

FILED
Court of Appeals
Division II
State of Washington
10/14/2019 3:34 PM

NO. 53328-6

**COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON**

In re the Welfare of

K.M.,

Minor Child.

**BRIEF OF RESPONDENT,
DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

ROBERT W. FERGUSON
Attorney General

JULIE A. TURLEY, WSBA #49474
Assistant Attorney General
1250 Pacific Avenue, Suite 105
Tacoma, WA 98401
OID #91117
(253) 593-5243
Julie.Turley@atg.wa.gov

TABLE OF CONTENTS

I. INTRODUCTION.....1

II. RESTATEMENT OF THE ISSUES.....2

III. RESTATEMENT OF THE FACTS.....2

 A. The Juvenile Court Repeatedly Informed K.M., and She Admitted, That Running From Her Placement Violated the Court’s Placement Order.....2

 B. K.M. Filed a Habeas Corpus Petition but the Pierce County Superior Court Dismissed Her Petition as Moot Because She Was Not Detained.....4

 C. In July 2019, the Legislature Prohibited Returning a Dependent Youth to Detention Without Notice and an Opportunity to be Heard6

IV. ARGUMENT7

 A. A Case is Moot Where a Ruling From this Court Would Not Impact the Case Below or Provide Guidance to Lower Courts8

 B. The Superior Court Correctly Dismissed K.M.’s Petition for a Writ of Habeas Corpus as Moot9

 C. This Appeal Should Be Dismissed as Moot Because the Law Has Changed14

V. CONCLUSION16

TABLE OF AUTHORITIES

Cases

<i>Born v. Thompson</i> , 154 Wn.2d 749, 117 P.3d 1098 (2005).....	10
<i>In re Dependency of A.K.</i> , 162 Wn.2d 632, 174 P.3d 11 (2007).....	12-13
<i>In re Dependency of H.</i> , 71 Wn. App. 524, 859 P.2d 1258 (1993).....	8
<i>In re Welfare of B.D.F.</i> , 126 Wn. App. 562, 109 P.3d 464 (2005).....	9
<i>Monohan v. Burdman</i> , 84 Wn.2d 922, 530 P.2d 334 (1975).....	10-11
<i>Orwick v. City of Seattle</i> , 103 Wn.2d 249, 692 P.2d 793 (1984).....	8, 13, 15
<i>Rhinevault v. Rhinevault</i> , 91 Wn. App. 688, 959 P.2d 687 (1998).....	4
<i>Sorenson v. City of Bellingham</i> , 80 Wn.2d 547, 496 P.2d 512 (1972).....	8
<i>State v. Beaver</i> , 184 Wn.2d 321, 358 P.3d 385 (2015).....	8-9, 15
<i>Westerman v. Cary</i> , 125 Wn.2d 277, 892 P.2d 1067 (1994).....	8-9

Statutes

Const. art. IV, § 5-6	12-13
RCW 13.34.165	11, 13
RCW 13.34.165(3).....	13
RCW 13.34.165(5).....	6, 13

RCW 13.34.165(5)(a)	6, 12-14
RCW 43.185C.260(1)(c).....	6
RCW 43.185C.265.....	6, 12, 14
RCW 7.21.030	11
RCW 7.21.030(2)(e)(i).....	6-7
RCW 7.21.030(2)(e)(ii)	7, 12, 15
RCW 7.21.030(2)(e)(ii)(B)	12
RCW 7.21.030(2)(e)(iii)(B)	7
RCW 7.21.030(2)(iv)	7, 12, 14
RCW 7.36.010	10

Rules

RAP 9.2(b)	4
------------------	---

I. INTRODUCTION

After she became dependent and the juvenile court placed her in licensed foster care, K.M., then fourteen years old, ran from her placement four times in eight months, refusing the social worker's attempts to bring her off the streets. Each time, under a prior version of the law, the Department of Children, Youth, and Families (Department) obtained a pickup order authorizing law enforcement to bring her to juvenile detention. Each time, K.M. appeared in court with her attorney for a contempt hearing, where she acknowledged violating the order placing her in foster care. Each time, the juvenile court ordered conditions to purge contempt sanctions. This pattern continued until K.M. returned a fourth time and the court released her. There is no outstanding pickup order authorizing law enforcement to detain K.M., and her whereabouts are unknown.

K.M. filed a Petition for Habeas Corpus, and the Superior Court dismissed her petition as moot because she was not detained. K.M. appeals the dismissal order. She argues that she is under unlawful restraint and that the contempt orders deprived her of due process. But in July 2019, the Legislature changed the laws governing detention as a sanction for dependent youth running from their court ordered placement. Furthermore, K.M. is no longer detained, her whereabouts are unknown, and there is no outstanding court order authorizing her detention or return to placement.

The Department respectfully requests that the dismissal order be affirmed or K.M.'s appeal be dismissed because there is no effective relief available to her.

II. RESTATEMENT OF THE ISSUES

K.M. is not detained and there is no outstanding order directing that she be returned to juvenile detention. More significantly, the law regarding detention for dependent youth who run from their court-ordered placement changed since K.M. filed her habeas corpus petition. The law changes prevent the practices that K.M. appeals. An advisory opinion from this Court would be based upon the prior version of the law. Is this case moot?

III. RESTATEMENT OF THE FACTS

A. The Juvenile Court Repeatedly Informed K.M., and She Admitted, That Running From Her Placement Violated the Court's Placement Order

K.M., now 15 years old, became a dependent youth on March 23, 2018, after her guardians could no longer care for her. Clerk's Papers (CP) at 143, 145. Both of K.M.'s parents and one of her brothers had passed away, and she may have experienced sexual abuse from several different perpetrators during her young life. CP at 144. Having no relative or suitable other available for placement, the juvenile court ordered her placement in foster care pursuant to an order of dependency. CP at 145, 147. This placement was a continuation of the court's placement order at shelter care

several months prior. CP at 204. Since her placement in foster care, K.M. has run away four times. CP at 28, 70, 80, 107.

In May 2018, six weeks after she became dependent, the Department moved for an order to show cause regarding contempt for K.M.'s violation of her dependency placement order. CP at 107. She had been missing for five months, and law enforcement and a social worker attempted to return her to placement without success when they found her. CP at 107. The juvenile court ordered issuance of an arrest warrant, directing law enforcement to bring her to detention. CP at 109.

Law enforcement returned K.M. to detention on May 29, 2018, and she appeared in court the next day for her first contempt hearing. CP at 104-05. With her attorney present, K.M. admitted she was in violation of her placement order, and the juvenile court found her in contempt. CP at 105. The court ordered a sanction of one day in detention, with credit for time served, and K.M. could purge the condition by reading a book on human trafficking. CP at 106. K.M. was released that day. CP at 106.

Less than a month later, the Department again moved for an order to show cause regarding contempt because K.M. left her placement and refused to return with the social worker. CP at 80. On August 1, 2018, K.M. again appeared in court for a contempt hearing. CP at 76. With her attorney present, she admitted she was in violation of her placement order

and therefore in contempt. CP at 76. The court ordered that K.M. “shall be released immediately and return to court-ordered placement.” CP at 77.

On September 6, 2018, the Department moved a third time for an order to show cause regarding contempt because she was in violation of her placement order. CP at 70. K.M. had some contact with her social worker but refused to come into care even though the Department had serious concerns about her living on the streets. CP at 70. K.M. appeared in court on November 13, 2018, for her contempt hearing with her attorney where she again admitted to being in violation of her placement order. CP at 66. The court ordered detention with a purge condition of writing a one-page paper about K.M.’s vision for her future. CP at 67. The next month, however, K.M. was again on the run after refusing to be transported to her placement. CP at 28. The trial court scheduled K.M.’s last contempt hearing for January 17, 2019. CP at 12.

B. K.M. Filed a Habeas Corpus Petition but the Pierce County Superior Court Dismissed Her Petition as Moot Because She Was Not Detained

K.M. filed a Petition for Writ of Habeas Corpus in January 2019. App. at 1.¹ On the same day as her last contempt hearing, January 17, the

¹ K.M. cites to her Petition in her briefing, e.g. Br. of Appellant at 7-8, but the Petition is not part of the record on appeal. The Department attaches the Petition to this brief to establish a clear timeline without waiving argument that the Appellant failed to perfect the record. The Court should not consider the Petition beyond this limited purpose. RAP 9.2(b); *Rhinevault v. Rhinevault*, 91 Wn. App. 688, 692, 959 P.2d 687 (1998)

court consolidated K.M.'s habeas matter with the dependency but continued the hearings for further briefing. CP at 12, 13, 15, 25. The court reserved its finding of contempt, provided K.M. credit for time served, and released her from detention for placement in licensed care. CP at 23, 25.

The next month, King County Superior Court ordered that all King County Judges were disqualified from hearing the petition for writ of habeas corpus and the dependency because they were inextricably linked. CP at 15. The King County Superior Court transferred venue for both matters to Pierce County Superior Court. CP at 8. However, the Pierce County Superior Court found K.M.'s habeas petition moot because she was no longer detained and dismissed it. CP at 248; Verbatim Report of Proceedings (Mar. 7, 2019) (RP) at 6; CP at 248. The Pierce County Superior Court transferred venue back to King County, having resolved the conflict between the petition and dependency matters. CP at 248.

K.M. appeals the dismissal of her habeas petition. CP at 248, 252. Her whereabouts have been unknown since at least March 2019. RP at 5-6; Br. of Appellant at 8. Neither Pierce County Superior Court nor King County Superior Court have an outstanding order directing law enforcement to return K.M. to any location, including detention or the Department.

(appellant's failure to perfect the record may result in appellate court declining to consider merits of the case).

C. In July 2019, the Legislature Prohibited Returning a Dependent Youth to Detention Without Notice and an Opportunity to be Heard

As a policy matter, the Legislature decided in 2019 “to eliminate the use of juvenile detention as a remedy for contempt of a valid court order for youth under chapters 13.34.” Laws of 2019, chap. 312, §2. On July 1, 2020, chapter 13.34 RCW will no longer authorize detaining a youth as a contempt sanction. Laws of 2019, Chap. 312, §2. But even before 2020, as of July 1, 2019, the law governing detention of dependent youth as a sanction for running from their placement changed significantly.

Law enforcement may no longer return dependent youth who are in contempt of a dependency order to juvenile detention. Law enforcement can pick up a dependent youth “[i]f an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement.” RCW 43.185C.260(1)(c). But law enforcement may then only return youth to the Department, an authorized placement, or a designated crisis residential center. RCW 13.34.165(5)(a), 43.185C.265. The Department cannot obtain ex parte orders directing law enforcement to return a child to juvenile detention. RCW 13.34.165(5).

Until July 1, 2020, detention may be a remedial sanction under RCW 13.34 only after a contempt hearing with notice and an opportunity to be heard. RCW 7.21.030(2)(e)(i). The sanction is limited to a maximum

of 72 hours, no matter the number of times the youth has run from placement. RCW 7.21.030(2)(e)(i), 13.34.165(2). The court may impose up to two remedial sanctions during a 30 day period. RCW 7.21.030(2)(e)(iii)(B). Before detention can occur, the court must hold a hearing and provide the youth the following procedural protections:

- (A) Consider, on the record, the mitigating and aggravating factors used to determine the appropriateness of detention for enforcement of its order;
- (B) Enter written findings affirming that it considered all less restrictive options, that detention is the only appropriate alternative, including its rationale and the clear, cogent, and convincing evidence used to enforce the order;
- (C) Afford the same due process considerations that it affords all youth in criminal contempt proceedings; and
- (D) Seek input from all relevant parties, including the youth.

RCW 7.21.030(2)(e)(ii). Thus, although the court retains its “inherent contempt power,” the circumstances under which a dependent youth may be detained for running from placement are severely limited. RCW 7.21.030(2)(iv). The facts of K.M.’s case cannot repeat.

IV. ARGUMENT

The superior court correctly dismissed K.M.’s habeas corpus petition as moot because she is no longer under restraint and there is no outstanding order for her detention. This case is also moot because on July 1, 2019, since K.M. filed her petition and the superior court dismissed it, the law changed such that an opinion by this Court would be based on an

inapplicable version of the law. This Court should affirm the dismissal of K.M.'s petition for a writ of habeas corpus or dismiss it as moot on appeal.

A. A Case is Moot Where a Ruling From this Court Would Not Impact the Case Below or Provide Guidance to Lower Courts

A case is moot where appellate review can no longer provide the parties relief. *Orwick v. City of Seattle*, 103 Wn.2d 249, 253, 692 P.2d 793 (1984). Where only abstract propositions are involved or substantial questions in the trial court no longer exist, an appellate court should not review the issue. *Westerman v. Cary*, 125 Wn.2d 277, 286, 892 P.2d 1067 (1994) (quoting *Sorenson v. City of Bellingham*, 80 Wn.2d 547, 558, 496 P.2d 512 (1972)).

An appellate court may nevertheless choose to review a moot case if it presents an issue of substantial public interest capable of evading review. *In re Dependency of H.*, 71 Wn. App. 524, 527, 859 P.2d 1258 (1993). Appellate courts have utilized this exception to resolve cases of constitutional interpretation, statutory validity, or other issues “sufficiently important to the appellate court.” *State v. Beaver*, 184 Wn.2d 321, 331, 358 P.3d 385 (2015). The public interest exception “is not used in cases that are limited to their specific facts.” *Beaver*, 184 Wn.2d at 331.

Three factors govern applicability of the public interest exception: (1) whether the issue is public or private in nature, (2) the desirability of

providing guidance to public officers for future cases, and (3) the likelihood of recurrence of the issue. *Beaver*, 184 Wn.2d at 330. The appellate court may also consider the level of adverseness, the quality of advocacy of the issues, and whether the issue is likely to escape review due to the short-lived facts of the controversy. *Westerman*, 125 Wn.2d at 286; *In re Welfare of B.D.F.*, 126 Wn. App. 562, 569, 109 P.3d 464 (2005).

The superior court's dismissal order does not satisfy the public interest exception to mootness. The interests involved in K.M.'s petition for habeas corpus are private and she is no longer under restraint, an advisory opinion cannot provide guidance to lower courts because the law has changed, and the facts of K.M.'s case cannot repeat after the law change. Under any prong of the mootness exception doctrine, the superior court's dismissal order should be affirmed. *Beaver*, 184 Wn.2d at 330.

B. The Superior Court Correctly Dismissed K.M.'s Petition for a Writ of Habeas Corpus as Moot

The Pierce County Superior Court dismissed K.M.'s Petition for a Writ of Habeas Corpus as moot because she was no longer detained at the time of the March 2019 hearing. RP at 6; CP at 248. At the time of that hearing, as now, there was no outstanding order directing law enforcement to return K.M. to detention. The Superior Court properly dismissed K.M.'s petition.

A person may petition for a writ of habeas corpus when he or she is “restrained of his or her liberty under any pretense whatever.” RCW 7.36.010. For a petition for a writ of habeas corpus to proceed despite the appellant’s lack of physical restraint, the appellate court must decide that the person is “sufficiently under *present* restraint to seek habeas relief.” *Born v. Thompson*, 154 Wn.2d 749, 766, 117 P.3d 1098 (2005) (emphasis added). The King County court released K.M. from detention for the last time on January 17, 2019. CP at 23, 25. The final order again released K.M. from juvenile detention to the Department’s custody “for placement in licensed care.” CP at 25. K.M. is no longer under any restraint through her detention. K.M.’s whereabouts have been unknown since at least March 2019. Br. of Appellant at 8; RP at 5-6. Thus, the Pierce County court properly dismissed her petition for a writ of habeas corpus.

There is no court order directing that K.M. be placed in detention if she is found. This lack of any outstanding court order posing a threat to her liberty is fatal to her habeas petition and this appeal. All of the cases K.M. cites involve an appeal from an order affecting the person’s liberty. Br. of Appellant at 11-12. For example, the prisoner in *Monohan* appealed the cancelation of his parole release date, which necessarily meant that ongoing incarceration continued to restrain his liberty at the time of his petition for habeas corpus—even though he was released on parole at the time of the

Supreme Court’s opinion. *Monohan v. Burdman*, 84 Wn.2d 922, 924–25, 530 P.2d 334 (1975). Unlike the habeas petitioners that K.M. cites in her brief, K.M. cannot point to any order that presently restrains her. In reality, K.M.’s arguments on appeal target the dependency order as the order restraining her liberty, because that is the order directing her placement in licensed foster care. CP at 145. But the dependency order is not the order on appeal before this court, and her collateral attack should not be considered. K.M.’s status as a dependent youth and her placement in foster care are not debatable in this appeal.

K.M. does not dispute that there is no order directing her detention, and the Appellant’s brief acknowledges that her whereabouts are unknown. Instead, K.M. argues that the dismissal order was incorrect because she faces “collateral consequences of an unconstitutional actions” that continue to restrain her.² Br. of Appellant at 10-11. Contrary to her arguments, a court’s theoretical future pickup order must be supported by the facts at the time of the Department’s motion, not previous pickup orders. *See, e.g.*, CP at 28. Most importantly, however, the change in the law as of July 1, 2019 prevents the “risk of reincarceration” pattern as K.M. has defined it in her appeal. Br. of Appellant at 12. The law *prohibits* any court from issuing

² K.M. asserts that she faces the risk of reincarceration “as demonstrated by the pattern of arrest and jailing here.” Br. of Appellant at 12. This assertion is impossible under the current version of the law, as elaborated below. RCW 7.21.030, 13.34.165.

an order directing K.M. be brought to detention merely for running from her dependency placement. RCW 13.34.165(5)(a), 43.185C.265. Before she may be detained as a contempt sanction, the court must afford her a number of procedural protections over and above notice and an opportunity to be heard. RCW 7.21.030(2)(e)(ii).

In a matter of months, youth may not be detained for running from placement, except under the court’s “inherent contempt power.”³ Laws of 2019, Chap. 312, §2; RCW 7.21.030(2)(iv). Until July 2020, courts may use detention as a sanction only if it is the “only appropriate alternative” under a clear, cogent, and convincing evidence burden of proof. RCW 7.21.030(2)(e)(ii)(B). The collateral consequences that K.M. suggests will not reoccur.

K.M. argues at length that the merits of her habeas petition should be heard because the juvenile court previously found her in contempt of an order she claims she was not bound to and she had no notice that running from licensed care could constitute contempt. Br. of Appellant at 16, 17. However, the King County Superior Court’s January 17, 2019 order released her from detention to the Department’s custody. CP at 25.

³ The juvenile court possesses inherent power granted to the superior court under Washington’s Constitution. The juvenile court, like other courts, possesses inherent power to sanction direct or indirect contempt by punitive or remedial sanctions. Const. art. IV, § 5-6; *In re Dependency of A.K.*, 162 Wn.2d 632, 646–47, 174 P.3d 11 (2007).

Furthermore, each time K.M. came to court on the Department's show cause motion with her attorney, she acknowledged violation of the dependency order. CP at 66, 76, 105. While K.M. argues her party status in the dependency, she does not challenge the court's inherent sanction power or RCW 13.34.165, which provides the court authority to hold in contempt a dependent youth who runs from their dependency placement. Const. art. IV, § 5-6; *In re Dependency of A.K.*, 162 Wn.2d at 646-47; RCW 13.34.165(3), (5). Again, during the last legislative session, the Legislature considered the use of contempt against a dependent youth and re-affirmed the juvenile court's ability to do so until 2020 even as it also limited the use of detention as a sanction. Laws of 2019, chap. 312 §1, 2.

