of February,
3 1996.

4 
5 JUDITH BARTHOLOMEW
6 Respondent

7 This document is signed at
8 Seattle, Washington

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1 exactly sure, but I can take our time to look it up if
 2 need be -- to him calling close to the end of the
 3 appropriate period and then when the mother would say
 4 okay, it is 8:00, you have got to go to bed now, then
 5 he would put her in the position that she was the bad
 6 guy in ending the phone call and those kinds of
 7 behaviors, that limit pushing, that triangulation
 8 again of putting the kids in the middle is sort of the
 9 hallmark of psychological abuse.

10 Q. Now, is that one of the definitions in your
 11 Exhibit 4, I guess, your letter where you are going
 12 through the judge's manual?

13 A. On Page 11, it makes a reference of the O'Leary work
 14 which includes those things. The 11 and 12, No. 5,
 15 which comes out of the judge's manual, using the
 16 children to control the victims, interrogating
 17 children about victim's activities, forcing child to
 18 participate in physical or psychological abuse of
 19 adult victim, using children as hostages, using
 20 visitation with children to monitor adult victim,
 21 undermining parenting of adult victim, custody or
 22 visitation fights, it fits under that.

23 No. 5 in the next section also makes reference
 24 to the psychological abuse, but the main thing is the
 25 "Psychological Abuse" as edited by Roland Maiuro.

1 Q. So it looks to me like the primary form of abuse that
 2 you were opining on was psychological abuse; is that
 3 correct?

4 A. Those are the allegations that were made, the
 5 psychological abuse and then using the children.

6 MS. SHARPE: Can we go off of the record.
 7 (Discussion had off the record.)
 8 (Saiyin Phasanvath joins the deposition.)
 9 MS. SHARPE: Back on the record.

10 Q. Do you put any weight on Bret's attendance or
 11 completion of the Northwest Family Life program in
 12 your opinion letter?

13 A. Part of my opinion is that he didn't meet the legal
 14 criteria for being close to compliance in ways that
 15 the agency may or may not have been aware of. As I
 16 mentioned earlier, the hard part of doing any kind of
 17 a therapy is you don't know what goes on outside of
 18 the room, but it sounds like, because it requires 12
 19 continuous months of compliance without Court orders
 20 and 12 continuous months of not using any form of
 21 abuse, like he was using psychological abuse and using
 22 children so, therefore, he wouldn't meet the criteria
 23 for being close in compliance.

24 Q. I guess your opinion is formed not knowing what
 25 exactly the Northwest Family Life records do say;

1 correct?

2 A. I don't know what went on in the room. I am basing
 3 this on what went on outside of the room. Their
 4 conclusions were based on what went on inside of the
 5 room. My conclusions are based on what went on
 6 outside of the room.

7 Q. You have done these types of opinions before; correct?

8 A. Yes.

9 Q. You said four or five a year?

10 A. Uh-huh.

11 Q. That is a yes for the record?

12 A. Yes.

13 Q. When you do these opinions, have you ever not found
 14 domestic violence?

15 A. No.

16 Q. You have been practicing since --

17 A. 1974.

18 Q. So we have got --

19 A. 34 years.

20 Q. Thank you. You have been doing five of these a year;
 21 correct?

22 A. I have been in the domestic violence field explicitly
 23 since 1982 so that would be 24 years.

24 Q. So 24 years --

25 A. No, 26 years.

1 Q. I don't know why we are having a hard time with math,
 2 but 26 years and you have been doing four or five
 3 reports a year?

4 A. Uh-huh.

5 Q. Is that a yes?

6 A. Yes.

7 Q. Would it be fair to say that you have done over a
 8 hundred opinions, let's call it to make sure we get
 9 the definition right, 100 opinions similar to this?

10 A. Correct.

11 Q. And in every one of those, you have found domestic
 12 violence; correct?

13 A. Yes. I would like to mention one thing which I think
 14 may bear upon that. The family court definition of
 15 domestic violence is probably the worst and least
 16 useful definition. Basically you have to punch
 17 somebody in the face with a closed fist or rape them
 18 to qualify as having done domestic violence.

