

No. 44868-8

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION TWO

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IN RE THE WELFARE OF A.B.

STATE OF WASHINGTON,  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES,

Respondent,

v.

N.B.,

Appellant.

---

ON APPEAL FROM THE SUPERIOR COURT OF THE  
STATE OF WASHINGTON FOR KITSAP COUNTY

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MOTION FOR ACCELERATED REVIEW  
APPELLANT'S OPENING BRIEF

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MAUREEN M. CYR  
Attorney for Appellant

WASHINGTON APPELLATE PROJECT  
1511 Third Avenue, Suite 701  
Seattle, Washington 98101  
(206) 587-2711

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A. SUMMARY OF APPEAL

The trial court erred in terminating N.B.'s parental rights, where the State did not prove he was currently unfit to parent his son, and where the State did not prove there was little likelihood that conditions would improve so that A.B. could be returned to his father in the near future.

B. ASSIGNMENTS OF ERROR

1. In the absence of substantial evidence, the court erred in finding:

The father and the mother have failed to effectively avail themselves of the services ordered pursuant to the aforesaid dependency orders. During the entire time period relevant to these proceedings, the aforementioned services were available if the father or the mother had chosen to avail themselves of such services.

CP 56-57.

2. In the absence of substantial evidence, the court erred in finding:

There is little likelihood that conditions will be remedied so that the above-named child can be returned to either parent in the near future. The father and the mother are currently unfit to parent. [N.B.] does not have a relationship with the child and has not been visiting with the child since August 2012. He also missed significant periods of visitation during other times in the case. He has not participated effectively in services to address his own deficits, including substance abuse (meth addiction)

and domestic violence/anger. His life has been marked with crime, domestic violence and drug addiction. He has not completed the recommended year long domestic violence therapy, and only entered a year long drug treatment program in January 2014 [sic].

CP 57.

3. In the absence of substantial evidence, the court erred in finding:

Continuance of the parent-child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home. The child has spent more than 20 months waiting for the father to get his act together, and cannot wait any longer.

CP 58.

4. In the absence of substantial evidence, the court erred in finding:

An order terminating all parental rights is in the best interests of the aforesaid minor child. The child needs parents who can care for him and it is not appropriate to wait for either the father to get his act together.

CP 58.

5. In the absence of substantial evidence, the court erred in finding:

That it would be in the best interest of the minor child, including the child's health and safety, that the parent-child relationship between the above-named child and [N.B.], father, . . . be terminated and that the child be placed in the custody of the Washington State

Department of Social and Health Services for placement as best suits the needs of the child.

CP 58-59.

6. The court erred in concluding

That all the allegations contained in the termination petition, as provided in RCW 13.34.180(1)(a) through (f), have been established by clear, cogent and convincing evidence.

CP 59.

7. The court erred in terminating N.B.'s parental rights.

C. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. A court may not terminate a parent's rights unless the State proves by clear, cogent and convincing evidence that the parent is currently unfit to parent his child. Did the State fail to meet its burden where the father had been sober for four months and was actively engaged in inpatient treatment for drug addiction, and where there was no evidence that the father posed any current danger to his son despite his past difficulties managing his anger?

2. Where a parent produces evidence that he has been improving over a four-month period preceding the termination trial, the State may not rely solely on past performance to prove there is little likelihood the parent could be reunited with his child in the near future.

Did the State fail to prove Mr. B. could not be reunited with his son in the near future where Mr. B. had been sober for four months and had substantially improved over the four-month period preceding the termination trial?

D. STATEMENT OF THE CASE

A.B. was born on February 11, 2011. CP 55. His mother is E.I. and his father is N.B. CP 56. The couple were living together when the child was born but had separated by the time of the termination trial. 4/02/13 RP 26. Also living with the family was J.G., E.I.'s older child from a previous relationship. 4/02/13RP 5-6.

In May 2011, the Department received a referral alleging domestic violence between the mother and father, which was supposedly witnessed by the children. 4/02/13RP 6. There was also an allegation that Mr. B. had caused bruising on J.G.'s bottom. 4/02/13RP 6. The allegation regarding bruising on J.G.'s bottom was ultimately determined to be unfounded, however, as the "bruise" was actually a "Mongolian spot." 4/02/13RP 44. There was never any allegation that Mr. B. had abused A.B. 4/02/13RP 45. Mr. B. never physically abused either A.B. or J.G. 4/02/13RP 109, 111.

A.B. was placed in the custody of the Department following the referral in May 2011. CP 56. He has remained out of the parents' care since then. CP 56.

A.B. was found dependent in October 2011 following a contested trial. CP 56. N.B.'s parental deficiencies were identified as his criminal history, untreated inability to manage his anger, and drug and alcohol problems. Exhibit 1 at 2.

Mr. B.'s criminal history includes convictions for second degree, third degree and fourth degree assault; possession of methamphetamine; possession of stolen property; and unlawful possession of a firearm. 4/02/13RP 109. None of the assaults involved a partner or a child. 4/02/13RP 109. Mr. B. has had no felony convictions since 2008. 4/02/13RP 123.

Early in the dependency, Mr. B. demonstrated some difficulty managing his anger. In May 2011, when the social worker and law enforcement officer came to the home to pick up the children, Mr. B. was reportedly "combative and explosive," which the social worker and officer believed placed the children at risk of harm. Exhibit 1 at 2-3. He was sometimes "volatile" and had difficulty communicating with the social worker when he was angry. 4/02/13RP 18, 41-42. One time

in court he became “irate” with the judge when the judge questioned the mother about a black eye that she had. 4/02/13RP 42.

But by the time of the termination trial in April 2013, Mr. B. had substantially improved in his ability to manage his anger. Since entering a faith-based drug addiction treatment program in January 2013, he had chosen to put his anger aside and accept help from God. 4/02/13RP 130. He acknowledged that he used to be angry and difficult to talk to but was not that way anymore. 4/02/13RP 131.

There is no evidence that Mr. B.s anger ever placed A.B. at direct risk of harm. The Department never received any allegations that Mr. B. physically abused A.B. 4/02/13RP 45.

Lawrance Majovski, a psychologist, performed a psychological and emotional functioning assessment of Mr. B. 4/01/13RP 29-30, 33-34. He found that Mr. B. had some obsessive-compulsive and antisocial behavior traits and diagnosed him with attention deficit hyperactivity disorder. 4/01/13RP 33, 37-38. Dr. Majovski concluded that, despite these qualities, Mr. B. had the ability to be a good parent. 4/01/13RP 40.

Dr. Majovski also performed a parenting assessment of Mr. B. and observed a visit between him and A.B. 4/01/13RP 34, 36. He

noted nothing of concern from the visit. 4/01/13RP 37. Mr. B. and A.B. were bonded to each other. 4/01/13RP 36, 51. Mr. B. communicated appropriately with the child. 4/01/13RP 36, 51. He was nurturing, giving A.B. plenty of hugs and kisses. 4/01/13RP 36. He was protective and appropriately concerned for A.B.'s safety. 4/01/13RP 36.

Observations of the supervised visits between Mr. B. and A.B. were consistent with Dr. Majovski's observations. The visits were always positive and Mr. B. always acted appropriately. 4/02/13RP 24, 135-36. Mr. B. would bring snacks and toys for A.B. and remained engaged during the visits. 4/02/13RP 24.

Mr. B. used to have an active drug addiction. His drug of choice was methamphetamine. 4/02/13RP 109. But at the time of the termination trial, Mr. B. had been clean and sober for four months. 4/02/13RP 121-22.

Mr. B. was currently in a year-long inpatient drug and alcohol treatment program in Oregon, which he entered in January 2013. 4/02/13RP 99-100, 121. The program is a "faith-based" program, using the bible as a guide for living. 4/02/13RP 101, 124. Mr. B. chose to enter a program in Oregon because he needed to be around new people

and focus on his addiction. 4/02/13RP 124. He attends twice-monthly counseling sessions, at which he discusses his domestic violence and anger management issues. 4/02/13RP 129. He is willing to attend domestic violence courses in Oregon. 4/02/13RP 127.

Russ Johnson, the coordinator for the Oregon program, testified at the termination trial by telephone. 4/02/13RP 99. He said he had seen growth in Mr. B. since he entered the program, both spiritually and in terms of his general well-being. 4/02/13RP 103. Mr. B. had no reported problems since entering the program. 4/02/13RP 104. Mr. Johnson had no reason to suspect that Mr. B. was not maintaining his sobriety. 4/02/13RP 104.

Mr. B. loves his son and thinks it is in his best interest to remain with his family. 4/02/13RP 132. Since entering the inpatient drug treatment program, Mr. B. is facing his issues and has a brighter future. 4/02/13RP 131. The program has helped him to find a purpose in life; he realizes his faults and has chosen to change and put his anger aside. 4/02/13RP 130. He can be a good father and wants the chance to be one. 4/02/13RP 131. He is not the same man he used to be. 4/02/13RP 132.