The Pierce County Superior Court correctly dismissed K.M.'s petition for a writ of habeas corpus as moot. There is no order from which a court could provide K.M. relief from ongoing restraint. *Orwick*, 103 Wn.2d at 253. K.M. was not under restraint at the time of the March 2019 hearing, nor is she under restraint today because there is no outstanding order for her return to detention and her whereabouts are unknown. This Court should affirm the Pierce County Superior Court's order.

C. This Appeal Should Be Dismissed as Moot Because the Law Has Changed

Seven months after K.M. filed her Petition for a Writ of Habeas Corpus, the law governing detention as a sanction for youth who run from their dependency placement changed significantly. This change in the law means that the facts of K.M.'s case cannot repeat, and this case is moot. An advisory opinion from this Court would not serve lower courts, as it would be based upon an old version of the law. Even if this Court decides that the superior court incorrectly dismissed K.M.'s petition, this Court should nevertheless dismiss the appeal as moot.

The Legislature has already decided that dependent youth should not be detained for running from their placement. Laws of 2019, chap. 312, §2. In July 2020, subject to its contempt power, courts may not detain a youth for contempt. Laws of 2019, chap. 312, §2; RCW 7.21.030(2)(iv). Until then, for the next several months the court's use of detention is severely curtailed. First, the Department can no longer obtain an order directing law enforcement to return a run-away youth to detention. RCW 13.34.165(5)(a), 43.185C.265. A pickup order may direct law enforcement to return the youth to the Department, an authorized placement, or a designated crisis residential center—but not detention. RCW 13.34.165(5)(a), 43.185C.265. Second, the court may use detention as a

sanction only after affording the youth notice, an opportunity to be heard, and affording them additional procedural protections including consideration of “all less restrictive options,” using detention *only* if it “is the only appropriate alternative.” RCW 7.21.030(2)(e)(ii).

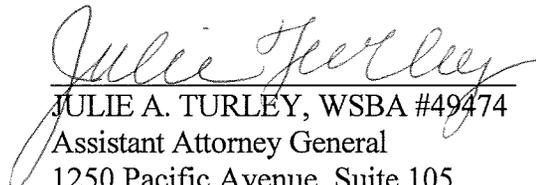
Given these legal changes, the factual scenario K.M. targets—being picked up on an ex parte order and returned to detention without notice—cannot reoccur. Br. of Appellant at 18. Law enforcement *cannot* return a youth to detention for running from placement, and the juvenile court *cannot* order a remedial detention sanction without a full hearing. RCW 7.21.030(2)(e)(ii), 13.34.165(5)(a). Thus, this case is moot because the facts of K.M.’s petition for a writ of habeas corpus cannot legally reoccur. *Beaver*, 184 Wn.2d at 330. The law change has made her petition moot because no court can provide her effective relief. *Orwick*, 103 Wn.2d at 253. This case does not satisfy the public interest exception in light of the law change: judicial officers will not receive any practical guidance from an advisory opinion on outdated law and the Legislature has already responded to K.M.’s underlying policy arguments in her appeal. *Beaver*, 184 Wn.2d at 330; Laws of 2019, chap. 312, §2. K.M.’s appeal is moot and the law change undermines her justification for review by this Court.

///

V. CONCLUSION

The superior court's order dismissing K.M.'s petition for a writ of habeas corpus should be affirmed. K.M. is no longer under restraint and the law changed such that the facts of K.M.'s case cannot repeat and guidance from this Court would not serve any practical purpose.

RESPECTFULLY SUBMITTED this 14th day of October, 2019.


JULIE A. TURLEY, WSBA #49474
Assistant Attorney General
1250 Pacific Avenue, Suite 105
Tacoma, WA 98401
(253) 593-5243
Julie.Turley@atg.wa.gov

DECLARATION OF SERVICE

I, Melanie Wimmer, declare under penalty of perjury under the laws of the state of Washington that the following is true and correct:

On October 14, 2019, I caused a true and correct copy of the Brief of Respondent to be filed electronically with the Court of Appeals, Division II, and to be served on the parties electronically through the Court's filing system.

SIGNED in Tacoma, Washington, this 14th day of October, 2019.

A handwritten signature in cursive script, appearing to read "Melanie Wimmer", written over a horizontal line.

Melanie Wimmer
Legal Assistant

APPENDIX

Index	Pages
PETITION FOR WRIT OF HABEAS CORPUS, dated January 17, 2019	1-86

Washington State
 Office of the Attorney General
 Acknowledged Receipt, this 2nd day
 of January, 2019, at 4:00pm
 in Seattle, Washington.
 Signature: *Diana S. Cartwright*
 Print Name: DIANA S. CARTWRIGHT
 Assistant Attorney General

THE SUPERIOR COURT OF THE STATE OF WASHINGTON
 FOR KING COUNTY

K.M, a minor child,
 Petitioner,

v.

HON. JUDITH RAMSEYER, King
 County Juvenile Court Presiding
 Judge; PAM JONES, King County
 Juvenile Detention Center;
 STATE OF WASHINGTON, DEP'T OF
 CHILDREN YOUTH AND FAMILIES;

Respondents

No.

19-2-01622-1SEA

PETITION FOR WRIT OF
 HABEAS CORPUS

I. APPLICATION FOR WRIT OF HABEAS CORPUS

K.M. by her attorneys, Mark Bradley and Tara Urs, petition this court for a writ of habeas corpus under RCW 7.36 et seq, and Wash. Const. Art. IV, § 6, directed to Judge Judith Ramseyer Presiding Judge of Superior Court, Juvenile Department; Pam Jones Detention Manager of the King County Juvenile Detention Facility; and the Washington State Department of Children Youth and Families, requiring respondents to return to this

1 court at a specific time and place and present "the authority or cause of the restraint of the
2 party in his custody." RCW 7.36.100 (1)-(3).

3 The right to challenge an unlawful restraint by writ of habeas corpus in superior court
4 is guaranteed by the Washington Constitution. Const. art. IV, § 6. The superior court has
5 original jurisdiction over such writs. *Id.* The Juvenile Court has exclusive, original
6 jurisdiction over dependent children. RCW 13.04.030.

7 The Legislature also codified the right to petition for a writ of habeas corpus:

8
9 Every person restrained of his liberty under any pretense whatever, may
10 prosecute a writ of habeas corpus to inquire into the cause of the restraint,
and shall be delivered therefrom when illegal.

11 RCW 7.36.010.

12 K.M. has been wrongfully restrained of her liberty because she has been
13 incarcerated in order to attend a contempt hearing of which she was provided no prior
14 notice. This restraint violates her procedural due process rights she was not provided with
15 a hearing prior to the issuance of a warrant; the practice also violates the substantive due
16 process rights of K.M. to be safe from an unreasonable risk of harm because the practice of
17 incarcerating non-offending children places K.M at increased risk.

18
19
20 **II. REQUEST FOR RELIEF**

21 K.M requests that the court grant the following relief:

- 22
23 1. K.M asks this Court to grant a writ of habeas corpus and release her from detention
24 immediately.
25

1 2. K.M asks this Court to find that her detention pursuant to RCW 13.34.165(5)
unconstitutional.

2
3 3. K.M. asks this Court to enter an order preventing DCYF from moving for a warrant
to seize her pursuant to RCW 13.34.165(5).

4
5 **III. ATTACHMENTS/EXHIBITS**

6 Attachment A: Declaration of the Youth

7 Attachment B: Motions for contempt pursuant to RCW 13.34.165(5)

8 Attachment C: Arrest Warrants

9 Attachment D: Orders on Detention Review, Release, and Contempt

10 Attachment E: Shelter Care Hearing Order

11 Attachment F: Order of Dependency and Disposition

12
13
14 **IV. STATEMENT OF RELEVANT FACTS**

15 K.M. is currently in juvenile detention having been arrested pursuant to a warrant
16 issued in her dependency case. The warrant issued after the Department filed a motion for
17 contempt on December 20, 2018, *ex parte*, pursuant to RCW 13.34.165(5). (Attachments
18 B, C). In support of the motion, the social worker filed a declaration stating that "she
19 refused to be transported to placement on December 14, 2018." (Attachment B).

20
21 According to K.M. she was refusing to leave Spruce Street, the crisis residential placement
22 where she had been staying for thirty days, because she was told by the social worker she
23 would be placed, over her objection, in Iowa at a facility called Forest Ridge, run by Sequel.
24 (Attachment A.)
25

1 Sequel is a for-profit corporation that has recently come under scrutiny after
2 Disability Rights Washington published a scathing report, *Let Us Come Home*, detailing poor
3 conditions at a different Sequel facility in Iowa, Clorinda Academy¹ After thirty days of
4 staying in her placement, faced with placement in a secure facility in another state, K.M.
5 ran. As a result, the Court issued a warrant for her arrest. (Attachment C.)

6 This is not the first time K.M. has been arrested in this dependency case. The case
7 began when the Department sought shelter care over K.M. on January 24, 2018. K.M.
8 attended that hearing in which the Court ordered her into the temporary custody of DSHS,
9 and gave DSHS authority to place her in licensed foster care. (Attachment E). The Court's
10 order authorized the Department to place the youth in licensed foster care but did not
11 specify an exact placement; the shelter care order gives the youth no warning that failing
12 to remain in placement would subject her to future incarceration. (Attachment E.)

13 Thereafter K.M. did run from placement. She describes feeling confused about
14 where she was supposed to be, how long she was allowed to remain in her temporary
15 placement at Spruce Street, and a lack of faith in her social workers to find a plan for her.
16 (Attachment A). She also didn't feel safe in Spruce Street after another youth there was
17 "trying to touch" her. (*id.*) She was missing from care for about six months.

18 K.M. was found dependent on March 23, 2018. Although she did not sign the
19 order, and was not present on that day, an order was entered placing her in the custody of
20
21
22

23
24

¹ <https://www.disabilityrightswa.org/reports/let-us-come-home/>
25

1 DSHS (now DCYF) with authority to place her "licensed foster care." (Attachment C: Order
2 of Dependency).

3 4.4 **Placement:**

- 4 The child is placed in the custody, control and care of DSHS, which shall have the
5 authority to place and maintain the child in:
6 Licensed care:
7 because there is no relative or other suitable person with whom the child has
8 a relationship and who is willing, appropriate and available to care for the
9 child.

6 The Department has authority to return the child to the guardian upon agreement of the
7 youth, guardian and Department.

- 8 DSHS/Supervising Agency is authorized to place the child with a relative or suitable adult
9 who is willing, appropriate and available, upon agreement of the youth and reasonable
10 notice to the legal custodian, subject to review by the court.

11 K.M was adjudicated dependent because both of her parents and one of her
12 brothers are deceased. (Attachment F). The order of dependency described concerns that,
13 prior to her father's death, she had been abused by her father and perhaps brother. Her
14 aunt who was caring for her after the death of her parents was unable to meet her needs.
15 (*Id.*). Despite all of that, the order of dependency also states that, according to the social
16 worker, K.M. had no behavioral issues in the school she had been attending prior to
17 becoming dependent. (*Id.*)

19 The declaration of the youth is attached as Attachment A. From the youth's own
20 declaration and the order of dependency, it is apparent that she has experienced
21 significant trauma in her young life. But, since becoming a state dependent child, her
22 situation has deteriorated. Since becoming dependent, she has never been offered a
23 placement in a foster home with a family or any placement beyond temporary emergency
24 placements at youth shelters, YouthCare and Spruce Street. Yet she has been arrested four
25

1 times, transported to the court in jail clothes shackled by her hands and feet and stayed in
2 beds in juvenile detention that were unclean. Most recently, she was arrested from
3 Children's Hospital where she was being treated for an illness. (Attachment A).

4 The Department has sought four warrants for the arrest of K.M. Pursuant to RCW
5 13.34.165(5) each of the arrest warrants was sought ex parte, without prior notice to the
6 child. Several of the warrants checked the box for an At Risk Youth – even though K.M. has
7 not been adjudicated an At Risk Youth.
8

9 **ARREST WARRANT**

- 10 Truancy
11 At Risk Youth
 Child in Need of Services
 Dependency

12 (Clerk's Action Required)

13 Expiration Date: _____

14 *If no date is filled in, recall warrant the 28th day of the
15 third month following day of issuance.*

16 The arrest warrants have been based on the State's allegation that the youth is in
17 violation of court orders of placement. However, the youth's placement is never specified
18 in any court order. The order of dependency authorizes the Department to place her in
19 "licensed care" but does not specify the exact placement nor command the youth to
20 remain in any particular place. In fact, according to the order, the Department is
21 authorized to place her several places: licensed care or with a relative or suitable adult.
22 There is no order giving the youth notice that running from placement would subject her to
23 incarceration. In fact, even when K.M. has been incarcerated and then agreed to
24 contempt, the subsequent court order only releases her back to DCYF for placement in
25

1 accordance with prior orders. Those orders do not specify a particular place she is
2 expected to remain.

3 II. ORDER

4 THE COURT HEREBY ORDERS: The youth has purged her contempt and shall be
5 released to DCYF for placement in accordance with prior court orders.

6 DONE IN OPEN COURT this 14th day of November, 2018.

7
8 
9

JUDGE/COURT COMMISSIONER

Mafe Rajul

10 ~~Discontinued here~~

11
12 Most importantly, the use of these warrants has done nothing to make K.M. safer.
13 She is not attending school because she is afraid she will be reported and sent to
14 detention; she is running from the police, hiding in thorny bushes; and, most recently, she
15 was hesitant to seek medical care for fear of being located – a fear which turned out to be
16 founded. The existence of these outstanding warrants has driven this fourteen year old girl
17 further to the margins.
18

19
20
21 V. Legal Background

22 RCW 13.34.165(5) provides "Whenever the court finds probable cause to believe,
23 based upon consideration of a motion for contempt and the information set forth in a
24 supporting declaration, that a child has violated a placement order entered under this
25

1 chapter, the court may issue an order directing law enforcement to pick up and take the
2 child to detention. The order may be entered ex parte without prior notice to the child or
3 other parties. Following the child's admission to detention, a detention review hearing
4 must be held in accordance with RCW 13.32A.065.”

5 However, because the incarceration is based on a civil contempt order the child
6 must also be given a “purge condition” – something to do to secure his or her own release.
7 Typically the child is ordered to write a paper (of some specified number of pages which
8 increases with subsequent arrests) about why they ran away or what they want to do with
9 their lives. (*Id.*) K.M. wrote a purge paper after her last arrest, detailing her wish to work in
10 the medical profession. (Attachment A).

12 Congress has tried to stop states from incarcerating children for status offenses
13 since the 1970s. In 1974, Congress passed the Juvenile Justice and Delinquency Prevention
14 Act (JJDP A) – which contained four “core requirements.” The first of those core
15 requirements is the “DSO,” the deinstitutionalization of status offenders. The DSO requires
16 that juveniles who are charged with or who have committed an offense that would not be
17 a crime if committed by an adult, and juveniles who are not charged with any offenses, are
18 not to be placed in secure detention or secure correctional facilities. 34 U.S.C. 11133(a)(11)
19 (formerly 42 U.S.C. 5633(a)(11)).²
20
21
22
23

24 ² <http://www.juvjustice.org/juvenile-justice-and-delinquency-prevention-act/deinstitutionalization-status-offenders>

1 1980, the JJDPA was amended to add the valid court order (VCO) exception to the
2 requirements of deinstitutionalization. *Id.* This exception, the "VCO" exception, permits
3 the detention of youth for certain status offenses when they are pursuant to a "valid court
4 order." *Id.* However, this exception to the DSO explicitly does not apply to dependent
5 children – federal regulation makes clear that dependent children should never be placed
6 in secure detention for a status offense. 28 C.F.R. § 31.303(3)(iv) ("A non-offender such as
7 a dependent or neglected child cannot be placed in secure detention or correctional
8 facilities for violating a valid court order.").

9
10 As articulated in greater detail below, despite federal incentives to stop
11 incarcerating status offenders altogether, and dependent children in particular,
12 Washington continues to incarcerate dependent children when they "run away" from a
13 foster home. And the process used to incarcerate dependent children fails to provide
14 those children with the due process protections that federal guidelines suggest should be
15 used to create a "valid court order" sufficient to incarcerate a non-dependent child for a
16 status offense.
17

18 In fact, Washington leads the nation (by a large margin) in issuing uses of the VCO,
19 easily eclipsing Kentucky, the next highest state.³ In 2014, Washington reported 2,705
20 uses of the Valid Court Order (VCO) exception to the DSO; the next highest state, Kentucky,
21 reported 1,048 uses. 28 states and territories reported 0 uses. In 2010, National Council of
22 Juvenile and Family Court Judges reported that, "[t]oday, the VCO exception, although
23

24 ³ [http://www.juvjustice.org/sites/default/files/resource-](http://www.juvjustice.org/sites/default/files/resource-files/State%20VCO%20usage%202.18.15.pdf)
25 [files/State%20VCO%20usage%202.18.15.pdf](http://www.juvjustice.org/sites/default/files/resource-files/State%20VCO%20usage%202.18.15.pdf)

1 cited by some judges as necessary to effectively enforce the law, is considered to be
2 outside of the norms of juvenile justice best practice. There is widespread agreement with
3 the DSO requirement in non-VCO states, where a range of remedies have been used by
4 courts to grant services and sanctions to youth.”⁴

5 Therefore, in absolute numbers Washington stands alone, incarcerating the most
6 status offenders of any state by far, but within that statistic it is easy for dependent
7 children to get lost because their behavior is not even the subject of the underlying case –
8 they had no role in causing the order of placement to be entered in the first place.
9

10 VI. ARGUMENT

11 A. K.M. Has the Right to Challenge the Juvenile Court’s Unlawful Contempt Orders 12 by Writ of Habeas Corpus 13

14 The right to challenge an unlawful restraint by writ of habeas corpus in superior
15 court is guaranteed by the Washington Constitution. Const. Art. IV, § 6. The superior court
16 has original jurisdiction over such writs. *Id.* The Legislature also codified the right to
17 petition for a writ of habeas corpus:
18

19 Every person restrained of his liberty under any pretense whatever, may prosecute
20 a writ of habeas corpus to inquire into the cause of the restraint, and shall be
delivered therefrom when illegal.

21 RCW 7.36.010.

22 The writ of habeas corpus provides a unique judicial avenue to challenge restraint
23 on one's liberty.

24 ⁴ <https://jije.org/wp-content/uploads/2018/08/JJDP-A-.pdf>

1 The court hearing on the writ shall proceed,

2 in a summary way to hear and determine the cause, and if no legal cause be shown
3 for the restraint or continuation thereof, shall discharge the party.

4 RCW 7.36.120.

5 Habeas petitioners need not be currently incarcerated to apply for habeas relief,
6 only restrained. *Born v. Thompson*, 154 Wn.2d 749, 765, 117 P.3d 1098 (2005) ("Neither
7 chapter 7.36 RCW nor the Rules of Appellate Procedure relating to personal restraint
8 petitioners contain 'in-custody' language."). "A petitioner is under restraint when he is
9 subject to significant adverse consequences." *Harris v. Charles*, 151 Wn. App. 929, 934, 214
10 P.3d 962, 965 (2009), *aff'd*, 171 Wn.2d 455, 256 P.3d 328 (2011).