19 The majority of people who submit opinions or
 20 evaluations admit to doing things that meet the
 21 definition of domestic violence. They just think it
 22 is okay.

23 Looking at the -- Is that in the tens?

24 R.C.W. 10.99 -- Whatever the number, it is an R.C.W.
 25 The people look at those and say, gee, I am innocent

1 because I didn't punch somebody with a closed fist. I
2 think that probably of all of the family court
3 evaluations where I do meet the individual, with the
4 exception of two people -- In those cases, I had
5 eyewitnesses -- they admitted to doing abusive,
6 controlling behavior. They just thought it was okay
7 or had been advised that it was okay.

8 In fact, the last family court evaluation that
9 I did where the person was present, his attorney
10 specifically ordered me to only use -- Again, I
11 apologize. I am blanking on the family court
12 definition of domestic violence -- He said I had to
13 only go by that which is really a painful switch
14 because it is a clinical evaluation. It is not -- I
15 am not filing criminal charges so, again, the person
16 admitted to doing domestic violence, just not by that
17 definition.

18 THE reason for the extremely high rate of
19 finding domestic violence is that most people are
20 advised that if you don't punch somebody with a closed
21 fist, anything you do is hunky dorey.

22 Q. Just so I am clear then, you use a broader definition

23 [REDACTED]

24 [REDACTED]

25 A. Yes.

1 Q. And there is an R.C.W. that you can't recall that
2 defines domestic violence for the family court?

3 A. I can get it for you in just a moment. 26.50.010.

4 Q. Your understanding is that that is a more narrow --

5 A. It is generally regarded as virtually worthless in the
6 assessment and treatment of domestic violence.

7 Q. What is the definition that you use then for your
8 clinical evaluations or opinions that we are looking
9 at here?

10 A. Pages 10 through 19.

11 Q. Well, 10 through 19 also includes the 26.50 --

12 A. So because it is inclusive, if somebody, in fact,
13 physically harms someone which according to 26.50.010,
14 that would be domestic violence. If they did
15 10.99.020P, kidnapping, that would be domestic
16 violence and then the criminal definition but not in
17 the civil or if we looked at the psychological abuse
18 in the judge's manual, that would be domestic violence
19 even though it didn't fit into the criminal or the
20 civil court definition so it is inclusive.

21 Q. So psychological abuse isn't included in the criminal
22 definition or the RCW 26.50 but is included in your
23 broader definition, correct?

24 A. Yes because the method by which one causes pain to
25 another person is less relevant than the intent so if

1 you are looking at something psychologically, then you
2 have to look at the intent and not the method.

3 Q. So you make no distinction between physical harm and
4 emotional harm in your --

5 A. Psychologically, absolutely none. More women die from
6 suicides by emotional abuse than are killed by their
7 partners. I went over 900 suicide calls between '74
8 and '82 and the majority of them were women trying to
9 kill themselves as the result of emotional abuse so
10 the method a person uses is less relevant than the
11 intent to cause harm.

12 Q. That being said, do you know why then the R.C.W.'s
13 make no distinction between psychological harm and
14 physical harm?

15 A. I have no opinion.

16 Q. Are you involved at all in drafting R.C.W.'s or sit on
17 any legal committees?

18 A. I was on a committee that had indirect input into
19 10.99.020. I was on the committee that wrote
20 26.50.150 and W.A.C. 10-388-60.

21 Q. So you did have some input --

22 A. Yes.

23 Q. -- sitting on committees that were involved in
24 drafting these?

25 A. Yeah. However, I am pretty sure that 26.50.010

1 precedes me. I am pretty sure that was written in the
2 '70's.

3 Q. Many years ago?

4 A. In the old olden days back before word processors.
5 1979, that is when it was written.

6 Q. I am going to skip around a little bit. You talked
7 about Doctor Hedrick and you said you know her
8 professionally, but you have never met her, correct?