Despite Mr. B.'s substantial improvement, the trial court terminated his parental rights. CP 60-62.

E. ARGUMENT

THE COURT ERRED IN TERMINATING MR. B.'S PARENTAL RIGHTS

A biological parent has fundamental liberty and privacy interests in raising his child, and the State can infringe upon those interests only when the parent is endangering the child's physical or emotional welfare. In re Welfare of C.S., 168 Wn.2d 51, 54, 225 P.3d 953 (2010); U.S. Const. amend. XIV; Const. art. I, § 3. "The United States Constitution mandates that the State can completely and irrevocably sever the rights of a parent to his or her natural children only where the parent's unfitness has been shown by 'at least clear and convincing evidence.'" C.S., 168 Wn.2d at 55; Santosky v. Kramer, 455 U.S. 745, 747-48, 102 S. Ct. 1388, 71 L. Ed. 2d 599 (1982).

To satisfy this mandate Washington's termination statute requires the State to prove six statutory factors by clear, cogent, and convincing evidence before termination may be considered.<sup>1</sup> C.S., 168

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<sup>1</sup> Before a court may terminate parental rights, the State must prove:

- (a) That the child has been found to be a dependent child;
- (b) That the court has entered a dispositional order

Wn.2d at 55; RCW 13.34.180(1); RCW 13.34.190(1)(a). Once the court has found the six statutory factors are proved by clear, cogent, and convincing evidence, the court must then find, by a preponderance of the evidence, that termination is in the child's best interest. RCW 13.34.190(2); In re Welfare of A.B., 168 Wn.2d 908, 232 P.3d 1104, 1113 (2010).

In reviewing a termination order, this Court upholds a juvenile court's findings of fact if the findings are supported by substantial evidence from which a rational trier of fact could find the necessary facts by clear, cogent and convincing evidence. In re Dependency of K.S.C., 137 Wn.2d 918, 925, 976 P.2d 113 (1999). Clear, cogent and

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pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. . . . and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

RCW 13.34.180(1).

convincing evidence exists when the ultimate fact at issue is “highly probable.” Id. Substantial evidence is evidence that would persuade a fair-minded rational person of the truth of the declared premise. In re Welfare of C.B., 134 Wn. App. 942, 953, 143 P.3d 846 (2006).

1. **The State did not prove Mr. B. was currently unfit**

A parent's constitutional right to due process of law requires a showing that the parent is currently unfit to parent. In re Welfare of A.G., 160 Wn. App. 841, 843-44, 248 P.3d 611 (2011); A.B., 168 Wn.2d at 911. The court must find, and the record must show, that the parent has current deficiencies and that those deficiencies affect his ability to parent. A.G., 160 Wn. App. at 845. Whether the proceeding satisfies constitutional due process is a question of law this Court reviews de novo. Id. at 844.

The State must prove not only the existence of a deficiency but also must show *how* the alleged deficiency prevents the parent from being a capable parent. In re Dependency of T.L.G., 126 Wn. App. 181, 203, 108 P.3d 156 (2005). Thus, for example, if the State alleges the parent is mentally ill, it must show how the parent's mental illness affects his or her parenting ability. Id. “[M]ental illness is not, in and of itself, proof that a parent is unfit or incapable. The court must

examine the relationship between the mental condition and parenting ability.” Id.

Here, in the dependency order in October 2011, the court found that Mr. B.’s parental deficiencies were his criminal history, untreated inability to manage his anger, and drug and alcohol problems. Exhibit 1 at 2. But by the time of the termination trial in April 2011, the State did not prove Mr. B. currently had those deficiencies or that they prevented him from being a capable parent.

Mr. B. has a criminal history but there is not clear and convincing evidence that his criminal history prevents him from being a capable parent. None of his crimes involved children. 4/02/13RP 109. He has had no felony convictions since 2008. 4/02/13RP 123.

The State also did not prove Mr. B.’s previous problems managing his anger currently prevented him from being a capable parent. Mr. B. never physically abused A.B. and there is no evidence he ever took his anger out on the child. 4/02/13RP 45, 109, 111. Since entering the inpatient drug addiction program in January 2013, Mr. B. had learned how to put his anger aside and accept help from God. 4/02/13RP 130. He openly acknowledged that he used to be angry and difficult to talk to but was not that way anymore. 4/02/13RP 131.

