



PROGRAM MATERIALS

Program #35169

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Navigating Stormy Parenting Plans: Process Over Chaos

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Navigating Stormy Parenting Plans

Process Over Chaos

**“Our life is what our
thoughts make it.”**

**Marcus Aurelius
(121-180 AD)**

“Three-Foot World.”

**Navy SEALs
(2025 AD)**

Legal Roundup

- **CA/Gov. Gavin Newsom Signs DV Bills, 9/27/24**
 - **Car Tracking** (SB 1394) - Car manufacturers must allow drivers to terminate remote access to vehicles, **prevents tracking, manipulation of car controls by abusers.**
 - **DV S/L** (SB 690): Increased from 5 to **7 years** (Incident <-> Report)
 - **Domestic-Homicide Justice** (SB 989) - Tools for investigators and victim's family members to **help prevent misclassification of homicide as suicide.**
- **CA Announcement:**

<https://www.gov.ca.gov/2024/09/27/governor-newsom-signs-bipartisan-bills-to-support-domestic-violence-victims/>

Legal Roundup

- **CA/Gov. Gavin Newsom Signs DV Bills, 9/27/24**
 - Physical Violence from Partner: 1 in 5 women and 1 in 7 men in lifetime
 - **1 in 6 homicide victims killed by partner**
- **CA Announcement:**
 - <https://www.gov.ca.gov/2024/09/27/governor-newsom-signs-bipartisan-bills-to-support-domestic-violence-victims/>

Legal Roundup

- **Uniform Law Commission - Uniform Family Law Arbitration Act (UFLAA), 2016**
Adopted AZ; DC; HI; MT; ND; PA; WA
 - **WA State (UFLAA), effective 1/1/24**
RCW 26.14
Divorce, Custody, Child Support...
 - **Arbitrator Powers:** Appoint Experts; Attorney/GAL; Implement Limited Protective Measures (see RCW 26.14.120)
 - **Arbitrator Prohibited Powers:** Terminate Parental Rights; Issue/Modify/Renew DVPO; Permanently modify Parenting Plan Based on Finding Substantial Change in Circumstances (see RCW 26.14.020)
 - **Unclear Powers:** Process to Select Guardians; Limits on Allocating Guardian Fees; Policies for Appointing Experts; Procedures for Appointments When no Case is Actively Pending
- **UFLAA - WA Bar Association Overview:**
- <https://wabarnews.org/2024/09/11/washingtons-new-uniform-family-law-arbitration-act/#:~:text=Washington's%20Uniform%20Family%20Law%20Arbitration,1%2C%202024.>

Navigating Stormy Parenting Plans

- **Client's Journey —>**

- DoomScroll
- Negotiations
- Impasse
- Cognitive Bias
- Toolbox



Navigating Stormy Parenting Plans

- **Client's Journey —>**
 - **The “Why”**
 - Curse of Knowledge
 - Trust & Rapport
 - Client Education



DoomScroll

Alec Baldwin & Kim Bassinger

9-Year Marriage

8-Year Custody Battle

\$3M Legal Expenses

90+ Court Hearings

Don't Be That Crew



DoomScroll

- **Police “Line of Duty” Fatalities**

(National Study, 2010 - 2014)

- **Domestic Violence 22%**

- Robbery 9%

- Burglary 8%

- valorforblue.org



DoomScroll

- **ChatGPT & Perceptions**
 - **File Divorce:**
 - M 31% vs. W 69%
 - **Custody:**
 - M 20% vs. W 80%
 - **House:**
 - M 25-40% vs. W 60-75%
 - **Pay Spousal Support:**
 - M 90-97% vs. W 3-10%



Negotiation Preparation

“No Solutions. Only Tradeoffs.”
Thomas Sowell, Economist

Negotiation Prep

- **Parenting Plan Hypo**

- Faith (**Gen Z Divide**)
- Politics (**Gen Z Divide**)
- Education
- Medical
- Sleep & Diet
- Youth Sports (Gymnastics)
- Helicopter vs. Free-Range



Negotiation Prep

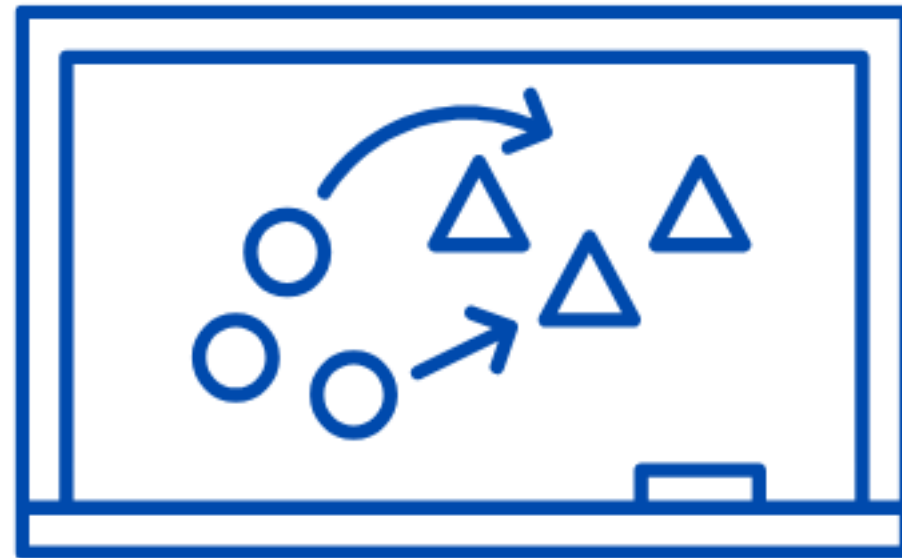
- *Ex-Spouse Trauma*

- **Past Baggage**

- Respect
 - Trust
 - Loss
 - Finances...

