

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

ADAM HOM,

Appellant,

v.

CATHERINE S. HOM AND THOMAS W. HOM

In re the Custody of M.S.H. and B.M.W.

Respondents,

**ON REVIEW FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR THURSTON COUNTY**

BRIEF OF RESPONDENT

Thomas W. Hom
Respondent
2757 15th Ave SE
Olympia, WA 98501
(360) 250-1610

Table of Contents

I. INTRODUCTON/SUMMARY OF ARGUMENT.....2-3

II. STATEMENT OF THE ISSUES.....2-5

III. STATEMENT OF THE CASE.....6-10

IV. ARGUMENT.....11

 a. Inaccrancies in the Parenting Plan should be amended.....11

 b. Amount of Visitation allowed should be lowered.....11

V. CONCLUSION.....12

I – Introduction

July 30th, 2008, Madison Serenity Hom was born at St. Peter's hospital in Olympia, Washington. She was addicted to opiates. She was in ICU for 7 days.

August 02nd, 2008, We got a call from CPS to schedule a meeting to discuss possible relative placement. Therefore, having to certify and take classes to satisfy the state. We took care of this sick baby girl who shook and cried if not held constantly. Meanwhile, Adam stopped using drugs, got a job, and did what he needed to do to satisfy CPS and the courts. So we all thought. As hard as it was to let go of M.S.H. we trusted him and backed off of custody at 18th months.

August 09th, 2010, BMW was born in Rehab Isabella House, Spokane, WA. So, while everyone thought he was cleaning up his act for the courts Adam and Kristen were doing what they had done in the past unbeknownst to everyone else. While we were taking care of MSH they were getting high and drinking and conceived BWH. He fooled us, CPS, and the courts. It didn't take long before he fell back into his old habits and friends. (Drugs, alcohol, dealing, opiates). Kristen went to rehab so she could keep the child.

For 8 years we stood by and watched and did nothing. We saw the living conditions deteriorate, drug use, alcohol, physical abuse, drooling

from opiate abuse. Heard from nephews and acquaintances that they were dealing drugs as well. We got frequent calls from neighbors for domestic violence. Yelling and screaming at each other at the girls. It was not going to change. MSH, when she was 9 years old, was so overweight she didn't have a chin and weighed 184lbs. She could barely walk without getting winded from her Asma and weight issues. Both girls looked sickly, dirty, and we had to step in. It was bad. So bad the land owner and neighbors got involved and called us.

Now up to today: The very first visit allowed unsupervised with Adam, the girls stayed up until 3am. They ate fast food, ice cream, and candy. Did not have them take their medicine. All the visits up to today have been issues where we have written 3 letters to Adam, while also filing them:

- Medical neglect:
 - o Refusal of having girls administer their 2 times a day steroid inhaler.
- Hygiene:
 - o Keeping the children unclean, the girls coming back smelling of smoke.
- Contempt of parenting plan:
 - o Having children talk to the mother, Kristen even when ordered no contact.
 - o Having children left alone with abusive Grandmother while he slept in.

II – Statement of Issues

Adam says “it wasn’t me”, “not my fault”, or just denies. Why should Adam be looked at any differently than Kristen. The court was more than fair with him. I believe the Judge went above and beyond to have Adam believe he was good and can change. Which, is what one should do to increase positive outcomes.

Why is one to blame more than the other/ Adam from Kristen? Because he sent her away during court proceedings, because he thought that would give them a better chance at succeeding? They have no will to quit drinking and drugging.

Kristen has always been hard to understand since the birth of MSH. On many occasions she would show up drooling from the mouth and talking uncontrollably and be bouncing off the walls.

So, is it okay for her to lose her rights? He was there the whole time; He did the same thing! He allowed it. He stood by and watched. He is just as guilty as her. Yet he sends her away. Blames her, she loses her rights and once again he is able to work the system (She also has 3 other children she’s lost. Adam has one he cannot see).

What makes him fit/unfit, (Judge never said he was either or)

“Adam, you may be a fit parent. I am not making a finding that you are an unfit parent; however, the girls will suffer actual harm to their development if returned to Adam at this time.” (RP Pg. 14 Line 11-15)

The girls did suffer actual harm in their development, neglected, physical and emotionally abused, and medical care was absent. They had Asma and yet, still smoked in the house and care and were not treated. These girls could have died if left untreated in these poor unsuitable circumstances. Yet, he still says he has done nothing wrong. The judge’s ruling was more than fair for the appellant, Adam. What makes Adam better than Kristen, when they were both living under the same roof living the same life style, same friends. Both are equally to blame and to say otherwise is not okay and is not right.

