

SUPREME COURT OF THE STATE OF WASHINGTON

In re Marriage of Chandola, 180 Wn. 2d 632

327 P.3d 644 (2014) · No. 89093-5 · Decided June 19, 2014

SUMMARY

The Washington Supreme Court interpreted RCW 26.09.191(3)(g), which permits restrictions on parenting plans based on conduct adversely affecting a child's best interests. The court held that such restrictions must be reasonably calculated to prevent relatively severe physical, mental, or emotional harm to the child. It upheld restrictions on the father's residential time and cosleeping but reversed the restriction on the child's contact with her paternal grandparents.

CASE DETAILS

COURT	Supreme Court of the State of Washington
WRITING FOR THE COURT	Gordon McCloud, J.
JURISDICTION	Washington
DECIDED	June 19, 2014
DOCKET	89093-5
DISPOSITION	reversed
PROCEDURAL POSTURE	Manjul Chandola appealed a dissolution-court parenting plan to the Washington Court of Appeals, which affirmed. The Washington Supreme Court granted review and considered the restrictions imposed under RCW 26.09.191(3)(g), as well as the parties' requests for attorney fees.
STANDARD OF REVIEW	A parenting plan is reviewed for abuse of discretion. A decision is an abuse of discretion if it is manifestly unreasonable or based on untenable grounds or reasons. Findings of fact are treated as verities if supported by substantial evidence.
PRECEDENTIAL VALUE	published precedential Washington Supreme Court decision; en banc
PARTIES	Manjul Varn Chandola v. Neha Vyas Chandola

TOPICS

- family law procedure
- child custody
- statutory interpretation
- due process
- dissolution of marriage

PRACTICE AREAS

family law

parenting plans

child custody

statutory interpretation

constitutional law

QUESTIONS PRESENTED

1. What level of adverse effect on a child's best interests must a trial court find before imposing parenting-plan restrictions under RCW 26.09.191(3)(g)?
2. Whether the trial court improperly relied on circumstances resulting from unfounded sexual-abuse allegations and supervised visitation.
3. Whether the restrictions on Chandola's residential time and cosleeping were reasonably calculated to prevent the type of harm required by RCW 26.09.191(3)(g).
4. Whether the restriction on the child's contact with her paternal grandparents satisfied RCW 26.09.191(3)(g).
5. Whether either party was entitled to attorney fees on appeal.

HOLDINGS

1. A parenting-plan restriction imposed under RCW 26.09.191(3)(g) must be reasonably calculated to prevent relatively severe physical, mental, or emotional harm to the child, comparable in severity to the harms identified in RCW 26.09.191(3)(a)-(f).
2. The trial court did not improperly rely on the unfounded sexual-abuse allegations or on conditions resulting from supervised visitation.
3. The trial court did not abuse its discretion by limiting Chandola's residential time with his daughter.
4. The trial court did not abuse its discretion by prohibiting Chandola from cosleeping with his daughter.
5. The trial court abused its discretion by limiting the paternal grandparents' presence during Chandola's residential time to 20 percent.
6. Neither party was entitled to attorney fees or costs on review under RCW 26.09.140 or on the asserted basis of intransigence.

KEY QUOTATIONS

"We hold that restrictions imposed under that statute must be reasonably calculated to prevent relatively severe physical, mental, or emotional harm to a child." (at 1)

"A trial court abuses its discretion if it imposes a restriction that is not reasonably calculated to prevent such a harm." (at 18)

"By requiring trial courts to identify specific harms to the child before ordering parenting plan restrictions, RCW 26.09.191(3) prevents arbitrary imposition of the court's preferences." (at 27)

"It permits parenting plan restrictions only when they are reasonably calculated to prevent relatively severe physical, mental, or emotional harm to the child." (at 31)

FACTUAL BACKGROUND

Chandola and Neha Vyas Chandola married in 1998 and had a daughter in 2008. After the parties separated and Vyas filed for dissolution, the trial court found that Chandola's parenting involved inadequate routines for meals and sleep, excessive holding and supervision, discouragement of exploration and socialization, and reliance on his parents. The trial court imposed a staged parenting plan, including limits on residential time, a cosleeping prohibition, and a restriction limiting paternal-grandparent presence to 20 percent of Chandola's residential time.

PROCEDURAL HISTORY

The trial court entered a parenting plan limiting Chandola's residential time with his daughter, prohibiting cosleeping, and restricting the presence of his paternal parents during his residential time. The Court of Appeals affirmed. The Supreme Court affirmed the residential-time and cosleeping restrictions but reversed the Court of Appeals' approval of the restriction on paternal-grandparent contact. It denied attorney-fee requests by both parties.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The Court of Appeals' decision was reversed insofar as it upheld the restriction on the child's contact with her paternal grandparents. The residential-time and cosleeping restrictions were affirmed; no specific remand instruction appears in the opinion.

CASES CITED

- In re Marriage of Katare, 175 Wn.2d 23, 283 P.3d 546 (2012)
- In re Marriage of Littlefield, 133 Wn.2d 39, 940 P.2d 1362 (1997)
- Ferree v. Doric Co., 62 Wn.2d 561, 383 P.2d 900 (1963)
- In re Custody of B.M.H., 179 Wn.2d 224, 315 P.3d 470 (2013)
- In re Custody of Shields, 157 Wn.2d 126, 136 P.3d 117 (2006)
- In re Custody of Smith, 137 Wn.2d 1, 969 P.2d 21 (1998)
- Santosky v. Kramer, 455 U.S. 745, 102 S. Ct. 1388, 71 L. Ed. 2d 599 (1982)
- In re Parentage of L.B., 155 Wn.2d 679, 122 P.3d 161 (2005)
- Simpson Inv. Co. v. Dep't of Revenue, 141 Wn.2d 139, 3 P.3d 741 (2000)
- John H. Sellen Constr. Co. v. Dep't of Revenue, 87 Wn.2d 878, 558 P.2d 1342 (1976)
- Lake v. Woodcreek Homeowners Ass'n, 169 Wn.2d 516, 243 P.3d 1283 (2010)
- State v. Engel, 166 Wn.2d 572, 210 P.3d 1007 (2009)
- In re Marriage of Burrill, 113 Wn. App. 863, 56 P.3d 993 (2002)
- In re Marriage of Wicklund, 84 Wn. App. 763, 932 P.2d 652 (1997)
- In re Marriage of Fahey, 164 Wn. App. 42, 262 P.3d 993 (2011)

- In re Parentage of Jannot, 149 Wn.2d 123, 65 P.3d 664 (2003)
- In re Parentage of Jannot, 110 Wn. App. 16, 37 P.3d 1265 (2002)
- Chatwood v. Chatwood, 44 Wn.2d 233, 266 P.2d 782 (1954)
- In re Marriage of Rideout, 150 Wn.2d 337, 77 P.3d 1174 (2003)
- In re Marriage of Buecking, 179 Wn.2d 438, 316 P.3d 999 (2013)
- In re Marriage of McCausland, 159 Wn.2d 607, 152 P.3d 1013 (2007)
- State v. Nolan, 141 Wn.2d 620, 8 P.3d 300 (2000)
- State ex rel. MMG v. Graham, 159 Wn.2d 623, 152 P.3d 1005 (2007)
- In re Marriage of Greenlee, 65 Wn. App. 703, 829 P.2d 1120 (1992)
- In re Marriage of Landry, 103 Wn.2d 807, 699 P.2d 214 (1985)

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