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COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

No. 36834-3-III
IN THE COURT OF APPEALS
FOR THE STATE OF WASHINGTON
DIVISION III

In re the Visits with:
RV, MV, CV, MV

KATHERINE NARAVANE
YASHODHAN NARAVANE,

Appellants,

and

MICHAEL VINTHER,

Respondent.

APPELLANTS' REPLY BRIEF

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A. ASSIGNMENT OF ERROR

The trial court erred and abused its discretion by dismissing the petition for relative visitation with the grandparents after a court review under Chapter 26.11 RCW, without oral argument, when the record created by the Petitioning maternal grandparents clearly met the burden of proof required to proceed to a full hearing on the matter. The sheer number of inconsistencies that exist in Mr. Vinther's case make it clear by substantial evidence that the Naravanes should have proceeded to a full hearing.

Moreover, the trial court further erred and abused its discretion in finding that the basis for denial was simply that the Petitioners did not show "it is more likely than not that the Petition for Visits will be granted", without making any factual findings or creating a written or oral record to support this decision.

Despite Mr. Vinther's argument in response, it is not simply enough to check the box stating the burden had not been met and fail to substantiate the decision with legal or factual findings. If the Appellate Court now allows such a ruling to stand then it will effectively support ambiguity and a lack of uniformity in the newly created relative visitation case law.

Mr. Vinther's interpretation of the applicable law creates an absurd result as the Naravanes' Petition was dismissed with no findings. This dismissal without findings makes it nearly impossible for the Naravanes' to craft an Appeal. Therefore, the case should be, at least, remanded to the trial court for written findings as to why the Petition was dismissed.

B. OPPOSITIONAL STATEMENT OF THE CASE

The statements of fact by Mr. Vinther in his response brief are grossly misleading as they ignore key facts in his relationship history with the Naravanes. In reality, prior to the temporary custody trial, the Naravanes had very strong bonds with each of the grandchildren since the grandchildren were born. (CP 12-14). Additionally, Ms. Naravane has had a strong relationship with Mr. Vinther himself since he was 14 years old. (CP 14).

Ms. Naravane has known Mr. Vinther for 23 years and never had a conflict with him prior to Ms. Vinther's death. (CP 14-17). Ms. Naravane cared about Mr. Vinther in the way a parent does for their child, with unconditional love and regard (CP 14-16). The Naravanes had many caring conversations with Mr. Vinther regarding concerns about his longstanding abuse of alcohol, and when it became clear that Mr. Vinther did not intend

on helping himself, Ms. Naravane became genuinely concerned for Mr. Vinther's life and his family. (CP 14-15). Ms. Naravane played a key role in the issue by notifying Mr. Vinther's superiors in the Air Force who subsequently compelled him to treatment. (CP 15). A long and loving relationship once shared between Mr. Vinther and Ms. Naravane is now denied by Mr. Vinther because he feels betrayed by the Naravanes for attaining legal counsel and opening a nonparental custody case in order to ensure the safety and protection of his children. (CP 18-19).

Mr. Vinther states in his Brief of Respondent that "Michael and Angela's relationship was tumultuous due to Michael's use of alcohol due to PTSD and Angela's mental health issues and use of drugs and alcohol." (Brief of Respondent, at 2). Mr. Vinther is attempting to minimize the effects of his addiction and behaviors while vilifying Ms. Vinther in the process. (CP 15). Ms. Vinther did not have alcohol or substance abuse issues; she did suffer from post-partum depression for which she was prescribed medication. (CP 186).

After Ms. Vinther filed for divorce, the Naravanes tried to contact Mr. Vinther repeatedly in order to advise him to retain legal counsel so that he could be active in the children's lives. (CP

17). Mr. Vinther did not return any of the calls, nor did he do anything to see his children whom he had not seen for approximately one year by this time. (CP 17) The Naravanes found out in April 2016 that not only had Mr. Vinther resumed his abuse of alcohol but also that he was suicidal for the second time. (CP 15-16).

Mr. Vinther states in his Brief of Respondent that he “attempted to keep open communication with Angela and Katherine Naravane.” (Brief of Respondent, at 3). This is patently untrue. The Naravanes and Ms. Vinther had called Mr. Vinther repeatedly but his contact was nonexistent. (CP 17). The truth is he too had already moved on to another relationship and he could not be bothered with Ms. Vinther nor his children. (CP 11).