Issues with Parenting Plan

- Incorrectly filled out
- Adam was not up front about criminal history

“I’ll be honest, Adam. Not being up front about your criminal conviction, that was just bad form, brother.” (RP Pg. 16 Line 24-25)

- Pg. 2 Part 3. A and B of the parenting plan

III – Statement of the Case

A. Facts of the case

- a. Judge did not rule fit or unfit. The judge ruled

RP Pg. 4 Line 21-25:

“The statutes require a couple of things, either that the parent is unfit or unsuitable – and that is not a defined term. The closest that we get is reference back to the dependency statutes for fitness. And even if the parent is unfit, then that pretty much resolves the issue.”

The statutes say a couple of things, either that the parent is unfit or suitable.

RP Pg. 5 Line 2-5:

“And in this case, my finding is that Kristen is at this point and unfit parent, and returning children to her would be detrimental. So that is the simplest part of this decision is that.” (Kristen is unfit and returning children to her would be detrimental.)

- b. The children lived with both parents. How is one different or at less fault than the other?

RP Pg. 5 Line 7:

“We do not take away people’s kids because of poor choices in partners.”

- c. Adam and Kristen were partnering the whole ten years on and off, raising these kids. Cannot blame each other for poor decisions.
- d. Adam sent her away to better his odds at court, nothing else. I am sure they will be back together if the court reverses decision, which would be detrimental to the girl’s lives.
- e. Judge ruled – Demonstration of Neglect.

RP Pg. 14 Line 8-15:

“For Adam, at the time of the removal, there was a demonstration of neglect by not providing essentially those same things however, I’m making the specific finding that, Adam, you may be a fit parent. You are not - - I am not making a finding that you are an unfit parent however, the girls will suffer actual harm to their development if returned to Adam at this time.”

Found Kristen unfit for the exact same thing

RP Pg. 13 Line 21-25:

“And the findings as to Kristen, no contact with the children for an extended period of time. And that the time of the removal, Kristen had demonstrated an extreme neglect by not providing adequate living circumstances, including filth, rodent infestation, inadequate

sanitation, had multiple dirty UAs during the course of this case, and provided inadequate medical care for the children. There was credible testimony that there was verbal and emotional abuse of the children and failure to protect from such abuse of other relatives. And Kristen is not a fit parent.”

Verbal and emotional abuse of children.

RP Pg. 14 Line 21-25, Pg. 5 Line 1-2:

“That there was verbal and emotional abuse of the children, calling them ‘bitch,’ ‘lard ass,’ ‘dumb,’ and ‘dumb ass’ and that the respondents failed to protect the children from other similar name calling and verbal and physical abuse.”

f. General factual findings of filthy and unfit for human habitation.

RP Pg. 14 Line 16-20:

“General factual findings: That the parents’ residence on Wiggins was rat infested, it was filthy, and unfit for human habitation, and that the respondents failed to remediate or change those conditions.”

g. Failing health of the children.

RP Pg. 15 Line 3-10:

“Finding Number 4 is that Madison was overweight, extremely overweight from improper nutrition, and both girls suffered breathing issues which were either attributable to or exacerbated by the living conditions. And I did point out that those last two findings regarding the girls’ health have significantly improved or resolved with the girls being out of the parents’ care.”

- h. Finding of Neglect and child abuse.

RP Pg. 17 Line 9-14:

“Kristen, the Court is finding abandonment, neglect, child abuse, as I previously said, and so she will have no visitation, no contact with the children. That does not mean that she can’t come back at some point and petition for it. But at this time, none.”

- i. Child abuse

RP Pg. 9 Line 1-25:

“One of the most, I think, contentious and difficult parts of this trial have been the testimony about were the girls called names, what was going on there. And I find the testimony that the girls were called names, particularly ‘lard ass,’ ‘fatty,’ those types of things, more likely than not did happen. And I know that there was a testimony about Ms. Bice having drug and alcohol problems, and she readily admitted those

things. She didn't try to hide the, but she was very consistent in her testimony as to what she heard and what she saw. And I really don't see that she has a dog in the fight, other than what the kids are. So, I think her testimony in that aspect is credible. I think her testimony as to the actions of Ms. Posada are also credible. And I was - - I wrestled with that finding. But the piece that swayed me to give credibility to her testimony was the reference in the medial records which were in the exhibits, that the girls self-reported to the physicians that type of physical striking around the ears. And that was consistent with Cathy's testimony, as well. And so, I think that has happened."

IV-Argument

a. Inaccuracies in the Parenting Plan should be amended

The Parenting Plan contained inaccuracies that should be amended. On page 2 of the Parenting Plan Section 3: Reason for limiting a parent's visitation, part b states that Adam Hom does not have any of these problems. However, this is inaccurate and Section 3-part b should have the boxes checked that state Adam Hom is guilty of neglect, child abuse, and sex offense.

b. Amount of Visitation allowed should be lowered

The visitation allowed of Adam Hom should be adjusted to give Adam less visitation due to the inaccuracies, which should be amended. The amendment of these inaccuracies would show the potential danger Adam possesses to the development and wellbeing of the girls. In addition, the presence of the girl's Grandmother poses a threat to the wellbeing of the girls as she was proven to have physically abused both of the girls. For these reasons if the Parenting Plan is reversed, we believe that the visitations should revert back to the original temporary Parenting Plan.