11 K.M. is currently detained, but would continue to be eligible for relief under habeas
12 if released, because she would still be subject to ongoing restraint. In *Born*, the
13 Washington Supreme Court held that, while no longer in-custody, Born was subject to
14 restraint for purposes of the habeas statute because he could be detained at a later date
15 and subjected to competency restoration commitment the next time he is charged with a
16 misdemeanor. *Born*, 154 Wn.2d at 762-766. The court observed "'release from
17 confinement is no longer the sole function of the writ of habeas corpus.'" *Id.* at 766,
18 quoting *In re PRP of Powell*, 92 Wn.2d 882, 887, 602 P.2d 711 (1979).

19 This petition challenges in the placement of K.M. in secure confinement, by *ex parte*
20 order, prior to a judicial finding of contempt – a restraint on liberty well within the core of
21 habeas. But, as in *Born*, all dependent children, including K.M. face future incarceration if
22 they leave the placement designated by the Department – that order will be entered *ex*
23
24
25

1 *parte* without notice to the child. And the restraint is all the more significant because, as
2 children in foster care, they are already subject to the command of the Department, acting
3 in this case as a parent. See *Reno v. Flores*, 507 U.S. 292, 302, 113 S. Ct. 1439, 1447, 123 L.
4 Ed. 2d 1 (1993) (“juveniles, unlike adults, are always in some form of custody.”).

5 Although the Legislature has limited the availability of the writ in cases of
6 confinement as a result of a finding of contempt, it is available to challenge the practice of
7 detaining dependent children. RCW 7.36.130 limits the use of habeas to challenge
8 confinement pursuant to a finding of contempt where, as here, the contempt order at
9 issue is coercive (as opposed to criminal) because the orders seek to enforce compliance
10 with the Dependency Court order of placement; contempt findings pursuant to RCW 13.34
11 are civil in nature and designed to coerce compliance of a dependent child with a court
12 ordered placement. See *In re Dependency of A.K.*, 162 Wn.2d 632, 651, 174 P.3d 11, 20
13 (2007). Second, habeas is available to challenge questions the Dependency Court’s
14 authority to issue a warrant for K.M.’s arrest and to and make contempt findings for
15 children’s alleged violations of placement orders without even perfunctory due process.
16 The constitutional nature of the challenge would satisfy the second exception to RCW
17 7.36.130. *Ex Parte Lagunilla*, 30 Wn.2d 777, 193 P.2d 875 (1948) (citing *In re Parent*, 112
18 Wash. 620, 192 P. 947 (1920)).

19 Accordingly, K.M. is properly before this court on a writ of habeas corpus.
20
21
22
23
24
25

1 **B. RCW 13.34.165(5) is Unconstitutional and Violates the Fourth Amendment and**
2 **Both Procedural and Substantive Due Process.**

- 3 **1. Due process and the Fourth Amendment reasonableness inquiry both**
4 **require notice of the proposed deprivation and a hearing on contempt**
5 **prior to the issuance of a warrant directing the seizure and**
6 **incarceration of a child.**

7 When the State seeks to deprive a person of a protected interest, procedural
8 due process requires that the person receive notice of the deprivation and an opportunity
9 to be heard to guard against an erroneous deprivation of that interest. Here, the state is
10 depriving K.M. of her fundamental interests in freedom from incarceration without
11 providing her notice in violation of her right to due process.

12 “Where there is no special need for arrest, where some other means exists by
13 which the governmental interest can be satisfied without such infringement on individual
14 liberties, the issuance of an arrest warrant is not only unwise but constitutionally
15 impermissible.” *State v. Sleater*, 194 Wn. App. 470, 475–76, 378 P.3d 218, 221 (2016); *State*
16 *v. Klinker*, 85 Wn.2d 509, 521–22, 537 P.2d 268, 278 (1975) (holding, “[t]he circumstances
17 outside the criminal area in which arrest is necessary or appropriate are few indeed, as the
18 general abandonment of archaic laws permitting arrest in civil disputes indicates.”). The
19 issuance of the warrant violates both the Fourth Amendment, which disfavors issuances of
20 warrants in civil cases, and the due process clause.

21 In *Sleater*, the defendant in a criminal case was arrested on a warrant for the
22 nonpayment of legal financial obligations; the appellate court held that before a warrant
23 can issue to arrest someone for not appearing the Court must first issue a summons or
24

1 court order requiring the defendant to attend a specific hearing. *State v. Sleater*, 194 Wn.
2 App. 470, 476–77, 378 P.3d 218, 221 (2016); *Smith v. Whatcom Cty. Dist. Court*, 147 Wn.2d
3 98, 111–13, 52 P.3d 485, 493 (2002) (granting habeas relief where the defendant’s
4 incarceration began before she was given notice that a show cause hearing would be held
5 for contempt, and before she was given counsel). The Court wrote:

6 In *King*, we stated that a contemnor should be jailed only “when no
7 reasonable or effective alternatives are available.” *King*, 110 Wash.2d
8 at 802, 756 P.2d 1303 (quoting *Yamaha Motor Corp. v. Harris*, 29
9 Wash.App. 859, 866, 631 P.2d 423 (1981)). A formal finding is not
10 required, but the record must show that “all less restrictive alternatives
11 ... failed.” *Id.* at 802, 756 P.2d 1303 (quoting *State v. Norlund*, 31 Wn.
12 App. 725, 729, 644 P.2d 724 (1982)).

13 *Smith v. Whatcom Cty. Dist. Court*, 147 Wn.2d 98, 113, 52 P.3d 485, 493 (2002). The
14 reasonableness of the seizure implicates a related concern under the Fourth Amendment.
15 *Klinker*, 85 Wn.2d at 521–22.

16 However, pursuant to RCW 13.34.165(5) a warrant can issue for a child in the first
17 instance, with no prior summons or court order directing the child to appear. Further, the
18 statute does not require the state to allege that all less restrictive alternatives have failed.
19 When a dependency judge signs a warrant for a dependent child, they do so almost
20 certainly out of concern for the safety of the child. However both due process and the
21 Fourth Amendment require the Court to consider alternatives before ordering
22 incarceration as a remedy for civil contempt. Here, the less restrictive alternative is readily
23 apparent: Judges could authorize law enforcement to return dependent children to a
24
25

1 placement or to the Department without requiring the child's incarceration. RCW

2 43.185C.265(2).

3 The significance of a hearing, prior to ordering incarceration for contempt is
4 illustrated by the facts of *Sleater* – in that case Ms. Sleater's mother had paid her LFOs, but
5 they had not been correctly documented. *Id.* A hearing provides a person the opportunity
6 to explain the situation and clear up issues. Likewise, for dependent children, a hearing
7 would give the child an opportunity to explain what is not working in the placement,
8 whether he or she feels unsafe, whether there is a different placement that better meets
9 the child's needs, and whether there are orders or supports that would allow the child to
10 return to the placement.
11

12 Accordingly, there is no meaningful justification to require the arrest and
13 incarceration of non-offending children who were themselves often victims of
14 maltreatment, without having a hearing first to determine if there is a way to avoid the
15 harms of incarceration.
16

17 **2. Using Jail as a Form of Discipline for Foster Children, When the State Has**
18 **Other Means to Ensure Child Safety, Violates the State's Heightened**
19 **Obligation to Protect Foster Children from Harm.**

20 Jails is not an ordinary disciplinary tool and should not be used as such simply
21 because a child is in the legal custody of the state. The practice of seeking incarceration for
22 non-offending children who are often the victims of child maltreatment, children in foster
23 care, is not consistent with the state's obligation to ensure those children are free from risk
24 of harm.
25

1 When a dependent child runs away from a foster home, the state has the same
2 remedies that all parents have when any child runs away from home – the state can call in
3 a run report and inform law enforcement that the child is missing. When the child is found,
4 law enforcement can return the child to the Department to be returned to a foster home,
5 at the direction of the DCYF placement desk which is open 24 hours a day -- or other
6 suitable placement. That ordinary course does not place children in juvenile detention.
7
8 RCW 43.185C.265.

9 However, with respect to children in foster care, the state also has another remedy
10 that is not available to ordinary parents – the state can seek a “pick-up order,” a warrant,
11 such that when law enforcement locates the child the child *must* be booked into a secure
12 juvenile detention facility. RCW 13.34.165(5); RCW 43.185C.265(2). These warrants are
13 sought *ex parte*, and the Department is not required to show that alternatives to
14 incarceration were pursued prior to seeking a warrant. Relying on this extraordinary
15 measure – jail – for dependent children who run away from “home” is not consistent with
16 the state’s obligation to prevent harm to children in its care.
17

18 The Washington Supreme Court has held that “foster children have a constitutional
19 substantive due process right to be free from unreasonable risks of harm and a right to
20 reasonable safety.” *Braam ex rel. Braam v. State*, 150 Wn.2d 689, 700, 81 P.3d 851, 857
21 (2003). “To be reasonably safe, the State, as custodian and caretaker of dependent
22 children must provide conditions free of unreasonable risk of danger, harm, or pain, and
23 must include adequate services to meet the basic needs of the child.” *Id.*; *see also* RCW
24
25

1 13.34.020 ("The right of a child to basic nurturing includes the right to a safe, stable, and
2 permanent home and a speedy resolution of any proceeding under this chapter."); *H.B.H.*
3 *v. State*, 429 P.3d 484, 489 (Wash. 2018) ("In situations where the State exercises its *parens*
4 *patriae* right to intervene by removing children from their homes and placing them in
5 foster care, the State has a statutory and constitutional duty to ensure that those children
6 are free from unreasonable risk of harm, including a risk flowing from the lack of basic
7 services while under the State's care and supervision."). Therefore, "[e]xposure of the child
8 to an unreasonable risk of harm violates the substantive due process clause." *Braam*, at
9 700.
10

11 The state violates the substantive due process rights of dependent children when,
12 as here, the existence of a warrant makes children less rather than more safe, by further
13 isolating children who are already isolated and by unnecessarily exposing non-offending
14 children to the known harms of incarceration. King County recently released a "Road Map"
15 to zero youth detention, which recites the following information from Justice Policy
16 Institute: Literature review of youth corrections shows that detention has a profoundly
17 negative impact on young people's mental and physical well-being, their education, and
18 their employment; and the conditions of confinement together conspire to make it more
19 likely that incarcerated teens will engage in suicide and self-harm; Economists have shown
20 that the process of incarcerating youth will reduce their future earnings and their ability to
21 remain in the workforce, and could change formerly detained youth into less stable
22 employees; Educational researchers have found that upwards of 40 percent of incarcerated
23
24
25

1 youth have a learning disability, and they will face significant challenges returning to school
2 after they leave detention; Research suggests that the experience of detention may make it
3 more likely that youth will continue to engage in delinquent behavior, and that the
4 detention experience may increase the odds that youth will recidivate, further
5 compromising public safety. Roadmap to Zero Youth Detention, King County (2018) at
6 page 9.

7
8 For dependent children the situation is particularly dire, since they cannot attend
9 school while they are in juvenile detention and are thereby deprived of that necessary
10 service. Indeed, K.M. writes that she was afraid to attend school and seek medical help out
11 of fear of being caught. She was running from the police, even though she didn't want to
12 run from the police – she wanted to find a family.

13 Accordingly, the State violates the substantive due process of dependent children,
14 children the state is charged with caring for, by subjecting them to the harms of
15 incarceration. That is especially true when the law already provides an appropriate means
16 to address the child's behavior, by returning the child to the Department for placement just
17 as non-dependent children are returned to their parents, without booking that child into a
18 secure juvenile detention facility.
19

20
21
22 **3. Dependent Youth receive no notice that they are obligated to remain**
23 **in any specific placement nor notice that leaving placement will result**
24 **in incarceration.**
25

1 The incarceration of dependent children for a status offense ("running" from
2 placement) violates due process because the underlying placement order is vague and fails
3 to give the child notice of the conduct that can result in detention, and the statute does
4 not provide clear standards to prevent arbitrary enforcement.

5 The State cannot deprive an individual of their liberty without due process of law. *In*
6 *re LaBelle*, 107 Wn.2d 196, 201, 728 P.2d 138, 142-43 (1986). In *LaBelle*, the Washington
7 Supreme Court considered a challenge to the involuntary treatment statute and found that
8 the constitutional doctrine of vagueness is tied to due process.
9

10 The issue of vagueness involves the procedural due process requirements of *fair*
11 *notice of the conduct warranting detention and clear standards to prevent arbitrary*
12 *enforcement* by those charged with administering the applicable statutes. *Hontz v.*
13 *State*, 714 P.2d 1176 (1986).

14 *In re LaBelle*, 107 Wn.2d 196, 201, 728 P.2d 138, 142 (1986).

15 RCW 13.34.165(5) which permits the incarceration of children pursuant to an ex
16 parte order, fails to afford the child fair notice of the conduct warranting detention.

17 In a dependency case, the underlying issue is the failure of the child's parents or
18 guardian to provide adequate care. A child is dependent because the parent or guardian
19 either abandoned, abused, or neglected, or is incapable of care for the child. RCW
20 13.34.030(6). Being adjudicated dependent does not give a child notice that they will be
21 incarcerated for failing to adhere to subsequent court orders.

22 Where, as in this case, the dispositional order identifies many possible placements
23 for the child (licensed care, relative care, suitable adult care), the orders fail to specify
24 where exactly the youth is supposed to remain because the name of the placement is not
25

1 specified in the order itself. And the result is arbitrary enforcement. K.M. was missing
2 from care from January through the entry of an order of dependency in March, but the
3 State did not seek its first warrant until May.

4 Further, by its plain language the placement order is directed at the Department
5 and not at the child. Youth are not required to sign the order of disposition, so even if that
6 order did give the child notice of a specific placement the child is never required to receive
7 notice of that order. Youth, like K.M., typically do not appear in court when the
8 dependency and dispositional order is entered.
9

10 This lack of notice stands in sharp contrast to federal regulations describing the
11 "valid court order" exception to the DSO core requirement. Although, as noted above,
12 dependency placement orders are not "valid court orders" – and there is no exception to
13 the DSO for dependent youth – the VCO exception indicates the kinds of notice that the
14 federal government finds sufficient to allow a child to be incarcerated for a status offense.
15 For example, to be a valid court order, "[t]he juvenile in question must have received
16 adequate and fair warning of the consequences of violation of the order at the time it was
17 issued and such warning must be provided to the juvenile and to the juvenile's attorney
18 and/or legal guardian in writing and be reflected in the court record and proceedings." 28
19 C.F.R. § 31.303(3).
20

21 Not only are dependent youth in King County incarcerated for status offenses, in
22 contravention of the DSO, they are not even provided the notice that would form the basis
23 for a valid court order.
24
25

1
2 **4. Due process requires a showing of willfulness prior to ordering incarceration**
3 **for contempt.**

4 In order for a child to willfully violate a placement order, there must be a suitable
5 placement available for the child. RCW 13.34 violates due process because it does not
6 require the state to demonstrate that there is a suitable placement for the child to be
7 placed in at the time of the motion for contempt. Under the current rules, a child can be
8 incarcerated for "running" from an unsafe placement and can be incarcerated for failing to
9 return even when there is no identified placement for that child to return to.

10 Courts have consistently required a finding that the underlying contempt is willful,
11 prior to authorizing incarceration for contempt. In *Bearden v. Georgia*, the United States
12 Supreme Court held that it violated due process to revoke probation for nonpayment of
13 fines where the defendant was unable to pay because he was indigent. 461 U.S. 660, 672-
14 73, 103 S.Ct. 2064, 76 L.Ed.2d 221 (1983). Likewise, Washington courts, following *Bearden*,
15 have required a showing that a defendant's failure to pay a fine is intentional before
16 remedial sanctions may be imposed. *Smith v. Whatcom Cty. Dist. Court*, 147 Wn.2d 98,
17 111, 52 P.3d 485, 493 (2002).
18

19 Similarly, in the context of dependency run warrants, due process requires the state
20 to prove willfulness – that there is an appropriate placement available that the child
21 willfully left. One study of former foster youth found that 46 percent self-reported neglect,
22 physical or sexual abuse during out-of-home care. (Mark E. Courtney et al., *Midwest*
23 *Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 21*, Chapin
24
25

1 Hall Center for Children at the University of Chicago (2007)). Twenty-one percent of foster
2 care alumni of the Casey Family Program reported that they experienced maltreatment
3 while in foster care. (*Assessing the Effects of Foster Care: Early Results from the Casey*
4 *National Alumni Study*, at 18. Available at: <http://www.casey.org/national-alumni-study/>).

5 Recently, problems in foster homes in Washington have been the subject of
6 damning news reports highlighting the reasons why a dependent child may run from
7 placement. Lewis Kamb, *Bedbugs, moldy food, skipped background checks: Feds slam*
8 *Washington foster-care group homes after surprise visits*, SEATTLE TIMES, March 22, 2018
9 (available at: [https://www.seattletimes.com/seattle-news/washington-foster-care-group-](https://www.seattletimes.com/seattle-news/washington-foster-care-group-homes-fail-to-meet-health-safety-requirements-audit-finds/)
10 [homes-fail-to-meet-health-safety-requirements-audit-finds/](https://www.seattletimes.com/seattle-news/washington-foster-care-group-homes-fail-to-meet-health-safety-requirements-audit-finds/)); Anna Boiko-Weyrauch,
11 *Hotels and offices aren't the best place for foster children. Group homes aren't either*,
12 KUOW, Dec 4, 2017 (available at: [http://kuow.org/post/hotels-and-offices-arent-best-](http://kuow.org/post/hotels-and-offices-arent-best-place-foster-children-group-homes-arent-either)
13 [place-foster-children-group-homes-arent-either](http://kuow.org/post/hotels-and-offices-arent-best-place-foster-children-group-homes-arent-either)); *2018 Annual Report*, Office of the Family
14 and Children's Ombuds An Independent Voice for Families and Children, calling the
15 increase in placement instability for children "disastrous" (available at:
16 <http://ofco.wa.gov/wp-content/uploads/OFCO-2018-Annual-Report-.pdf>).

17
18
19 There are many reasons, other than willful disobedience, that a foster child may
20 leave the identified placement. The state should be required to establish that they have
21 provided a safe and stable placement for the child prior to incarcerating a child for being
22 absent from that place.
23

24 VII. CONCLUSION

25

1 K.M. requests this Court grant a writ of habeas corpus enjoin DCYF from seeking
2 further warrants for her arrest for leaving her placement.

3 Respectfully submitted this 17th day of January, 2019.

4
5 

6 _____
7 Tara Urs WSBA 48335
8 King County Department of Public Defense
9 710 Second Ave, Suite 200
10 Seattle, WA 98104

11 Mark Bradley WSBA 22864
12 THE DEFENDER ASSOCIATION DIVISION
13 King County Department of Public Defense
14 710 Second Ave, Suite 700
15 Seattle, WA 98104
16
17
18
19
20
21
22
23
24
25

ATTACHMENT A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF KING

DECLARATION OF YOUTH

I, Kaitlynn Munson, declare as follows:

1. I am the petitioner in the above-entitled action.
2. I was born 9/19/2004. I have finished seventh grade – I should be going into eighth grade.
3. My parents passed away – my mom had cancer and my dad killed himself. After that I was having a hard time, I was living with my aunt but I wanted to live with my other aunt. My aunt decided she couldn't take care of me anymore so I went to the State.
4. When I was first in foster care I was supposed to stay at Spruce Street. There was a kid there who was trying to touch me, and I was trying to report that and they couldn't really stop it. They asked if I wanted to go to court for that, but I didn't really know what to do. I don't even know what court could do about it. Pretty soon after that happened I ran away from Spruce Street. I had been at Spruce Street two weeks – you're only allowed to be there for two weeks. I had almost been there for two weeks – at

1 that point I didn't know you could get an extension for 15 more days, so I thought I had to
2 go. I met this girl Jordan who told me she was going to run away, she said that she had a
3 street mom that she could take me to, she said she wanted to take care of me. I didn't
4 really see a future for myself there at Spruce Street. At that point my parents had passed
5 away, my family was fighting (my aunt and my other aunt), I was losing hope. Jordan was
6 fifteen and she told me she could take me. My counselor that I knew was all the way in
7 Kirkland, and I couldn't get there. I didn't know anything about the system. My social
8 worker was brand new. I think she was fired later – because after that I had a new social
9 worker. Mostly, I feel like my social workers don't know much about the system. Anyway,
10 I left Spruce Street.