9 A. She seems to do good work.

10 Q. How about Mary Erickson? Do you know Mary Erickson?

11 A. Again, I have never met her, but we have done work in
12 common.

13 Q. What kind of work in common?

14 A. For example, what happened here. I will be involved
15 in a case that she was involved in. I don't actually
16 know if I have ever spoken with her.

17 Q. Within the scope of your opinion, you didn't make any
18 efforts to reach Mary Erickson or Doctor Hedrick;
19 correct?

20 A. Correct.

21 Q. At some point, you said there were no acts of
22 responsibility or accountability, correct, I believe
23 in your report?

24 A. What I said was I was not aware of any.

25 Q. You weren't aware of any. What would you consider an

1 act of responsibility or accountability?

2 **A. A really good example is one of the guys that just**

3 **started group lied in his response to the order of**

4 **protection and said he hadn't done anything that he**

5 **was alleged to have done.**

6 **In group, he admitted that he had done it and**

7 **he had to go back to the courts and change his**

8 **declaration as an act of amends.**

9 **Statements or acts of responsibility is when**

10 **you go out and fix the damage you have done. If you**

11 **told a lie, you correct it to all of the people that**

12 **you told it to. If you took some money from somebody,**

13 **you pay it back.**

14 Q. Is that similar to like a 12 Step program?

15 **A. It is directly stolen from the 12 Step program.**

16 Q. So when you go through the 12 steps, what step in the

17 domestic violence program is a step of amends?

18 **A. In my program, it is every week.**

19 Q. Is it like the first step, the fourth step or is it

20 just a piece that you have pulled from a 12 Step

21 program that really has no level in your D.V. program?

22 **A. Every week, you have to identify a different form of**

23 **abuse that you have done, what amends that you owe and**

24 **then you go do it.**

25 Q. Now, in terms of making amends, just from other cases,

1 I know in a 12 Step program, you make amends directly

2 to the person you have injured. Would you agree that

3 in the domestic violence arena, that sometimes due to

4 Court orders and incarceration, whatever, that that is

5 not always possible?

6 **A. Correct.**

7 Q. So how do you get around that?

8 **A. For example, if there is something that you have done,**

9 **even without seeing the other party, for example, the**

10 **way the telephone calls were allegedly handled, you go**

11 **back to handling them perfectly. Quite a few of the**

12 **guys, if they are not allowed to see or have any**

13 **contact with the other party, their act of amends is**

14 **to be completely predictable.**

15 Q. Did you make any independent observation or review of

16 the phone records in this case?

17 **A. No.**

18 Q. So you relied entirely on what you were told by

19 Ms. Zaike in terms of Mr. Haggerty calling outside of

20 the call times?

21 **A. I think through the Erickson report or the Hedrick**

22 **report, it may have mentioned that.**

23 Q. Okay, but you didn't go through and try to match up

24 phone calls with his phone number and see if it was a

25 minute or two inside or outside the call parameters;

1 correct?

2 **A. Correct. That would have been beyond the scope of**

3 **what they could afford to hire me to do.**

4 MS. SHARPE: Let's take a quick five-minute

5 break. I am almost done. Off the record.

6 (A short recess was taken.)

7 MS. SHARPE: Back on the record.

8 Q. You mentioned that when you took the \$500 from

9 Ms. Phasanvath that you asked her how the boys were

10 doing.

11 **A. Uh-huh.**

12 Q. What did she tell you?

13 **A. That the one that has the vision problem, there was**

14 **some kind of an update on his well-being. The oldest**

15 **son who I believe is in his 20's, she said he wasn't**

16 **doing that good, still trying to get his feet on the**

17 **ground. That is the main thing I recall.**

18 Q. So there was a son in his 20's who wasn't doing very

19 well and a son with a vision problem?

20 **A. That there was some kind of a medical plan that they**

21 **were working on.**

22 Q. Was it your understanding that the son in his 20's was

23 Mr. Haggerty's son?

24 **A. No. He was the stepson.**

25 Q. Now, when you were writing your letter, did you make

1 any effort to sort of separate out things that had

2 happened five to eight years ago as opposed to more

3 recent events?

4 **A. There is no clinical reason to so I didn't.**

5 Q. So, for example, if a behavior that took place in 2000

6 or 2002 had stopped, you put no sort of clinical

7 opinion on that?

8 **A. A good rule of thumb is when you are looking at**

9 **psychological abuse, as long as the victim remembers**

10 **it, it is current.**

11 Q. Is that rule of thumb -- Where do you get a rule of

12 thumb like that?

13 **A. In talking with my colleagues and I believe it is also**

14 **cited in "When Men Batter Women" by Jacobson and**

15 **Gottman -- Just a second. I think that was 1992 --**

16 **and also in the Roland Maiuro book which was pretty**

17 **recent, the shelf life of psychological abuse is as**

18 **long as the victim remembers it.**

19 Q. You hold Roland Maiuro in high regard?

20 **A. As a researcher, yes.**

21 Q. As a clinician?

22 **A. I would rather not say.**

23 Q. How about his program?

24 **A. I don't know if he still has one. I know that he left**

25 **Harborview very abruptly a couple of years ago and it**

1 is not clear to me if he is still seeing clients now.

2 Q. So you don't know whether he is seeing clients?

3 A. I know he is seeing clients. I am not sure if he is

4 seeing them in domestic violence groups. He teamed up

5 with Tim Conn at Cabrini Towers and they are doing

6 something together, but I don't know if it is running

7 groups.

8 Q. I just wondered because you were citing his materials

9 as some authority.

10 A. Yeah. He has been the editor of "Violence and

11 Victims" for probably 15 years and that is my favorite

12 journal plus he has done some really good research in

13 compiling of research.

14 Q. Now, in terms of running your programs, how many men

15 go through each group?

16 A. Because I take a psychotherapeutic approach instead of

17 an educational approach, I try to keep it to seven or

18 less.

19 Q. If you run three groups at a time, that is 21?

20 A. It would be a maximum of 21.

21 Q. Do you also do some one-on-one treatment?

22 A. The first six months, you are in group. The second

23 six months, it is individually.

24 Q. The reason I ask is I had a female client who was

25 ordered to go through a treatment program and for seem

1 reason, they wouldn't accept her with other men in the

2 program.

3 A. It is against the law.

4 Q. Do you ever have any individual sessions, for example,

5 with women who usually don't have as much -- I guess

6 there is not just not as many women in the treatment

7 programs.

8 A. The psychodynamics of domestic violence and women are

9 almost completely unrelated to those of men so until

10 such time as we can actually draft separate standards,

11 I refer all of the women to Northwest Family Life's

12 program for women.

13 Q. That just gets to my question. Maybe I asked it in a

14 circuitous route, but your program is only for men?

15 A. Correct.

16 Q. Have you a success rate or a pass rate in your

17 program? Do you keep records of that?

18 A. It is more anecdotally because the cost of monitoring

19 people afterwards would cost greater than the cost of

20 providing service. Anecdotally, I tend to have fewer

21 than 10 percent of my people come back, more like

22 5 percent.

23 Q. Assuming that you have 20 to 21 people going through

24 your program in any given 12 months --

25 A. No, you double that because that is how many I have in

1 group. If there are 21 in groups, there are 42 doing

2 individuals.

3 Q. So how many of those 42 people make it through your

4 program?

5 A. I have a pretty good completion rate so probably 40.

6 Q. Your completion rate is virtually 100 percent?

7 A. No. It is probably in the 90's.

8 Q. When you have a group session, what assurances do you

9 make to people in the group of their privacy?

10 A. It is spelled out in the terms and conditions.

11 26.50.150, Sections 1, 2 and 3, I think, refer to the

12 number of releases you have to get from them to talk

13 to the referral source, usually a Court, to the

14 victim, to the victim's attorney.

