



Case Alert: Washington

Mandatory Limitations Against Joint Decision-Making Based on a History of Domestic Violence Cannot be Removed in a Parenting Plan Modification

[In re Marriage of Hannah v. McAdams, 27 Wn. App. 577, 541 P.3d 372 \(2023\)](#)

How could this case help? This case may help survivors of domestic violence when the other party wants to modify a parenting plan to change from limited decision-making to joint decision-making. If the trial court previously made a finding of domestic violence against the opposing party, then sole decision-making was mandatory, and it continues to be mandatory.

Summary of the case In the original parenting plan, the trial court found that McAdams had a history of domestic violence. Because of that, there were mandatory limitations against joint decision-making under the law (RCW 26.09.191(1)). This made Hannah the sole decision-maker for their two children. McAdams later filed a petition to modify the parenting plan to get joint decision-making. He argued that his completion of the court-ordered domestic violence treatment and no additional domestic violence incidents were substantial changes in circumstances so he could modify the original parenting plan and get joint decision-making. The trial court disagreed, and so he appealed.

The appellate court upheld the trial court's decision. Decision-making limitations are mandatory under the parenting plan law when there is a history of domestic violence (RCW 26.09.191(1)). The trial court does not have the same discretion they do when crafting residential time limitations. Also, McAdams completed domestic violence treatment *before* the original parenting plan was ordered, and he continued to try to exert power and control over Hannah after the parties' divorce.

Practice Tips

1. If the other party in a **parenting plan modification is trying to get joint decision making, even though they have a history of domestic violence**, show the court this case.
2. If the other party is arguing that **there is a difference between an original and modified parenting plan when it comes to limitations based on domestic violence**, show the court this case.

For questions or clarifications, email or call Family Violence Appellate Project at infoWA@fvaplaw.org or (360) 680-1030. Thank you!