Finally, the State did not prove Mr. B.'s drug addiction, which was currently in remission, prevented him from being a capable parent. He had been clean and sober for four months. 4/02/13RP 104, 121-22. He was making substantial progress in the program and had made significant improvement. 4/02/13RP 103.

In sum, the State did not prove by clear, cogent and convincing evidence that Mr. B. had current deficiencies that prevented him from parenting A.B.

**2. The State did not prove there was little likelihood that Mr. B. could parent A.B. in the near future**

Before a court may terminate a parent's fundamental rights, the State must prove by clear, cogent and convincing evidence that “there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future.” RCW 13.34.180(1)(e).

In In re Welfare of C.B., 134 Wn. App. 942, 953, 143 P.3d 846 (2006), this Court held,

where a parent produces evidence that she has been improving over a four-month period after the State files a termination petition, but before the termination hearing, the State may not rely solely on past performance to prove that it is highly probable that there is little likelihood that the parent will be reunited with her children in the near future.

Moreover, where the record indicates that the child cannot wait more than six months to a year for reunification, the State must prove it would take the parent more than a year to improve enough to be reunited with the child. Id. at 956-57.

In C.B., the mother conceded she was unfit when the Department removed her children. Id. at 947. Further, she was initially slow to engage in services or make progress in remedying her deficiencies. Id. at 947-48. But over a four-month period prior to the termination trial, the mother made significant progress. Id. at 948-49. Despite this evidence, at the termination trial, the State maintained the mother's rights should be terminated, because she had failed to engage in services numerous times in the past, and because “she still needed to work on anger management and would have to demonstrate that she was clean and sober and that she could provide a safe home.” Id. at 950. This Court rejected the State's argument and held instead that the State must take account of the parent’s recent improvements and could not rely solely on her past performance. Id. at 953, 957-58.

In addition, the evidence in C.B. showed the children needed structure, consistency and a sense of permanency, and that they were bonded in their current placement and would be negatively impacted if

they kept moving from placement to placement. Id. at 950. The evidence also showed that a six-month or one-year period of time in these young children's lives was "a significant period of time," and that they would be negatively impacted if they waited another year in foster care. Id. at 954. But despite this evidence of the children's immediate need for permanency, this Court held the State must show the parent would need more than a year to improve sufficiently to be reunited with her children. Id. at 957. Because the State did not make that showing, the termination order was reversed. Id. at 959.

C.B. is indistinguishable from this case. Like the mother in C.B., Mr. B. had made significant progress in the four to five months preceding the termination trial, despite his slow start in engaging in services. Id. at 948-49. He was fully addressing his drug addiction and had been clean and sober for four months. 4/02/13RP 99-104, 121-22. He would complete the inpatient program in January 2014, well within the next year. 4/02/13RP 99-100.

Mr. B. had also made significant progress in learning how to manage his anger. There were no reported angry outbursts since the early stages of the dependency. Mr. B. was learning to put his anger aside and accept help from God. 4/02/13RP 130. He demonstrated

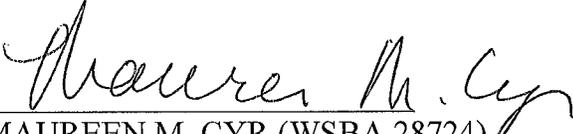
insight into his anger and had chosen to change. 4/02/13RP 130-31.  
There is no evidence that Mr. B. ever physically abused A.B. or took his anger out on him. In light of his significant improvement in understanding and managing his anger, the State did not prove by clear, cogent and convincing evidence that Mr. B.'s previous anger problems prevented him from being able to parent A.B. in the near future.

In sum, the State did not prove by clear, cogent and convincing evidence that there was little likelihood that Mr. B. could be reunited with A.B. in the near future.

F. CONCLUSION

The State did not prove that Mr. B. had current deficiencies that prevented him from being a capable parent or that there was little likelihood he could be reunited with his son in the near future. Therefore, the termination order must be reversed.

Respectfully submitted this 28th day of August, 2013.

  
MAUREEN M. CYR (WSBA 28724)  
Washington Appellate Project - 91052  
Attorneys for Appellant

## **APPENDIX**

LED  
KITSAP COUNTY CLERK

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DAVID W. PETERSON

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6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
7 IN AND FOR THE COUNTY OF KITSAP  
8 JUVENILE DEPARTMENT

8 In Re the Welfare of:

NO. 12-7-00056-5

9 AXIAN BARTH, 02/11/2011

FINDINGS OF FACT AND CONCLUSIONS  
10 OF LAW AS TO NICHOLAS BARTH,  
11 FATHER, AND EMILY IRBY, MOTHER.

