

NO. 86124-2

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**SUPREME COURT OF THE STATE OF WASHINGTON**

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In Re the Welfare of: K.D.S., Minor

DEPARTMENT OF SOCIAL AND HEALTH SERVICES,

Respondent,

v.

DEREK GLADIN,

Appellant.

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**BRIEF IN RESPONSE TO MOTION FOR DISCRETIONARY  
REVIEW**

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## **I. INTRODUCTION**

Derek Gladin, the biological father of fifteen year old K.D.S., did not remedy his parental deficiencies in the seven year period following the removal of K.D.S. from his custody. As a result, his parental rights were terminated by court order on June 8, 2010. While the father was offered numerous services to address his deficient parenting skills and lack of insight as to the significance of K.D.S.'s severe mental, emotional, and behavioral health issues, he failed to remedy his parental deficiencies and never established a bond with this child. Eventually, the court suspended visitation between K.D.S. and the father.

The court of appeals correctly concluded that substantial evidence supports the trial court's order terminating the father's parental rights. That decision does not conflict with any published precedent, does not raise an issue of substantial public interest that warrants review by this Court, and does not raise a significant question of law under the State or Federal Constitutions.

## **II. IDENTITY OF RESPONDENT**

The Department of Social and Health Services (DSHS) is the Respondent in this appeal. DSHS asks the Court to deny review of the father's motion for discretionary review.

### **III. COURT OF APPEALS DECISION**

A Commissioner of the Court of Appeals (Division 1) affirmed the trial court decision terminating the father's parental rights in a ruling entered March 9, 2011. The Court of Appeals subsequently denied the father's motion to modify the Commissioner's ruling on May 11, 2011. The father is unable to demonstrate that review should be granted under RAP 13.4(b) and DSHS therefore asks this Court to deny review.

### **IV. ISSUE PRESENTED FOR REVIEW**

1. When substantial evidence supports a trial court's order terminating parental rights, and when the appellate decision affirming that order does not conflict with any Supreme Court decision, does the father fail to establish a basis for review under RAP 13.4(b)(1)?

2. When substantial evidence supports a trial court's order terminating parental rights, and when the father does not raise a significant question of law under the Constitution, and presents no issue of substantial public interest, does the father fail to establish a basis for review under RAP 13.4(b)(3) and (4)?

### **V. COUNTERSTATEMENT OF THE CASE**

K.D.S. is a fifteen year girl with fetal alcohol exposure, attachment disorder, attention deficit hyperactivity disorder (ADHD), post traumatic stress disorder (PTSD), mild mental retardation and a mood disorder. RP

249, 292, 417. At the time of trial, K.S. functioned at a five or six year old level and educationally performed at the level of a special education preschool/kindergarten student. RP 215, 250.

K.S. resides at S.L. Start Children's Home, a specialized group care facility in Spokane, Washington. RP 294. Because K.S. engages in extreme sexual and aggressive behaviors, as well as occasional self-harm, S.L. Start provided one-on-one line-of-sight supervision in the residence at all times. RP 295, 298-300. K.S. does exhibit positive behaviors, and enjoys discussing animals and coloring. RP 295-296.

The Department removed K.S. from her mother's care in late November, 2002 due to the mother's active drug use and inability to keep the child safe. RP 18, 74. At that time, the father was considered for placement, but was not able to care for K.S. and her special needs. RP 74. K.S. has remained out of either parent's care since that time. RP 491. Prior to removal, the father only cared for K.S. full-time for one brief period in September 2001, when he violated the existing parenting plan and moved the child with him to Seattle. RP 75.

The trial court entered a dependency order as to the father, on August 5, 2003.<sup>1</sup> RP 75-76. An amended dependency order was entered on August 25, 2003, and a dispositional order was entered on August 29,

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<sup>1</sup> The dependency court determined that the father was not capable of adequately caring for K.S., pursuant to RCW 13.34.030(6)(c).

2003. RP 75-76. The findings of dependency and disposition were upheld on revision on March 2, 2004.<sup>2</sup> The father appealed to the court of appeals, and that court affirmed the dependency finding and the dispositional order requiring him to submit to a sexual history interview and polygraph, but the court remanded the issue of restricted visitation.<sup>3</sup>

In 2002–2003 the Department identified the father’s parental deficiencies as questionable allegations of sexual abuse between himself and K.S.<sup>4</sup>, a lack of insight regarding the care of K.S., resistance to case management and assistance from the specialists, doctors, service providers and the Department and a chaotic, unstable lifestyle that included multiple evictions and inconsistent employment. Attachment A.

Prior to the dependency finding, in June 2003, the father completed a substance abuse evaluation with Chambers and Wells. The evaluation did not recommend substance abuse treatment, but did suggest a

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<sup>2</sup> The separate Findings of Fact supporting the dependency orders, Pet. Ex. 2 and 4, were not made part of the record at termination. Additionally, the Order on Motion for Revision of Commissioner’s Decision, which affirmed the Dependency Order, is not formally part of this record for review.

<sup>3</sup> See the Unpublished Decision in this matter under COA cause number 54052-1-I.

<sup>4</sup> In June of 2002 the father was investigated for sexual abuse allegations against K.S. by the Whatcom County Sheriff’s Office. The father declined to participate in a polygraph or interview and no charges were ever filed. The dependency court determined that “based upon the evidence presented, the court cannot find at this time that the father has sexually abused this child or that this is an issue that the court can consider in terms of its decision [on dependency] today.” However, the unresolved nature of the allegations coupled with K.S.’s sexualized behaviors resulted in a dispositional order addressing the concerns by requiring a sexual history interview, as recommended by a completed psychological evaluation.

psychological evaluation due to the father's defensiveness score on the Substance Abuse Subtle Screening Inventory and his behavior during the evaluation. RP 79. The father also participated in three different domestic violence/anger management assessments; again no treatment was recommended. RP 80.

Dr. Evan Freedman completed a psychological evaluation of the father on June 21, 2003. RP 206. Attachment A. The father's I.Q. score placed him in the low average range of intellectual functioning. Dr. Freedman opined that due to his low intellectual functioning, the father would have greater difficulty retaining information necessary to perform some tasks in parenting K.S., leading to more frequent errors and difficulty processing complex information. RP 208-209. Dr. Freedman also stated that the father was not aware of the impact of his behaviors on himself and others, which would inhibit his ability to see his own challenges and seek out support for his deficiencies. These difficulties would also diminish the father's ability to interact effectively with the variety of medical, mental health, and educational professionals needed to meet his daughter's special needs. RP 210, 222.

In his evaluation, Dr. Freedman diagnosed the father with a personality disorder NOS with paranoid, antisocial and borderline personality traits. RP 220-223. According to Dr. Freedman, the father's

cognitive deficits and personality disorder were “not going to change.” *Id.* The psychologist further indicated that K.S. did not relate to her father as a parenting figure. RP 217-218. This lack of attachment, combined with the father’s antisocial traits, the possibility of sexual abuse, K.S.’s significant developmental disabilities and extreme vulnerability, resulted in a poor prognosis for change, even with services. RP 217-218, 221-23, 230. Dr. Freedman estimated that a return of K.S. to the father would place the child at “moderate to high risk.” At the conclusion of the evaluation, Dr. Freedman recommended the father complete a sexual history interview and polygraph, anger management and basic and specialized parenting instruction. RP 78, 81, 224-225. These recommendations were adopted by the court in the dispositional order. RP 78.

Between 2003 and 2005, the father participated in parenting classes including and individualized parent coaching with Ms. Amy Glasser. RP 77, 81. Throughout her instruction, Ms. Glasser observed the father’s inability to grasp the severity of K.S.’s significant cognitive and emotional deficits. *Id.* The father continued to insist that K.S. grasped concepts that she did not understand. RP 184-185. Ms. Glasser was concerned that he did not fully understand the level of K.S.’s severe special needs and would not be able to anticipate K.S.’s needs or to

respond safely and appropriately to her frustrations and behavioral issues. RP 188. Attachment B. Ms. Glasser ended her instruction after 14 or 15 sessions without noting a resolution of the father's parenting deficiencies, but believing that she had done "the best she could." RP 188.

Following his participation in parenting instruction in 2005, the father failed to participate in further services, and did not maintain regular contact with the Department or K.S.'s service providers. RP 84-87.

Throughout the case, visitation between K.S. and her father was problematic. Whenever K.S. learned that her father was going to visit, she did not react. RP 305. During visits K.S. would not talk with her father and her behaviors escalated; she would only calm down when he left the room. *Id.* K.S.'s behaviors after visits were also volatile, including aggression, biting, scratching, pulling hair, swearing, removal of her clothes and inappropriate sexual behaviors with herself and staff. RP 104, 325.

In December 2008, the father had his last visit with K.S. RP 108, 303. The court then suspended visitation until the parties could meet to develop an approach to visits that would minimize these behaviors. RP 90. The father missed this meeting and was late for the second meeting, such that the therapist and the case manager had left by the time he arrived. The father did not schedule another meeting. RP 101.

Since March 2009, the Department has only received two phone calls from the father. RP 89. These calls focused on his perception of injustices, on the past and demonstrated the father's difficulty addressing the current issues surrounding his daughter. RP 89. During one of those two phone calls, the father did request a visit with K.S., whom he had not seen since December, 2008. RP 89, 101. The assigned social worker, instructed the father to obtain a lawyer and make that request to the court, which had previously suspended visitation. RP 90.

During the termination trial, the court heard testimony regarding the long-term housing and services available to K.S. at S.L. Start. RP 329-30. Staff there are able to communicate closely with other professionals and providers and are willing to work with K.S. and the Department to transition towards an adoption should such a home be identified. RP 329, 331. Other behaviorally challenged children like K.S. have successfully been placed and adopted from the S.L. Start program. RP 330. It would be more likely for K.S. to be adopted, even though it would be a challenge to find the right fit, than for K.S. to ever be returned to the father's care. RP 107. If K.S.'s legal status were "legally free" it would be easier to identify an adoptive home for her and to work towards placement. RP 107-108.

Because of the eight years K.S. has spent outside the parental home, the lack of regular or unsupervised visitation, the father's failure to complete services, K.S.'s extreme special needs and the father's unresolved parental deficiencies, the expert testimony at trial concluded that it was highly unlikely that the father would be able to successfully parent K.S. with any amount of support or treatment. RP 231.

The trial court entered orders terminating the father's parental rights on June 18, 2010. The father appealed arguing that substantial evidence did not support the trial court's findings: that the continuation of the parent-child relationship clearly diminishes K.S.'s prospects for early integration into a stable and permanent home, that the father was unfit to parent, that termination is in K.S.'s best interest, and that the trial court appropriately refused to consider alternative remedies to termination. Additionally, he raised the issue of whether RCW 13.34.190 was unconstitutionally vague in its application resulting in a violation of the father's due process rights.

The commissioner at the court of appeals rejected the father's arguments and affirmed the termination order in a decision entered March 9, 2011. The court of appeals denied the father's motion to modify the commissioner's decision. The father now asks this Court to accept review of that decision.

## VI. STANDARD OF REVIEW

A decision by the court of appeals on accelerated review of an order terminating parental rights is subject to review by the Supreme Court only by a motion for discretionary review in accordance with RAP 13.5A. The Supreme Court will apply the considerations set out in RAP 13.4(b). RAP 13.5A(b). Discretionary review will be accepted by the Supreme Court only:

(1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or (2) If the decision of the Court of Appeals is in conflict with another decision of the Court of Appeals; or (3) If a significant question of law under the Constitution of the State of Washington or the United States is involved; or (4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

RAP 13.4(b).

The father seeks review under RAP 13.4(b)(1), (3), and (4).<sup>5</sup> As shown below, he fails to satisfy any of these criteria. The commissioner's ruling is entirely consistent with well-settled Washington Supreme Court decisions and there is no conflict between that decision and any prior decision of this Court that warrants review under RAP 13.4(b)(1). Moreover, the motion does not involve any issue of substantial public

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<sup>5</sup> The father contends review is also warranted under RAP 13.4(b)(3) because his motion involves the State's burden of proof regarding the termination of the fundamental rights of parents and children, which he claims raises a significant question of law under the Constitution. Mot. at 2, 10 and 12. However, he does not support his claim with argument as required by RAP 13.4(c)(7). This Court should therefore consider the alleged error waived. *In re Detention of A.S.*, 138 Wn.2d 898, 922 n. 10, 982 P.2d 1156 (1999).

interest which should be determined by the Supreme Court. The motion for discretionary review should be denied.

## VII. ARGUMENT WHY REVIEW SHOULD BE DENIED

### A. **There Is No Conflict With Prior Decisions Of The Supreme Court As Substantial Evidence Supports The Trial Court's Findings That The Father's Rights Should be Terminated.**

The court of appeals decision is based on well settled law, properly applied to the particular facts of this case. Contrary to the father's claim, the court of appeals decision does not conflict with this court's prior rulings in *In re Dependency of K.S.C.*, 137 Wn.2d 918, 976 P.2d 113 (1999), or *In re Dependency of A.B.*, 168 Wn.2d 908, 232 P.3d 1104 (2010). It is entirely consistent with various court of appeals decisions issued before and after the above mentioned Supreme Court decisions, including and *In re Dependency of T.R.*, 108 Wn. App. 149, 166, 29 P.3d 1275 (Division I, 2001) and *In re the Dependency of P.P.T.*, 155 Wn. App. 257, 229 P.3d 818 (2010).

The father contends the court of appeals erred because it relied upon a long-standing method of proof utilized by the court in *In re Dependency of J.C.*, 130 Wn.2d 418, 924 P.2d 21 (1996), wherein a finding that continuation of the parent-child relationship diminishes the child's prospects for early integration into a stable and permanent home, required by RCW 13.34.180, *necessarily follows* from a finding that there

is little likelihood that the father will remedy conditions such that his child can be returned to him, required by RCW 13.34.180(1)(e). The father claims this construction has been overruled, sub silentio, by a subsequent Supreme Court case, *In re Dependency of K.S.C.*, and rejected by a more recent case, *In re Dependency of A.B.* Mot. at 9 and 11. The father's challenge is without merit.

This court in *In re Dependency of J.C.*, 130 Wn.2d 418, 427, 924 P.2d 21 (1996), focused primarily on the element of RCW 13.34.180(1)(e) which requires a finding that there is little "likelihood that conditions will be remedied so that the child can be returned home in the near future." In doing so, the court determined that this element can be satisfied with a showing of prolonged substance abuse over time as opposed to a showing of current substance abuse. *Id.* at 428. The court then found that once the "little likelihood" element was satisfied, the "early integration" element of RCW 13.34.180(1)(f) "necessarily follows." *Id.*

In stark contrast to *In re Dependency of J.C.*, the court in *In re Dependency of K.S.C.* focused solely on the "early integration" element of RCW 13.34.180(1)(f). In a footnote, the court acknowledged that while the mother previously challenged the finding of 13.34.180(1)(e), she did not include that challenge in her briefing to the Supreme Court and, therefore, the court was not at liberty to address that challenge. *In re*

*Dependency of K.S.C.*, Wn.2d 918, 927, 976 P.2d 113 (1999).<sup>6</sup> The *K.S.C.* court then found that because the parent child relationship was harmful to the child, substantial evidence existed independently of any other factor to satisfy the “early integration” requirement of RCW 13.34.180(f). *Id.* at 932.

The court of appeals decision in this case does not conflict with the Supreme Court’s decision in *In re Dependency of K.S.C.* When this Court in *K.S.C.* addressed the element specifically raised by the mother, RCW 13.34.180(1)(f), on its own merits, it was not ignoring or overruling *In re Dependency of J.C.* sub silentio, but instead, it conducted a separate analysis of the facts and issues that were raised by the appellant in that particular case. There, this Court could not address the link between RCW 13.34.180(1)(e) and RCW 13.34.180(1)(f) because this was not a question raised by the appellant. The only question raised was the sufficiency of evidence to satisfy RCW 13.34.180(1)(f).

Simply because this Court chose to analyze *In re Dependency of J.C.* and *In re Dependency of K.S.C.* cases differently, does not render one method abandoned or overruled sub silentio. In fact, the reasoning used

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<sup>6</sup> *In re Dependency of K.S.C.*, Wn.2d at 927, *see* footnote 3, “RAP 13.7(b) provides that where the court accepts review of a Court of Appeals decision, it will review only questions raised in the motion for discretionary review or the petition for review and the answer, unless the court orders otherwise on granting review. Accordingly, we decline to reach the issue.”

by this court in *In re Dependency of J.C.* has been cited with authority in numerous subsequent cases. It has most recently been relied upon in *In re the Dependency of P.P.T.*, 155 Wn. App. 257, 268, 229 P.3d 818 (2010). The findings of *In re Dependency of P.P.T.* are consistent with the present case.

In *In re Dependency of P.P.T.*, the court of appeals reversed the trial court's dismissal of a termination petition holding that the focus of RCW 13.34.180(f) is the legal relationship between the parent and child and whether that relationship impedes the child's prospects for integration, not what constitutes a stable and permanent home. *In re Dependency of P.P.T.*, 155 Wn. App. at 268. The court found that rather than focusing on whether the children currently live in an appropriate permanent home, the focus of RCW 13.34.180(1)(f) is the legal relationship between the children and the biological parent. *Id.* at 269.