Mr. Vinther states in his Brief of Respondent that “Angela sent the children to be with Mr. and Mrs. Naravane sometime in August 2016.” (Brief of Respondent, at 3). This is not correct either. In reality, Ms. Vinther and the children moved to the Naravanes’ home in Walla Walla, Washington. (CP 16). Ms. Vinther’s intention was to find housing and permanently relocate to Walla Walla. (CP 16).

Mr. Vinther in his Brief of Respondent also states that “For approximately two months after the children lost their mother, and until the NPC case was dismissed, Michael was not allowed to be with, or contact, unless court ordered.” (Brief of Respondent, at 4). There was a brief period, approximately 1-2 weeks, where Michael’s visitation was curtailed. (CP 86). This was a direct consequence of his having a belligerent outburst at the Naravanes’ home during a visit with the children. (CP 86).

Mr. Vinther reports in his brief that he was processing the death of his partner of 15 years and the mother of his children, which is in his mind why the children remained with the Naravanes. (Brief of Respondent, at 3). Yet he fails to acknowledge the fact that he hadn’t seen his children for 18 months and had already become involved in another relationship for a year before his wife’s death, and made that relationship public on social media two days after Ms. Vinther’s death. (CP 11, 86). Mr. Vinther then states that two days later, in the four days of his processing Ms. Vinther’s death, the Naravanes filed a “restraining order” against him. (Brief of Respondent, at 3). However, this “restraining order” as he refers to it was an order which prevented him from removing the children from the

Naravanes' home, where they had been for months prior, until a full hearing on the matter could be held to determine what would be in the children's best interest. (CP 86). The Naravanes after having been told by Mr. Vinther that he was "drinking socially" again openly spoke to Mr. Vinther about wanting to take care of the children until he was on his feet and had his issues sorted out. (CP 15, 86).

Mr. Vinther further states in the Brief of Respondent that "The allegations made by the Naravanes in their NPC petition regarding Michael's inability to parent were refuted." (Brief of Respondent, at 4). Mr. Vinther's struggle over the years with alcohol, mental health, and suicidal ideations had clearly affected his ability to parent – this was readily acknowledged by Judge Lohrmann in the denial of adequate cause in the non-parental custody case. (CP 16-17, CP 42)

Mr. Vinther reports in his Brief of Respondent that he "was prohibited from attending Angela's funeral with his children." (Brief of Respondent, at 4). But there was no funeral to attend and it was Mr. Vinther's own actions that lead to splitting up the viewing hours for each of the families due to concerns that there could be another outburst at the viewing. (CP 86). Just days before

Ms. Vinther's viewing was scheduled, Mr. Vinther was in the Naravanes' home visiting and having dinner with the children. (CP 86). It was a day or two after Mr. Vinther was served with the paperwork stating that the children would remain at the Naravanes' home until the court hearing. (CP 86). Mr. Vinther unexpectedly became threatening and belligerent toward Ms. Naravane in front of the children. (CP 86) Visits were then curtailed with Mr. Vinther until the initial court hearing. (CP 86).

Mr. Vinther states in the Brief of Respondent that "After Michael's children were returned to him on December 25, 2016, the Naravanes' contact with the children was limited to phone or online contact until that contact became upsetting and harmful to the children." (Brief of Respondent, at 5). This is not true, Mr. Vinther immediately refused to allow any phone contact with the children, and within a few days any online contact was prohibited. (CP 87-88).

Mr. Vinther reports in the Brief of Respondent that at the time of the filing, after nearly two years, the Naravanes were still questioning his sobriety. (Brief of Respondent, 5-6). However, as the prior non-parental custody (NPC) case made clear, the Naravanes felt he had never addressed the extent of the long-term

treatment he needed, as well as the severity and effect that the lack of such treatment had on his children. (CP 11, 14, 184). Judge Lohrmann's decision in the NPC case expresses concerns about Mr. Vinther, despite denying the Naravanes' petition, in stating "obviously Mr. Vinther's alcoholism and mental health issues are matters which he will continue to live with and must treat". (CP 42).

It was never the Naravanes' intent to permanently remove the children from Mr. Vinther. (CP 16-17, 184). In fact, as they expressed numerous times throughout their declarations, the Naravanes' first preference has always been that Mr. Vinther would be free of substance abuse and suicidal ideations, so that he may be able to look after the children in a healthy and stable manner. (CP 12-17, 186).

The facts in totality paint a very different picture than what Mr. Vinther has described in his responsive brief of what led to this visitation case involving the Naravanes and their grandchildren.

C. ARGUMENT

a. **Mr. Vinther Entirely Overlooks the Analysis of Current Washington Law Regarding Relative Visitation and the History of Why Such Exists.**

The history of non-parental visitation in Washington as outlined in the Appellant's Opening Brief is extensive and longstanding, spanning nearly 5 decades. (*See* Senate Bill Report SB 5598, at 1 (Jan. 11, 2018); *see also In re Smith*, 137 Wn.2d at 8-12). The law is clear that although the court is required to give deference to the parents in these types of visitations proceedings, Washington has for decades sought to codify the rights of relatives, without circumventing parental rights altogether.

Mr. Vinther fails to address this legal history and provides merely a cursory evaluation of the related law in response, fleetingly contending that constitutional rights of parents entirely supersede those of relatives. (Brief of Respondent, at 7-8). This argument is in direct contradiction with the evidence of the ongoing and substantial relationship between the Naravanes and the children at issue. (CP 10-20, 80-89, 182-187). The Naravanes have been heavily involved in caring for the children – including providing for their emotional well-being, assisting in academics, and other parental-like functions. (CP 10-20, 80-89, 182-187).

It is the unfortunate reality of life that sometimes it takes neutral court intervention to determine what is in children's best interests, including whether substantial and longstanding relationships with family members should be sustained despite one or both parents' insistence to the contrary.

b. This Court Must Reverse the Trial Court's Decision that the Naravanes Had Not Met Their Burden of Proof As Substantial Evidence Exists to the Contrary.

It is not the intent of the Naravanes to relitigate facts from the trial court case, as the appellate court cannot weigh evidence or make determinations of credibility on appeal. *In re the Marriage of Rich*, 80 Wn. App. 252, 259, 907 P.2d 1234 (Div. III 1996). Rather the intent here is to argue that without findings made by the trial court, the Naravanes appeal rights have been substantially limited in nature.

The crux of this case is the fact that Mr. Vinther, because of unresolved emotional issues and resentment toward the Naravanes, has robbed his children from any relationships with their mother's family for the past three years. (CP 86-89). This has prompted the Naravanes to file a petition for relative visitation to maintain their relationships with their grandchildren. (CP 1-6). To say Mr. Vinther's actions have not caused harm, or that harm is not

currently being caused by his disallowing contact between the Naravanes and their grandchildren ignores the substantial and beneficial relationship that the Naravanes have had with the children in this matter. (CP 12-20, 76-77, 80-89, 182-187). The children have not only been denied the loving relationship with their grandparents but they have further been deprived of all contact with any of their maternal lineage, approximately 30+ family members in all - including aunts, uncles, cousins and extended family. (CP 12-20, 76-77, 80-85, 184-185).

1. Ongoing and Substantial Relationship

The Naravanes have had an ongoing and substantial relationship for more than two years, as the visitation law requires, with each of the children prior to their mother's death and the petition for relative visitation being filed. (CP at 10-11). Numerous supporting declarations of persons who have known the Naravanes for years and even decades state that the Naravanes had deep and loving relationships with each of their grandchildren. (CP 76-128). In reality, the Naravanes' relationships with each of their grandchildren and with Mr. Vinther were extraordinarily close. (CP 10-20, 76-77, 80-89, 182-187).

The clearest example of Mr. Vinther's failed reading of the law is when Mr. Vinther argues that the Naravanes did not have a substantial and ongoing relationship in the two years before the petition. Brief of Respondent, at 11). This is not the requirement under statute, which states:

A person has established an ongoing and substantial relationship with a child if the person and the child have had a relationship formed and sustained through interaction, companionship, and mutuality of interest and affection, without expectation of financial compensation, with substantial continuity for at least two years unless the child is under the age of two years, in which case there must be substantial continuity for at least half of the child's life, and with a shared expectation of and desire for an ongoing relationship.

RCW 26.11.020(2). This requirement of "substantial continuity for at least two years" cannot simply look at the immediately preceding two years, as doing so would be an inconsistent reading of the law. A court has to look at the entire relationship between the child and the petitioner in order to determine continuity for at least two years. The Naravanes could not petition for visitation because visitation laws did not exist until June of 2018. (CP 12). Instead they busied themselves searching for the Vinther family and working to get a Relative visitation law passed. (CP 12). This fact should not prejudice the Naravanes in their request for

visitation. Reading the statute as requiring that the relationship be within the last two years would be wholly inconsistent.

