IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

In the Matter of the Marriage of:	)	
	)	DIVISION ONE
YVETTE CONNOR (f/k/a BETTATI),	)	
	)	No. 66104-3-I
Respondent,	)	
	)	UNPUBLISHED OPINION
v.	)	
	)	
ARTHUR BETTATI, JR.	)	
	)	
Appellant.	)	FILED: November 13, 2012
_____	)	

Dwyer, J. – The trial court necessarily has broad discretion to reconsider and revise a prior decision. After reviewing extensive additional legal authority, the trial court here reconsidered an earlier decision and denied Arthur Bettati's motion to transfer the remaining postdissolution matters in this case to California. Because Bettati has failed to demonstrate any abuse of discretion in that determination, we affirm.

I

The relevant facts are undisputed. Arthur Bettati and Yvette Connor

(formerly Bettati) were married in California in 1998 and separated in 2007. They have one child, A.B., who was born in California in 2003. During their marriage, the parties lived in both California and Washington. Connor remained in Washington when the parties separated and eventually moved to Colorado. Bettati returned to California, where he continues to live.

On June 22, 2007, Bettati filed a petition for legal separation in California. On October 3, 2007, before Bettati served Connor with the California petition, Connor petitioned for dissolution in King County Superior Court.

On December 6, 2007, the Washington court declined jurisdiction over child custody matters under chapter 26.27 RCW, the Uniform Child Custody Jurisdiction and Enforcement Act. The court found that California was the child's home state under RCW 26.27.021(7) and that the California action was a child custody proceeding that had commenced before Connor's dissolution petition. See RCW 26.27.251. The court retained all remaining issues in the dissolution proceeding.

Connor made a special appearance in the California separation action and moved to dismiss in favor of the Washington dissolution proceeding and to quash the California-issued summons because California lacked *in personam* jurisdiction. On January 23, 2008, the California court granted both motions. The court found, however, that California was not an inconvenient forum for child custody and care issues and declined to transfer those issues to Washington. Bettati did not appeal the trial court's ruling.

On September 25, 2008, the Washington court entered findings of fact, conclusions of law, and a dissolution decree. The decree divided the parties' property in accordance with a settlement agreement and reserved child support and attorney fee issues for future determination.

On August 2, 2010, Bettati filed a motion in the dissolution court to transfer "jurisdiction and venue over the remaining issues" to California. He asserted that parenting issues were pending in the California proceeding and that Washington was not a "convenient forum" for either party because he continued to live in California and Connor had moved permanently to Colorado. Bettati did not support the motion with any legal argument.

Connor moved to quash the motion, alleging inadequate notice and requesting a continuance to file an adequate response. She maintained that the California court had already declined to exercise personal jurisdiction over her in its January 23, 2008 order and that Bettati had failed to identify any authority permitting the Washington court to order the California court to change that determination.

On August 16, 2010, the trial court granted Bettati's motion and transferred venue and jurisdiction to California. The court found that neither party resided in Washington and that an action involving A.B. was pending in California.

Connor moved for reconsideration, relying primarily on declarations from her California counsel. Her counsel summarized the procedural history and

legal arguments that led to the California court's 2008 refusal to exercise *in personam* jurisdiction over Connor. Counsel noted that there had been no evidence submitted to the California court in the meantime that would allow it to change that determination. In response to Bettati's hearsay assertion that the 2008 order was not final, counsel cited California authority indicating that the order quashing service was an appealable order. Because Bettati had not appealed the order, it had become final and, counsel concluded, the California court could not currently address issues relating to property distribution or child support. Bettati did not submit any controverting authority or legal argument.

On September 10, 2010, the trial court granted Connor's motion for reconsideration and denied the motion to transfer the case to California. Bettati appeals.

II

Bettati contends that the trial court erred when it reconsidered its earlier decision and denied his motion to transfer all remaining issues to California. We review the trial court's reconsideration of a prior decision with a high degree of deference and will overturn its decision only upon a showing of a manifest abuse of discretion. Wagner Dev., Inc. v. Fid. & Deposit Co. of Md., 95 Wn. App. 896, 906, 977 P.2d 639 (1999). Bettati must therefore demonstrate that the trial court's decision was manifestly unreasonable or based on untenable grounds. Wagner Dev., 95 Wn. App. at 906. He fails to satisfy that burden.

III

Bettati's primary contention is that Washington courts "no longer [have] cause to assert *in personam* jurisdiction" because neither party currently resides in Washington. Bettati's arguments fail both legally and factually.

First, it is undisputed that the Washington court had both personal and subject matter jurisdiction to enter the dissolution decree, distribute the parties' property, and make child support decisions. "[O]nce jurisdiction is acquired over the subject matter and the parties in a dissolution of marriage action, jurisdiction over the parties and jurisdiction to modify child placement decisions, awards of spousal maintenance, and child support generally continues." In re Marriage of McLean, 132 Wn.2d 301, 305, 937 P.2d 602 (1997). Thus, contrary to Bettati's claims, the Washington court maintains continuing personal jurisdiction over both parties, even though they no longer reside in Washington. See Marriage of McLean, 132 Wn.2d at 305 (dissolution court had continuing jurisdiction over Idaho resident to modify child support); Heuchan v. Heuchan, 38 Wn.2d 207, 213, 228 P.2d 470 (1951) (dissolution court had continuing jurisdiction over California resident to modify maintenance award); see also Ronken v. Bd. of County Comm'rs, 89 Wn.2d 304, 311–12, 572 P.2d 1 (1977) (trial court has "inherent power to enforce its decrees and to make such orders as may be necessary to render them effective").

Second, many of Bettati's factual allegations are based on the more than 30 "exhibits" that he has appended to his opening and reply briefs. The majority

of these documents were not before the trial court when it granted Connor's motion for reconsideration. Bettati has moved to supplement the appellate record pursuant to RAP 9.11. Connor has moved to strike the documents and related arguments.

Appellate review is necessarily limited to the issues and evidence that were before the trial court at the time of its decision. See RAP 9.1, 9.11. In very limited circumstances, RAP 9.11 authorizes a party to supplement the record with evidence that was not before the trial court. But Bettati has made no showing that his exhibits satisfy the strict criteria set forth in RAP 9.11. His attempt to convert the exhibits into part of the appellate record by filing his appellate brief and appendix in the trial court is equally unavailing.

We therefore grant Connor's motion and strike those exhibits that are not part of the appellate record. We also strike the related argument in the briefs. However, Connor's request for sanctions is denied.

IV

Bettati also raises various allegations regarding change of venue and *forum non conveniens*. Bettati asked the trial court in general terms for a change of venue and claimed Washington was not a convenient forum. But he failed to support those contentions with any coherent legal argument based on the specific facts of this case. We therefore decline to consider his arguments for the first time on appeal. RAP 2.5(a); John Doe v. Puget Sound Blood Ctr.,

117 Wn.2d 772, 780, 819 P.2d 370 (1991).

The trial court reconsidered its original decision to transfer the case to California after reviewing extensive additional authority and legal argument. Viewed in light of the record before it, the court's decision was reasonable and based on tenable grounds. The court did not abuse its discretion.

Affirmed.

Dwyer, J.

We concur:

Leach, C.J.

Spearman, A.C.J.