15 Also, there is the Tarasoff Duty, the Child

16 Protective Services duty and dangerous to self and

17 others duty. They are all outlined in front of them.

18 Q. Are they told that what is said in group stays in

19 group?

20 A. Yes, there is a statement because by law, I am

21 required to tell them that they are expected to keep

22 what goes on in group confidential.

23 Q. Is there a reason or a policy behind that?

24 A. Then nobody would want to talk in group. It is a very

25 small world. It is not uncommon for me to have

1 somebody in each of the three groups that knows

2 somebody in each of the other groups so cross-talk

3 would really be compromising.

4 The really hard one is when you have somebody

5 in for abusing his ex-wife and her current husband is

6 in another group, you just don't want to have them

7 meet or compare notes. That kind of thing is awkward

8 so they keep it in group.

9 Q. You would agree, I guess, that it is important to keep

10 those group sessions as confidential as possible so

11 that people can feel like they speak freely without

12 the information being shared?

13 A. Correct, but they are told about what the things are

14 that I do have to share.

15 Q. For example, the Tarasoff Duty, things like that?

16 A. Yes and also periodic quality control checks with the

17 victim of record and current partners.

18 Q. From the group, sometimes you prepare summary reports?

19 A. Once a month.

20 Q. Are those kept confidential?

21 A. No. They are sent to the referral source.

22 Q. So that could be a probation officer or something like

23 that?

24 A. Yes. Typically what it has is attendance and any

25 progress notes that I think --

CASE: Y3-034385
Civil

PLAINTIFF/PETITIONER
PET 01 WEDEN, JUDITH L
250 GAGD BLVD #2117
RICHLAND WA 99352
Home Phone: 4258023803
Work Phone: UNK

DEFENDANT/RESPONDENT
RSP 01 BARTHOLOMEW, DOUGLAS JERRY
12218 INGRAHAM RD
SNOHOMISH WA 98290

TITLE
WEDON VS
BARTHOLOMEW

Filed: 10/15/2003 Cause: Harassment

DV: N Amount:

TEXT

S 10/15/2003 3288100364 CIV FILING FEE Received 31.00 AHL
 Paid by: WEDEN, JUDITH
 3288100364 DISPUTE RES CV Received 10.00
 Paid by: WEDEN, JUDITH
 3288100364 CERTIFY DOC Received 10.00
 Paid by: WEDEN, JUDITH
 EXP AH: Held
 Proceedings Recorded on Tape No. 3-11486JV
 U JUDGE DAVID ADMIRE
 PET APPEARED FOR TEMPORARY ORDER
 PET SWORN AND TESTIFIED
 ORDER GRANTED AND SIGNED
 PET GIVEN CERTIFIED COPY AND 911 COPY
 COPY GIVEN TO DV ADVOCATE FOR SERVICE
 COPY FAXED TO KIRKLAND PD FOR ENTRY-CONFIRMED
 FILED - RETURN OF SERVICE ERG
 S 10/16/2003 Case Filed on 10/15/2003 AHL
 PET 1 WEDEN, JUDITH L Added as Participant
 RSP 1 BARTHOLOMEW, DOUGLAS JERRY Added as Participant
 Order created on 10/15/2003 TEMP ANTI-HARASSMENT entered by
 ADMIRE, DAVID S expires on 10/29/2003
 FUL AH Set for 10/29/2003 10:05 AM
 in Room 3 with Judge DSA
 U 10/27/2003 ATTY LORETTA STORY CALLED-STATED SHE IS RSP'S ATTY AND THAT
 ORDER SHOULD HAVE BEEN TRANSFERRED TO SUPERIOR COURT AS
 A CHILD IS INVOLVED
 ATTY STORY STATED RSP HAS NOT BEEN SERVED BUT HAS OBTAINED
 A COPY OF THE ORDER
 TOLD ATTY THAT INFORMATION NEEDS TO BE GIVEN TO THE JUDGE
 AT THE TIME OF HEARING-ATTY STATED SHE HAS A CONFLICT WITH
 COURT DATE-TOLD ATTY THAT PAPERWORK NEEDS TO BE FILED
 RE: CONTINUANCE AND ORDER
 ALSO TOLD ATTY THAT WE DO NOT HAVE PROOF OF SERVICE BUT THAT
 THE INFORMATION SHE GAVE THE COURT WOULD BE PUT IN THE DOCKET
 S 10/29/2003 FUL AH: Not Held, Hearing Canceled GJV
 EXP AH: Held
 U 3-10:32 GJV

