IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

In re Marriage of	)	NO. 65007-6-I
	)	
TRACY JO HATCH,	)	DIVISION ONE
	)	
Appellant,	)	
and	)	
	)	
JOHN DAVID HATCH,	)	UNPUBLISHED OPINION
	)	
Respondent.	)	FILED: June 13, 2011

Lau, J. — Tracy Hatch appeals the trial court's orders dissolving her marriage to John Hatch and providing for their children. Because she fails to establish any abuse of the trial court's discretion, we affirm.

FACTS

John and Tracy Hatch married in May 1988 and separated in September 2008. Tracy[1] filed in Snohomish County Superior Court a petition for dissolution of the marriage, seeking a property division, parenting plan, child support, and maintenance award. At the time of trial in January 2010, the Hatch children were 20, 11, 8, 6, and 4.

[1] For ease of reference, we use the parties' first names.

At trial, John testified about his employment and income, the couple's assets and debts, and his relationship with the children. He asked to have the children reside with him in the family home and allow Tracy alternate weekend residential time and midweek visits. In the alternative, he asked for equal residential time with weekly exchanges. John testified that he would be willing to take responsibility for all debt associated with the family home and pay maintenance for one to two years, but he requested that the trial court order Tracy to pay for her debts incurred after separation and pay a share of the fees for the guardian ad litem (GAL).

The GAL testified that the children "need as full and complete support from both parents as possible." Report of Proceeding (RP) (Jan. 4, 2010) at 121. He recommended that the children reside primarily with Tracy because of John's demanding work schedule but that they also have significant residential time with John. The GAL also recommended a limited number of transfers to reduce stress on Tracy and agreed that an equal residential schedule would be a "possibility" if the parties used a co-parenting coordinator or counselor. RP (Jan 4, 2010) at 121.

Psychologist Edward Schau testified about his psychological assessments of both parties. Dr. Schau diagnosed Tracy with "social anxiety disorder" and a "dependant personality disorder" and diagnosed John with mild depression. RP (Jan. 6, 2010) at 313-14. Dr. Schau recommended counseling for both parties and expressed concern over Tracy's ability to parent without assistance. He recommended equal residential time for each parent, with minimal exchanges to allow Tracy to be more effective. He testified that such a plan would be in the best interests of the

children.

Tracy testified that she had not worked outside the home since 2000 and that she hoped to obtain part-time work after the youngest child entered school. She testified about her present and past care of the children and her current financial arrangements. Tracy asked to have the children reside with her in the family home and allow John residential time with the children on alternate weekends. She asked the trial court to order John to assume all community and some separate debt, including the mortgage, and to pay child support and maintenance.

The trial court entered written findings of fact and conclusions of law incorporating its oral ruling and signed orders dissolving the marriage and providing for equal residential time for both parents. Additionally, it awarded the family home, John's separate property, all community debt, and some separate debt to John and directed him to pay child support and maintenance to Tracy.

Tracy appeals.

DISCUSSION

An appellant proceeding pro se must comply with all procedural rules. In re Marriage of Olson, 69 Wn. App. 621, 626, 850 P.2d 527 (1993). Failure to do so may preclude review of the asserted claims. State v. Marintorres, 93 Wn. App. 442, 452, 969 P.2d 501 (1999). This court generally will not consider claims not supported by citation to authority, references to the record, or meaningful analysis. Cowiche Canyon Conservancy v. Bosley, 118 Wn.2d 801, 809, 828 P.2d 549 (1992); Saunders v. Lloyd's of London, 113 Wn.2d 330, 345, 779 P.2d 249 (1989).

Regarding the record on review, generally we consider only the evidence that was before the trial court at the time a decision was made. See RAP 9.1, .11. This is because "[t]he function of ultimate fact finding is exclusively vested in the trial court." Ewards v. Morrison-Knudsen Co., 61 Wn.2d 593, 598, 379 P.2d 735 (1963). The trial court is the judge of witness credibility, and we review challenged findings of fact only for substantial evidence in the record before the trial court. See Dodd v. Polack, 63 Wn.2d 828, 829, 389 P.2d 289 (1964). Appellate courts are simply "not in a position either to take evidence or to weigh contested evidence and make factual determinations." State v. Walker, 153 Wn. App. 701, 708, 224 P.3d 814 (2009). Unchallenged findings are verities on appeal. In re Marriage of Brewer, 137 Wn.2d 756, 766, 976 P.2d 102 (1999).

In this appeal, Tracy fails to support the majority of her arguments with any authority or meaningful legal analysis.[2] She has not assigned error to any finding of fact or any conclusion of law. The majority of her arguments lack references to the record before the trial court as required by RAP 10.3(a)(5).[3] Instead, Tracy refers to numerous documents created, and referring to matters occurring, after the January 2010 trial and the March 2010 entry of the orders on appeal.[4] These deficiencies are

[2] Tracy cites one unpublished Washington case and one Utah case in her 44-page opening brief.