11 4. I've had four warrants total, including this one. The first time, I was picked
12 up was in June of 2018. Me and a friend were walking, my friend was feeling sick – we
13 were in Monroe. We were signing (holding up signs asking for money). Someone
14 reported us and the cops came and there were a lot of cop cars. They figured out who I
15 was. The cop was going to let me go and then they figured out that I had a warrant.
16 When they told me I had a warrant I was surprised – I couldn't figure out why I would have
17 a warrant. And then I tried to run away from the cops and jumped a fence and ran into
18 the forest. I hid in the thorns – the thorns really hurt. I didn't know what would happen or
19 where I would go. The cops came and found me and dragged me back to the car and
20 they took me to Juvie – it was about June 6. I didn't know that I had a warrant. I went to
21 Court the next day and then they released me and I went to YouthCare. I was at
22 YouthCare for a month.

23 5. At YouthCare, it was the same as Spruce Street, but it was a girl and a
24 boy who were doing things they shouldn't be doing. All of these shelters are not good
25 places. There were a lot of fights. There are always a lot of fights at shelters. I wanted to
find a new purpose. I wanted to find my own family, I didn't know what to do with myself

- 2

1 anymore. I just wanted die so I could be with my mom. People thought I was crazy – I
2 don't think that's true. Aren't we all kind of weird? I just wanted to find a family to be with.

3 6. After that I went Roots, a shelter, with people that I kind of knew. I didn't
4 know where to go so I went there since that was where people that I kind of know hang
5 out – like acquaintances. After that I was homeless and living on the streets. I was picked
6 up again UDYC – a day shelter. I was having a panic attack they didn't know what was
7 wrong and they called the cops. It was a big group of cops. They put me in ambulance
8 and took me to Juvie. I saw the judge and got released – they always say the same thing
9 in court – yes or no to whether I'm in contempt, and I say yes. I never want to say
10 anything. After that I went to YouthCare again, and I ran the next day because it is really
11 scary to be in Juvie and then to be taken to a shelter – I don't feel safe in the shelters. I
12 feel unsafe everywhere. I don't have a home anymore. I don't like being on the run and I
13 don't like hiding from cops.

14 7. I was picked up again in Eastlake. Those two cops were nice – I think
15 they were federal cops. They were pleasant. They took me to Children's Hospital and I
16 thought I wasn't going to have to go to Juvie that time, but then I did have to go to Juvie
17 after all. The cops took me to Juvie – that was the end of November. I saw the judge –
18 that time the judge asked me why I wasn't staying in shelters and I told her it's because
19 my parents died, which is why I'm in foster care. I didn't think there was anything the
20 judge could do to help me. I had to write a purge paper about where am I going to be in
21 10 years. I told them what I want to happen: not to live in a mansion, but to live in an
22 apartment and have a decent job. My dream is to be in the medical field. Being a lawyer
23 would be just as cool.

24 8. After that, I was in Spruce Street for about a month. I was there 15 days
25 plus 15 days – 30 days. My social worker came to see me and called the cops because I
wasn't wanting to go with her, I wasn't leaving – and so I was technically trespassing

- 3

1 because I didn't want to leave Spruce Street. My social worker wanted to me to go to
2 Iowa -- to a Sequel Facility called Forest Ridge. But I don't want to go to Iowa. There is
3 no reason why I can't stay here in Washington. That night I spent the night at Memos, a
4 Mexican restaurant in the U District. I was trying to get somewhere where I could find a
5 home, a family, meet new people.

6 9. After that I was homeless until now. While I was on the street, I was
7 throwing up really bad and people were telling me that I should go to the hospital so that I
8 could get better. They said that I could go to the hospital and if I told the hospital they
9 would keep my information confidential and they wouldn't call the cops. But on the
10 second day the hospital called my social worker and they told me that eventually they had
11 to call the cops. Once I got better two cops came to the hospital and took me here to
12 Juvie. That's where I am now.

13 10. When you are booked into jail -- they have to do some paperwork. You sit
14 there for a little bit. They ask you take your jewelry off. They ask for a girl officer to come
15 and pat you down all over your body. You go through the metal detector. And then they
16 have you take your clothes off in the bathroom and put your clothes in a bag and then you
17 put on jail clothes. Being in Juvie is not that bad but I don't like being alone and when I'm
18 in Juvie because I'm alone all the time -- it makes me more stressed out. I don't like being
19 alone when I'm here. People are not really nice here. It's a jail, so people are grumpy. I
20 think some of them have worked here a long time. It's not really much different from the
21 movies. It's not like a grown-up jail. Most kids would say it's so bad but, eh, it's not *that*
22 bad, the beds are fine, kind of like a shelter. It looks like a mental hospital inside. I'm not
23 suicidal, I don't want to kill myself, but I don't like being here. Someone wrote graffiti on
24 my bed that they masturbated on my bed, and that was gross, I mean they wash things
25 but not that good. There is even blood on top of the bed in my room.

1 11. When I go to court for these contempt cases the judges are really
2 intimidating. When I'm in there my palms are sweating, my heart is racing. For me I don't
3 see a reason why I should be in Court, I haven't done anything wrong. I have nothing to
4 say to the judge, because I haven't done anything wrong. I don't disrespect them or
5 anything, I just don't say anything. I'm afraid they'll get mad at me if I start talking.

6 12. When kids are transported to court, they put you in handcuffs because
7 they don't want you running away. So when you are transported to Court it is in handcuffs
8 and feet handcuffs, they actually go around your waist, and connect to your hands, and
9 your feet are also chained – it's full duty handcuffs. That should be for actual criminals.
10 They take them off when you get to the judge floor. It's embarrassing to walk around like
11 that, kids look at me weird, the kids around Pioneer Square, and their moms, they look at
12 me weird. I've seen a kid point at me before. I don't want them to think about me like
13 that. There's no reason why I should be in handcuffs because I haven't done anything
14 wrong. A lot of cops are really nice, it's not their fault that I'm in handcuffs, it's their
15 protocol, but I want to know who is making this decision? Why is this happening? When I
got handcuffed in the hospital to come here, people looked at me so weird.

16 13. When I'm out on the street, I would want to go school. But I know that I
17 have a warrant so the school will call. So I haven't been in school – I was too scared.
18 Last time I was in school I was doing fine, getting A's and B's (except for one C in
19 language arts). If I didn't have a warrant I would want to have a counselor and go to
20 school.

21 14. Kids don't want to run away. There is no good place for us. If there was a
22 good place for us we wouldn't want to run away. I would want to live with my aunt Alison
23 – I know she has Parkinson's and diabetes, but I think I could still be safe with her.

24 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE

25 - 5

OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST
OF MY KNOWLEDGE.

1-17-19

Date/Place

Robert Lynn Olmson

Client Name

Seattle, wa, Petitioner

Juvenile Detention.

ATTACHMENT B

ISSUED
RE

FILED
2018 MAY 16 PM 4:02
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE WA

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

IN RE DEPENDENCY OF:
Munson, Kaitlynn

DOB: 09/19/2004

Minor Child(ren).

NO. 18-7-00257-3 SEA

MOTION AND ORDER TO SHOW CAUSE
REGARDING CONTEMPT FOR
VIOLATION OF A PLACEMENT ORDER
ENTERED PURSUANT TO RCW CH 13.34

(Clerk's Action Required)

I. MOTION AND DECLARATION

1.1 I move for an order of the Court finding Kaitlynn Munson, the child, in contempt for failure to comply with the terms of: out of home placement Order dated March 23, 2018 placing the child.

1.2 FACTS IN SUPPORT of this motion are:

Kaitlynn Munson left placement at Pioneer Service Crisis Receiving Center, "Spruce Street", on January 30, 2018. She has not returned to placement since this date.

She was found on May 12, 2018 by Everett Police and when a DSHS social worker met with her she stated that she wanted to run away. She ran away the same evening before being placed.

She was found again on May 13, 2018 by Everett Police and when she was transferred to a DSHS social worker she ran away again.

Kaitlynn was present at the shelter care hearing on January 24, 2018 where the order entered stated that she was to remain in licensed care. She is aware that she is in violation of this court order and subject to contempt of court.

MOTION AND ORDER TO SHOW CAUSE
REGARDING CONTEMPT FOR VIOLATION
OF A PLACEMENT ORDER ENTERED
PURSUANT TO RCW CH 13.34

Rev. 03/01 pp

1

ATTORNEY GENERAL OF WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

1 I DECLARE under penalty of perjury under the laws of the State of Washington
2 that the foregoing is true and correct.

3 Dated this 16th day of May 2018, at Bellevue, Washington.

4 Amberly Eadie
5 Signature of Moving Party
6 Amberly Eadie
7 Printed Name of Moving Party

8 1.3 REVIEWED ON 5/17/16 by:
9 [Signature]
10 Name:
11 Assistant Attorney General, WSBA # 40740

12 **II. ORDER TO SHOW CAUSE REGARDING CONTEMPT**

13 2.1 Kaitlynn Munson _____
14 (Child's name) Parent(s) Name(s)

15 are DIRECTED TO PERSONALLY APPEAR at a HEARING ON THE
16 ABOVE MOTION TO BE HELD:

17 On _____, 20____, at _____ am/pm, Courtroom _____
18 at:

- 19 King County Superior Court, Juvenile Division, 516 Third Ave., Seattle,
20 WA
21 Maleng Regional Justice Center, 401 Fourth Ave. N., Kent, WA

22 and to show cause why contempt should not be found.

23 OR

24 2.2 Pursuant to RCW 13.34, 165(5) the Court:

- 25 a. FINDS probable cause to believe that a placement order was violated.
26 b. Does NOT find probable cause to believe that a placement order was
violated, for the reasons stated below:

27 MOTION AND ORDER TO SHOW CAUSE
28 REGARDING CONTEMPT FOR VIOLATION
29 OF A PLACEMENT ORDER ENTERED
30 PURSUANT TO RCW CH 13.34

31 Rev: 03/01 pp

2

32 ATTORNEY GENERAL OF WASHINGTON
33 800 Fifth Avenue, Suite 2000
34 Seattle, WA 98104-3188
35 (206) 464-7744

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IT IS HEREBY ORDERED:

The Court, having made the finding stated above, hereby orders the **CLERK'S OFFICE TO ISSUE an ARREST WARRANT** directing law enforcement to pick up the child and take him/her to detention. Pursuant to RCW 13.34.165(5) this order has been entered ex parte without prior notice to the child or other parties.

Dated: 5/16/2018

Beth M. Andrus
JUDGE/COMMISSIONER

Judge Beth M. Andrus

MOTION AND ORDER TO SHOW CAUSE
REGARDING CONTEMPT FOR VIOLATION
OF A PLACEMENT ORDER ENTERED
PURSUANT TO RCW CH 13.34

3

ATTORNEY GENERAL OF WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

Rev. 03/01 pp

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

III.) **ADVICE OF RIGHTS AND CONSEQUENCES**

3.1 If an arrest warrant is issued:

- a. Pursuant to RCW 13.34.165(5) and 13.32A.065(1), FOLLOWING A CHILD'S ADMISSION TO DETENTION, a DETENTION REVIEW HEARING must be HELD WITHIN TWENTY-FOUR HOURS, (excluding Saturdays, Sundays, and holidays). Detention screening shall so notify parties and attorneys of record.
- b. Pursuant to RCW 13.32A.065, if the motion and order regarding contempt has been filed and served on the child at or before the detention review hearing, and the Court believes that the child would not appear at a contempt hearing, the Court may order the child to remain in detention and shall set the matter for a hearing on contempt within seventy-two hours (excluding Saturdays, Sundays, and holidays).

3.2 If an arrest warrant is not issued, and the matter is scheduled for a contempt hearing:

- a. It is the petitioner's responsibility to have the above-named person served by someone other than the petitioner who is over the age of eighteen, and to provide proof of such service at the hearing.
- b. The petitioner must serve all attorneys of record.
- c. FAILURE TO APPEAR in response to this order to show cause MAY RESULT IN issuance of a WARRANT FOR YOUR ARREST, and/or in the Court ENTERING AN ORDER IN YOUR ABSENCE finding you in contempt of court.

3.3 The purpose of the hearing is to hear and consider evidence on the motion.

3.4 All parties have the right to present evidence at the hearing.

3.5 Pursuant to RCW 13.34.165, IF THE COURT MAKES A FINDING OF CONTEMPT, the Court MAY IMPOSE A FINE of up to two thousand dollars (\$2000.00) per day and continuing CONFINEMENT or both, until such time as the court finds that the child is no longer in contempt.

MOTION AND ORDER TO SHOW CAUSE
REGARDING CONTEMPT FOR VIOLATION
OF A PLACEMENT ORDER ENTERED
PURSUANT TO RCW CH 13.34

4

ATTORNEY GENERAL OF WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

Rev. 03/01 pp

FILED

2018 JUN 27 PM 3:03

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

ISSUED

JUN 27 2018

JD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

IN RE DEPENDENCY OF:
Munson, Kaitlynn

NO. 18-7-00257-3.SEA

DOB: 09/19/2004

MOTION AND ORDER TO SHOW CAUSE
REGARDING CONTEMPT FOR
VIOLATION OF A PLACEMENT ORDER.
ENTERED PURSUANT TO RCW CH 13.34

Minor Child(ren).

(Clerk's Action Required)

I. MOTION AND DECLARATION

I.1 I move for an order of the Court finding Kaitlynn Munson, the child, in contempt for failure to comply with the terms of: out of home placement Order dated March 23, 2018 placing the child.

I.2 FACTS IN SUPPORT of this motion are:

Kaitlynn Munson left placement at YouthCare on June 23, 2018 on an approved pass. Kaitlynn reported getting lost in Everett and contacting YouthCare to pick her up, but it was too late in the evening to provide transportation for the youth. Due to her not returning to placement at the end of her pass, they closed her bed. They made a run report with Seattle PD # 18-229951.

Kaitlynn then made contact with Seattle Police Department that evening asking for help. She was located and taken to the North Precinct while awaiting CPS Afterhours to take her to a new shelter. She remained there that night, but then left the following morning alone before Afterhours could transport her. Seattle PD made a run report, Seattle PD #18-230364.

She went to the University District where she met with Michael Flores, a young adult she has lived with on the streets. Michael contacted the social worker Sunday evening and Monday morning to report their whereabouts and arrange a

MOTION AND ORDER TO SHOW CAUSE
REGARDING CONTEMPT FOR VIOLATION
OF A PLACEMENT ORDER ENTERED
PURSUANT TO RCW CH 13.34

1

ATTORNEY GENERAL OF WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

Rev. 03/01 pp

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

meeting. Social worker met with Kaitlynn and Michael at the Starbucks at 4147 University Way NE, Seattle, WA 98105 on June 25, 2018. Kaitlynn refused to return to care with the social worker.

Kaitlynn is aware that she is in violation of the dependency order and subject to contempt of court.

I DECLARE under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 27th of June, at Bellevue, Washington.

Amberly Eadie
Signature of Moving Party
Amberly Eadie
Printed Name of Moving Party

1.3 REVIEWED ON 6/27/18 by:
[Signature]
Name: Michael Collins
Assistant Attorney General, WSBA # 14375

II. ORDER TO SHOW CAUSE REGARDING CONTEMPT

2.1 Kaitlynn Munson _____ Parent(s) Name(s)
(Child's name)

are DIRECTED TO PERSONALLY APPEAR at a HEARING ON THE ABOVE MOTION TO BE HELD:

On _____, 20____, at _____ am/pm, Courtroom _____,
at:

- King County Superior Court, Juvenile Division, 516 Third Ave., Seattle, WA
- Maleng Regional Justice Center, 401 Fourth Ave. N., Kent, WA

and to show cause why contempt should not be found.

OR

2.2 Pursuant to RCW 13.34: 165(5) the Court:

MOTION AND ORDER TO SHOW CAUSE
REGARDING CONTEMPT FOR VIOLATION
OF A PLACEMENT ORDER ENTERED
PURSUANT TO RCW CH 13.34

2

ATTORNEY GENERAL OF WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

Rev. 03/01 pp

- 1 a. FINDS probable cause to believe that a placement order was violated.
2 b. Does NOT find probable cause to believe that a placement order was
3 violated, for the reasons stated below:
4 _____
5 _____
6 _____

7 **IT IS HEREBY ORDERED:**

8 The Court, having made the finding stated above, hereby orders the
9 **CLERK'S OFFICE TO ISSUE an ARREST WARRANT** directing
10 law enforcement to pick up the child and take him/her to detention.
11 Pursuant to RCW 13.34. 165(5) this order has been entered ex parte
12 without prior notice to the child or other parties.

13 Dated: 6/27/18

Timothy M. Moran
14 JUDGE/COMMISSIONER *pt*

15
16
17
18
19
20
21
22
23
24
25 MOTION AND ORDER TO SHOW CAUSE
26 REGARDING CONTEMPT FOR VIOLATION
OF A PLACEMENT ORDER ENTERED
PURSUANT TO RCW CH 13.34

Rev. 03/01 pp

3 ATTORNEY GENERAL OF WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

III. ADVICE OF RIGHTS AND CONSEQUENCES

3.1 If an arrest warrant is issued:

- a. Pursuant to RCW 13.34.165(5) and 13.32A.065(1), FOLLOWING A CHILD'S ADMISSION TO DETENTION, a DETENTION REVIEW HEARING must be HELD WITHIN TWENTY-FOUR HOURS, (excluding Saturdays, Sundays, and holidays). Detention screening shall so notify parties and attorneys of record.
- b. Pursuant to RCW 13.32A.065, if the motion and order regarding contempt has been filed and served on the child at or before the detention review hearing, and the Court believes that the child would not appear at a contempt hearing, the Court may order the child to remain in detention and shall set the matter for a hearing on contempt within seventy-two hours (excluding Saturdays, Sundays, and holidays).

3.2 If an arrest warrant is not issued, and the matter is scheduled for a contempt hearing:

- a. It is the petitioner's responsibility to have the above-named person served by someone other than the petitioner who is over the age of eighteen, and to provide proof of such service at the hearing.
- b. The petitioner must serve all attorneys of record.
- c. FAILURE TO APPEAR in response to this order to show cause MAY RESULT IN issuance of a WARRANT FOR YOUR ARREST, and/or in the Court ENTERING AN ORDER IN YOUR ABSENCE finding you in contempt of court.

3.3 The purpose of the hearing is to hear and consider evidence on the motion.

3.4 All parties have the right to present evidence at the hearing.

3.5 Pursuant to RCW 13.34.165, IF THE COURT MAKES A FINDING OF CONTEMPT, the Court MAY IMPOSE A FINE of up to two thousand dollars (\$2000.00) per day and continuing CONFINEMENT or both, until such time as the court finds that the child is no longer in contempt.

25 MOTION AND ORDER TO SHOW CAUSE
26 REGARDING CONTEMPT FOR VIOLATION
OF A PLACEMENT ORDER ENTERED
PURSUANT TO RCW CH 13.34

Rev. 03/01 pp

4

ATTORNEY GENERAL OF WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

FILED

2018 SEP -6 AM 11:57

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE WA

ISSUED
B

1
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

IN RE DEPENDENCY OF:
Munson, Kaitlynn

DOB: 09/19/2004

Minor Child(ren).

NO: 18-7-00257-3 SEA

MOTION AND ORDER TO SHOW CAUSE
REGARDING CONTEMPT FOR
VIOLATION OF A PLACEMENT ORDER.
ENTERED PURSUANT TO RCW CH 13.34

(Clerk's Action Required)

I. MOTION AND DECLARATION

1.1 I move for an order of the Court finding Kaitlynn Munson, the child, in contempt for failure to comply with the terms of: out of home placement Order dated March 23, 2018 placing the child.

1.2 FACTS IN SUPPORT of this motion are:

Kaitlynn Munson left placement at YouthCare on August 2 2018 without permission. A run report was made with Seattle PD #18-286305.

Kaitlynn maintains some contact with Department, accesses services through YouthCare and has even called the social worker to check in while on the run

Unfortunately, she still refuses to come into care. The Department has serious concerns about her vulnerability living on the streets and her association with a 22-year-old male.

Kaitlynn is aware that she is in violation of the dependency order and subject to contempt of court.

I DECLARE under penalty of perjury under the laws of the State of Washington

MOTION AND ORDER TO SHOW CAUSE
REGARDING CONTEMPT FOR VIOLATION
OF A PLACEMENT ORDER ENTERED
PURSUANT TO RCW CH 13.34

Rev. 03/01 pp

1 ATTORNEY GENERAL OF WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

1 that the foregoing is true and correct.

2 Dated this 6th of September, at Bellevue, Washington.

3 Amberly Eadie
4 Signature of Moving Party
Amberly Eadie
5 Printed Name of Moving Party

6 1.3 REVIEWED ON 09/06/18 by:
7 [Signature]
8 Name: J.L. Underwood
Assistant Attorney General, WSBA # 40748

9 **II. ORDER TO SHOW CAUSE REGARDING CONTEMPT**

10 2.1 Kaitlynn Munson _____
11 (Child's name) Parent(s) Name(s)

12 are DIRECTED TO PERSONALLY APPEAR at a HEARING ON THE
13 ABOVE MOTION TO BE HELD:

14 On _____, 20____, at _____ am/pm, Courtroom _____,
15 at:

- 16 King County Superior Court, Juvenile Division, 516 Third Ave., Seattle,
WA
17 Maleng Regional Justice Center, 401 Fourth Ave. N., Kent, WA

18 and to show cause why contempt should not be found.

19 **OR**

20 2.2 Pursuant to RCW 13.34. 165(5) the Court:

- 21 a. FINDS probable cause to believe that a placement order was violated.
22 b. Does NOT find probable cause to believe that a placement order was
23 violated, for the reasons stated below: _____
24 _____
25 _____

26 **IT IS HEREBY ORDERED:**

MOTION AND ORDER TO SHOW CAUSE
REGARDING CONTEMPT FOR VIOLATION
OF A PLACEMENT ORDER ENTERED
PURSUANT TO RCW CH 13.34

2

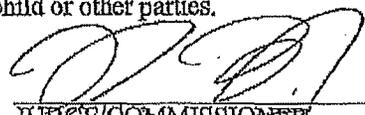
ATTORNEY GENERAL OF WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3183
(206) 464-7744

Rev. 03/01 pp

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

The Court, having made the finding stated above, hereby orders the CLERK'S OFFICE TO ISSUE an ARREST WARRANT directing law enforcement to pick up the child and take him/her to detention. Pursuant to RCW 13.34. 165(5) this order has been entered ex parte without prior notice to the child or other parties.

Dated: 9/6/18



JUDGE/COMMISSIONER
Mahe Rajul

MOTION AND ORDER TO SHOW CAUSE
REGARDING CONTEMPT FOR VIOLATION
OF A PLACEMENT ORDER ENTERED
PURSUANT TO RCW CH 13.34
Rev. 03/01 pp

3

ATTORNEY GENERAL OF WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA. 98104-3188
(206) 464-7744

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

III. ADVICE OF RIGHTS AND CONSEQUENCES

3.1 If an arrest warrant is issued:

- a. Pursuant to RCW 13.34.165(5) and 13.32A.065(1), **FOLLOWING A CHILD'S ADMISSION TO DETENTION, a DETENTION REVIEW HEARING must be HELD WITHIN TWENTY-FOUR HOURS, (excluding Saturdays, Sundays, and holidays). Detention screening shall so notify parties and attorneys of record.**
- b. Pursuant to RCW 13.32A.065, if the motion and order regarding contempt has been filed and served on the child at or before the detention review hearing, and the Court believes that the child would not appear at a contempt hearing, the Court may order the child to remain in detention and shall set the matter for a hearing on contempt within seventy-two hours (excluding Saturdays, Sundays, and holidays).

3.2 If an arrest warrant is not issued, and the matter is scheduled for a contempt hearing:

- a. **It is the petitioner's responsibility to have the above-named person served by someone other than the petitioner who is over the age of eighteen, and to provide proof of such service at the hearing.**
- b. **The petitioner must serve all attorneys of record.**
- a. **FAILURE TO APPEAR** in response to this order to show cause **MAY RESULT IN** issuance of a **WARRANT FOR YOUR ARREST**, and/or in the Court **ENTERING AN ORDER IN YOUR ABSENCE** finding you in contempt of court.

3.3 The purpose of the hearing is to hear and consider evidence on the motion.

3.4 All parties have the right to present evidence at the hearing.

3.5 Pursuant to RCW 13.34.165, **IF THE COURT MAKES A FINDING OF CONTEMPT**, the Court **MAY IMPOSE A FINE** of up to two thousand dollars (\$2000.00) per day and continuing **CONFINEMENT** or both, until such time as the court finds that the child is no longer in contempt.

25 MOTION AND ORDER TO SHOW CAUSE
REGARDING CONTEMPT FOR VIOLATION
26 OF A PLACEMENT ORDER ENTERED
PURSUANT TO RCW CH 13.34

Rev. 03/01 pp

4

ATTORNEY GENERAL OF WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

ISSUED
R

FILED
2018 DEC 20
KING COUNTY
SUPERIOR COURT CLERK

CASE #: 18-7-00257-3 SEA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

IN RE DEPENDENCY OF:
Munson, Kaitlynn

DOB: 09/19/2004

Minor Child.

NO. 18-7-00257-3 SEA

MOTION AND ORDER TO SHOW CAUSE
REGARDING CONTEMPT FOR
VIOLATION OF A PLACEMENT ORDER
ENTERED PURSUANT TO RCW CH 13.34

(Clerk's Action Required)

I. MOTION AND DECLARATION

1.1 I move for an order of the Court finding Kaitlynn Munson, the child, in contempt for failure to comply with the terms of: Dependency Order dated March 23, 2018, placing the child in DCYF custody for placement in licensed foster care.

1.2 FACTS IN SUPPORT of this motion are:

Kaitlynn Munson refused to be transported to placement on December 14, 2018. She ran away from the social worker and a police officer. A run report was made with Seattle PD #2018-466245.

Kaitlynn has a history of running away from placement to live in a homeless camp with young adults.

Kaitlynn is aware that running away from placement is a violation of the dependency order and subject to contempt of court.

I DECLARE under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 20th of December 2018, at Bellevue, Washington.

MOTION AND ORDER TO SHOW CAUSE
REGARDING CONTEMPT FOR VIOLATION
OF A PLACEMENT ORDER ENTERED
PURSUANT TO RCW CH 13.34

1

ATTORNEY GENERAL OF WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

Rev. 03/01 pp

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Amberly Eadie
Signature of Moving Party
Amberly Eadie
Printed Name of Moving Party

1.3 REVIEWED ON 12/20/18:
Kathleen Shircliff
Name: KATHLEEN SHIRCLIFF
Assistant Attorney General, WSBA No. 47956

II. ORDER TO SHOW CAUSE REGARDING CONTEMPT

2.1 Kaitlynn Munson _____
(Child's name) Parent(s) Name(s)

are **DIRECTED TO PERSONALLY APPEAR** at a **HEARING ON THE ABOVE MOTION TO BE HELD:**

On _____, 20____, at _____ am/pm, Courtroom _____,
at:

- King County Superior Court, Juvenile Division, 516 Third Ave., Seattle, WA
- Maleng Regional Justice Center, 401 Fourth Ave. N., Kent, WA

and to show cause why contempt should not be found.

OR

2.2 Pursuant to RCW 13.34. 165(5) the Court:

- a. FINDS probable cause to believe that a placement order was violated.
- b. Does NOT find probable cause to believe that a placement order was violated, for the reasons stated below: _____

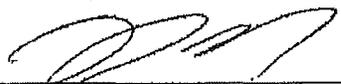
IT IS HEREBY ORDERED:

The Court, having made the finding stated above, hereby orders the **CLERK'S OFFICE TO ISSUE an ARREST WARRANT** directing law enforcement to pick up the child and take him/her to detention.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Pursuant to RCW 13.34. 165(5) this order has been entered ex parte without prior notice to the child or other parties.

Dated: 12/20/19



JUDGE/COMMISSIONER

make Reju

MOTION AND ORDER TO SHOW CAUSE
REGARDING CONTEMPT FOR VIOLATION
OF A PLACEMENT ORDER ENTERED
PURSUANT TO RCW CH 13.34
Rev. 03/01 pp

3

ATTORNEY GENERAL OF WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

III. ADVICE OF RIGHTS AND CONSEQUENCES

3.1 If an arrest warrant is issued:

- a. Pursuant to RCW 13.34.165(5) and 13.32A.065(1), FOLLOWING A CHILD'S ADMISSION TO DETENTION, a DETENTION REVIEW HEARING must be HELD WITHIN TWENTY-FOUR HOURS, (excluding Saturdays, Sundays, and holidays). Detention screening shall so notify parties and attorneys of record.
- b. Pursuant to RCW 13.32A.065, if the motion and order regarding contempt has been filed and served on the child at or before the detention review hearing, and the Court believes that the child would not appear at a contempt hearing, the Court may order the child to remain in detention and shall set the matter for a hearing on contempt within seventy-two hours (excluding Saturdays, Sundays, and holidays).

3.2 If an arrest warrant is not issued, and the matter is scheduled for a contempt hearing:

- a. It is the petitioner's responsibility to have the above-named person served by someone other than the petitioner who is over the age of eighteen, and to provide proof of such service at the hearing.
- b. The petitioner must serve all attorneys of record.
- c. FAILURE TO APPEAR in response to this order to show cause MAY RESULT IN issuance of a WARRANT FOR YOUR ARREST, and/or in the Court ENTERING AN ORDER IN YOUR ABSENCE finding you in contempt of court.

3.3 The purpose of the hearing is to hear and consider evidence on the motion.

3.4 All parties have the right to present evidence at the hearing.

3.5 Pursuant to RCW 13.34.165, IF THE COURT MAKES A FINDING OF CONTEMPT, the Court MAY IMPOSE A FINE of up to two thousand dollars (\$2000.00) per day and continuing CONFINEMENT or both, until such time as the court finds that the child is no longer in contempt.

ATTACHMENT C

REC'D
KING COUNTY JUVENILE COURT - SEATTLE
WA017045J

FILED

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
2018 MAY 30 PM 4:06 JUVENILE COURT DEPARTMENT 101-731 PM 12 08

SERVED

WASHINGTON STATE DEPARTMENT
OF SOCIAL AND HEALTH SERVICES,

Petitioner

VS

Kaitlynn Munson

Respondent

No 18-7 00257 3 SBA
 Sex Kent
CLERK
SEATTLE

ARREST WARRANT

- Truancy
- At Risk Youth
- Child in Need of Services
- Dependency

(Clerk's Action Required)

Expiration Date 09/19/2022

If no date is filled in recall warrant the 28th day of the third month following day of issuance

THE STATE OF WASHINGTON TO The Director of Public Safety or any Peace Officer

WHEREAS, the above entitled court has made and entered an Order Issuing an Arrest Warrant for the above named respondent in the above-entitled cause Therefore

YOU ARE HEREBY DIRECTED TO APPREHEND AND ARREST Kaitlynn Munson

Bail in this warrant shall **NOT BE ALLOWED**, the arrestee shall be detained pending a court hearing

OR

Bail in this warrant is \$ _____ cash / bond in which event he/she must present himself/herself to the court

Court will take place at

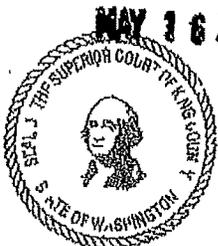
the Department of Youth Services building 1211 East Alder Street, Seattle, WA 98122 at 8:30 a.m. the first day following apprehension if apprehended before _____

King County Courthouse, 516 Third Avenue, Rm E-201, Seattle, WA 98104, if apprehended on or after 05/16/18 DATED this 16th day of May 2018, at Bellevue, WA

Laura C Invern

WITNESS the Honorable _____

(SEAL)



BARBARA MINER

King County Superior Court Clerk

By **T. BROWN**

(Deputy Clerk)

SERVED

Upon the arrest of the juvenile, please notify the following parties at

<i>Child's Defense Attorney</i>	Mark Bradley	<i>Phone #</i>	206 477-8713
<i>DCFS Social Worker</i>	Amber Eadie	<i>Phone #</i>	425 941-9006
<i>Asstnt Attny General</i>	Karen Zehnder-Wood	<i>Phone #</i>	206 464-7829
<i>Guardian</i>	Karen Delgado	<i>Phone #</i>	425-221-9600
<i>Guardian's Attorney</i>	Gail Levy	<i>Phone #</i>	206 477 9240
<i>Father</i>	N/A	<i>Phone #</i>	
<i>Father's Attorney</i>	N/A	<i>Phone #</i>	
<i>School</i>	N/A	<i>Phone #</i>	
<i>Court Coordinator</i>	As assigned	<i>Phone #</i>	206 205-9716 or 9713
<i>Other</i>	Geramy Hudson (locator)	<i>Phone #</i>	425 583-8031 (cell) 206 267 3086

Mandatory Distribution To

- 1) Sheriff's Office, Warrant Section King County Courthouse
W-150 516 3rd Ave Seattle, WA 98104
- 2) Department of Youth Services, Central Control First Floor 1211 East Alder Seattle, WA 98122
- 3) Youth's parents/guardians (This includes DCFS if it has custody of the child)
- 4) The youth's attorney
- 5) If the warrant is issued as part of a Truancy Petition, the school district representative

SEKVED

047
KING COUNTY JUVENILE COURT - SEATTLE
WA017045J

BB
2018 JUL 32 AM 9:50 SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE COURT DEPARTMENT

SERVED

WASHINGTON STATE DEPARTMENT
OF SOCIAL AND HEALTH SERVICES,

Petitioner

VS.

Kaitlynn Munson,

Respondent

No. 18-7-00257-3 SEA.
 Sea Kent

ARREST WARRANT

- Truancy
- At Risk Youth
- Child in Need of Services
- Dependency

(Clerk's Action Required)

Expiration Date: *09/19/2018*

If no date is filled in, recall warrant the 28th day of the third month following day of issuance.

FILED
18 JUL 32 PM 3:35
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA
FILED
KING COUNTY, WASHINGTON
AUG 01 2018
DEPARTMENT OF
JUDICIAL ADMINISTRATION

THE STATE OF WASHINGTON TO: The Director of Public Safety or any Peace Officer

WHEREAS, the above entitled court has made and entered an Order Issuing an Arrest Warrant for the above named respondent in the above entitled cause. Therefore . . .

YOU ARE HEREBY DIRECTED TO APPREHEND AND ARREST Kaitlynn Munson.

Bail in this warrant shall NOT BE ALLOWED; the arrestee shall be detained pending a court hearing.

OR

Bail in this warrant is \$ _____ cash / bond in which event he/she must present himself/herself to the court.

Court will take place at:

the Department of Youth Services building, 1211 East Alder Street, Seattle, WA 98122 at 8:30 a.m. the first day following apprehension if apprehended before _____;

King County Courthouse, 516 Third Avenue, Rm. B-201, Seattle, WA 98104, if apprehended on or after 06/27/18. DATED this 27th of June 2018, at Bellevue, WA.

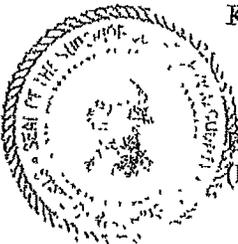
WITNESS the Honorable _____

Laura C. Inveen

BARBARA MINER

(SEAL)

King County Superior Court Clerk



By *[Signature]*
(Deputy Clerk)

L. PAIT,

Upon the arrest of the juvenile, please notify the following parties at:

<i>Child's Defense Attorney:</i>	Mark Bradley	<i>Phone #</i>	206-477-8713
<i>DCFS Social Worker</i>	Amber Eadie	<i>Phone #</i>	425-941-9006
<i>Asstnt Attny General</i>	Karen Zehnder-Wood	<i>Phone #</i>	206-464-7829
<i>Guardian</i>	Karen Delgado	<i>Phone #</i>	425-221-9600
<i>Guardian's Attorney</i>	Gail Levy	<i>Phone #</i>	206-477-9240
<i>Father</i>	N/A	<i>Phone #</i>	
<i>Father's Attorney</i>	N/A	<i>Phone #</i>	
<i>School</i>	N/A	<i>Phone #</i>	
<i>Court Coordinator</i>	As assigned	<i>Phone #</i>	206-205-9716 or 9713
<i>Other</i>	Geramy Hudson (locator)	<i>Phone #</i>	425-583-8031 (cell) 206-267-3086

Mandatory Distribution To:

- 1) Sheriff's Office, Warrant Section, King County Courthouse,
W-150, 516 3rd Ave. Seattle, WA 98104
- 2) Department of Youth Services, Central Control, First Floor, 1211 East Alder, Seattle, WA 98122.
- 3) Youth's parents/guardians, (This includes DCFS if it has custody of the child.)
- 4) The youth's attorney.
- 5) If the warrant is issued as part of a Truancy Petition, the school district representative.

CUT
KING COUNTY JUVENILE COURT - SEATTLE
WA017045J

2018 NOV 13 AM 10:00

FILED
18 NOV 13 PM 5:28
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

2018 NOV 13
SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
KING COUNTY
JUVENILE COURT DEPARTMENT
SUPERIOR COURT CLERK

No. 18-7-00257-3 SEA
CASE #: 18-7-00257-3 SE Kent

WASHINGTON STATE DEPARTMENT
OF SOCIAL AND HEALTH SERVICES,

Petitioner

VS.

Kaitlynn Munson,

Respondent

ARREST WARRANT

- Truancy
- At Risk Youth
- Child in Need of Services
- Dependency

(Clerk's Action Required)

Expiration Date: _____

If no date is filled in, recall warrant the 28th day of the third month following day of issuance.

THE STATE OF WASHINGTON TO: The Director of Public Safety or any Peace Officer

WHEREAS, the above entitled court has made and entered an Order Issuing an Arrest Warrant for the above named respondent in the above-entitled cause. Therefore ...

YOU ARE HEREBY DIRECTED TO APPREHEND AND ARREST Kaitlynn Munson.

Bail in this warrant shall NOT BE ALLOWED; the arrestee shall be detained pending a court hearing.

OR

Bail in this warrant is \$ _____ cash / bond in which event he/she must present himself/herself to the court.

SERVED

Court will take place at:

- the Department of Youth Services building, 1211 East Alder Street, Seattle, WA 98122 at 8:30 a.m. the first day following apprehension if apprehended before _____;
- King County Courthouse, 516 Third Avenue, Rm. E-201, Seattle, WA 98104, if apprehended on or after 09/06/18. DATED this 6th of September, 2018, at Bellevue, WA.

~~LAURA C. INVEEN~~
LAURA C. INVEEN

WITNESS the Honorable _____

(SEAL) SEP 06 2018

BARBARA MINER
King County Superior Court Clerk



By _____
(Deputy Clerk)

T. BROWN

Upon the arrest of the juvenile, please notify the following parties at:

<i>Child's Defense Attorney:</i>	Mark Bradley	<i>Phone #</i>	206-477-8713
<i>DCFS Social Worker</i>	Amber Eadie	<i>Phone #</i>	425-941-9006
<i>Asstnt Attny General</i>	Karen Zehnder-Wood	<i>Phone #</i>	206-464-7829
<i>Guardian</i>	Karen Delgado	<i>Phone #</i>	425-221-9600
<i>Guardian's Attorney</i>	Gail Levy	<i>Phone #</i>	206-477-9240
<i>Father</i>	N/A	<i>Phone #</i>	
<i>Father's Attorney</i>	N/A	<i>Phone #</i>	
<i>School</i>	N/A	<i>Phone #</i>	
<i>Court Coordinator</i>	As assigned	<i>Phone #</i>	206-205-9716 or 9713
<i>Other</i>	Geramy Hudson (locator)	<i>Phone #</i>	425-583-8031 (cell) 206-267-3086

Mandatory Distribution To:

- 1) Sheriff's Office, Warrant Section. King County Courthouse.
W-150. 516 3rd Ave. Seattle, WA 98104
- 2) Department of Youth Services, Central Control. First Floor. 1211 East Alder. Seattle, WA 98122.
- 3) Youth's parents/guardians. (This includes DCFS if it has custody of the child.)
- 4) The youth's attorney.
- 5) If the warrant is issued as part of a Truancy Petition, the school district representative.

ATTACHMENT D

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

FILED
KING COUNTY, WASHINGTON

MAY 30 2018

SUPERIOR COURT CLERK
BY HEIDI L. STEWART
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

IN RE DEPENDENCY OF:

Munson, Kaitlynn

a/19/2004

Minor Child.

NO. 18-7-00257-3 SEA

ORDER ON DETENTION REVIEW/
MOTION FOR CONTEMPT

THIS MATTER came before the court for a detention review hearing on 5/30/18 (date) on the Department's Motion and Order to Show Cause Regarding Contempt for Violation of a Placement Order. This hearing was held following the youth's admission to detention on 5/29/18 (date) pursuant to issuance of an RCW 13.34.165 arrest warrant. The following parties were present:

- Youth, Kaitlynn Munson
- Youth's attorney, Mark Bradley
- Social Worker, Amber Eddie
- AAG, J. Nichols; or AAG waived presence
- Other F. Wertzick;
- See Clerk's Minutes.

The court, having reviewed the Motion for Contempt, heard argument of the parties, and being familiar with the records and files herein, enters the following:

I. FINDINGS OF FACT

1. The youth admits that he/she was in violation of his/her placement order and the court therefore finds the youth in contempt.

ORDER ON DETENTION REVIEW/MOTION
RE: CONTEMPT
Rev. 12/10 thm

1

ATTORNEY GENERAL OF WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

ORIGINAL
56

- 1 2. The youth denies that he /she was in violation of the placement order and the
 2 court therefore sets this matter for a contempt hearing on _____ at _____
 3 a.m./p.m.. The court further finds that the youth will will not return for the
 4 contempt hearing, and therefore holds the youth in detention pending the hearing,
 5 releases the youth to DCFS for placement pending the contempt hearing.
 6
 7 3. The youth denies that he/she is in contempt of the placement order and the court
 8 heard evidence (see clerk's minutes). Based on the evidence presented, the court
 9 finds does not find the youth in contempt for violating the placement order.
 10
 11 4. _____
 12 _____
 13 _____

14 **II. ORDER**

15 **IT IS HEREBY ORDERED, ADJUDGED and DECREED** that: *with credit for time served*

- 16 1. The youth is in contempt and shall serve up to 1 days in detention, with
 17 the opportunity to purge the contempt by writing a _____ page paper that
 18 addresses the topics set forth ^{below} on the attached page which is incorporated by reference; or
 19 can purge the contempt by *after reading a book on human*
 20 *trafficking. This is a purge condition, but*
 21 *not a condition for release.*

22 2. The youth is not in contempt and shall be released to the supervising agency for
 23 placement in the court's previously authorized placement.

24 3. *Youth shall be released from detention today.*
 25 *Department shall procure a copy of the book she may take to placement.*

26 Dated this 30th day of May, 2018.


 JUDGE COMMISSIONER P.T.

Presented by: Jonathan Nichols Title/Role AAC #49154 Susan Lorenz
 Approved for entry: Mark Bradley Title/Role Youth's Atty #22841
Jessie White Title/Role guardian's Atty 22087
Paul Long Title/Role _____

ORDER ON DETENTION REVIEW/MOTION
 RE: CONTEMPT
 Rev. 12/10 ilm

2

ATTORNEY GENERAL OF WASHINGTON
 800 Fifth Avenue, Suite 2000
 Seattle, WA 98104-3188
 (206) 464-7744

FILED
KING COUNTY, WASHINGTON

AUG. 01 2018

SUPERIOR COURT CLERK
BY HEIDI L. STEWART
DEPUTY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

IN RE DEPENDENCY OF:

Munson, Kaitlynn Sarah

Minor Child.

NO. *18-7-00257-3 SEA*

ORDER ON DETENTION REVIEW/
MOTION FOR CONTEMPT

THIS MATTER came before the court for a detention review hearing on *8/1/18* (date) on the Department's Motion and Order to Show Cause Regarding Contempt for Violation of a Placement Order. This hearing was held following the youth's admission to detention on _____ (date) pursuant to issuance of an RCW 13.34.165 arrest warrant. The following parties were present:

- Youth, *Kaitlynn Munson*
- Youth's attorney, *Mark Bradley TDN*
- Social Worker, *Amberly Gadie, M.Ed.*
- AAG, *Lisa Roth* or AAG waived presence
- Other _____
- See Clerk's Minutes.

The court, having reviewed the Motion for Contempt, heard argument of the parties, and being familiar with the records and files herein, enters the following:

I. FINDINGS OF FACT

1. The youth admits that he/she was in violation of his/her placement order and the court therefore finds the youth in contempt.

ORDER ON DETENTION REVIEW/MOTION
RE: CONTEMPT
Rev. 12/10 film

ATTORNEY GENERAL OF WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

ORIGINAL

- 1 2. The youth denies that he /she was in violation of the placement order and the
 2 court therefore sets this matter for a contempt hearing on _____ at _____
 3 a.m./p.m. The court further finds that the youth will will not return for the
 4 contempt hearing, and therefore holds the youth in detention pending the hearing,
 5 releases the youth to DCFS for placement pending the contempt hearing.
 6
 7 3. The youth denies that he/she is in contempt of the placement order and the court
 8 heard evidence (see clerk's minutes). Based on the evidence presented, the court
 9 finds does not find the youth in contempt for violating the placement order.
 10
 11 4. _____
 12 _____
 13 _____

14 **II. ORDER**

15 **IT IS HEREBY ORDERED, ADJUDGED and DECREED that:**

- 16 1. The youth is in contempt and shall serve up to 31 ^{credit for the day she was held} days in detention, with
 17 the opportunity to purge the contempt by writing a _____ page paper that
 18 addresses the topics set forth on the attached page which is incorporated by reference; or
 19 can purge the contempt by The dept. requests no purge
 20 requirements. The youth shall be released immediately & return to
 21 court-ordered placement.
 22 2. The youth is not in contempt and shall be released to the supervising agency for
 23 placement in the court's previously authorized placement.
 24 3. _____
 25 _____

26 Dated this 1st day of August, 2018.

Presented by: [Signature] Title/Role _____
 Approved for entry: [Signature] Title/Role Youth Attorney - Mike Bradley
 _____ Title/Role _____
 _____ Title/Role _____

JUDGE COMMISSIONER
 Shawn Crowley

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

FILED
2018 NOV 13
KING COUNTY
SUPERIOR COURT CLERK
CASE #: 18-7-00257-3 SEA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

IN RE DEPENDENCY OF:

KAITLYN MUNSON

Minor Child.

NO. 18-7-00257-3 SEA

ORDER ON DETENTION REVIEW/
MOTION FOR CONTEMPT

THIS MATTER came before the court for a detention review hearing on NOV. 13, (date) on the Department's Motion and Order to Show Cause Regarding 2018 Contempt for Violation of a Placement Order. This hearing was held following the youth's admission to detention on NOVEMBER 9, (date) pursuant to issuance of an 2018 RCW 13.34.165 arrest warrant. The following parties were present:

- Youth, KAITLYN MUNSON
 Youth's attorney, MARK BARNLEY
 Social Worker, AMBERLY EAGLE
 AAG, K. KAFKA; or AAG waived presence
 Other _____;
 See Clerk's Minutes.

The court, having reviewed the Motion for Contempt, heard argument of the parties, and being familiar with the records and files herein, enters the following:

I. FINDINGS OF FACT

1. The youth admits that he/she was in violation of his/her placement order and the court therefore finds the youth in contempt.

ORDER ON DETENTION REVIEW/MOTION
RE: CONTEMPT
Rev. 12/10 tlm

1

ATTORNEY GENERAL OF WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

ORIGINAL
60

- 1 2. The youth denies that he /she was in violation of the placement order and the
 2 court therefore sets this matter for a contempt hearing on _____ at _____
 3 a.m./p.m. The court further finds that the youth will will not return for the
 4 contempt hearing, and therefore holds the youth in detention pending the hearing,
 5 releases the youth to DCFS for placement pending the contempt hearing.
 6
 7 3. The youth denies that he/she is in contempt of the placement order and the court
 8 heard evidence (see clerk's minutes). Based on the evidence presented, the court
 9 finds does not find the youth in contempt for violating the placement order.
 10
 11 4. _____
 12 _____
 13 _____

14 **II. ORDER**

15 **IT IS HEREBY ORDERED, ADJUDGED and DECREED that:**

- 16 1. The youth is in contempt and shall serve up to - 6 - days in detention, with
 17 the opportunity to purge the contempt by writing a - 1 - page paper that
 18 addresses the topics ^{A WHERE DOES SHE SEE HERSELF IN ONE YEAR, YOUTH HAS} set forth on the attached page which is incorporated by reference, or
 19 ^{ALREADY BEEN IN DETENTION - 4 - DAYS. YOUTH WAS BOOKED 11/9/18.} can purge the contempt by _____
 20 _____
 21
 22 2. The youth is not in contempt and shall be released to the supervising agency for
 23 placement in the court's previously authorized placement.
 24
 25 3. _____
 26 _____

Dated this 13TH day of NOVEMBER, 2018.


 JUDGE COMMISSIONER
 NAME RAJVA

Presented by: K. KAPLAN, MDC Title/Role MDC
 Approved for entry: M. GAROLEY, JDC Title/Role _____
GARDNER COLIVER Title/Role _____
SULLS Title/Role _____

ORDER ON DETENTION REVIEW/MOTION 2
 RE: CONTEMPT
 Rev. 12/10 thm
 ATTORNEY GENERAL OF WASHINGTON
 800 Fifth Avenue, Suite 2000
 Seattle, WA 98104-3188
 (206) 464-7744

1 FILED
2 2018 NOV 14
3 KING COUNTY
4 SUPERIOR COURT CLERK

5 CASE #: 18-7-00257-3 SEA

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

9 IN RE DEPENDENCY OF:

10 KAITLYNN MUNSON

11 Minor child.

No. 18-7-00257-3 SEA

RELEASE ORDER

12
13 I. BASIS

14 The youth has purged her contempt by complying with the conditions set forth in this
15 court's orders and completing her purge paper.

16
17 II. ORDER

18 THE COURT HEREBY ORDERS: The youth has purged her contempt and shall be
19 released to DCYF for placement in accordance with prior court orders.

20 DONE IN OPEN COURT this 14th day of November, 2018.

21
22 
23 JUDGE/COURT COMMISSIONER

Mafe Rajul

24 Presented by:


25 Helen Redman, WSBA#38901

On Behalf of Mark Bradley, Attorney for Youth

AGREED ORDER - 1

KING COUNTY DEPARTMENT OF PUBLIC
DEFENSE

THE DEFENDER ASSOCIATION DIVISION
710 SECOND AVENUE, SUITE 700
SEATTLE, WASHINGTON 98104
TEL: 206-477-8700

ORIGINAL

ATTACHMENT E

- King West OICW
- White Center MLK
- King East King South
- Adoptions/BRS

FILED
KING COUNTY, WASHINGTON

JAN 24 2018

SUPERIOR COURT CLERK
BY HEIDI L. STEWART
DEPUTY

**SUPERIOR COURT OF WASHINGTON
COUNTY OF KING, JUVENILE COURT**

Dependency of:

Munson, Kaitlynn Sarah

D.O.B.: 09/19/2004

No: 18-7-00257-3 SEA

Shelter Care Hearing Order

- Agreed as to mother father other ^{Guardian}
- Contested as to mother father other
- Default as to mother father other

(SCOR)

Clerk's Action Required. Para. 3.5 (EDL), 3.10

The parties shall:

Hold a case conference mediation:
 On: [Date] March 15, 2018 at 10 @m./p.m.
 At: [Address] _____

Not hold a case conference at this time because the parent did not appear at shelter care did not want to participate, or the court set a mediation instead.

Not hold a mediation because the court has determined that this case is not appropriate for mediation.

The court shall conduct at:

	Date	Time
Shelter Care Hearing	<u>2/19/18</u>	<u>8:00 AM</u>
<input type="checkbox"/> King County Juvenile Court, Courtroom 5, 1211 E. Alder Street Seattle, WA		
<input checked="" type="checkbox"/> King County Courthouse, 2 nd floor, 516 Third Avenue, Seattle, WA		
<input type="checkbox"/> Kent Regional Justice Center, Courtroom 1L, 401 4 th Ave. N., Kent, WA		
Pre Trial Conference	<u>3/16/18</u>	<u>8:30 AM</u>
<input type="checkbox"/> King County Juvenile Court, Courtroom 5, 1211 E. Alder Street Seattle, WA		
<input checked="" type="checkbox"/> King County Courthouse, 2 nd floor, 516 Third Avenue, Seattle, WA		
<input type="checkbox"/> Kent Regional Justice Center, Courtroom 1L, 401 4 th Ave. N., Kent, WA		
Fact - Finding	<u>3/30/18</u>	<u>8:30 AM</u>
<input type="checkbox"/> King County Juvenile Court, Courtroom 5, 1211 E. Alder Street Seattle, WA		
<input checked="" type="checkbox"/> King County Courthouse, 2 nd floor, 516 Third Avenue, Seattle, WA		
<input type="checkbox"/> Kent Regional Justice Center, Courtroom 1L, 401 4 th Ave. N., Kent, WA		

I. Hearing

- 1.1 **Petition:** A dependency petition was filed in this matter on 01/23/2018 [Date] by DSHS Licensed Child Placement Agency Other _____ The child was removed from the parents' care on 01/21/2018 (Date) by court order protective custody hospital/doctor hold voluntary placement agreement. The court held a shelter care hearing on this date or on 01/24/2018 (Date).

Shelter Care Hearing Order (SCOR) - Page 1 of 10

WPF JU 02.0200 (07/2013) - JuCR 2.1, 2.3, 2.4; RCW 13.34.062, .065

ORIGINAL

1.2 **Appearance:** The following persons appeared at the hearing:

- | | | | |
|-------------------------------------|---|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Child | <input checked="" type="checkbox"/> | Child's Lawyer |
| <input type="checkbox"/> | Mother (deceased) | <input type="checkbox"/> | Mother's Lawyer |
| <input type="checkbox"/> | Father (deceased) | <input type="checkbox"/> | Father's Lawyer |
| <input type="checkbox"/> | Alleged Father _____ | <input type="checkbox"/> | Alleged Father _____ |
| <input checked="" type="checkbox"/> | Guardian or Legal Custodian | <input checked="" type="checkbox"/> | Guardian's or Legal Custodian's Lawyer |
| <input type="checkbox"/> | Child's GAL/CASA | <input type="checkbox"/> | GAL's Lawyer |
| <input checked="" type="checkbox"/> | DSHS/Supervising Agency Worker | <input checked="" type="checkbox"/> | Agency's Lawyer <i>M. Eastwood</i> |
| <input type="checkbox"/> | Tribal Representative | <input type="checkbox"/> | Current Caregiver |
| <input type="checkbox"/> | Interpreter for <input type="checkbox"/> mother <input type="checkbox"/> father | <input checked="" type="checkbox"/> | Other <u>Guardian's Support</u> <i>West</i> |
| <input type="checkbox"/> | <input type="checkbox"/> other _____ | | |

1.3 **Basis:** The court considered the dependency petition, declarations, testimony, if any, and the relevant court records.

- The child is 12 years old or older and the court made the inquiry required by RCW 13.34.100(6).

II. Findings

2.1 **Notice:** The petitioner gave adequate notice as required under RCW 13.34.062 to the mother father child if age 12 or older guardian legal custodian other: _____

The petitioner has has not made reasonable efforts to provide notice to the mother father child guardian legal custodian other: _____ and to inform them of their rights.

2.2 **Child's Indian Status:** *The court asked all parties on 11/24/2018 regarding the child's status membership in Federally recognized tribes.*
The petitioner has has not made a good faith effort to determine whether the child is an Indian Child.

- Based upon the following, the child is not an Indian child as defined in RCW 13.38.040, and the federal and Washington State Indian Child Welfare Acts do not apply to these proceedings:

The paternal aunt (guardian) has stated that the paternal side of the family is not Native American. The mother is deceased and no maternal relatives could be located. The Department has no reason to believe that this child is Native American or a member of or is eligible for membership in any Federally recognized tribe.

- Based upon the following information currently available to the court, the child may be an Indian child as defined in RCW 13.38.040, and the federal and Washington State Indian Child Welfare Acts do apply to these proceedings:

- Based upon the following, the child is an Indian child as defined in RCW 13.38.040, and the federal and Washington State Indian Child Welfare Acts do apply to these proceedings:

The petitioner has has not made preliminary efforts to notify all tribes to which the petitioner or court knows or has reason to know the child may be a member or eligible for membership of these proceedings.

2.3 **Rights:** The parties present at the hearing were informed of their rights pursuant to RCW 13.34.065 and 13.34.090.

2.4 **Waiver of Shelter Care Hearing:** The mother father guardian legal custodian requested a waiver of the shelter care hearing. The court determined that the parent, guardian, or legal custodian was was not represented by an attorney and the waiver of the shelter care hearing was knowing and voluntary.

2.5 **Shelter Care Factors:**

The court considered the following factors:

- (a) What services DSHS/Supervising Agency provided to the family to prevent or eliminate the need for removal of the child from the child's home.
 If lack of suitable housing was a significant factor in removal of the child, whether DSHS/Supervising Agency provided housing assistance to the family.
- (b) Whether the child can be safely returned to the home pending the dependency fact-finding hearing.
- (c) Whether restraining orders or orders excluding an allegedly abusive household member from the house of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home.
- (d) What efforts DSHS/Supervising Agency made to place the child with a relative or other suitable person known to the child and with whom the child has a relationship. The court inquired whether DSHS/Supervising Agency has discussed this issue with the parents.
- (e) Whether the placement proposed by DSHS/Supervising Agency is the least disruptive and most family-like setting that meets the needs of the child.
- (f) Appointment of an attorney or guardian *ad litem* for the child's parent, guardian, or legal custodian, or for the child.
- (g) The terms and conditions for parental, sibling, and family visits.

2.6 **Reasonable Efforts:**

- Petitioner made reasonable efforts to prevent or eliminate the need for removal of the child from the child's home. For the reasons set forth in the dependency petition, supporting declarations and affidavits, and/or the testimony presented to the court:
 - The risk of imminent harm to the child as assessed by petitioner establishes reasonable cause for the continued out-of-home placement of the child pending the fact finding hearing; and/or
 - Specific services offered or provided to the parent(s) have been unable to remedy the unsafe conditions in the home and make it possible for the child to return home; and/ or
 - Returning the child to the home would seriously endanger the child's health, safety, and welfare.
 - Additional reasonable efforts findings:
-

2.7 Shelter Care:

- The court does not find reasonable cause to believe that shelter care is needed.
- 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
 - The release of the child would present a serious threat of substantial harm to the child; and/or
 - The parent, guardian or custodian to whom the child could be released is alleged to have violated RCW 9A.40.060 or 9A.40.070.

2.8 Placement:

- A relative or suitable person is available or willing to care for the child and to meet any special needs of the child or to facilitate the child's visitation with siblings.
 - Placement with the relative or other suitable person is in the child's best interests.
 - DSHS/Supervising Agency needs to further investigate the character and suitability of the proposed relative or other suitable person to determine if the placement is in the child's best interests.
 - Placement with the relative or other suitable person is not in the child's best interests as there is reasonable cause to believe that placement of the child with the relative or suitable person would jeopardize the health, safety or welfare of the child hinder efforts to reunite the parent and child.
- A relative or suitable person is not available or willing to care for the child and to meet any special needs of the child or to facilitate the child's visitation with siblings.
- DSHS/Supervising Agency made the following efforts toward placement with a relative or other suitable person: *Mr and Mrs. Oerstrom*
The only relative who is currently available and willing to take this child is currently under investigation by the Department and Law Enforcement for possible abuse of this child.

2.9 Restraining Order:

- The court finds reasonable cause to believe that an incident of sexual or physical abuse has occurred and that a restraining order is necessary pursuant to RCW 26.44.063(2).
- A restraining order has been shall be entered pursuant RCW 26.44.063 and shall be incorporated by reference into this order. Placement of the child with _____ [name] shall be contingent on continued compliance with the terms of the restraining order.

2.10 Services:

The court inquired into whether the child, the parent or parent(s), or the legal guardian requires examinations, evaluations, or immediate services. The court also inquired into whether the parent(s) agree(s) to any recommended services, and the parent(s) agree(s) to participate in the services listed in the Order.

- The Department recommends the following examinations, evaluations, or immediate services for the child:

as well as trauma therapy

Kaitlynn will continue to get on-going routine medical check-ups including hearing, vision, and dental care. Kaitlynn will be provided with grief counseling. Kaitlynn will get individual counseling to address depression and anxiety. Kaitlynn will be provided with medications as prescribed by her medical and mental health providers.

- The child is 12 or older and agrees to the services was notified of the services was notified that he/she may request an attorney.

2.11 Education status:

- The child is not of school age.
- The court considered whether it is in the best interest of the child to remain enrolled in the Kanikihl-Vallejo middle school [name of 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 if it would be in the best interest of the child to remain in the same school, program, or child care. *Unless transportation would make a difference substantiated*
- The child should not remain enrolled in the child's present school, developmental program, or child care and the reasons for the transfer to a new school, developmental program, or child care are:

- DSHS/Supervising Agency should enroll the child in school, developmental program, or child care immediately and within seven school days and request transfer of records.
- DSHS/Supervising Agency is responsible for coordinating the student's educational information.
- The child meets the criteria for appointment of an educational liaison. DSHS/Supervising Agency recommends that the court appoint (name) Christine Guardian as the child's educational liaison.

The parents are not able to serve as the educational liaison because: ~~Guardian has stated multiple times that she wants to terminate her responsibility for this child, they are deceased. The guardian is willing to continue to be the educational liaison and the youth agrees at this time.~~

- 2.12** **Other:** The Department recommends the following services for the parents: For the Guardian: Individual Counseling with emphasis on understanding children experiencing loss, death, and depression.

III. Order

3.1 Placement:

- The child is released to the child's parent, guardian or legal custodian:
Name(s): _____

Address: _____

Subject to the following conditions: _____

- The child is placed in or shall remain in shelter care, in the temporary custody and under the supervision of DSHS/Supervising Agency, which shall have the authority to place the child in:
- Licensed foster care.
 - Relative placement with _____ [name].
 - Placement with a suitable person: _____ [name].
- Placement with the relative or suitable person is contingent upon the caregiver's cooperation with the DSHS/Supervising Agency case plan and compliance with this, and all subsequent court orders related to the care and supervision of the child, including but not limited to parent-child contact, sibling contacts, and any other conditions imposed by the court.
- Placement conditions: _____

- DSHS/Supervising Agency shall continue to make reasonable efforts to locate and investigate an appropriate relative or other suitable person who is available and willing to care for the child, and is authorized to share information with potential relative or other suitable person placement resources as necessary to determine their suitability and willingness as a placement for the child.
- DSHS/Supervising Agency shall have authority to place the child with an appropriate relative with prior reasonable notice to the parties, subject to review by the court.

3.2 **Visitation:** DSHS/Supervising Agency shall provide visits between the child and parent, guardian, or legal custodian as follows:

Per visitation attachment.

As follows: Visitation between guardian and child will be one time per week for 2 hours, supervised by the Department or its designee, at the child's discretion. The Department will have the authority to liberalize the visits to include increasing the frequency, the duration, or decreasing the need for supervision.

If siblings are not placed together, DSHS/Supervising Agency shall provide sibling visits or contact as follows: _____

Visitation may be expanded upon agreement of the parties.

3.3 **Attorney/GAL Appointments:** Attorney and guardian *ad litem* appointments are as follows:

- attorney guardian *ad litem* for Kaitlynn Sarah Munson [Name].
 attorney guardian *ad litem* for _____ [Name].

- attorney guardian *ad litem* for _____ [Name].
 attorney guardian *ad litem* for _____ [Name].

3.4 **Services:**

- DSHS/Supervising Agency shall offer or provide and the parent/guardian/custodian shall participate in the following agreed upon examinations, evaluations, or immediate services:
 The mother agrees to and shall participate in the following:

The following services were recommended by the Department for the mother but were not agreed to and are therefore not ordered:

- The father agrees to and shall participate in the following:

The following services were recommended by the Department for the father but were not agreed to and are therefore not ordered:

- The alleged father _____ [name] shall participate in the following:

The following services were recommended by the Department for the alleged father but were not agreed to and are therefore not ordered:

- The guardian/legal custodian shall participate in the following:

See section 2.12

- DSHS/Supervising Agency shall provide and the child shall participate in the following examinations, evaluations, or immediate services:

See section 2.10

- Per attached service plan.

- Other: _____

3.5 **Education:**

- DSHS/Supervising Agency or its designee shall immediately and within seven school days timely enroll the child in school and request transfer of records. *If new school is needed*
 DSHS/Supervising Agency or its designee shall provide the child's school with a certified copy of the Order and Authorization Re Health Care and Education.

(Name) Guardian is appointed as the child's educational liaison to carry out the responsibilities described in Laws of 2013, ch. 182, §5. The educational liaison must complete criminal background checks required by DSHS/Supervising Agency.

3.6 Parental Cooperation:

The parents shall cooperate with DSHS/Supervising Agency and provide a current address and phone number to the social worker at all times. Within two weeks of the entry of this order, the parents shall provide additional information necessary for placement and notice purposes including:

- (a) The names, addresses, and phone number of any relatives or other suitable persons who may be placement resources for the child.
- (b) The names, addresses, phone numbers and other identifying information of any alleged parent(s) of the child.
- (c) Any known information regarding possible membership in or descent from an Indian tribe.
- (d) Information necessary to determine financial eligibility for services or foster care.
- (e) Other: _____

The parents shall sign and maintain current releases of information during the course of these proceedings for exchange of information between all evaluators and service providers, DSHS/Supervising Agency, CASA/GAL, Juvenile Court, AAG, and the parents' attorneys.

3.7 Paternity:

- The alleged father(s) _____ shall cooperate in the establishment of paternity and shall complete all interviews, paperwork, and genetic testing within _____ days of the entry of this order.
- The mother shall cooperate in the establishment of paternity and shall complete all interviews, paperwork, and genetic testing within _____ days of the entry of this order.
- The child shall be made available for genetic testing.
- If paternity has not been established regarding the child, the court authorizes the King County Prosecutor's Office to proceed in the King County Superior Court, Family Law Division, on the issue of paternity, current and past child support, and costs.

3.8 Release of Information:

All court-ordered service providers shall make all records and all reports available to DSHS, attorney for DSHS, parent's attorney, the guardian ad litem and attorney for the child. Parents shall sign releases of information and allow all court-ordered service providers to make all records available to DSHS and the guardian ad litem or attorney for the child. Such information shall be provided immediately upon request. All information, reports, records, etc., relating to the provision of, participation in, or parties' interaction with services ordered by the court or offered by DSHS may be subject to disclosure in open court unless specifically prohibited by state or federal law or regulation.

3.9 General:

DSHS/Supervising Agency shall have the right to access, inspect, and copy all records pertaining to the above-named child, including but not limited to health, medical, mental health and educational records.

DSHS/Supervising Agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care.

DSHS/Supervising Agency shall make reasonable efforts to advise the child's mother father legal guardian or custodian of the status of this case, including the date and time of the hearing(s) scheduled below and their rights under RCW 13.34.090.

3.10 Restraining Order:

- The court signed a separate restraining order on this date.
- The restraining order entered pursuant to RCW 26.44.063 is incorporated into this order.

Placement of the child with _____ is contingent on continued compliance with the terms of this restraining order. Failure to comply with any and all terms of this order may result in removal of the child.

The person having physical custody of the child has an affirmative duty to assist in the enforcement of this restraining order and to notify law enforcement, DSHS/ Supervising Agency, and the court as necessary to request assistance and/or report violations of the order.

3.11 All parties shall appear at the next scheduled hearing (see page one).

3.12 Other:

Dated: 1/24/2018

Beth M Andrus
Judge/Commissioner

Beth M. Andrus

Presented by:

Helen I Enstrom
Signature

Helen I Enstrom 50683
Print Name/Title WSBA No.

Copy Received. Approved for entry, notice of presentation waived.

Kate Lynn Wilson
Signature of Child

Victoria Foedisch
 Signature of Child's Lawyer

VICTORIA FOEDISCH 15763
Print Name WSBA No.

Aileen DeGuzman
 Signature of Mother **LEGAL GUARDIAN**
 Pro Se, Advised of Right to Counsel

Shana Wath - SCRAP Div.
 Signature of Mother's Lawyer (AOD only)

Felicia A. Wathnik 22087
Print Name WSBA No.

Signature of Father
 Pro Se, Advised of Right to Counsel

Signature of Father's Lawyer

Print Name WSBA No.

Signature of Guardian or Legal Custodian
 Pro Se, Advised of Right to Counsel

Signature of Guardian or Legal Custodian's Lawyer

Print Name

WSBA No.

Signature of Child's GAL

Signature of Lawyer for the Child's GAL

Print Name

Print Name

WSBA No.

Signature of Agency Representative

Signature of Agency Representative's Lawyer

Print Name

Print Name

WSBA No.

Signature of Tribal Representative

Signature

Print Name

Print Name
Lawyer for

WSBA No.

ATTACHMENT F

- King West OICW
 White Center MLK
 King East King South
 Adoptions/BRS

FILED
KING COUNTY, WASHINGTON

MAR 23 2018

SUPERIOR COURT CLERK
BY HEIDI L. STEWART
DEPUTY

**SUPERIOR COURT OF WASHINGTON
COUNTY OF KING, JUVENILE COURT**

Dependency of:

MUNSON, KAITLYNN SARAH
DOB: 09/19/2004

Minor Child.

No: 18-7-00257-3 SEA

Order of Dependency Legal Guardian,
Karen Ann Delgado
(OROD)

Agreed as to Legal Guardian

Clerk's Action Required. Paragraphs 4.1, 4.3,
4.6 (EDL), 4.14, and the boxes below.

The court will hear:

disposition regarding the youth's services with oral testimony on the fact finding date of 3/30/2018 at: King County Courthouse, 516 Third Avenue, Rm. E-209, Seattle, Washington 98104

initial progress review hearing on June 18, 2018 at 8:30am at: King County Superior Court, Room/Department: 2nd floor, located at: King County Courthouse, 516 Third Avenue, Rm. E-201, Seattle, Washington 98104

Additional clerk's action required: Enter the code(s) that apply.

About today's hearing:

Was adequate and timely notice given to the child's caregiver? Yes (CGATN) No (CGNATN)

Did the court receive a caregiver report? Yes (CGRR) / No

The caregiver appeared. Did the court give the caregiver an opportunity to be heard? Yes / No

I. Hearing

- 1.1 **Petition:** A petition was filed by DSHS alleging that the above-named child is dependent, and the court held a hearing on March 23, 2018.
- 1.2 **Appearance:** The following persons appeared at the hearing:
- | | |
|--|---|
| <input type="checkbox"/> Child, Kaitlynn Munson | <input checked="" type="checkbox"/> Child's Lawyer – M. Bradley, TDAD |
| <input checked="" type="checkbox"/> Guardian or Legal Custodian | <input checked="" type="checkbox"/> Legal Custodian's Lawyer – G. Levy, SCRAP |
| <input checked="" type="checkbox"/> DSHS/Supervising Agency Worker | <input checked="" type="checkbox"/> Agency's Lawyer – K. Zehnder-Wood |
- 1.3 **Basis:** The parties submitted an agreed order. The child is 12 years old or older and the court has appointed counsel.

II. Findings

ORIGINAL
73

Except where otherwise indicated, the following facts have been established by a preponderance of evidence:

2.1 **Child's Indian Status:** On this date On 1/24/2018 the court asked each participant on the record whether the participant knows or has reason to know the child is an Indian child.

The petitioner has has not made a good faith effort to determine whether the child is an Indian child.

Based upon the following, there is not a reason to know the child is an Indian child as defined in RCW 13.38.040 and 25 U.S.C. § 1903(4), and the Federal and Washington State Indian Child Welfare Acts do not apply to this proceeding: The guardian is the paternal aunt and she has denied that the paternal family has Native American ancestry. The mother was born in the Netherlands and is deceased. No maternal family has been located. The father is deceased. The Department has no reason to know that the child may be eligible for enrollment in a federally recognized Indian Tribe.

2.2 **Facts:** The following facts establishing dependency have been agreed upon:

1. The family is comprised of the paternal aunt and legal Guardian Karen Delgado (DOB: 12/30/1966), her husband Keith Delgado (DOB: 11/14/1970), their biological child James Delgado (DOB: 06/28/2000) and this child, Kaitlynn Sarah Munson (DOB: 09/19/2004). On 8/22/17, King County Superior Court granted Guardianship (of person and estate) of Kaitlynn to Karen Delgado per under cause number 17-4-04280-1 SEA. Kaitlynn's biological mother Jeannie Lynn Crawford passed away from breast cancer on 12/25/2016 in Sequim, Washington. Kaitlynn's biological father Craig Edward Munson (DOB: 12/24/1964) died on 06/31/2017 in Sequim, Washington. Kaitlynn's brother, Nathan Edward Crawford (DOB 10/12/1991), died in a car accident on 03/26/2012. The whereabouts are unknown for Kaitlynn's brother Jeremy Wayne Crawford (DOB: 07/22/1990).

After the death of Kaitlynn's parents, she remained in Sequim to complete her school year. On, 06/20/17, she moved in with her paternal aunt Alison R. Dershem (DOB: 01/02/1956) and her husband Troy Dershem (DOB: 04/19/1962), however they did not have any legal authority of her at the time. Karen Delgado was in the process of getting legal guardianship. Kaitlynn moved into the home of the Delgado family in September, 2017.

2. On 12/30/2017, Mr. Delgado contacted Central Intake to report that he and Ms. Delgado have had "red flags" and were concerned that Kaitlynn may have previously been sexually abused by her father (now deceased) and possibly a brother. He reported concerns that Mr. Dershem has poor boundaries and reported Kaitlynn may have had a sexual relationship with Mr. Dershem. A referral to law enforcement was made.
3. On 01/01/2018, the Department received a second intake with concern that Mr. Dershem may have been sexually abused Kaitlynn. SW Maria Nguyen spoke with the Delgados following this intake. Mr. Delgado reported that they may not be able to remain caregivers for Kaitlynn and were concerned about her needs and their ability to provide her with the level of care she needs. The department offered Family Voluntary Services to assist in addressing issues such as getting Kaitlynn to school, which the Delgados accepted. The Delgados expressed concern about Kaitlynn's hyper activity, mental health, and concerns about her sexualized behavior.
4. The Delgados had Kaitlynn assessed at Evergreen Hospital on 1/9/2018 and Kaitlynn was transported to Smokey Point Behavioral Hospital to address her trauma and abuse.

5. The Delgados do not feel capable at this time of being able to meet Kaitlynn's emotional and behavioral needs, particularly with their teenage son in their home.
6. Kaitlynn denied the sexual abuse by Mr. Dersham and charges were not filed. Kaitlynn has disclosed sexual abuse by her brother Jeremy when she was a young child. Based upon more than 2,000 text messages between the youth and Mr. Dersham, the Delgados believe that she was victimized by him.
7. Kaitlynn was placed in protective custody by Marysville police after her release from Smokey Point Behavioral Hospital, and CPS received an intake at that point. The Delgados were not called to pick her up from the hospital upon her release.
8. On 01/23/2018, FTDM held at King East office to discuss a plan for Kaitlynn. The Delagos stated they could not care for Kaitlynn any longer.
9. On 1/23/18, SW contacted staff at Kamaikan Middle School where Kaitlynn attends. SW was informed that Kaitlynn has had no behavioral issues of concern until after Winter break when she stopped showing up for classes. She is not on an IEP or a 504 plan. They are not aware of any diagnosis in her history or in her educational records for autism or Asperger's. They did state that at the beginning of the school year, they had to help regulate her emotions, but there have been no issues since that time.
10. The youth does not have a parent or guardian willing to care for her at this time. Court intervention is required for this youth.
11. The youth is currently on the run and the Department is making efforts to locate her. The youth was served with the petition, notice and summons and case schedule prior to her disappearance.