- **Stress Stacking**

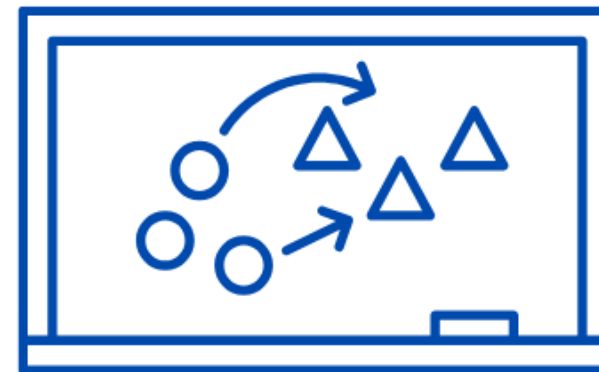
- Work
 - Other Family
 - Health



Negotiation Prep

- ***Ex-Spouse Trophy***

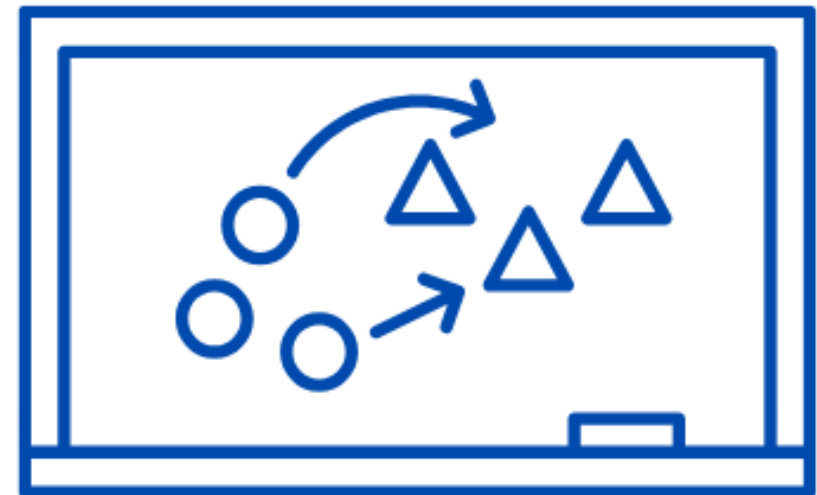
- Victory Speech
- Save Face
- Constituents
 - Family
 - Friends
 - Co-Workers



Negotiation Prep

- *Client Triggers*

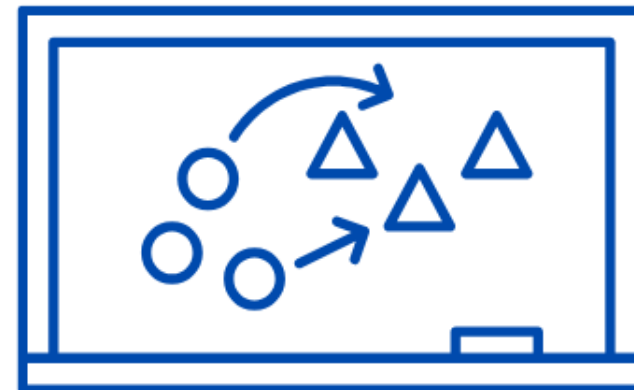
- “If _____ then _____.”
 - **No Reaction = Win/Win**
 - **Good Faith Mistake?**
 - No Damage
 - Keep Credibility
 - **Bad Faith Intent?**
 - No Satisfaction



Negotiation Prep

- **BATNA / WATNA / MRATNA**

- Starting Line
 - CL & Ex-Spouse
- “Tripwire”
- Improvable?
- Realistic
 - Not a Blender!
 - Not a Buffet Line!



Negotiation Table

**“If I’m here and you’re here,
doesn't that make it our time?”**

Jeff Spicoli, Surfer & Gentleman Scholar
Fast Times at Ridgemont High

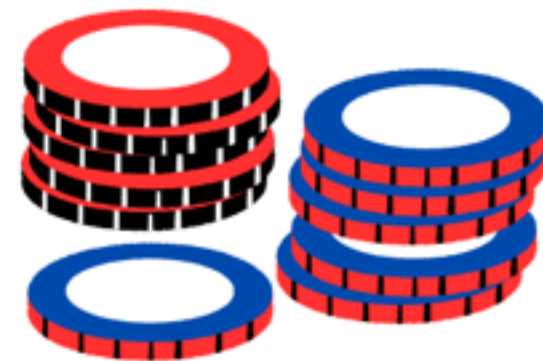
The Table

- **Closed-End Questions**
(Pizza Rule)

- Is, Can

- **Open-End Questions**

- How
- Why, Why Not
- What
- Who



The Table

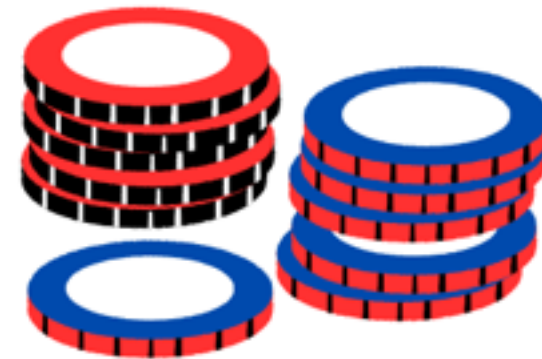
- **Ex Spouse Needs...**

- **Substance:**

- Heard &
- Understood

- **Process:**

- Fair



The Table

- **I. Positions vs. Interests**

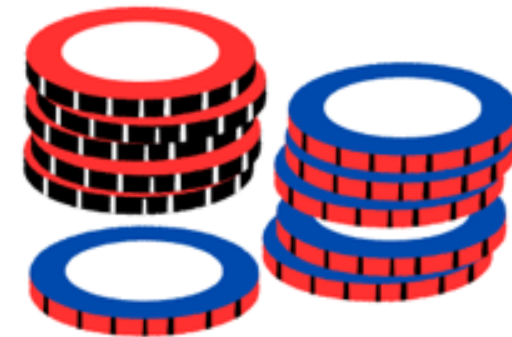
Example - Gymnastics

- **Position = “What”**

- Negotiable
- Ego
- Single-Option

- **Interest = “Why”**

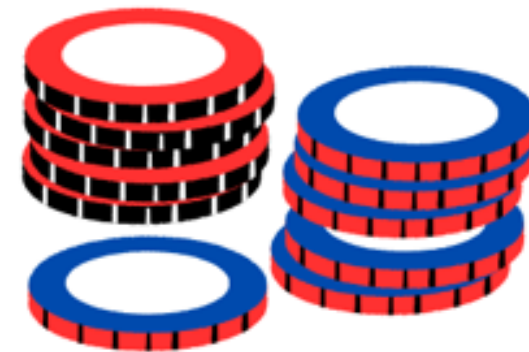
- Non-Negotiable
- Values
- Many Options



The Table

- **II. Create Options**

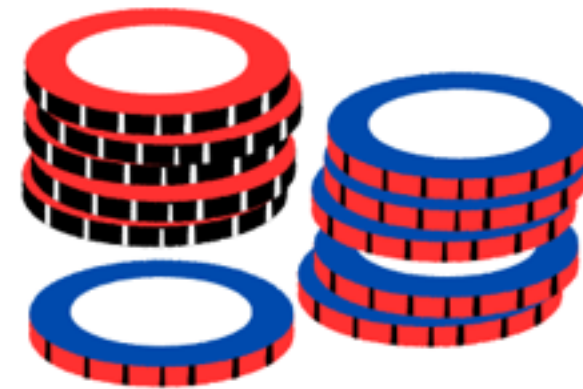
- Brainstorm (No Peanut Gallery)
- Buy-In
- No Bad Ideas
- Nothing Binding/Final
- Springboard