[3] Tracy filed several documents in Superior Court after entry of the orders on appeal and then designated those documents for transmittal to this court as clerk's papers. The majority of the citations in Tracy's brief do not refer to matters considered by the trial court at the time of the entry of the orders on appeal.

[4] Tracy has filed several "supplemental pleadings" purporting to contain "vital

sufficient to preclude review. Nevertheless, to the extent possible, we have reviewed her claims and conclude they lack merit.

Parenting Plan.

Tracy first complains that the trial court completely disregarded the GAL's report and recommendation and Dr. Schau's opinion of John's parenting limitations, as well as the best interests of the children, when ordering equal residential time for both parents. The record does not support Tracy's claim.

The trial court heard testimony and questioned both the GAL and Dr. Schau at trial, discussed their opinions in its oral ruling, and entered written findings summarizing their reports and testimony. The trial court found:

> Dr. Schau recommended against any restrictions in the parenting plan against either parent and the court will adopt that recommendation. . . .
> . . . .
> . . . . The Guardian ad Litem recommended a plan that designated Ms. Hatch as the primary parent but gave substantial, extended residential time to Mr. Hatch. The court does not adopt his recommendations.

Instead, the trial court found equal residential time with each parent to be in the children's best interests because it would "increase each parent's bond with the children while minimizing conflict and transfers between them," and allow "both parents respite from the care and stress of the four young boys."

Given our reluctance to encourage appeals by "tinkering" with the difficult

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and pertinent information" for this court's consideration of her appeal. John objected to the first two filings as untimely and improper. Because the filings include documents not considered by the trial court and refer to matters occurring after the entry of the orders on appeal, they are not properly included in the record on appeal and have not been considered by this court.

decisions made by trial courts in dissolution actions, we will affirm such decisions "unless no reasonable judge would have reached the same conclusion." In re Marriage of Landry, 103 Wn.2d 807, 809-10, 699 P.2d 214 (1985). The trial court's decision to grant equal residential time to each parent was well within the range of possibilities suggested by the parties and the expert witnesses at trial. Tracy fails to establish any abuse of the trial court's discretion in the parenting plan.

Property Division.

Tracy complains that the trial court erred in its characterization of property. The trial court's characterization of property as community or separate is a question of law that we review de novo. In re Marriage of Skarbek, 100 Wn. App. 444, 447, 997 P.2d 447 (2000). Under RCW 26.16.010, separate property includes property acquired after marriage by inheritance. Brewer, 137 Wn.2d at 766. John's testimony that he inherited a half interest in a house from his grandmother and deposited the proceeds from the sale of the house in a separate account was undisputed at trial. Tracy's unsupported claim to the contrary on appeal does not establish an error of law in the trial court's characterization of the funds as separate property.

Similarly, Tracy fails to establish abuse of discretion in the trial court's division of property or order for maintenance. Based on its findings that the family home had "a zero value to the community as any equity is outweighed by its debts," and that John was able to afford the monthly payment and intended to continue living there, the trial court awarded the family home and all related debt to John. The trial court also ordered John to pay over $32,000 in community and separate debt and GAL fees. The

trial court explained its intention to "free Ms. Hatch to get her feet on the ground without having any debts" and found the disproportionate award of debt appropriate "given the length of the marriage, the earning capacity of the parties, and the husband's separate property . . . ." And the trial court explicitly considered the RCW 26.09.090 criteria for a maintenance award before ordering John to pay Tracy $2,000 per month in maintenance for three years. Under these circumstances, Tracy fails to establish grounds for relief.

Evidence.

Tracy next claims that the trial court erred by considering an e-mail she claims John obtained by illegally accessing her e-mail account. But Tracy did not object to the admission of the e-mail at trial and agreed that the document admitted at trial was accurate despite the lack of a heading showing the date and time. Accordingly, Tracy has failed to preserve this issue for review. RAP 2.5(a).

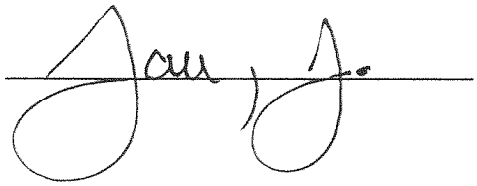
Perjury.

Tracy contends that the trial court failed to recognize that John and other witnesses committed perjury based on inconsistencies between trial testimony and interrogatories, declarations, and other pretrial statements and reports. But Tracy's general speculations regarding perjury do not provide a basis for this court to question the trial court's credibility determinations.

Finally, we do not address Tracy's arguments regarding orders not included in her notice of appeal or raised for the first time in her reply brief. RAP 2.4; RAP 5.1; In re Marriage of Sacco, 114 Wn.2d 1, 5, 784 P.2d 1266 (1990).

John requests attorney fees under RAP 18.9, arguing that Tracy's appeal has no merit, her brief fails to comply with appellate rules, and her motivation appears to be "revenge" as found by the trial court. We note that the trial court did not make an award

of attorney fees below and exercise our discretion under RCW 26.09.140 to deny John's request for attorney fees.



WE CONCUR: