

FILED  
Court of Appeals  
Division II  
State of Washington  
10/9/2019 4:04 PM

NO. 52928-9-II

THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION TWO

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In re the Dependency of:

T.P.,

A minor child.

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

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REPLY BRIEF OF APPELLANT

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A. ARGUMENT IN REPLY

**1. This Court should hear this case under the public interest exception to mootness and hold that the trial court violated RCW 13.34.065 by continuing a contested shelter care hearing outside of the 72-hour statutory time limit.**

*a. Whether a trial court is routinely violating the shelter care statute is a matter of public interest, and issues presented shelter care hearings will evade review unless this Court considers them under the public interest exception to mootness.*

Appellate courts will decide issues that are moot if they involve matters of continuing and substantial public interest. *In re Det. of H.N.*, 188 Wn. App. 744, 750, 355 P.3d 294 (2015). If a court can no longer provide effective relief, then the appeal is moot. *In re Det. of Cross*, 99 Wn.2d 373, 376-77, 662 P.2d 828 (1983). However, even where moot, this Court has discretion to consider the issues under the public interest exception. *H.N.*, 188 Wn. App. at 750. The court examines five factors in making this determination: (1) whether the issue is of a public or private nature; (2) whether an authoritative determination is desirable to provide future guidance to public officers; (3) whether the issue is likely to recur; (4) whether the parties are sufficiently adverse and well represented; and (5) whether the issue will likely escape review because the facts of the controversy are short-lived. *Id.* at 749-50.

As determined by this Court's Commissioner, this case falls under the public interest exception to mootness. App. at 8. First, the issues are of a public nature. The Department's emergency removal of a child from the home is a terrifying, highly traumatic event for child and parent. See Paul Chill, *Burden of Proof Begone: the Pernicious Effect of Emergency Removal in Child Protective Proceedings*, 41 Fam. Ct. Rev. 457, 457 (2003). The people making removal decisions may not witness the impact of removing a child from the home:

[A] child exists on a piece of paper, alongside a list of disturbing circumstances. They don't see a child having a panic attack at 3 a.m. because he is suddenly alone in the world. Or slamming his head against a wall out of protest and desperation. The good intentions that go into the decision to remove a child often have little to do with the sometimes brutal outcomes of that choice.

*Chill, supra*, at 458 (citing Akka Gordon, *Taking Liberties*, City Limits (Dec. 2000), at <https://citylimits.org/2000/12/01/taking-liberties> (recollections of a case former New York City case worker) (last visited 3/28/19)). The drastic and potentially life altering act of removing a child from a parent in violation of law makes this a matter of public interest.

Additionally, the parties are adverse, and guidance to the lower courts is undeniably desirable. Here, the Pierce County Superior Court

is routinely and systematically continuing shelter care hearings beyond the 72 hour requirement enumerated in RCW 13.34.065(1)(a).

Guidance from this Court on the application of the shelter care statute will correct the blatant violation of the statute by the Superior Court.

Moreover, there is no question this issue is likely to recur but evade review. Indeed, the Department conceded at oral argument on the Motion for Discretionary Review that this issue is a recurring one. As in this case, the Pierce County Superior Court regularly continues shelter care hearings for several weeks as a “normal practice.” RP 5. There is “little or no possibility” the continuance of a shelter care hearing can be reviewed by the appellate court before it is made moot by a subsequent hearing. *See In re Dependency of H.*, 71 Wn. App. 524, 528, 859 P.2d 1258 (1993).

In *Dependency of H.*, this Court granted review of a shelter care order after a full dependency fact finding hearing, which rendered the shelter care order moot. 71 Wn. App. at 527. This Court nevertheless granted review of the shelter care order based on a parent’s due process right at the statutorily mandated hearing that would otherwise escape review. *Id.* at 528. Similarly here, D.P. subsequently entered an agreed shelter care order, rendering his challenge to the initial continuance

moot. CP 107. This Court should consider this case under the public interest exception to mootness because such issues will otherwise continue to escape review.

*b. The trial court violated the unambiguous, 72-hour time limit enumerated in RCW 13.34.065 when it continued Mr. Peterson's shelter care hearing for 20 days.*

As discussed in the opening brief, RCW 13.34.065 unambiguously requires a shelter care hearing be held within 72 hours of a child's removal from her parents. Br. of Appellant at 4-10. This Court should hold that long term continuances of shelter care hearings where a parent challenges the Department's allegations is contrary to the statute and violates due process. Moreover, this Court should determine that dismissal of the petition and return home of the child is the proper remedy where a child is forcibly removed from home for longer than 72 hours without any judicial determination that shelter care is necessary.

The Department argues that case law simply does not provide a remedy for the court's violation of Mr. Peterson's<sup>1</sup> statutory and due process right to a shelter care hearing within 72 hours of his daughter's

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<sup>1</sup> Pursuant to General Order 2006-1 of this Court, "Dan Peterson" is a pseudonym for the father, D.P.

removal. Br. of Respondent at 10. This answer is wholly unsatisfactory given the significant, fundamental interests at stake in dependency matters, and it is precisely why this Court should determine that return home and dismissal of the petition is the only appropriate remedy for the court's blatant statutory and due process violation.

Removals can be terrifying experiences for children and families. Often they occur at night. Parents have little or no time to prepare children for separation. The officials conducting the removal, as well as the adults supervising the placement, are usually complete strangers to the child. Children are thrust into alien environs, separated from parents, siblings and all else familiar, with little if any idea of why they have been taken there.

*Chill, supra*, at 540.

It is unacceptable that the court may, contrary to statute and due process, deprive a father of his child without any remedy or consequences to its case. This Court should hold the appropriate remedy for such a violation is to dismiss the petition and return the child home. No other remedy would adequately enforce the plain language of the statute and the emergency nature of shelter care hearings, or honor the statute's intent of providing prompt judicial review of the initial allegations and removal. Without a meaningful

remedy, the Department has no incentive to comply with mandatory terms of statutes.

**2. This Court should reach Mr. Peterson’s constitutional challenge to the court’s continuance of the shelter care hearing.**

The Department argues this Court should decline to consider Mr. Peterson’s due process challenge to the trial court’s order of continuance. Br. of Respondent at 14. The Department maintains this issue may be resolved on statutory grounds alone, that Mr. Peterson has not properly briefed his due process challenge for failure to conduct a *Mathews v. Eldridge* analysis,<sup>2</sup> and that the continuance here did not violate his constitutional rights. *Id.* These arguments are unfounded.

This Court has already conducted a *Mathews* analysis in the context of shelter care hearings. *See In re Dependency of H.W.*, 70 Wn. App. 552, 854 P.2d 1100 (1993) (holding that parents are entitled to a hearing within 72 hours, notice, and an opportunity to respond to the general allegations of dependency). The Department’s argument is a red herring, and no additional analysis is necessary.

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<sup>2</sup> *Mathews* lays out a three-part balancing test to determine the nature of the process due in a particular proceeding. *Mathews v. Eldridge*, 424 U.S. 319, 335, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976).

Moreover, Chapter 13.34 RCW “protects the due process of parents and other parties in ‘all proceedings.’” *In re Dependency of R.L.*, 123 Wn. App. 215, 221, 98 P.3d 75 (2004). “The fundamental requirement of due process is the right to be heard at a meaningful time and in a meaningful manner.” *Id.* (citing *Mathews*, 424 U.S. at 334). “[RCW 13.34.060]<sup>3</sup> embodies due process principles requiring ‘a full and meaningful opportunity to present evidence.’” *Id.* at 222 (quoting *In re Hansen*, 24 Wn. App. 27, 36, 599 P.2d 1304 (1979)).

As our courts have determined, the shelter care statute enumerates what process is due for a parent embroiled in shelter care proceedings. Thus, violation of the statute’s mandated procedures necessarily constitutes a due process violation. Contrary to the Department’s argument, this Court cannot resolve this case solely on statutory grounds.

Finally, the Department’s argument that Mr. Peterson’s due process rights were not violated by the court’s violation of the shelter care statute is misplaced. As discussed above and in the opening brief, no shelter care hearing occurred here, and violation of the statute *is* in

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<sup>3</sup> At the time *R.L.* was decided, RCW 13.34.060 (1990) governed the shelter care hearing procedures; those procedures are now codified at RCW 13.34.065.

itself a due process violation. That the court made certain findings ex parte to support removal of Mr. Peterson's daughter is irrelevant where the court failed to conduct a proper shelter care hearing. *See* Br. of Respondent at 16. As this Court's Commissioner found, the continuance in this case "does not appear to have served as a shelter care hearing for purposes of RCW 13.34.065(5)(a)." App. at 9. The court's failure to hold a shelter care hearing within 72 hours as required by statute separated Mr. Peterson from his daughter for nearly three weeks and violated his right to due process.

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B. CONCLUSION

For the reasons stated above and in the opening brief, Mr. Peterson respectfully asks this Court hold that failure to conduct a shelter care hearing within 72 hours as required under RCW 13.34.065 is a statutory and due process violation, necessitating dismissal of the dependency petition and return home of the child..

DATED this 9<sup>th</sup> day of October 2019.

Respectfully submitted,

/s Tiffinie B. Ma

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# APPENDIX

# IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

## DIVISION II

FILED  
COURT OF APPEALS  
DIVISION II  
2019 MAY 10 AM 8:49  
STATE OF WASHINGTON  
BY AP DEPUTY

IN THE MATTER OF THE  
DEPENDENCY OF:

No. 52928-9-II

T.P.,

RULING GRANTING REVIEW

A minor child.

D.P. is the father of T.P., a three-year-old girl.<sup>1</sup> He seeks discretionary review of the juvenile court order continuing a shelter care hearing. Concluding that he shows discretionary review is appropriate under RAP 2.3(b), this court grants review.

### FACTS

On December 11, 2018, the Department of Children, Youth, and Families (Department) removed T.B. from her home and filed a dependency petition. Two days later, the juvenile court commenced a shelter care hearing. D.P. and T.P.'s mother, N.D., appeared for the shelter care hearing. One attorney represented both parents only for purposes of this hearing. Each parent requested that the juvenile court appoint separate counsel. The Department began the hearing by noting that the "parents are requesting a

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<sup>1</sup> N.D. is T.P.'s mother. N.D. is also the mother of A.C.

contested hearing to be set.” Report of Proceedings (RP) Dec. 13, 2018 at 1-2. The Department notified the court that the children were placed with relatives. It also requested a hair follicle test for T.P. The juvenile court inquired whether the parents were a member or had a right to be a member of an Indian tribe. The court also appointed a guardian ad litem for T.P. The parties set up a visitation schedule. The parents requested “as much visitation as possible with the lowest level supervision.” RP Dec. 13, 2018 at 4. The court granted D.P. and N.D. visitation twice a week for two hours, but noted visitation “can be expanded with regard to time [illegible] level of supervision.” Resp. to Mot. for Disc. Rev., Appendix at 11.

The parents requested that the contested shelter care hearing occur within 72 hours of removal. Parents’ counsel informed the court, “I’ve explained the normal court practice of setting out a few weeks, but they are requesting that this contested hearing happen today.” RP Dec. 13, 2018 at 5. The juvenile court “underst[ood] the request,” but commented that “January 2nd is the first available date we have.” RP Dec. 13, 2018 at 5. The court “wish[ed] that I could do it sooner than that. Unfortunately—and it will not be in my courtroom, but I’m looking at the availability of the other courts out here at Remann Hall. So January 2nd is . . . the first date that we have.” RP Dec. 13, 2018 at 6.

All the parties, through counsel, signed the December 13, 2018 order of continuance.<sup>2</sup> As part of the form continuation order, the juvenile court checked the box ordering that:

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<sup>2</sup> The order indicates that “[a]ll parties agree” to the continuance. Resp. to Mot. for Disc. Rev., Appendix at 10.

It is currently contrary to the welfare of the child to remain in the child's home. The petition and/or supporting declarations and affidavits establish reasonable grounds to believe that the child is dependent and the child's health safety, and welfare will be seriously endangered if not taken into custody.

The petitioner has demonstrated that there is a risk of imminent harm to the child in the child's home. The assessment of risk by petitioner constitutes reasonable efforts to prevent or eliminate the need for removal of the child from the child's home.

Resp. to Mot. for Disc. Rev., Appendix at 11. It did not check the following boxes ordering:

That there is reasonable cause to believe that the requirements of RCW 13.34 have been satisfied and that the child shall remain in shelter care pending the hearing.

The court finds that exceptional circumstances warrant the need for a continuance in this matter.

Resp. to Mot. for Disc. Rev., Appendix at 11.

The juvenile court continued the contested shelter care hearing scheduled for January 2, 2019, because D.P.'s counsel was not available on that date. In its January 2, 2019 order of continuance, the court checked the box that "there is reasonable cause to believe that the requirements of RCW 13.34 have been satisfied and that the child shall remain in shelter care pending the hearing." Resp. to Mot. for Disc. Rev., Appendix at 18. On January 29, 2019, 49 days after the children were removed, the juvenile court entered an agreed shelter care hearing order.<sup>3</sup> The court found that:

**2.7 Shelter Care:**

It is currently contrary to the welfare of the child to remain in or return home. The child is in need of shelter care because there is reasonable cause to believe:

The child has no parent, guardian, or legal custodian to provide supervision or care for such child; and/or

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<sup>3</sup> The juvenile court entered an agreed order of dependency as to D.P. on February 20, 2019.

[x] The release of the child would represent a serious threat of substantial harm to the child.

Resp. to Mot. for Disc. Rev., Appendix at 24-25. D.P seeks review of the December 13, 2018 order of continuance.

#### ANALYSIS

Washington strongly disfavors interlocutory review, and it is available only “in those rare instances where the alleged error is reasonably certain and its impact on the trial manifest.” *Minehart v. Morning Star Boys Ranch, Inc.*, 156 Wn. App. 457, 462, 232 P.3d 591, review denied, 169 Wn.2d 1029 (2010); *Right-Price Recreation, LLC v. Connells Prairie Cmty. Council*, 146 Wn.2d 370, 380, 46 P.3d 789, cert. denied sub nom., *Gain v. Washington*, 540 U.S. 1149 (2004). This court may grant discretionary review only when:

- (1) The superior court has committed an obvious error which would render further proceedings useless;
- (2) The superior court has committed probable error and the decision of the superior court substantially alters the status quo or substantially limits the freedom of a party to act;
- (3) The superior court has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by an inferior court or administrative agency, as to call for review by the appellate court; or
- (4) The superior court has certified, or all the parties to the litigation have stipulated, that the order involves a controlling question of law as to which there is substantial ground for a difference of opinion and that immediate review of the order may materially advance the ultimate termination of the litigation.

RAP 2.3(b). D.P. seeks review under RAP 2.3(b)(2) and (3).

Parents have a fundamental liberty interest in the care and welfare of minor children. *In re Dependency of Schermer*, 161 Wn.2d 927, 941, 169 P.3d 452 (2007). The State also has an interest in protecting the physical, mental, and emotional health of children. *Schermer*, 161 Wn.2d at 941. “It is well established that when a child’s physical

or mental health is seriously jeopardized by parental deficiencies, ‘the State has a *parens patriae* right and responsibility to intervene to protect the child.’” *Schermer*, 161 Wn.2d at 941 (quoting *In re the Welfare of Sumey*, 94 Wn.2d 757, 762, 621 P.2d 108 (1980)). “When the rights of basic nurture, physical and mental health, and safety of the child and the legal rights of the parents are in conflict, the rights and safety of the child should prevail.” RCW 13.34.020.

Juvenile courts are given broad discretion in matters concerning the welfare of children, and their decisions are entitled to substantial deference on review. *In re Custody of S.H.B.*, 118 Wn. App. 71, 78, 74 P.3d 674 (2003), *affirmed*, 153 Wn.2d 646 (2005). Because a juvenile court must evaluate a considerable amount of information and weigh the credibility of numerous witnesses in order to balance the best interests of a child against a parent’s rights, this court places “very strong reliance” upon a juvenile court’s determination of what course of action will be for the best interest of the child. *In re Dependency of K.R.*, 128 Wn.2d 129, 147, 904 P.2d 1132 (1995) (quoting *In re Pawling*, 101 Wn.2d 392, 401, 679 P.2d 916 (1984) (quoting *Todd v. Superior Court*, 68 Wn.2d 587, 591, 414 P.2d 605 (1966))) (italics omitted). Thus, this court reviews orders issued in dependency cases for abuse of discretion. *In re Dependency of B.F.*, 197 Wn. App. 579, 586, 389 P.3d 748 (2017). “An abuse of discretion exists only if no reasonable person would have taken the view adopted by the trial court.” *Holaday v. Merceri*, 49 Wn. App. 321, 324, 742 P.2d 127, *review denied*, 108 Wn.2d 1035 (1987). The juvenile court “necessarily abuse[d] its discretion if it based its ruling on an erroneous view of the law.” *Washington State Physicians Ins. Exch. & Ass’n v. Fisons Corp.*, 122 Wn.2d 299, 339, 858 P.2d 1054 (1993).

RCW 13.34.065(1)(a) provides that “[w]hen a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays.” (Emphasis added.) “All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.” RCW 13.34.065(2)(b). The court shall release a child to the child’s parent, guardian, or legal custodian unless the court finds reasonable cause to believe that:

- (i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child’s home and to make it possible for the child to return home; and
- (ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or
- (B) The release of such child would present a serious threat of substantial harm to such child . . . .

RCW 13.34.065(5)(a)(i) and (ii). At a minimum, the court shall inquire into the following:

- (a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. . . .;
- (b) Whether the child can be safely returned home while the adjudication of the dependency is pending;
- (c) What efforts have been made to place the child with a relative;
- (d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child’s home; . . .
- (e) Is the placement proposed by the department the least disruptive and most family-like setting that meets the needs of the child;
- (f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care . . . .;
- (g) Appointment of a guardian ad litem or attorney;
- (h) Whether the child is or may be an Indian child . . . .;
- (i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

- (j) Whether any orders for examinations, evaluations, or immediate services are needed . . .;
- (k) The terms and conditions for parental, sibling, and family visitation.

RCW 13.34.065(4)(a)-(k). A shelter care order placement decision cannot be modified absent a change in circumstances. RCW 13.34.065(7)(a).

D.P. argues that the juvenile court committed probable error and departed from the accepted and usual course of judicial proceedings by continuing the shelter care hearing beyond the statutorily required 72 hour window based on courtroom unavailability. In response, the Department argues that the issue is moot because the juvenile court ultimately entered agreed shelter care and dependency orders. The Department also argues that the juvenile court did not commit probable error because the December 13, 2018 hearing constituted a shelter care hearing for purposes of RCW 13.34.065.

#### Mootness

“It is a general rule that, where only moot questions or abstract propositions are involved, or where the substantial questions involved in the trial court no longer exist, the appeal . . . should be dismissed.” *Westerman v. Cary*, 125 Wn.2d 277, 286, 892 P.2d 1067 (1994) (quoting *Sorenson v. Bellingham*, 80 Wn.2d 547, 558, 496 P.2d 512 (1972)); *State v. Sansone*, 127 Wn. App. 630, 636, 111 P.3d 1251 (2005). A recognized exception to the mootness doctrine, however, permits an appellate court to “retain and decide an appeal which has otherwise become moot when it can be said that matters of continuing and substantial public interest are involved.” *Westerman*, 125 Wn.2d at 286 (quoting *Sorenson*, 80 Wn.2d at 558). To invoke the public interest exception to mootness, a

reviewing court considers (1) whether the issues presented are public or private, (2) the desirability of an authoritative determination to provide future guidance to public officers, and, (3) the likelihood that the issues will recur. *In re the Welfare of B.D.F.*, 126 Wn. App. 562, 569, 109 P.3d 464 (2005); *Westerman*, 125 Wn.2d at 286. A fourth factor may also play a role: “the level of genuine adverseness and the quality of advocacy of the issues.” *Westerman*, 125 Wn.2d at 286 (quoting *Hart v. Department of Soc. & Health Servs.*, 111 Wn.2d 445, 448, 759 P.2d 1206 (1988)). And, a reviewing court may also consider “the likelihood that the issue will escape review because the facts of the controversy are short-lived.” *B.D.F.*, 126 Wn. App. at 569 (quoting *In re Marriage of Homer*, 151 Wn.2d 884, 892, 93 P.3d 124 (2004) (quoting *Westerman*, 125 Wn.2d at 286-87)).

Although moot, this case is of substantial and continuing public importance because it relates to a common trial court procedure with considerable consequences for families and children in this state. Further, this issue is likely to escape review because subsequent proceedings will likely moot the issue before this court can weigh in. See *In re Dependency of H.*, 71 Wn. App. 524, 528, 859 P.2d 1258 (1993) (reviewing issues arising out of a shelter care hearing even though they were mooted by subsequent proceedings). Finally, as this issue often reoccurs, judicial officers, attorneys, and parents should know if the juvenile court may continue a shelter care hearing on grounds of courtroom unavailability, and if it can, the type of record the court needs to make. Accordingly, D.P. demonstrates that this issue meets the public interest exception to the mootness doctrine.

## Probable Error

This court concludes that the juvenile court committed probable error by continuing the shelter care hearing for seventeen days, based on courtroom unavailability, when RCW 13.34.065(5)(a) appears to require the shelter care hearing to take place within 72 hours of the child's removal. Although the trial court did consider many of the factors it is statutorily required to consider at a shelter care hearing, it did not permit the parents to testify or present other evidence. It did not enter a finding that "there is reasonable cause to believe that the requirements of RCW 13.34 have been satisfied and that the child shall remain in shelter care pending the hearing," as required at a shelter care hearing.<sup>4</sup> RCW 13.34.065(5)(a)(ii)(A). Thus, the December 13, 2018 hearing does not appear to have served as a shelter care hearing for purposes of RCW 13.34.065(5)(a). D.P. also meets the effect prong of RAP 2.3(b)(2) because the juvenile court's order continuing the shelter care hearing limited D.P.'s right to act by preventing him from seeing his child except as ordered by the juvenile court. This order "has affects beyond the parties' ability to conduct the immediate litigation." *State v. Howland*, 180 Wn. App. 196, 207, 321 P.3d 303 (2014), *review denied*, 182 Wn.2d 1008 (2015).

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<sup>4</sup> At the December 13, 2018 hearing, the juvenile court did find that "[t]he petition and/or supporting declarations and affidavits establish reasonable grounds to believe that the child is dependent and the child's health safety, and welfare will be seriously endangered if not taken into custody." Resp. to Mot. for Disc. Rev., Appendix at 11. The Court did not find that "[t]he petitioner has demonstrated that there is a risk of imminent harm to the child in the child's home." Resp. to Mot. for Disc. Rev., Appendix at 11. Even if this finding is sufficient to satisfy RCW 13.34.065(5)(a), the trial court violated D.P.'s right to testify and present evidence at a hearing before entering such a finding.

This court concludes that the juvenile court committed probable error and, although that error is moot, this issue falls under the public interest exception to the mootness doctrine. Because this court concludes the juvenile court committed probable error, it declines to address D.P.'s arguments under RAP 2.3(b)(3). Accordingly, it is

ORDERED that D.P.'s motion for discretionary review is granted. The Clerk will issue a perfection notice.

DATED this 10<sup>th</sup> day of May, 2019.



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Eric B. Schmidt  
Court Commissioner

cc: Mary C. Ward  
Tiffinie Ma  
Hon. Gretchen Leanderson

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

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IN RE T.P.,  
A MINOR CHILD.

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NO. 52928-9-II

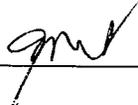
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**DECLARATION OF DOCUMENT FILING AND SERVICE**

I, MARIA ARRANZA RILEY, STATE THAT ON THE 9<sup>TH</sup> DAY OF OCTOBER, 2019, I CAUSED THE ORIGINAL REPLY BRIEF OF APPELLANT TO BE FILED IN THE COURT OF APPEALS - DIVISION TWO AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

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| <input checked="" type="checkbox"/> | D.P. (APPELLANT)<br>2911 107 <sup>TH</sup> AVE E<br>EDGEWOOD, WA 98372   | (X) U.S. MAIL<br>( ) HAND DELIVERY<br>( ) OTHER:               |

SIGNED IN SEATTLE, WASHINGTON THIS 9<sup>TH</sup> DAY OF OCTOBER, 2019.

X  \_\_\_\_\_

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# WASHINGTON APPELLATE PROJECT

October 09, 2019 - 4:04 PM

## Transmittal Information

**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** 52928-9  
**Appellate Court Case Title:** In re the Welfare of T.P.  
**Superior Court Case Number:** 18-7-02402-5

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