12 THIS MATTER having come on regularly for hearing for a termination of parental rights  
13 before the undersigned Judge of the above-entitled court on April 1-2, 2013; NICHOLAS BARTH,  
14 father of the child, was served notice hereof by personal service and did appear personally, and  
15 through counsel, DAVID WECKER; EMILY IRBY, mother of the child, was served notice hereof  
16 by personal service and did appear personally, and through counsel, CHERRY DAVIS; the  
17 Washington State Department of Social and Health Services Social Worker, CANDACE  
18 FITZPATRICK, was personally present and represented through attorneys, ROBERT FERGUSON,  
19 Attorney General, and PETER KAY, Assistant Attorney General; SUSAN KUEHL, CASA  
20 appeared as Guardian ad Litem for the minor child; and the court having considered the files and  
21 records herein, and listened to all the evidence presented by all parties, the arguments of counsel,  
22 and the court, NOW, THEREFORE, makes and enters the following:

23 FINDINGS OF FACT

24 I.

25 AXIAN BARTH was born on February 11, 2011.  
26

## II.

1  
2 A petition setting forth allegations for the termination of parental rights relative to the  
3 aforesaid child, who is within or resides within KITSAP County, has been filed.

## III.

4  
5 The parents of the above child are EMILY IRBY, mother, and NICHOLAS BARTH, father.

## IV.

6  
7 AXIAN BARTH was originally found dependent at a contested dependency trial in October  
8 2011, pursuant to RCW 13.34.030, and the court subsequently entered a dispositional order.

## V.

9  
10 Since being found to be a dependent child, the Kitsap County Juvenile Court has continued  
11 to find AXIAN BARTH to be a dependent child pursuant to RCW 13.34.030.

## VI.

12  
13 AXIAN BARTH was placed in the custody of the Department of Social and Health  
14 Services for foster/relative care in May 2011, and has remained out of the parents' care  
15 continuously since then.

## VII.

16  
17 All services ordered under RCW 13.34.130 have been expressly and understandably offered  
18 and/or provided to NICHOLAS BARTH, including: drug/alcohol evaluation and treatment; random  
19 UAs; domestic violence/anger management assessment and treatment; neuropsychological  
20 evaluation and parenting assessment; and parenting classes. All services ordered under RCW  
21 13.34.130 have been expressly and understandably offered and/or provided to EMILY IRBY,  
22 including: drug/alcohol evaluation; domestic violence services; individual counseling;  
23 neuropsychological evaluation and parenting assessment; and parenting classes

## VIII.

24  
25 The father and the mother have failed to effectively avail themselves of the services ordered  
26 pursuant to the aforesaid dependency orders. During the entire time period relevant to these

1 proceedings, the aforementioned services were available if the father or the mother had chosen to  
2 avail themselves of such services.

3 IX.

4 All services reasonably available, capable of correcting the parental deficiencies within the  
5 foreseeable future, have been offered or provided to the parents. The mother has neurological and  
6 cognitive deficits that cannot be cured through therapy. There are no other services that can be  
7 offered to the mother to assist her, because her deficits cannot be changed.

8 X.

9 There is little likelihood that conditions will be remedied so that the above-named child can  
10 be returned to either parent in the near future. The father and the mother are currently unfit to  
11 parent. NICHOLAS BARTH does not have a relationship with the child and has not been visiting  
12 with the child since August 2012. He also missed significant periods of visitation during other times  
13 in the case. He has not participated effectively in services to address his own deficits, including  
14 substance abuse (meth addiction) and domestic violence/anger. His life has been marked with  
15 crime, domestic violence and drug addiction. He has not completed the recommended year long  
16 domestic violence therapy, and only entered a year long drug treatment program in January 2014.

17 EMILY IRBY has neurological and cognitive deficits that do not allow her parent to the  
18 child. Because of these deficits, she cannot make the intuitive judgments that parents have to make.  
19 She is not able to grasp child development, and while she is able to perceive obvious dangers to  
20 herself, she is unable to perceive the subtle dangers that impact children. She cannot understand the  
21 impact and effect things have on children, or communicate effectively with the child. These deficits  
22 cannot be cured by therapy or any other service.

23 XI.

24 AXIAN BARTH is not an Indian child as defined by the Indian Child Welfare Act.

25 XII.

26 The Service members Civil Relief Act of 2003, 50 U.S.C. §501, *et. seq.*, does not apply.

## XIII.

Continuance of the parent-child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home. The child has spent more than 20 months waiting for the father to get his act together, and cannot wait any longer. The child needs a permanent home and the mother cannot parent the child as a result of her deficits.