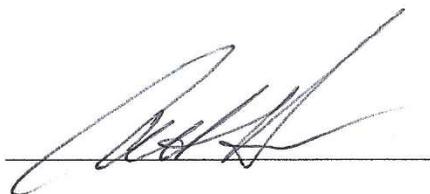
V-Conclusion

For these reasons stated above, we ask that the Court uphold the last judgement and amend and complete the final Parenting Plan.

RESPECTFULLY SUBMITTED this 19 day of March, 2020



Thomas W. Hom



Catherine S. Hom

CERTIFICATE
CR 5(b)(2)

I certify that I delivered a copy of the foregoing Appeals Respondent Brief to the following parties, through U.S. mail, and through the Court of Appeals electronic portal on March 19, 2020.

Adam G. Hom
385 Burchett Road Onalaska, WA 98570
(360) 584-5748
333lukecarmel@gmail.com

Kristen M. West
1152 Lake Blvd. No. 52
Redding, CA 96003

Signed at 2557 15th Ave SE, Olympia WA 98501 on March 19, 2020



Thomas W. Hom

May 25, 2018

- Mansoor Ghordani (the land lord) Thurston county superior court judgement

June 4, 2018

- Non-Parental Emergency Custody
- Motion for adequate cause
- Motion for immediate restraining order

July 11, 2018

- Letter from CPS, Department of Social Health founded for neglect
- Extension of Immediate Restraining Order and Hearing notice

July 21, 2018

- Sealed Confidential Report – WA ordered

July 27th 2018

- Both Parents Agreed at court to take UA's; both found dirty

August 17, 2018

- Review hearing
 - o Order for services and transfer family court coordinator drug and alcohol evals ordered
- Execution of immediate restraining order

October 26, 2018

- Review hearing Temp order stays the same

November 14, 2018

- Notice of Appearance DSHS/OCS

December 7, 2018

- Review Hearing

December 12, 2018

- Motion for contempt

December 21, 2018

- Notice of hearing for Court Commissioner motion
- Motion for entry for temporary child support order
- Order to show cause

January 1, 2019

- Review and ordered random UA's

January 11, 2019

- Temp Noncustodial parent plan review

February 01, 2019

- Order of noncompliance for Adam

February 06, 2019

- Sealed confidential report
- Positive UA for Adam

February 22, 2019

- Settlement conference

March 01, 2019

- Order on Motion/visitation denied moving visitation site

April 5, 2019

- Order on motion for modify visitation denied

May 20, 2019

- Motion for unsupervised visits filed

June 12, 2019

- Hearing motion for unsupervised visitations denied

July 10, 2019

- Trial – Permanent Custody Granted

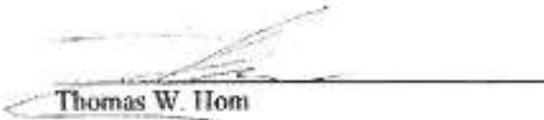
CERTIFICATE
CR 5(b)(2)

I certify that I delivered a copy of the foregoing **Procedural History** to the following parties,
through U.S. mail, and through the Court of Appeals electronic portal on March 19, 2020.

Adam G. Hom
385 Burchett Road Onalaska, WA 98570
(360) 584-5748
Homadam38@gmail.com

Kristen M. West
1152 Lake Blvd. No. 52
Redding, CA 96003

Signed at 2557 15th Ave SE, Olympia WA 98501 on March 19, 2020


Thomas W. Hom

CATHERINE S HOM

March 20, 2020 - 7:55 AM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 53626-9
Appellate Court Case Title: Adam Hom, et al, Appellants v. Thomas Hom, et al, Respondents
Superior Court Case Number: 18-3-00765-9

The following documents have been uploaded:

- 536269_Briefs_Plus_20200320075411D2472910_8770.pdf
This File Contains:
Affidavit/Declaration - Service
Briefs - Respondents - Modifier: Supplemental
The Original File Name was Procedual Timeline.pdf

A copy of the uploaded files will be sent to:

- homadam38@gmail.com

Comments:

Attache dis the Procedural Timeline that goes with our response

Sender Name: Catherine Hom - Email: cathiescoolcrew@msn.com
Address:
2757 15th ave se
Olympia, WA, 98501
Phone: (360) 970-2465

Note: The Filing Id is 20200320075411D2472910