IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re Interest of T.L.M.	)	
	)	Nos. 94673-6, 94674-4
	)	
	)	ANSWER TO MOTION
	)	TO CONSOLIDATE

I. INTRODUCTION

T.L.M., by and through Nathan S. Eilert of the Spokane County Public Defender's Office, respectfully requests this court deny K.M.'s (the mother's) motion to consolidate case numbers 34988-8-III and 35052-5-III from the Washington State Court of Appeals, Division III, because the motion is premature where this court has not yet decided whether to grant the mother's petitions for review.

II. IDENTITY OF ANSWERING PARTY

T.L.M. is the respondent in both petitions for review pending before this court, was the respondent in both appeals dismissed by the court of appeals, and was the minor who filed the Child in Need of Services (CHINS) petitions in the Spokane County Superior Court.

III. STATEMENT OF RELIEF SOUGHT

T.L.M. respectfully request this court deny the mother's motion to consolidate.

IV. Facts Relevant to Answer

T.L.M. filed a CHINS petition. The superior court granted the youth's petition after a contested hearing on April 8, 2016. The CHINS petition ran its full course and was set to expire on December 14, 2016. T.L.M. filed a second CHINS petition prior to the expiration of her first case. The court issued temporary orders for her second petition on December 9, 2016. Due to the new petition, the youth dismissed her first CHINS petition on December 12, 2016.

The mother appealed on January 9, 2017. The superior court subsequently dismissed the youth's second CHINS petition after hearing testimony on January 13, 2017. The dismissal was based on the youth's testimony that she never intended to go home and nothing, including counseling, would change her mind. The mother submitted a second appeal on January 23, 2017.

On January 24, 2017, the mother moved to consolidate her two appeals pending before the court of appeals. The court of appeals set the matters on its motion docket to determine whether the superior court's orders were appealable as a matter of right. The court of appeals commissioner dismissed the mother's two appeals as moot and declined to address her motions to consolidate. A court of appeals panel denied the mother's motion to modify.

The mother petitioned this court for review of both matters on June 13, 2017. Then, on June 20, 2017, the mother filed in this court duplicate motions to consolidate court of appeals case numbers 34988-8-III and 35052-5-III.

V. Grounds for Relief Sought and Argument

RAP 3.3(b) provides, "[t]he appellate court, . . . on motion of a party, may order the consolidation of cases . . . for the purpose of review. A party should move to consolidate two or more cases if consolidation would save time and expense and provide for a fair review of the cases."

Because this court has not yet decided whether it will review either of the mother's cases, it should deny her motion to consolidate as premature. This court must decide the petitions for review individually, on a case-by-case basis. Consolidating the mother's cases at this stage would force the court to accept or reject all or nothing. This court should preserve its options by deciding the petitions for review on their own merits, apart from one another.

The mother's cases have distinct procedural postures and raise different issues. The mother did not attempt to appeal any aspect of the first case until after the superior court dismissed it. If the mother had any constitutional arguments about the orders granting or maintaining T.L.M.'s CHINS petition, she should have filed a motion to revise within

10 days of the dispositional order, or any of the three review hearings held in that case. *See* Spokane Cnty. Super. Ct. Local Admin. R. (LAR) 0.7(a). None of the mother's appellate filings for the first case fall within the 10-day window established in LAR 0.7(a).

The mother also waived any right to appeal the dispositional orders in the first case when she neglected to file an appeal within 30 days of the April 8, 2016 order of disposition. *See* RAP 5.2(a). The only document that could be considered within the 30-day window for appeal was the dismissal order, which the superior court issued on December 12, 2016.

Despite the fact that the two cases deal with the same parties and similar facts, the issue in the first case appears to be simply whether the superior court dismissed it with or without prejudice, while the second case involves more substantive issues. This court should not allow the mother to bootstrap issues from the first case onto the second case via her motion for consolidation.

VI. CONCLUSION

Therefore, this court should deny the mother's motion to consolidate.

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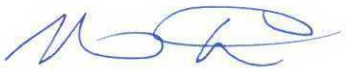
DATED this 29th day of June, 2017.

Respectfully submitted,



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Declaration of Service

I, Michael L. Vander Giessen, declare under penalty of perjury under the laws of the state of Washington that on June 29, 2017, I served a copy of the foregoing Answer to Motion to Consolidate on all parties or counsel of record as follows:

Electronically filed and served via Washington State web portal

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6/29/17 Spokane, Washington
Date and Place

Michael L. Vander Giessen
Spokane County Public Defender's Office

SPOKANE COUNTY PUBLIC DEFENDER'S OFFICE

June 29, 2017 - 1:39 PM

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