The Table

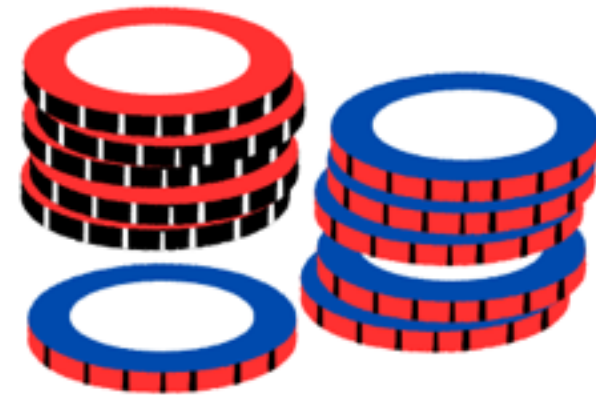
- **III. Evaluate Options**

- Shared Interests
- Fair Standards
- Discard; Deep Dive; Improve; Re-Order...
- BATNA/WA/MR in Mind



The Table

- **Negotiation Table - Summary:**
 - Interest-Based Negotiations
 - Brainstorm Options
 - Edit Options
 - Standards
 - “Cheaters & Line Cutters”



Post Negotiations

**“Three Options:
Change It,
Accept It,
Leave It.”**

Tim Ferriss

Post Negotiations

- **Reality Test**
 - Same Page?
 - Hypos “What if...”
 - Worst Case Scenario



Motion to Clarify!

\$\$\$

Post Negotiations

- **Reciprocity**
 - Flexibility - Murphy's Law
 - Payback or Pay Forward
 - Flip the Script
 - Best Interest Standard



Post Negotiations

- **Revisit**
 - 5 YO vs 15 YO
 - 15 YO vs. 16 YO
- **Periodic Check-In**
 - Working? Fair? Ideas?



Negotiation Recap

Prep -> Table -> Post

- **Negotiation Framework**
 - **Client Focus:** “Process & Controllables”
 - **Ex Spouse Needs:** Heard & Understood; Fairness
 - Prep (TTT)
 - Table (IBN’s; Fair)
 - Post (RRR)

Impasse

“So you’re telling
me there’s a chance.”

Lloyd
Dumb & Dumber

Impasse

- **Communication Issues:**

- **Workplace:** 7% said communication = Accurate, Open & Timely. *Gallup*
- **Law:** 1/3 Malpractice Claims = Communication Issues. *ABA*
- **Divorce:** 70% Women & 59% Men = “Bad Communication” as a Cause. *Journal of Divorce & Remarriage.*



Impasse

- **Impasse...Why?**

- Autonomy
- Unmet Interests
- Save Face
- Unfair Process (Perception)



William Ury
Getting Past No

Impasse

Full Agreement



Partial Agreement



Impasse

Binding Agreement



Trial Run



Impasse

“My Way or Nothing!”



A/B Testing:

Helicopter

vs.

Free-Range



Impasse

First-Order



Second-Order

WHAT & WHY



Cognitive Bias

**“Show me the incentive and
I’ll show you the outcome.”**

**Charlie Munger, J.D.
Psychology of Human Misjudgment Speech
Harvard, 1995**

Cognitive Bias

- **Cognitive Bias 101:**
 - **Definition** - A mental shortcut that can lead to errors in thinking. It happens when **our brains make quick judgments based on past experiences** instead of careful reasoning.
 - **Purpose** - **Simplifies the flood of information** our brain receives every second.



Cognitive Bias

- **Big Three - Parenting Plan**
 - Confirmation Bias
 - Self Serving Bias
 - Bubble Bias



Cognitive Bias

- **Confirmation Bias**
 - When we look for and believe information that supports our current POV.
 - **Example** - P1 believes P2 is selfish. P2 misses child's soccer game during expectedly busy month. P2 had 100% attendance the prior 12 months.



Cognitive Bias

- **Self Serving Bias**
 - ***My*** Success? Many Skills
 - ***My*** Failure? Bad Luck
 - ***Your*** Success? Good Luck
 - ***Your*** Failure? No Skills
 - **Example:** Family vs. In-Laws holiday travel schedule delays/adjustments. Double Standard for reasons.



Cognitive Bias

- **Bubble Bias**
- “Everyone I know agrees with me.”
 - Friends; Work; YouTube & Social **Media Algorithms**...
- **Example** - P1 is atheist and P2 is religious...Whipsaw Danger
 - **Shared Interests?**
 - Critical Thinking
 - Core Values
 - Social Skills
 - Community



Cognitive Bias

- **Cognitive Bias Wrap-Up:**
 - **Confirmation Bias** “I know what I know.”
 - **Self Serving Bias** “I’m special, you’re not.”
 - **Bubble Bias** “The science is in...”
- **Fun Game:**
 - Moon Landing: What % Watched?
 - NFL: Global Rank?
 - K-Pop: Foreign Sales?



Cognitive Bias

- **Cognitive Bias Wrap-Up:**

- **Own It -**

- We're all biased.

- **Devil's Advocate -**

- Intentionally pursue disconfirming info, viewpoint diversity.

- Face Value Until...
 - Ex-Spouse Best Argument?
 - Why Might I be Wrong?

- **More Gray; Less Black & White**

- Questions Assumptions
Open to New Info

"I only trust my doubt."

Chamath Palihapitiya
All-In Podcast



Toolbox

Process Over Chaos

**“Today I shall meet people
who are ...ungrateful, aggressive
malicious, unsocial....
I cannot be harmed by
any of them, as none will infect
me with their wrong.”**

**Marcus Aurelius (121 - 180 AD)
*Meditations***

Toolbox

- **First Principle**
 - Circumstances | Behavior
 - Event **(GAP)** Response

*** **FOR YOU** ***



Toolbox

- **Foundation:**

- Sleep
- Diet
- Exercise
- **"If you're not sleeping, eating, and moving well, nothing else will matter."**

Naval Ravikant

- **New Self Help Books:**

- 2010 —> 15,000
- **2020 —> 45,300**



Toolbox

- **Table Selection**
 - Family, Friend, Co-Worker
- "**The most important decision** you can make is selecting the right table."