It was routine for the Naravanes and their grandchildren to engage in phone calls several times a week, if not daily at times. (CP 10-20, 76-77, 80-89, 182-187).

Additionally, Mr. Naravane was integrated into the grandchildren's lives in 2008 and has been actively involved in all areas of the grandchildren's lives for well over a decade. (CP at 76-77).

An utter lack of factual findings by the trial court upon which the Naravanes would challenge on appeal makes it extremely difficult to use case law to attempt to argue this position. Yet it is clear in analyzing the statute that Mr. Vinther's reading of the facts of the case and his argument of such falls flat. In turn, the arguments made here by the Naravanes that an ongoing and substantial relationship between them and their grandchildren exists and that substantial harm from the compounded loss of primary caregivers (their mother and grandparents) is extremely harmful. (CP 10-20, 76-77, 80-89, 182-187).

2. Harm to the Children If Visits are Denied

The court must also consider the potential harm to the children if visitation is denied, RCW 26.11.020(1)(c).

The Naravanes are essentially the last familial link that these kids have to their mother. (CP 88). Mr. Vinther fails to address the New Jersey case cited in the Appellant's Opening Brief, where in 2003 a court found that after a mother had died, it was important to continue the children's visitation and maintain that relationship with the maternal grandparents as they had no other way to stay connected to the memory of their mother, *see generally, Moriarty v. Bradt*, 827 A.2d 2034, 177 N.J. 84 (2003).

This case aptly describes the situation that exists here and highlights the fact that other courts adopt similar reasoning. The children have without a doubt systematically lost their mother and all of her living family members including their grandparents, the Naravanes, due to Mr. Vinther's denial of visitation. (CP 10-20, 76-77, 80-89, 182-187).

If the denial of visitation is upheld by this Court, then all four of the children at issue here will continue to be wholly cut off from their maternal heritage. Once again, since there are no findings upon which to specifically appeal, it is difficult to use case

law to attempt to argue that this requirement has been met. (CP 190-194). Comparisons to relatable custody and divorce law will be cited to.

c. **Without Making any Findings or Creating a Record for Appeal, the Trial Court Abused its Discretion in Clearly Making a Legal Conclusion without Appropriately Supporting Such.**

“Generally, when the meaning of a statute is ‘plain on its face’, a court must give effect to that meaning.” *State v. Saint-Louis (in re D.L.B.)*, 186 Wn.2d 103, 116, 376 P.3d 1099, 1106 (Wash. 2016). The court resorts “to other interpretive aids only when the plain language of a statute is ambiguous.” *Id.* “This basic rule of statutory interpretation applies so long as it does not produce an absurd result.” *Id.*

Even if the statute in question is not ambiguous, the result of its plain meaning produces absurd results. Here, the trial court simply dismissed the Naravanes’ matter without making oral or written findings to support this dismissal. (CP 190-194). The Naravanes now have no understanding of why their matter was dismissed. Therefore, the reading of the statute in question in a manner that does not require written findings, greatly limits the Naravanes’ ability to seek relief from this judgment. This case

should be, at least, remanded to the lower court for written findings as to why it was dismissed.

The trial court manifestly abused its discretion in failing to make any findings in the record, especially when review of such record clearly supports that the trial court made an improper determination not supported by the facts.

Mr. Vinther alleges that the court's "finding that the Naravanes failed to show that it was more likely than not that the petition would be granted" suffices as written findings in the record. (Brief of Respondent, at 1-2). However, this is false and misleading when one considers that this is a legal conclusion, not a factual finding and certainly not a conclusion upon which an appeal can be tailored. (CP 191). The trial court did not substantiate their findings and thus the Naravanes are truly at a loss as to what part of the argument at the trial court level needed to be justified or clarified. If the Appellate Court fails to grant review and issue an opinion in this matter, trial courts in Washington will continue to fail to justify their decisions and cause unnecessary ambiguity in case outcomes and perpetuate a lack of statutory uniformity.

As discussed in the opening brief, other actions in Washington related to child custody require that the trial court make specific findings related to the best interests of the child. The trial court must make findings of fact and conclusions of law to enter divorce orders under RCW 26.09 related to residential time with children, as seen in the mandatory divorce form 231 “findings and conclusions” and family law form 140 “final parenting plan”. The trial court is also required to make findings and conclusions under RCW 26.10 related to the best interests of the child regardless of whether or not custody is granted.

In this case however, no findings and conclusions were entered as required on the family law visits form number 488 titled “Final Order and Findings on Petition for Visits”. (CP 190-194). Only an Order Denying the Petition and Order After Review were entered, neither of which makes any detailed factual findings to support its conclusions of law. (CP 190-194).

As the current relative visitation statutes are worded, they require the court to make findings of whether or not the petitioners have met their burden of proof, RCW 26.11.020. It should require that the Court still enter findings and conclusions regarding the case. As discussed in the Opening Brief, the only findings made

included a checkmark under section 4 stating “Petitioner has not shown that it is more likely than not that a petition for visits will be granted. The petition for visits should be dismissed.” (CP at 191). Under section 5 for “Other Findings” it is blank. (CP at 191). This lack of an oral record in addition to hardly any written findings made leaves the Naravanes in an unfair position in now seeking review.

d. The Naravanes’ Request for a Hearing is Analogous to a Motion for Summary Judgment and there are Genuine Issues of Fact that are in Dispute so Dismissal of the Petition was not Appropriate.

By analogy the request for a hearing could be compared to a motion for summary judgment. It is conceded that the case of the Naravanes is governed by statute. Nevertheless, the very request for a hearing, if denied acts as a subsequent bar to future litigation. This matter is still a civil case. In this case there are genuine issues of fact that are in dispute in the pleadings themselves.

The governing rule in a motion for Summary Judgment would be CR 56. The rule reads in part under CR 56(c):

“The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.”

In this case there are significant issues of fact that are evidenced and referenced in the pleadings. The Naravanes would assert that it would be in the children's best interests to have contact with them as is stated ad nauseum throughout the pleadings (CP 76-128). The Naravanes have shown a continuity of contact, and evidence that would satisfy every element of the statute examples can be found throughout the record including: (CP 10-20, 76-77, 80-89, 182-187).

As was conceded earlier, the case at bar has not been argued under the auspices of Summary Judgment. Nevertheless, there can be no question that there are genuine issues of material fact that is evidenced by the pleadings. These disputed facts would be best resolved through an evidentiary hearing.

Further there is ample evidence that could be produced at an evidentiary hearing that would allow these facts to be weighed by a trier of fact. There is no prejudice in allowing an evidentiary hearing to the Vinther family as the attorney's fees are being paid by the Appellants. Conversely there would be substantial prejudice to the Appellants to simply dismiss their action by checking a box on a form.

This Honorable Court should, at a minimum, require that this case be remanded to the lower court for entry of findings in accordance with the law. Although, it is clear from the record that the Naravanes have met the required burden of proof for visitation and substantial evidence exists supporting such. (CP 10-20, 76-77, 80-89, 182-187). The court now should reverse and remand this abuse of discretion back to the trial court for entry of written and oral findings, as well as allow a full hearing on the matter of visitation. This matter is analogous to Summary Judgment – there are issues of fact in dispute and the trial court should have not dismissed the Petition without an evidentiary hearing.

e. **This Court Must Deny Mr. Vinther's Request for Fees & Costs Because This Appeal Is Not Frivolous and Was Not Brought in Bad Faith by the Naravanes.**

Mr. Vinther should not be awarded fees and costs that he has incurred from this appeal as the law cited to does not grant an award of fees at the appellate level and this appeal is not frivolous.

The appellate court has discretion when determining whether to order fees and costs, requiring a finding that the appeal is frivolous in accordance with Rule 18.9 of Appellate Procedure and *In re Marriage of Tomsovic*, 118 Wn. App. 96, 109-10, 74 P.3d 692 (Div. III 2003). This case involving review of a denial of a

hearing on a petition for relative visitation is not frivolous and has most certainly been brought in good faith by the Naravanes as they have a basis for visitation. (CP 10-20, 76-77, 80-89, 182-187).

RCW 26.11.050 cited by Mr. Vinther authorizing at the trial court level for advanced fees and costs to be motioned for and ordered in relative visitation cases does not apply here on appeal.

It is notable here that “[t]he fact that an appeal is unsuccessful is not dispositive [and the Court] consider[s] the record as a whole and resolve all doubts in favor of the appellant.” *Tomsovic*, 118 Wn. App. at 110. Even if the Naravanes are ultimately unsuccessful here on appeal, they undoubtedly did not have bad faith intentions in their actions asserting their rights to appeal the denial of visitation with their grandchildren as seen in the record. (CP 10-20, 76-77, 80-89, 182-187).

In an unpublished appellate opinion, there are five considerations for the court to consider in determining whether an appeal is frivolous in nature:

- (1) a civil appellant has a right to appeal under RAP 2.2;
- (2) all doubts as to whether the appeal is frivolous should be resolved in favor of the appellant;
- (3) the record should be considered as a whole;
- (4) an appeal that is affirmed simply because the arguments are rejected is not frivolous;
- (5) an appeal is frivolous if there are no debatable issues upon which reasonable minds might differ, and it is so

totally devoid of merit that there was no reasonable possibility of reversal.

In re the Marriage of Conklin, No. 73933-6-I (Div. 1, Nov. 9, 2015) (unpublished case by Division One cited in accordance with RAP 10.4 and GR 14.1) (citing *Streater v. White*, 26 Wn. App. 430, 434-35, 613 P.2d 187 (1980)).

In application of the above persuasive authority to the case at issue, it is clear that the appeal here is not frivolous and is brought in the best interests of the children. Moreover,

[w]hile RCW 26.09.140 authorizes the appellate court to award fees in its discretion, the prevailing party on appeal must make a showing of need and of the other's ability to pay fees in order to prevail. *Konzen v. Konzen*, 103 Wash.2d 470, 693 P.2d 97, *cert. denied*, 473 U.S. 906, 105 S. Ct. 3530, 87 L. Ed. 2d 654 (1985).

Kirshenbaum v. Kirshenbaum, 929 P. 2d 1204, 1208 (Div. I 1997).

The record as a whole here does not support any indications of bad faith or frivolousness. (CP 10-20, 76-77, 80-89, 182-187). Moreover, in consideration of the infancy of the law at issue here, there are legitimate questions regarding the interpretation and uniformity in carrying out the relative visitation law in Washington. Since it is so new, few cases and guiding authority exist to aid in this appeal.

Despite Mr. Vinther's argument for an award of attorney's fees and costs for this appeal, the Court must deny his request now.

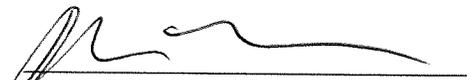
D. CONCLUSION

The Naravanes respectfully ask this honorable court that serious attention and consideration be given to their grandchildren. The relationships between the Naravanes and each of their grandchildren are built on consistency, stability, and unconditional love. (CP 10-20, 76-77, 80-89, 182-187). If visitation is not granted, compounded and complicated grief and abandonment will be at the heart of the grandchildren's pain, as it is with the Naravanes.

Before deciding on this matter, it is important for this court to consider the effect that this case would have on cases that will most certainly follow regarding relative visitation. As the above sections highlight, this case is ripe for review as one of the first appeals of the newly enacted visitation statutes and there continues to be relatively few cases which interpret and clarify these statutes. This current legislation for relative visitation is the focus of this appeal and notably is one of the first appellate court reviews of the updated statutory law for grandparent's visitation.

This Honorable Court must require that the trial court make specific factual findings (whether written or oral) when granting or denying a petition for relative visitation. Doing so preserves the record for appeal and makes clear to all parties why the trial court is ruling the way that it is, a necessity for identifying appealable issues. Furthermore, this Honorable Court must reverse the trial court decision in denying the Naravanes' petition for relative visitation, and since the Naravanes met their burden, this Court must direct the trial court to require that this case proceed to a hearing on the petition. Additionally, the Court must deny Mr. Vinther's request for fees.

Respectfully submitted this 30th day of December, 2019.

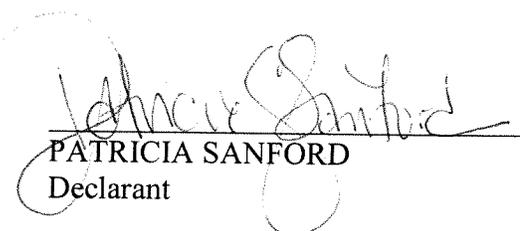

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AFFIDAVIT OF SERVICE

I, PATRICIA SANFORD, upon penalty of perjury under the laws of the State of Washington, declare that on the 30th day of December, 2019, I served by email a copy of the Appellant's Opening Brief to the following person at the address below:

Ms. Kerry Summers
Attorney for Respondent
KerryS@NWJustice.Org

DATED this 30th day of December, 2019.



PATRICIA SANFORD
Declarant