CASE: Y3-034385
Civil

PLAINTIFF/PETITIONER
PET 01 WEDEN, JUDITH L

DEFENDANT/RESPONDENT
RSP 03 BARTHOLOMEW, DOUGLAS JERRY

TEXT - Continued

U 10/29/2003 JUDGE PROTEM NORM LEOPOLD GJV
 PETITIONER PRESENT W/ ATP PICULLEL
 RESPONDENT PRESENT W/ ATR ALEXANDER
 COURT CONTINUES HEARING - RSP NOT SERVED BUT RECEIVED
 COURTESY PHONE CALL
 REISSUANCE OF TEMPORARY ORDER SIGNED & SERVED TO BOTH PARTIES
 CERTIFIED
 FILE TO CIVIL CLERK
 COPY FAXED TO KIRKLAND PD FOR ENTRY-CONFIRMED AHL
 S Order created on 10/29/2003 TEMP ANTI-HARASSMENT entered by
 LEOPOLD, NORMAN R expires on 11/12/2003
 FUL AH Set for 11/12/2003 10:05 AM
 in Room 3 with Judge DSA
 U AFFIDAVIT OF SERVICE FILED
 11/11/2003 FILED - MOTION AND ORDER FOR AGREED CONTINUANCE SIGNED BY ERG
 ATTYS PICULELL AND ALEXANDER
 S 11/12/2003 FUL AH: Not Held, Hearing Canceled SLH
 U COURT REVIEWED AGREED REQUESTED TO CONTINUE & SIGNED ORDER
 FILE TO CIVIL CLERK TO RE-SET
 S FUL AH Set for 12/01/2003 10:05 AM CMS
 in Room 2 with Judge MAO
 11/25/2003 FUL AH on 12/01/2003 10:05 AM changed to Room 2
 U 12/01/2003 JUDGE MARYANN OTTINGER JLH
 NEITHER PARTY PRESENT
 ORDER VACATED
 2-10:15 JLH
 S FUL AH: Not Held, Hearing Canceled
 EXP AH: Held
 Case Disposition of CL Entered ERG
 U 12/02/2003 CLERK RECEIVED FAX FROM ATTY PICULELL - AN AGREED MOTION
 AND ORDER FOR CONTINUANCE. CLERK CONTACTED ATTY PICULELL AND
 INFORMED HIM THAT FAX WHICH CAME INTO THE COURT ON 11/26/03
 WAS JUST RECEIVED IN THE ANTIHARASSMENT DEPT. ATTY WILL
 INFORM ATTY ALEXANDER AND STATED TO JUST PLACE PAPERWORK
 IN CLOSED FILE.
 12/11/2003 FILED - STIPULATION AND ORDER AMENDING ORDER OF DISMISSAL
 NUNC PRO TUNC.

ADDITIONAL CASE DATA

Case Disposition

Disposition: Closed

Date: 12/01/2003

Hearing Summary

Held	AH EX PARTE HEARING	ON 10/15/2003 AT 11:48 AM IN ROOM 3	WITH DSA
Held		ON 10/29/2003 AT 10:05 AM IN ROOM 3	WITH DSA
Held		ON 12/01/2003 AT 10:05 AM IN ROOM 2	WITH MAO

End of docket report for this case