Tim Ferriss
Tools of Titans



Toolbox

- **Opportunity Cost**
 - No Decision
 - No Action
 - Passive-Agressive
 - Fight
- **“Yes, and...Forward**
 - Baldwin vs. Bassinger



Toolbox

- **Future-Cast: 10/10/10 Rule**

- Gain Perspective:

- 10 Days
- 10 Months
- 10 Years



Toolbox

- **Rule of 3 (Heat of Moment)**

- Walk
- Sleep
- Exercise

—> **DECISION**



Toolbox

- **Communication**

- Words
- Tone
- Body Language



Toolbox

- **STOP Doing List**

“Hold My Beer”

**A bad situation can always
be made worse.**



Toolbox

- **Don't Blame the "Message"**
 - Person | Problem
 - Good Idea or Not?
 - Best-Interest Standard



Toolbox

- **The Judge**

- P1 & P2? “Don’t Care”
- Best-Interest Standard
- Forward-Looking
- Less is More



Toolbox

Active Listening

- Don't Interrupt
- Summarize
- “Do I have that correct?”
- Allow (Invite) Corrections



Toolbox

- **Labeling (Defuse)**
- Never “**I** understand...”
 - “Sounds like **YOU**....”
 - “It looks like **YOU**...”
 - “It appears **YOU**...”
 - “It feels like **YOU**...”
- Wait...and wait (Silence)



Chris Voss
FBI Hostage Negotiator
Never Split The Difference

Toolbox

- **Cheaters & Line Cutters**

- Trust (Protect It)
 - Mistake?
 - Intentional?



Wrap Up

- Income/Assets & Liabilities/Debts —> Software Program. Done!
- *Parenting Plan = Lifetime Game*
 - **Client Focus:** “Process & Controllables”
 - **Ex-Spouse Needs:** Heard & Understood; Fair Process
 - Negotiation Prep (Game Plan)
 - Negotiation Table (IBN’s; Fairness)
 - Post Negotiation (Baldwin vs. Bassinger)
 - Impasse (Shake the Box)
 - Cognitive Bias (Protect Client from Client)
 - Toolbox (PP = Lifelong Game)

Resources

**“Good Artists Copy,
Great Artists Steal.”
Picasso**

Contact Info

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Bar: WA ('01) & CA ('06)

Sports Parenting Author:

- *Athlete to Entrepreneur*, reached #16 (Sports Law) @ Amazon/Kindle
- *Zero Offseason: Divorce & The Insanely Busy Sports Mom*, @Amazon/Kindle

Credits & Acknowledgements

- ***Thinking In Bets***, Annie Duke
(Cognitive Bias & Uncertainty)
- ***Getting To Yes***, William Ury
(Negotiations)
- ***Getting Past No***, William Ury
(Negotiations)
- ***Never Split The Difference***, Chris Voss
(Persuasion)
- ***Meditations***, Marcus Aurelius
(Process & Controllables)

**PENAL CODE - PEN****PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4]** (*Part 1 enacted 1872.*)**TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7]** (*Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.*)**CHAPTER 2. Abandonment and Neglect of Children [270 - 273.76]** (*Chapter 2 enacted 1872.*)

273.5. (a) A person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000), or by both that fine and imprisonment.

(b) Subdivision (a) shall apply if the victim is or was one or more of the following:

- (1) The offender's spouse or former spouse.
- (2) The offender's cohabitant or former cohabitant.
- (3) The offender's fiancé, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243.
- (4) The mother or father of the offender's child.

(c) Holding oneself out to be the spouse of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section.

(d) As used in this section, "traumatic condition" means a condition of the body, such as a wound, or external or internal injury, including, but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force. For purposes of this section, "strangulation" and "suffocation" include impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck.

(e) For the purpose of this section, a person shall be considered the father or mother of another person's child if the alleged male parent is presumed the natural father under Sections 7611 and 7612 of the Family Code.

(f) (1) A person convicted of violating this section for acts occurring within seven years of a previous conviction under subdivision (a), or subdivision (d) of Section 243, or Section 243.4, 244, 244.5, or 245, shall be punished by imprisonment in a county jail for not more than one year, or by imprisonment in the state prison for two, four, or five years, or by both imprisonment and a fine of up to ten thousand dollars (\$10,000).

(2) A person convicted of a violation of this section for acts occurring within seven years of a previous conviction under subdivision (e) of Section 243 shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to ten thousand dollars (\$10,000), or by both that imprisonment and fine.

(g) If probation is granted to a person convicted under subdivision (a), the court shall impose probation consistent with the provisions of Section 1203.097.

(h) If probation is granted, or the execution or imposition of a sentence is suspended, for a defendant convicted under subdivision (a) who has been convicted of a prior offense specified in subdivision (f), the court shall impose one of the following conditions of probation:

- (1) If the defendant has suffered one prior conviction within the previous seven years for a violation of an offense specified in subdivision (f), it shall be a condition of probation, in addition to the provisions contained in Section 1203.097, that the defendant be imprisoned in a county jail for not less than 15 days.
- (2) If the defendant has suffered two or more prior convictions within the previous seven years for a violation of an offense specified in subdivision (f), it shall be a condition of probation, in addition to the provisions contained in Section 1203.097, that the defendant be imprisoned in a county jail for not less than 60 days.
- (3) The court, upon a showing of good cause, may find that the mandatory imprisonment required by this subdivision shall not be imposed and shall state on the record its reasons for finding good cause.

(i) If probation is granted upon conviction of a violation of subdivision (a), the conditions of probation may include, consistent with the terms of probation imposed pursuant to Section 1203.097, in lieu of a fine, one or both of the following requirements:

- (1) That the defendant make payments to a domestic violence shelter-based program, up to a maximum of five thousand dollars (\$5,000), pursuant to Section 1203.097.
- (2) (A) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense.

(B) For an order to pay a fine, make payments to a domestic violence shelter-based program, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant's ability to pay. An order to make payments to a domestic violence shelter-based program shall not be made if it would impair the ability of the defendant to pay direct restitution to the victim or

court-ordered child support. If the injury to a person who is married or in a registered domestic partnership is caused in whole or in part by the criminal acts of their spouse or domestic partner in violation of this section, the community property may not be used to discharge the liability of the offending spouse or domestic partner for restitution to the injured spouse or domestic partner, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse or domestic partner and dependents, required by this section, until all separate property of the offending spouse or domestic partner is exhausted.

(j) (1) Upon conviction under subdivision (a), the sentencing court shall also consider issuing an order restraining the defendant from contact with the victim, which may be valid for up to 15 years, as determined by the court. It is the intent of the Legislature that the length of a restraining order be based upon the seriousness of the facts before the court, the probability of future violations, the safety of the victim and their immediate family, and the information provided to the court pursuant to Section 273.75. This protective order may be issued by the court whether the defendant is sentenced to state prison or county jail, or if imposition of sentence is suspended and the defendant is placed on probation.

(2) Upon a written petition by the prosecuting attorney, defendant, or victim, the issuing court may modify or terminate a protective order for good cause provided the prosecuting attorney, defendant, and victim are notified at least 15 days before the hearing on the petition.

(k) If a peace officer makes an arrest for a violation of this section, the peace officer is not required to inform the victim of their right to make a citizen's arrest pursuant to subdivision (b) of Section 836.

(Amended by Stats. 2024, Ch. 649, Sec. 1.5. (AB 2308) Effective January 1, 2025.)

**PENAL CODE - PEN****PART 2. OF CRIMINAL PROCEDURE [681 - 1620]** (*Part 2 enacted 1872.*)**TITLE 3. ADDITIONAL PROVISIONS REGARDING CRIMINAL PROCEDURE [777 - 883]** (*Heading of Title 3 amended by Stats. 1951, Ch. 1674.*)**CHAPTER 2. Time of Commencing Criminal Actions [799 - 805]** (*Chapter 2 repealed and added by Stats. 1984, Ch. 1270, Sec. 2.*)**803.7.** (a) Notwithstanding any other law, prosecution for a violation of Section 273.5 may be commenced within seven years of the crime.

(b) This section applies to crimes that are committed on or after January 1, 2025, and to crimes for which the statute of limitations that was in effect prior to January 1, 2025, has not elapsed as of January 1, 2025.

(Amended by Stats. 2024, Ch. 653, Sec. 2. (SB 690) Effective January 1, 2025.)

Chapter 26.14 RCW
UNIFORM FAMILY LAW ARBITRATION ACT

Sections

26.14.005	Short title—2023 c 61.
26.14.010	Definitions.
26.14.020	Scope.
26.14.030	Applicable law.
26.14.040	Arbitration agreement.
26.14.050	Notice of arbitration.
26.14.060	Motion for judicial relief.
26.14.070	Qualification and selection of arbitrator.
26.14.080	Disclosure by arbitrator—Disqualification.
26.14.090	Party participation.
26.14.100	Temporary order or award.
26.14.110	Protection of party or child.
26.14.120	Powers and duties of arbitrator.
26.14.130	Recording of hearing.
26.14.140	Award.
26.14.150	Confirmation of award.
26.14.160	Correction by arbitrator of unconfirmed award.
26.14.170	Correction by court of unconfirmed award.
26.14.180	Vacation or amendment by court of unconfirmed award.
26.14.190	Clarification of confirmed award.
26.14.200	Judgment on award.
26.14.210	Modification of confirmed award or judgment.
26.14.220	Enforcement of confirmed award.
26.14.230	Appeal.
26.14.240	Immunity of arbitrator.
26.14.900	Uniformity of application and construction.
26.14.901	Relation to electronic signatures in global and national commerce act.
26.14.902	Transitional provision.
26.14.903	Effective date—2023 c 61.

RCW 26.14.005 Short title—2023 c 61. This act [chapter] may be known and cited as the uniform family law arbitration act. [2023 c 61 s 1.]

RCW 26.14.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Arbitration agreement" means an agreement that subjects a family law dispute to arbitration.

(2) "Arbitration organization" means an association, agency, board, commission, or other entity that is neutral and initiates, sponsors, or administers an arbitration or is involved in the selection of an arbitrator.

(3) "Arbitrator" means an individual selected, alone or with others, to make an award in a family law dispute that is subject to an arbitration agreement.

(4) "Child-related dispute" means a family law dispute regarding legal custody, physical custody, custodial responsibility, parental

responsibility or authority, parenting time, right to access, visitation, or financial support regarding a child.

(5) "Court" means the family court.

(6) "Family law dispute" means a contested issue arising under the domestic relations law of this state.

(7) "Party" means an individual who signs an arbitration agreement and whose rights will be determined by an award.

(8) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal entity.

(9) "Record," used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(10) "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(11) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe. [2023 c 61 s 2.]

RCW 26.14.020 Scope. (1) This chapter governs arbitration of a family law dispute.

(2) This chapter does not authorize an arbitrator to make an award that:

(a) Grants a legal separation or dissolution of marriage or domestic partnership, or annulment;

(b) Terminates parental rights;

(c) Grants an adoption or a guardianship of a child or incapacitated individual; or

(d) Determines the status of dependency.

(3) This chapter does not apply to:

(a) Any arbitration governed by chapter 7.06 RCW;

(b) Proceedings under Title 13 RCW;

(c) Jurisdictional determinations under chapter 26.27 RCW;

(d) Proceedings under RCW 26.26A.465;

(e) Writs of habeas corpus;

(f) Disputes as to personal or subject matter jurisdiction;

(g) Determination of venue;

(h) Issuance, modification, or termination of protection orders under chapter 7.105 RCW; and

(i) Delegation of the court's authority to permanently modify a parenting plan based on a finding of substantial change in circumstances. [2023 c 61 s 3.]

RCW 26.14.030 Applicable law. (1) Except as otherwise provided in this chapter, the law applicable to arbitration is chapter 7.04A RCW.

(2) In determining the merits of a family law dispute, an arbitrator shall apply the law of this state, including its choice of law rules. [2023 c 61 s 4.]

RCW 26.14.040 Arbitration agreement. (1) An arbitration agreement must:

- (a) Be in a record signed by the parties;
- (b) Identify the arbitrator, an arbitration organization, or a method of selecting an arbitrator; and

- (c) Identify the family law dispute the parties intend to arbitrate.

(2) Except as otherwise provided in subsection (3) of this section, an agreement in a record to arbitrate a family law dispute that arises between the parties before, at the time, or after the agreement is made is valid and enforceable as any other contract and irrevocable except on a ground that exists at law or in equity for the revocation of a contract.

(3) An agreement to arbitrate a child-related dispute that arises between the parties after the agreement is made is unenforceable unless:

- (a) The parties affirm the agreement in a record after the dispute arises; or

- (b) The agreement was entered during a family law proceeding and the court approved or incorporated the agreement in an order issued in the proceeding.

(4) If a party objects to arbitration on the ground the arbitration agreement is unenforceable or the agreement does not include a family law dispute, the court shall decide whether the agreement is enforceable or includes the family law dispute. [2023 c 61 s 5.]

RCW 26.14.050 Notice of arbitration. A party may initiate arbitration by giving notice to arbitrate to the other party in the manner specified in the arbitration agreement or, in the absence of a specified manner, under the law and procedural rules of this state other than this chapter governing contractual arbitration. [2023 c 61 s 6.]