2.3 **Statutory Basis:** The child is dependent according to RCW 13.34.030(6), in that the child:
 (c) has no parent, guardian or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

2.4 **Placement:**
 It is currently contrary to the child's welfare to return home. The child should be placed or remain in the custody, control and care of DSHS/Supervising Agency the following reasons:
 there is no parent or guardian available to care for the child; and
 the parent or guardian is unwilling to take custody of the child.
 The child should be placed or remain in:
 Licensed care:
 because there is no relative or other suitable person who is willing, appropriate, and available to care for the child, with whom the child has a relationship and is comfortable.

2.5 **Reasonable Efforts:**
 DSHS/Supervising Agency made reasonable efforts to prevent or eliminate the need for removal of the child from the child's home; but those efforts were unsuccessful because:
 Specific services have been offered or provided to the parent(s), guardian or

legal custodian and have failed to prevent the need for out-of-home placement and make it possible for the child to return home. The following services have been offered or provided to the child and the child's parent(s), guardian or legal custodian:

- as listed in the social study (CFE); and
- The Department offered in-home FVS services including FFT and IFPS, the child had mental health counseling through YES, the child had in-patient counseling through Smokey Point Behavioral Health Services.

Additional Reasonable Efforts Findings: Both parents are deceased.

2.6 **Sibling contact:** N/A

2.7 **Child's school:**

The court found that the child should be removed from the home pursuant to RCW 13.34.130(1)(b) and placed into out-of-home care. A placement that allows the child to remain in the same school he or she attended prior to the start of the dependency proceeding is is not practical and is is not in the child's best interests.

The child meets the criteria for appointment of an educational liaison. DSHS/Supervising Agency recommends that the court appoint (name) caregiver as the child's educational liaison.

The parents are not able to serve as the educational liaison because: Parents are deceased.

2.8 **Other:**

The parent or guardian/custodian was informed of the right to appear in court for presentation and entry of this agreed order of dependency.

The parent or guardian/custodian appeared before the court for entry of this order.

The parent or guardian/custodian waived his/her right to be present in court for entry of this order by submitting the attached Waiver of Right to Appear in Court.

The parent or guardian/custodian had actual notice of the right to appear before the court and chose not to do so after stipulating to this agreed order. The other parties to the order have appeared and advised the court of the parent's/guardian's knowledge of the right to be present for entry of the stipulated order, and his/her understanding of the legal effects of this order as set forth in RCW 13.34.110.

The Court finds:

1. The parent or guardian/custodian understands the terms of the order he/she signed, including his/her responsibility to participate in remedial services in the below dispositional order.
2. The parent or guardian/custodian understands that entry of the order starts a process that could result in the filing of a petition to terminate his/her parental rights if he/she fails to comply with the terms of the dependency or dispositional orders or fails to substantially remedy the problems that necessitated the children's out-of-home placement.
3. The parent or guardian/custodian understands that entry of this agreed order of dependency is an admission that the child is dependent with the meaning of RCW 13.34.030. The parent or guardian/custodian understands that he/she will not have the right to challenge this determination in a subsequent proceeding.
4. The parent or guardian/custodian knowingly and willingly stipulated and agreed to entry of this order and did so without duress, misrepresentation or fraud by any other party.

III. Conclusions of Law

3.1 **Jurisdiction:** The court has jurisdiction over:

Or of Dependency (OROD, ORDYMT) - Page 4 of 9
WPF JU 03.0400 (12/2017) - JuCR 3.7; RCW 13.34.030, .046, .110, .120, .130, .132

the child the guardian or legal custodian

3.2 **Notice:** The following have received timely and proper notice of these proceedings:
The guardian or legal custodian child if 12 or older.

3.3 **Default:** N/A.

3.4 **Dependency:** The child should be found dependent pursuant to RCW 13.34.030.

3.5 **Termination petition:** N/A.

3.6 **Other:**

IV. Order

4.1 **Dependency:** The child is dependent pursuant to RCW 13.34.030(6)(c).

4.2 **Social study:**

DSHS/Supervising Agency has conducted a social study, a report of which was filed and provided to the parties.

4.3 **Disposition hearing:**

A disposition hearing is set for the date and time on page one regarding youth's services.

4.4 **Placement:**

The child is placed in the custody, control and care of DSHS, which shall have the authority to place and maintain the child in:

Licensed care:

because there is no relative or other suitable person with whom the child has a relationship and who is willing, appropriate and available to care for the child.

The Department has authority to return the child to the guardian upon agreement of the youth, guardian and Department.

DSHS/Supervising Agency is authorized to place the child with a relative or suitable adult who is willing, appropriate and available, upon agreement of the youth and reasonable notice to the legal custodian, subject to review by the court.

4.5 **Services:** ~~Services~~ *Services for youth are set for dispo at the fact finding date*

Services for the parents/guardians/legal custodians entered pursuant to RCW 13.34.130 [any evaluation must comply with RCW 13.34.370]:

as follows:

Family Preservation Services with emphasis on understanding children experiencing loss, death, and depression

Family Functional Therapy either upon placement with the legal custodian or when placement with the legal custodian is imminent, unless agreed otherwise by the Department and legal custodian

The Department is ready and willing to refer the guardian to mental health services if she feels it would be beneficial at any point.

- DSHS/Supervising Agency shall provide and the child shall participate in the following examinations, evaluations, or services:

Routine medical care

Mental health evaluation, including an assessment for TF-CBT*

Grief counseling if not sufficiently addressed in mental health counseling*

*the youth's engagement in counseling and following recommendations from the mental health evaluation are at her discretion in consultation with her social worker and attorney

- The child is 12 or older and agrees to the services was notified of the services has been appointed an attorney.

- 4.6 Educational Liaison
Caregiver is appointed as the child's educational liaison to carry out the responsibilities described in RCW 13.34.046. The educational liaison must complete criminal background checks required by DSHS/Supervising Agency.

4.7 **Visitation:**

- If disposition is heard separately, reserved pending dispositional hearing.
- The specific visitation plan between the child and Legal Guardian shall be:
 as follows: Visitation between guardian and child will be one time per week for two hours, at the youth's discretion and as arranged with the caregiver. The level of supervision will be as agreed by the youth and guardian, including unsupervised. The Department can file a motion if there are any concerns warranting a higher level of supervision.
- Visitation between the legal custodian and the youth may be expanded upon agreement of the youth and guardian, and upon approval of the Department.

- 4.8 **Restraining Order:** N/A

4.9 **Parental Cooperation:**

- The legal custodian shall cooperate with reasonable requests by DSHS/Supervising Agency and provide DSHS/Supervising Agency with income and asset information necessary to establish and maintain the child's eligibility for medical care, evaluations, counseling and other remedial services, foster care reimbursement, and other related services and benefits.

4.10 **Health Care:**

DSHS/Supervising Agency with custody of the child shall have full power to authorize and provide all necessary, routine and emergency medical, dental, or psychological care as recommended by the child's treating doctor or psychologist, subject to review by the court, as needed.

4.11 **Release of Information:**

All court-ordered service providers shall make all records and all reports available to DSHS, attorney for DSHS, legal custodian's attorney, the guardian ad litem and attorney for the child. Legal custodian shall sign releases of information and allow all court-ordered service providers to

make all records available to DSHS and the guardian ad litem or attorney for the child. Such information shall be provided immediately upon request. All information, reports, records, etc., relating to the provision of, participation in, or parties' interaction with services ordered by the court or offered by DSHS may be subject to disclosure in open court unless specifically prohibited by state or federal law or regulation.

4.12 **Reports:**

DSHS/Supervising Agency shall submit a report for the next review hearing to the court and to the parties in a timely manner.

4.13 **Termination Petition:**

4.14 All parties shall appear at the next scheduled hearing (see page one).

4.15 **Other:** The permanent plan for the child is to return home to the legal custodian:

DSHS is authorized to consent to travel by the child with their licensed foster parent/relative caregiver/other suitable person placement for up to two weeks within Washington State or to other states within the United States. If the travel will interfere with scheduled visits between the child and a parent, DSHS shall give 10 calendar days' notice to that parent so that a plan for make-up visits can be made. The licensed foster parent/relative caregiver/other suitable person placement may consent to emergency medical and dental care during these trips.

Dated: _____

3/23/18

Beth M. Andrus
Judge/Commissioner Beth M. Andrus

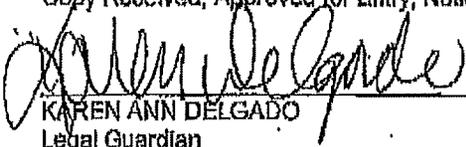
Presented by:



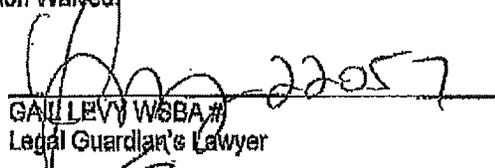
KAREN ZEHNDER-WOOD
Assistant Attorney General
WSBA #40746

Notice: A petition for permanent termination of the parent-child relationship may be filed if the child is placed out-of-home under an order of dependency. (RCW 13.34.180.)

Copy Received; Approved for Entry; Notice of Presentation Waived

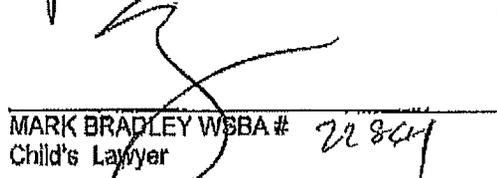


KAREN ANN DELGADO
Legal Guardian



GAIL LEVY WSBA #
Legal Guardian's Lawyer

KAITLYNN SARAH MUNSON
Child



MARK BRADLEY WSBA #
Child's Lawyer

AMBERLY K. EADIE
DSHS Social Worker



KAREN ZEHNDER-WOOD WSBA #40746
DSHS' Attorney

**AGREED DEPENDENCY/DISPOSITIONAL STATEMENT
WAIVER OF RIGHT TO APPEAR IN COURT FOR PRESENTATION
AND ENTRY OF AGREED ORDER OF DEPENDENCY**

If the father, mother or legal guardian/custodian agrees to dependency and desires to waive presentation and not appear in court for entry of this order, the following certification shall also be signed.

The undersigned declares that:

I have read or been told the contents of this Agreed Order of Dependency and Disposition, and I agree that the order is accurate and should be signed by the court. I understand the terms of the order being entered, including my responsibility to participate in remedial services as provided in the dispositional order.

I understand that entry of this order starts a process that could result in the filing of a petition to terminate my relationship with my child if I fail to comply with the terms of this order and/or I fail to substantially remedy the problems that caused the child's out-of-home placement.

I understand also that entry of this order is an admission that the child is dependent within the meaning of RCW 13.34.030 and it shall have the same legal effect as a finding by the court that the child is dependent by at least a preponderance of the evidence. I understand that I will not have the right in any subsequent proceeding to challenge or dispute the fact that the child was found to be dependent.

I stipulate and agree to entry of this order, and do so knowingly and willingly without duress, misrepresentation or fraud by any other party.

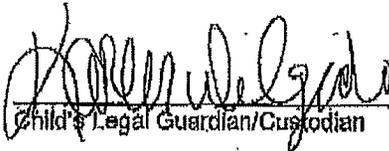
I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Child's Mother

Date/Place of Signature

Child's Father

Date/Place of Signature



Child's Legal Guardian/Custodian

Date/Place of Signature

- King West OICW
- White Center MLK
- King East King South
- Adoptions/BRS

FILED
KING COUNTY, WASHINGTON
MAR 30 2018
SUPERIOR COURT CLERK
BY Andrew Havlis
DEPUTY

SUPERIOR COURT OF WASHINGTON COUNTY OF KING JUVENILE COURT
Dependency of: MUNSON, KAITLYNN. Dob: 9/19/2004

No: 18-7-00257-3 SEA
Order of Disposition on Dependency
RE: services for youth (ORDD)
 Contested as to youth
 Clerk's Action Required. Para. 3.3 (EDL), 3.4, 3.9

The court will hear an Initial Progress Review on June 18, 2018 (as noted in the dependency order) at: 8:30am at: King County Superior Court, Room/Department: E-201 located at: 516 Third Avenue, Rm. E-201, Seattle, Washington 98104

Additional Clerk's Action Required: Enter the code(s) that apply.

About today's hearing:
 Was adequate and timely notice given to the child's caregiver? Yes (CGATN) No (CGNATN)
 Did the court receive a caregiver report? Yes (CGRR) / No
 The caregiver appeared. Did the court give the caregiver an opportunity to be heard? Yes / No

I. Hearing

- 1.1 **Dependency:** The court found the above-named child to be dependent on March 23, 2018.
- 1.2 **Hearing:** The court held a disposition hearing on March 30, 2018.
- 1.3 **Appearance:** The following persons appeared at the hearing:

<input type="checkbox"/> Child	<input checked="" type="checkbox"/> Child's Lawyer – M. Bradley, TDAD
<input type="checkbox"/> Guardian or Legal Custodian	<input checked="" type="checkbox"/> Guardian's or Legal Custodian's Lawyer Gail Levy, SCRAP
<input checked="" type="checkbox"/> DSHS/Supervising Agency Worker Amber Eadie	<input checked="" type="checkbox"/> Agency's Lawyer – K. Zehnder-Wood
- 1.4 **Basis:** The court heard testimony from Social Worker Eadie regarding services for the youth.
 - The child is 12 years old or older and has been appointed counsel. *The youth was paged and did not appear.*

II. Findings and Conclusions

Except where otherwise indicated, the following facts have been established by a preponderance of evidence:

2.1 **Child's Indian Status:** On this date On 1/24/2018 the court asked each participant on the record whether the participant knows or has reason to know the child is an Indian child.

The petitioner has has not made a good faith effort to determine whether the child is an Indian child.

Based upon the following, there is not a reason to know the child is an Indian child as defined in RCW 13.38.040 and 25 U.S.C. § 1903(4), and the Federal and Washington State Indian Child Welfare Acts do not apply to this proceeding:
See dependency order.

2.2 **Placement:** Licensed care per the dependency order entered 3/23/2018.

2.3 **Reasonable Efforts:** see dependency order entered 3/23/2018.

2.4 **Sibling contact:** N/A.

2.5 **Child's school:**

The court ordered the child removed from the home pursuant to RCW 13.34.130(1)(b) and placed into nonparental or nonrelative care. A placement that allows the child to remain in the same school he or she attended prior to the start of the dependency proceeding is is not practical and in the child's best interests.

The child meets the criteria for appointment of an educational liaison. DSHS/Supervising Agency recommends that the court appoint (name) caregiver as the child's educational liaison.

The parents are not able to serve as the educational liaison because:
parents are deceased, youth's whereabouts are currently unknown.

2.6 **Other:**

III. Order

3.1 **Placement:** see dependency order entered 3/23/2018.

3.2 **Services:**

(Services for the guardian are set forth in the dependency order entered 3/23/2018)

DSHS/Supervising Agency shall provide and the child shall participate in the following examinations, evaluations, or services [any evaluation must comply with RCW 13.34.370]:

- Routine medical care
- Mental health evaluation, including an assessment for TF-CBT*
- Grief counseling if not sufficiently addressed in mental health counseling*
- *Participate in FFT upon return to guardian*

*the youth's engagement in counseling and following recommendations from the mental health evaluation are at her discretion in consultation with her social worker and attorney

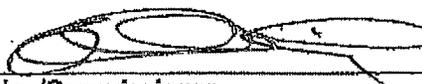
The child is 12 or older and agrees to the services was notified of the services has been appointed counsel.

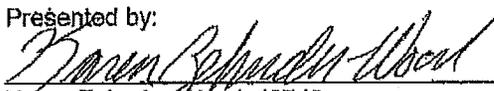
3.3 **Educational Liaison:**

(Name) Caregiver is appointed as the child's educational liaison to carry out the responsibilities described in RCW 13.34.046. The educational liaison must complete criminal background checks required by DSHS/Supervising Agency.

- 3.4 **Visitation:** as set for in the dependency order entered 3/23/2018.
- 3.5 **Restraining Order:** N/A.
- 3.6 **Parental Cooperation:** as set for the in the dependency order entered 3/23/2018.
- 3.7 **Health Care:** DSHS/Supervising Agency with custody of the child shall have full power to authorize and provide all necessary, routine and emergency medical, dental, or psychological care as recommended by the child's treating doctor or psychologist, subject to review by the court, as needed.
- 3.8 **Release of Information:** All court-ordered service providers shall make all records and all reports available to DSHS, attorney for DSHS, parent's attorney, the guardian ad litem and attorney for the child. Parents shall sign releases of information and allow all court-ordered service providers to make all records available to DSHS and the guardian ad litem or attorney for the child. Such information shall be provided immediately upon request. All information, reports, records, etc., relating to the provision of, participation in, or parties' interaction with services ordered by the court or offered by DSHS may be subject to disclosure in open court unless specifically prohibited by state or federal law or regulation.
- 3.9 **Reports:** DSHS/Supervising Agency shall submit a report for the next review hearing to the court and to the parties in a timely manner.
- 3.10 **Termination Petition:** N/A
- 3.11 All parties shall appear at the next scheduled hearing (see page one).
- 3.12 **Other:**

Dated: 3/30/18

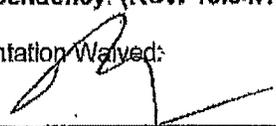

 Judge/Commissioner Patrick H. Oishi

Presented by:

 Karen Zehnder Wood, 40746
 Assistant Attorney General

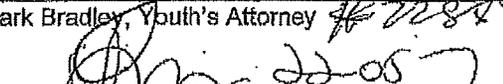
Notice: A petition for permanent termination of the parent-child relationship may be filed if the child is placed out-of-home under an order of dependency. (RCW 13.34.180.)

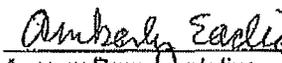
Copy Received; Approved for Entry; Notice of Presentation Waived:

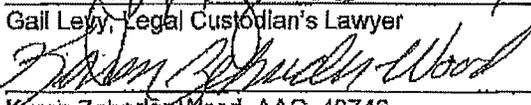
Signature of Child _____

Mark Bradley, Youth's Attorney 

Legal Custodian _____

Gail Levy, Legal Custodian's Lawyer 


 Agency Representative


 Karen Zehnder Wood, AAG, 40746

ATTORNEY GENERAL OF WASHINGTON - TACOMA SHS

October 14, 2019 - 3:34 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 53328-6
Appellate Court Case Title: In re the Welfare of: K.M.
Superior Court Case Number: 19-7-00473-1

The following documents have been uploaded:

- 533286_Briefs_20191014153234D2060998_7653.pdf
This File Contains:
Briefs - Respondents
The Original File Name was 25_AGOResponseBrief.pdf

A copy of the uploaded files will be sent to:

- brian.ward@atg.wa.gov
- Gregory Charles Link (Undisclosed Email Address)

Comments:

Sender Name: Melanie Wimmer - Email: melaniew@atg.wa.gov

Filing on Behalf of: Julie Ann Turley - Email: juliet@atg.wa.gov (Alternate Email: shstacappeals@atg.wa.gov)

Address:
PO Box 2317
Tacoma, WA, 98401
Phone: (253) 593-5243

Note: The Filing Id is 20191014153234D2060998