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STATE OF WASHINGTON
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No. ~~83768-6~~ 89779-4

SUPREME COURT OF THE STATE OF WASHINGTON

KATHIE COSTANICH,

Appellant,

v.

STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND
HEALTH SERVICES, SANDRA AND JOHN DOE DURON, CAROL
AND JOHN DOE SCHMIDT, BEVERLY AND JOHN DOE PAYNE,
JAMES AND JANE DOE BULZOMI, ROBERT AND JANE DOE
STUTZ, INGRID AND JOHN DOE McKENNY,

Respondents.

AMICUS CURIAE MEMORANDUM OF THE FOSTER PARENTS
ASSOCIATION OF WASHINGTON STATE IN SUPPORT OF
PETITION FOR REVIEW

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I. INTRODUCTION

FPAWS is a statewide, non-partisan, non-profit organization, chartered in 1973, dedicated to providing support and services to foster families throughout the State of Washington. FPAWS submits this memorandum in support of Katie Costanich's petition for review.

This case satisfies RAP 13.4 (b) because it presents an issue of substantial public interest that should be determined by the Supreme Court. Without review by this Court, state actors will be free to submit misleading and fabricated evidence to courts for foster child placement decisions, resulting in harm to these children and increasing exodus of foster families from the system. The safety net upon which children in need rely will become even more porous, as foster parents cannot risk opening their homes while being subject to false and harmful testimony that disrupts their families – which includes the foster children for whom the utmost protection should be given.

II. REASONS FOR GRANTING REVIEW

Other than rehabilitating parents, the most important aspect of providing nurture and safety for vulnerable children is the foster family. Institutions have been relegated to last resort, as evidence

by the priorities of placement the legislature sets forth in RCW 13.34 et seq. Foster families give children a home, where they can focus on being children, rather than just surviving.

The State of Washington constantly seeks foster families because they are too few in number to address current needs. The State struggles with keeping siblings together because the limited number of foster families means they are always full or near capacity. In rural areas, the State has "loaded up" foster families with multiple children to meet these needs.

Yet there has been an exodus of foster families. FPAWS notes that this State is in crisis when it comes to having a sufficient number of quality foster homes. This is because foster parents are the best recruiters of new foster parents. As high-quality, experienced foster parents encounter state actors who provide misinformation, incomplete information, and even false information as seen in this case, they are either forced out or they leave because there is no meaningful avenue to address the impact on the foster family absent a jury trial. And as foster parents leave, or stay in but remain harmed and wary, they will not recruit other families and in fact their experiences militate against it. If foster families cannot trust the system that is designated to recruit, train,

and support them, the exodus Washington State has experienced over the last couple years will continue.

FPAWS asks that Court to consider the public impact of the issues presented here. If foster parents are given basic rights long recognized as key to due process -- i.e., to be free from fabrications and misconduct of the government -- they will not be forced to leave what at this time is an oddly skewered system in favor of state actors. It is important to note that this right would protect not only the foster parents, but also the foster children who receive desperately needed love, nurture, and safety from them, and the system as a whole. It is difficult to imagine an issue of greater public concern -- providing for children in the greatest need.

And finally, the public interest is impacted by alleged misconduct of state actors with no accountability. Each and every foster parent is held accountable for his or her actions, and rightly so, because their conduct affects vulnerable children. The public has a significant interest in whether that standard should also apply to the state actors in charge of these children. This question can be answered only by this Court granting the Petition for Review.

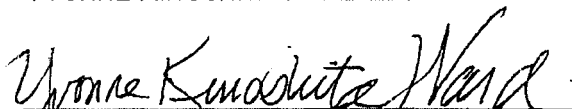
III. CONCLUSION

FPAWS respectfully requests that the Court accept review of the Petition. The issues raised therein have significant public impact as they address what foster parents face every day – dealing with State actors who make foster child placement decisions and control information to the trial courts, and remedies for misconduct related therein.

If review is accepted, FPAWS will seek leave to file an amicus curiae brief limited to the issues of foster parents' due process rights and remedies based upon state actor misconduct.

RESPECTFULLY SUBMITTED on March 18, 2014.

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