RCW 26.14.060 Motion for judicial relief. (1) A motion for judicial relief under this chapter must be made to the court in which a proceeding is pending involving a family law dispute subject to arbitration.

(2) On motion of a party, the court may compel arbitration if the parties have entered into an arbitration agreement that complies with RCW 26.14.040 unless the court determines under RCW 26.14.110 that the arbitration should not proceed.

(3) On motion of a party, the court shall terminate arbitration if it determines that:

- (a) The agreement to arbitrate is unenforceable;
- (b) The family law dispute is not subject to arbitration; or
- (c) Under RCW 26.14.110, the arbitration should not proceed.

(4) Unless prohibited by an arbitration agreement, on motion of a party, the court may order consolidation of separate arbitrations involving the same parties and a common issue of law or fact if necessary for the fair and expeditious resolution of the family law dispute. [2023 c 61 s 7.]

RCW 26.14.070 Qualification and selection of arbitrator. (1)

Except as otherwise provided in subsection (2) of this section, unless waived in a record by the parties, an arbitrator must be:

(a) An attorney in good standing admitted to practice in this state, with a minimum of five years of experience practicing family law, which must make up no less than 50 percent of the attorney's practice, or a former judicial officer, including a former pro tem judicial officer; and

(b) Trained in child development, child and juvenile mental health issues, identifying domestic violence and child abuse, and trauma-informed practices. This training must consist of at least seven hours every year. Former judicial officers are not required to receive additional training for one year following the end of their judicial service.

(2) The identification of an arbitrator, arbitration organization, or method of selection of the arbitrator in the arbitration agreement controls.

(3) If an arbitrator is unable or unwilling to act or if the agreed-on method of selecting an arbitrator fails, on motion of a party, the court shall select an arbitrator. [2023 c 61 s 8.]

RCW 26.14.080 Disclosure by arbitrator—Disqualification. (1)

Before agreeing to serve as an arbitrator, an individual, after making reasonable inquiry, shall disclose to all parties any known fact a reasonable person would believe is likely to affect:

(a) The impartiality of the arbitrator in the arbitration, including bias, a financial or personal interest in the outcome of the arbitration, or an existing or past relationship with a party, attorney representing a party, or witness; or

(b) The arbitrator's ability to make a timely award.

(2) An arbitrator, the parties, and the attorneys representing the parties have a continuing obligation to disclose to all parties any known fact a reasonable person would believe is likely to affect the impartiality of the arbitrator or the arbitrator's ability to make a timely award.

(3) An objection to the selection or continued service of an arbitrator and a motion for a stay of arbitration and disqualification of the arbitrator must be made under the law and procedural rules of this state other than this chapter governing arbitrator disqualification.

(4) If a disclosure required by subsection (1)(a) or (2) of this section is not made, the court may:

(a) On motion of a party not later than thirty days after the failure to disclose is known or by the exercise of reasonable care should have been known to the party, suspend the arbitration;

(b) On timely motion of a party, vacate an award under RCW 26.14.180(1)(b); or

(c) If an award has been confirmed, grant other appropriate relief under law of this state other than this chapter.

(5) If the parties agree to discharge an arbitrator or the arbitrator is disqualified, the parties by agreement may select a new arbitrator or request the court to select another arbitrator as provided in RCW 26.14.070. [2023 c 61 s 9.]

RCW 26.14.090 Party participation. (1) A party may:

- (a) Be represented in an arbitration by an attorney;
 - (b) Be accompanied by an individual who will not be called as a witness or act as an advocate; and
 - (c) Participate in the arbitration to the full extent permitted under the law and procedural rules of this state other than this chapter governing a party's participation in contractual arbitration.
- (2) A party or representative of a party may not communicate ex parte with the arbitrator except to the extent allowed in a family law proceeding for communication with a judge. [2023 c 61 s 10.]

RCW 26.14.100 Temporary order or award. (1) Before an arbitrator is selected and able to act, on motion of a party, the court may enter a temporary order granting any of the relief provided in RCW 26.09.060 and 26.09.197.

(2) After an arbitrator is selected:

(a) The arbitrator may make a temporary award granting any of the relief provided in RCW 26.09.060 and 26.09.197, except for relief pertaining to a protection order as defined in RCW 26.14.110, in which case the procedures under RCW 26.14.110 apply; and

(b) If the matter is urgent and the arbitrator is not able to act in a timely manner or provide an adequate remedy, on motion of a party, the court may enter a temporary order, pending further hearing by the arbitrator or the court.

(3) On motion of a party, before the court confirms a final award, the court under RCW 26.14.150, 26.14.170, or 26.14.180 may confirm, correct, vacate, or amend a temporary award made under subsection (2)(a) of this section.

(4) On motion of a party, the court may enforce a subpoena or interim award issued by an arbitrator for the fair and expeditious disposition of the arbitration. [2023 c 61 s 11.]

RCW 26.14.110 Protection of party or child. (1) For the purposes of this section, "protection order" means an injunction or other order, issued under the domestic violence, family violence, or stalking laws of the issuing jurisdiction, to prevent an individual from engaging in a violent or threatening act against, harassment of, contact or communication with, or being in physical proximity to another individual who is a party or a child under the custodial responsibility of a party.

(2) If a party is subject to a protection order or has been convicted of a domestic violence offense, including child abuse, or if an arbitrator determines there is a reasonable basis to believe a party's safety or ability to participate effectively in arbitration is at risk, the arbitrator shall stay the arbitration and refer the parties to court. The arbitration may not proceed unless the party at risk affirms the arbitration agreement in a record and the court determines:

(a) The affirmation is informed and voluntary;

(b) Arbitration is not inconsistent with the protection order; and

(c) Reasonable procedures are in place to protect the party from risk of harm, harassment, or intimidation.

(3) This section supplements remedies available under law of this state other than this chapter for the protection of victims of

domestic violence, family violence, stalking, harassment, or similar abuse. [2023 c 61 s 12.]

RCW 26.14.120 Powers and duties of arbitrator. (1) An arbitrator shall conduct an arbitration in a manner the arbitrator considers appropriate for a fair and expeditious disposition of the dispute.

(2) An arbitrator shall provide each party a right to be heard and to present evidence material to the family law dispute.