## XIV.

An order terminating all parental rights is in the best interests of the aforesaid minor child. The child needs parents who can care for him and it is not appropriate to wait for either the father to get his act together or the mother, who's deficits cannot be changed. The child has been out of the care of the parents since he was four months old.

## XVI.

The Guardian ad Litem, SUSAN KUEHL, CASA, appeared at the hearing and recommended that the parental rights of the father and the mother be permanently terminated.

## XVII.

The child has the following siblings: Jaleel Gregory, half-sibling who resides with his father, and who is no longer a dependent child.

FROM THE FOREGOING FINDINGS OF FACT, THE COURT NOW MAKES AND ENTERS THE FOLLOWING:

CONCLUSIONS OF LAW

## I.

That this court has jurisdiction of the person of said minor child, of NICHOLAS BARTH, father, EMILY IRBY, mother and of the subject matter of this case.

## II.

That it would be in the best interest of the minor child, including the child's health and safety, that the parent-child relationship between the above-named child and NICHOLAS BARTH, father, and EMILY IRBY, mother, be terminated and that the child be placed in the custody of the

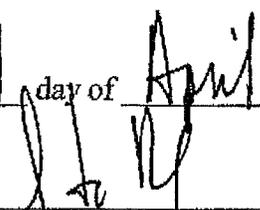
1 Washington State Department of Social and Health Services for placement as best suits the needs of  
2 the child. The Department of Social and Health Services has the authority to consent to the  
3 adoption of the child and to place said child in temporary care and authorize any needed medical  
4 care, dental care or evaluations of the child until the adoption is finalized.

5 III.

6 That all the allegations contained in the termination petition, as provided in RCW  
7 13.34.180(1)(a) through (f), have been established by clear, cogent and convincing evidence.

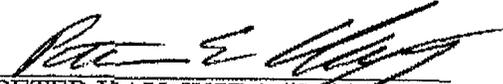
8 IV.

9 That an order terminating the parent and child relationship between AXIAN BARTH and  
10 NICHOLAS BARTH, father, and EMILY IRBY, mother, is in the best interests of the child.

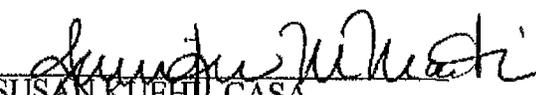
11  
12 DONE IN OPEN COURT this 19 day of April, 2013.  
13  
14   
15 \_\_\_\_\_  
16 JUDGE STEVE DIXON

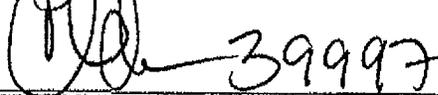
15 Presented by:

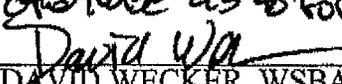
16 ROBERT FERGUSON  
17 Attorney General

18   
19 PETER KAY, WSBA #24331  
Assistant Attorney General

20 Approved for Entry:

21  
22   
23 SUSAN KUEHL, CASA  
Guardian ad Litem

24   
25 CHERRY DAVIS, WSBA  
Attorney for Mother

26  
*Each Finding and conclusion  
are challenged as B substance  
otherwise as to form*  
  
DAVID WECKER, WSBA  
Attorney for Father

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION TWO**

IN RE A.B.  
MINOR CHILD

N.B.,

APPELLANT FATHER.

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NO. 44868-8-II

**DECLARATION OF DOCUMENT FILING AND SERVICE**

I, MARIA ARRANZA RILEY, STATE THAT ON THE 28<sup>TH</sup> DAY OF AUGUST, 2013, I CAUSED THE ORIGINAL **OPENING BRIEF OF APPELLANT** TO BE FILED IN THE **COURT OF APPEALS – DIVISION ONE** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

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**SIGNED** IN SEATTLE, WASHINGTON THIS 28<sup>TH</sup> DAY OF AUGUST, 2013.

X \_\_\_\_\_ 

Washington Appellate Project  
701 Melbourne Tower  
1511 Third Avenue  
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# WASHINGTON APPELLATE PROJECT

## August 28, 2013 - 4:09 PM

### Transmittal Letter

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Court of Appeals Case Number: 44868-8

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Cost Bill

Objection to Cost Bill

Affidavit

Letter

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Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

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