

RECEIVED
SUPREME COURT
STATE OF WASHINGTON

NO. 81714-6

2009 MAY 20 P 12:44

**SUPREME COURT
OF THE STATE OF WASHINGTON**

BY RONALD R. CARPENTER

CLERK

KENT DUCOTE

Appellant,

v.

STATE OF WASHINGTON,
DEPARTMENT OF SOCIAL
AND HEALTH SERVICES,

Respondent.

RESPONDENT
STATE OF
WASHINGTON'S
STATEMENT OF
ADDITIONAL
AUTHORITY

Pursuant to RAP 10.8, the respondent calls to the Court's attention the additional authorities listed below on the issue of the rights of a person standing in *loco parentis*:

RCW 74.13.031:

Construction—2006 c 266: "Nothing in this act shall be construed to create:

....

(3) A private right of action or claim on the part of any individual, entity, or agency against the department of social and health services or any contractor of the department."

Laws of 2006, ch. 266 § 2.

In re S.H.B., 153 Wn.2d 646, 105 P.3d 991 (2005) (under the doctrine of *in loco parentis*, a

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non-parent does not have the same rights as a
parent and the best interests of child test applies).

RESPECTFULLY SUBMITTED this 20th day of
May, 2009.

ROBERT M. McKENNA
Attorney General

A handwritten signature in black ink, appearing to read "Michael P. Lynch", written over a horizontal line.

MICHAEL P. LYNCH, WSBA #10913
Assistant Attorney General