(3) Unless the parties otherwise agree in a record, an arbitrator's powers include the power to:

- (a) Select the rules for conducting the arbitration;
 - (b) Hold conferences with the parties before a hearing;
 - (c) Determine the date, time, and place of a hearing;
 - (d) Require a party to provide:
 - (i) A copy of a relevant court order;
 - (ii) Information required to be disclosed in a family law proceeding under law of this state other than this chapter; and
 - (iii) A proposed award that addresses each issue in arbitration;
 - (e) Appoint a private expert at the expense of the parties;
 - (f) Administer an oath or affirmation and issue a subpoena for the attendance of a witness or the production of documents and other evidence at a hearing;
 - (g) Compel discovery concerning the family law dispute and determine the date, time, and place of discovery;
 - (h) Determine the admissibility and weight of evidence;
 - (i) Permit deposition of a witness for use as evidence at a hearing;
 - (j) Issue a protective order to prevent the disclosure of privileged information, confidential information, and other information protected from disclosure as if the controversy were the subject of a civil action in this state;
 - (k) Appoint an attorney, guardian ad litem, or other representative for a child at the expense of the parties;
 - (l) Impose a procedure to protect a party or child from risk of harm, harassment, or intimidation;
 - (m) Allocate arbitration fees, attorneys' fees, expert witness fees, and other costs to the parties; and
 - (n) Impose a sanction on a party for bad faith or misconduct during the arbitration according to standards governing imposition of a sanction for litigant misconduct in a family law proceeding.
- (4) An arbitrator may not allow ex parte communication except to the extent allowed in a family law proceeding for communication with a judge. [2023 c 61 s 13.]

RCW 26.14.130 Recording of hearing. (1) Except as otherwise provided in subsection (2) of this section or required by law of this state other than this chapter, an arbitration hearing need not be recorded unless required by the arbitrator, provided by the arbitration agreement, or requested by a party.

(2) An arbitrator shall record, electronically or otherwise, any part of an arbitration hearing concerning a child-related dispute. [2023 c 61 s 14.]

RCW 26.14.140 Award. (1) An arbitrator shall make an award in a record, dated and signed by the arbitrator. The arbitrator shall give notice of the award to each party by a method agreed on by the parties or, if the parties have not agreed on a method, under the law and procedural rules of this state other than this chapter governing notice in contractual arbitration.

(2) Except as otherwise provided in subsection (3) of this section, the award under this chapter must state the reasons on which it is based unless otherwise agreed by the parties.

(3) An award determining a child-related dispute must state the reasons on which it is based as required by law of this state other than this chapter for a court order in a family law proceeding.

(4) An award under this chapter is not enforceable as a judgment until confirmed under RCW 26.14.150. [2023 c 61 s 15.]

RCW 26.14.150 Confirmation of award. (1) After an arbitrator gives notice under RCW 26.14.140(1) of an award, including an award corrected under RCW 26.14.160, a party may move the court for an order confirming the award.

(2) Except as otherwise provided in subsection (3) of this section, the court shall confirm an award under this chapter if:

(a) The parties agree in a record to confirmation; or

(b) The time has expired for making a motion, and no motion is pending, under RCW 26.14.170 or 26.14.180.

(3) If an award determines a child-related dispute, the court shall confirm the award under subsection (2) of this section if the court finds, after a review of the record if necessary, that the award on its face:

(a) Complies with RCW 26.14.140 and law of this state other than this chapter governing a child-related dispute; and

(b) Is in the best interests of the child.

(4) On confirmation, an award under this chapter is enforceable as a judgment. [2023 c 61 s 16.]

RCW 26.14.160 Correction by arbitrator of unconfirmed award. On motion of a party made not later than thirty days after an arbitrator gives notice under RCW 26.14.140(1) of an award, the arbitrator may correct the award:

(1) If the award has an evident mathematical miscalculation or an evident mistake in the description of a person, thing, or property;

(2) If the award is imperfect in a matter of form not affecting the merits on the issues submitted; or

(3) To clarify the award. [2023 c 61 s 17.]

RCW 26.14.170 Correction by court of unconfirmed award. (1) On motion of a party made not later than ninety days after an arbitrator gives notice under RCW 26.14.140(1) of an award, including an award corrected under RCW 26.14.160, the court shall correct the award if:

(a) The award has an evident mathematical miscalculation or an evident mistake in the description of a person, thing, or property;

(b) The award is imperfect in a matter of form not affecting the merits of the issues submitted; or

(c) The arbitrator made an award on a dispute not submitted to the arbitrator and the award may be corrected without affecting the merits of the issues submitted.

(2) A motion under this section to correct an award may be joined with a motion to vacate or amend the award under RCW 26.14.180.

(3) Unless a motion under RCW 26.14.180 is pending, the court may confirm a corrected award under RCW 26.14.150. [2023 c 61 s 18.]

RCW 26.14.180 Vacation or amendment by court of unconfirmed award. (1) On motion of a party, the court shall vacate an unconfirmed award if the moving party establishes that:

(a) The award was procured by corruption, fraud, or other undue means;

(b) There was:

(i) Evident partiality by the arbitrator;

(ii) Corruption by the arbitrator; or

(iii) Misconduct by the arbitrator substantially prejudicing the rights of a party;

(c) The arbitrator refused to postpone a hearing on showing of sufficient cause for postponement, refused to consider evidence material to the controversy, or otherwise conducted the hearing contrary to RCW 26.14.120, so as to prejudice substantially the rights of a party;

(d) The arbitrator exceeded the arbitrator's powers;

(e) No arbitration agreement exists, unless the moving party participated in the arbitration without making a motion under RCW 26.14.060 not later than the beginning of the first arbitration hearing; or

(f) The arbitration was conducted without proper notice under RCW 26.14.050 of the initiation of arbitration, so as to prejudice substantially the rights of a party.

(2) Except as otherwise provided in subsection (3) of this section, on motion of a party, the court shall vacate an unconfirmed award that determines a child-related dispute if the moving party establishes that:

(a) The award does not comply with RCW 26.14.140 or law of this state other than this chapter governing a child-related dispute or is contrary to the best interests of the child;

(b) The record of the hearing or the statement of reasons in the award is inadequate for the court to review the award; or

(c) A ground for vacating the award under subsection (1) of this section exists.

(3) If an award is subject to vacation under subsection (2)(a) of this section, on motion of a party, the court may amend the award if amending rather than vacating is in the best interests of the child.

(4) The court may determine a motion under subsection (2) or (3) of this section based on the record of the arbitration hearing and facts occurring after the hearing or may exercise de novo review.

(5) A motion under this section to vacate or amend an award must be filed not later than ninety days:

(a) After an arbitrator gives the party filing the motion notice of the award or a corrected award; or

(b) For a motion under subsection (1)(a) of this section, after the ground of corruption, fraud, or other undue means is known or by the exercise of reasonable care should have been known to the party filing the motion.

(6) If the court under this section vacates an award for a reason other than the absence of an enforceable arbitration agreement, the court may order a rehearing before an arbitrator. If the reason for vacating the award is that the award was procured by corruption, fraud, or other undue means or there was evident partiality, corruption, or misconduct by the arbitrator, the rehearing must be before another arbitrator.

(7) If the court under this section denies a motion to vacate or amend an award, the court may confirm the award under RCW 26.14.150 unless a motion is pending under RCW 26.14.170. [2023 c 61 s 19.]

RCW 26.14.190 Clarification of confirmed award. If the meaning or effect of an award confirmed under RCW 26.14.150 is in dispute, the parties may:

(1) Agree to arbitrate the dispute before the original arbitrator or another arbitrator; or

(2) Proceed in court under law of this state other than this chapter governing clarification of a judgment in a family law proceeding. [2023 c 61 s 20.]

RCW 26.14.200 Judgment on award. (1) On granting an order confirming, vacating without directing a rehearing, or amending an award under this chapter, the court shall enter judgment in conformity with the order.

(2) On motion of a party, the court may order that a document or part of the arbitration record be sealed or redacted to prevent public disclosure of all or part of the record or award to the extent permitted under law of this state other than this chapter. [2023 c 61 s 21.]

RCW 26.14.210 Modification of confirmed award or judgment. If a party requests under law of this state other than this chapter a modification of an award confirmed under RCW 26.14.150 or judgment on the award based on a fact occurring after confirmation:

(1) The parties shall proceed under the dispute resolution method specified in the award or judgment; or

(2) If the award or judgment does not specify a dispute resolution method, the parties may:

(a) Agree to arbitrate the modification before the original arbitrator or another arbitrator; or

(b) Absent agreement, proceed under law of this state other than this chapter governing modification of a judgment in a family law proceeding. [2023 c 61 s 22.]

RCW 26.14.220 Enforcement of confirmed award. (1) The court shall enforce an award confirmed under RCW 26.14.150, including a temporary award, in the manner and to the same extent as any other order or judgment of a court.

(2) The court shall enforce an arbitration award in a family law dispute confirmed by a court in another state in the manner and to the same extent as any other order or judgment from another state. [2023 c 61 s 23.]

RCW 26.14.230 Appeal. (1) An appeal may be taken under this chapter from:

- (a) An order denying a motion to compel arbitration;
- (b) An order granting a motion to stay arbitration;
- (c) An order confirming or denying confirmation of an award;
- (d) An order correcting an award;
- (e) An order vacating an award without directing a rehearing; or
- (f) A final judgment.

(2) An appeal under this section may be taken as from an order or a judgment in a civil action. [2023 c 61 s 24.]

RCW 26.14.240 Immunity of arbitrator. (1) An arbitrator or arbitration organization acting in that capacity in a family law dispute is immune from civil liability to the same extent as a judge of a court of this state acting in a judicial capacity.

(2) The immunity provided by this section supplements any immunity under law of this state other than this chapter.

(3) An arbitrator's failure to make a disclosure required by RCW 26.14.080 does not cause the arbitrator to lose immunity under this section.

(4) An arbitrator is not competent to testify, and may not be required to produce records, in a judicial, administrative, or similar proceeding about a statement, conduct, decision, or ruling occurring during an arbitration, to the same extent as a judge of a court of this state acting in a judicial capacity. This subsection does not apply:

(a) To the extent disclosure is necessary to determine a claim by the arbitrator or arbitration organization against a party to the arbitration; or

(b) To a hearing on a motion under RCW 26.14.180(1) (a) or (b) to vacate an award, if there is prima facie evidence that a ground for vacating the award exists.

(5) If a person commences a civil action against an arbitrator arising from the services of the arbitrator or seeks to compel the arbitrator to testify or produce records in violation of subsection (4) of this section and the court determines that the arbitrator is immune from civil liability or is not competent to testify or required to produce the records, the court shall award the arbitrator reasonable attorneys' fees, costs, and reasonable expenses of litigation. [2023 c 61 s 25.]

RCW 26.14.900 Uniformity of application and construction. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it. [2023 c 61 s 26.]

RCW 26.14.901 Relation to electronic signatures in global and national commerce act. This chapter modifies, limits, or supersedes the electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b). [2023 c 61 s 27.]

RCW 26.14.902 Transitional provision. This chapter applies to arbitration of a family law dispute under an arbitration agreement made on or after January 1, 2024. If an arbitration agreement was made before January 1, 2024, the parties may agree in a record that this chapter applies to the arbitration. [2023 c 61 s 28.]

RCW 26.14.903 Effective date—2023 c 61. This act takes effect January 1, 2024. [2023 c 61 s 29.]

Navigating Stormy Parenting Plans Process Over Chaos

Resources (Links) -

Legal Roundup:

CA

Domestic Violence Bills Press Release

<https://www.gov.ca.gov/2024/09/27/governor-newsom-signs-bipartisan-bills-to-support-domestic-violence-victims/>

PC 803.7 (DV Statute of Limitations)

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=803.7.

PC 679.07 ("Joanna's Law")

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=679.07.

Domestic Homicide Victims (Article – "Joanna's Law")

<https://www.police1.com/investigations/californias-senate-bill-989-tackles-hidden-homicides-implications-for-law-enforcement>

VC Div 12 Ch 6 (Remote Car Tracking)

https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=VEH&division=12.&title=&part=&chapter=6.&article=

WA

WA Uniform Family Law Arbitration Act

WA State Bar News

<https://wabarnews.org/2024/09/11/washingtons-new-uniform-family-law-arbitration-act/>

RCW 26.14 (UFLAA)

<https://app.leg.wa.gov/RCW/default.aspx?cite=26.14>

Doom-Scroll:

Police Fatalities (Domestic Violence Calls)

<https://www.valorforblue.org/Documents/Publications/Public/2000-2014LODD-Analysis-NLEOMF-COPSooffice.pdf>

Cognitive Bias:

Moon Landing Audience

<https://share.america.gov/moon-landing-for-all-mankind/#:~:text=Worldwide%2C%20an%20estimated%20650%20million,moon%20the%20astronauts%20would%20land.>

NFL Global Ranking

<https://sportforbusiness.com/the-worlds-most-watched-sports/>

K-Kop Overseas Sales 2023

<https://www.koreaherald.com/article/3439905>

Toolbox:

New Self Help Books (2020 + COVID)

<https://bravingboundaries.com/the-self-help-conundrum/#:~:text=According%20to%20Gitnux%2C%20%E2%80%9Cover%2045%2C300,around%205.13%25%20expected%20till%202030.>