Additionally, the court in *In re P.P.T.* noted that the trial court committed obvious error when it failed to apply Supreme Court precedent to the effect that a finding that the state has proved RCW 13.34.180(1)(f) "necessarily follows from an adequate showing that there is little likelihood that conditions will be remedied so that children can be returned to the parent in the near future." RCW 13.34.180(1)(e), *In Re P.P.T.*, 155 Wn. App. At 268, citing *In re Dependency of K.S.C.*, 137

Wn.2d 918, 927, 976 P.2d 113 (1999) and *In re Dependency of J.C.*, 130 Wn.2d 418, 427-8, 924 P.2d 21 (1996). In drawing this conclusion, the court rejected the argument that this result “reads RCW 13.34.180(1)(f) . . . out of existence,” by relieving the state of its burden to prove (1)(f) by clear, cogent, and convincing evidence. *Id.* at 269. Instead the court noted that to follow such an argument would be to ignore Supreme Court precedent. *Id.* Thus, the court of appeals decision in our present case does not conflict with this court’s recent rulings in *In re K.S.C.* or in *In re J.C.*, and the father’s argument raised under RAP 13.4(b)(1) is without merit.

In another court of appeals case, *In re Dependency of T.R.*, 108 Wn. App. 149, 29 P.3d 1275 (2001), the court again addressed arguments by the appellant regarding the state’s ability to prove RCW 13.34.180(1)(f). There, the appellant claimed that since reunification was ‘essentially possible or imminent,’ the “integration” factor for termination was not met. *Id.* at 166. The court disagreed noting that it did not view reunification as imminent, and it emphasized that “what is perhaps eventually possible for the parent must yield to the child’s present need for stability and permanence.” *In re Dependency of T.R.*, 108 Wn. App. 149, 29 P.3d 127 (2001). Consistent with the court of appeals in our case, it also relied specifically on the precedent set out in *In re Dependency of J.C.*, that where there is little likelihood that conditions will be remedied,

it “necessarily follows” that the “parent and child relationship clearly diminishes the child’s prospects for early integration. . . .” *Id.* at 166, quoting *In re Dependency of J.C.*, 130 Wn.2d 418, 427, 924 P.2d 21 (1996).

Similarly, there is no conflict between the court of appeals decision in the present case and *In re Dependency of A.B.* The issue in *A.B.* was whether the court needed to make a finding of parental unfitness prior to terminating parental rights. *In re Dependency of A.B.*, 168 Wn.2d 908, 232 P.3d 1104 (2010). The father argues that *In re A.B.* contrasts with *In re Dependency of J.C.*, because it requires the state to prove each element of RCW 13.34.180(1) by clear, cogent and convincing evidence. The precedent set by *In re J.C.* never abandoned the requirement that each element must be proven. Instead, *In re J.C.* provides that once RCW 13.34.180(1)(e) is proven by clear, cogent and convincing evidence, *the same* clear, cogent and convincing evidence also proves RCW 13.34.180(1)(f) because the obstacles for “early integration” into a permanent home *come from* the reasons there is little likelihood that conditions will be remedied. *In re Dependency of J.C.*, 130 Wn.2d 418, 427, 924 P.2d 21 (1996).

The trial court in this case found that all six factors of the termination statute had been proven by clear, cogent, and convincing

evidence. It simply, according to precedent, relied on the finding of the first five elements when it found that the sixth element had also been established by clear, cogent, and convincing evidence. The court also relied on additional factors to find that the requirements of RCW 13.34.180(1)(f) were met. The commissioner noted that “Gladin’s continued legal relationship poses an obstacle to adoption planning. The court also found that “[t]he record here supports the determination by the trial court that continuing a legal relationship with Gladin is a legal barrier to K.D.S.’s chance of adoption and thus diminishes the likelihood of her integration into a stable and permanent home.” Therefore, the trial court found *not only* that the “integration” element of RCW 13.34.180(1)(f) necessarily followed from the State’s proof offered for the “little likelihood” element of RCW 13.34.180(1)(e), but *also* that other clear, cogent and convincing evidence was offered to prove the “integration” element independently.

As demonstrated by the analysis of prior Supreme Court and appellate decisions, the six elements of RCW 13.34.180 may be proven either individually, each on its own merit, or through the proof of the first five elements, from which proof the sixth element of RCW 13.34.180 necessarily follows. Each approach is valid and requires all six elements to be proven by clear, cogent, and convincing evidence. *In re K.S.C.*

Wn.2d 918, 976 P.2d 113 (1999) and *In re J.C.*, 130 Wn.2d 418, 427-8, 924 P.2d 21 (1996).

The court of appeals ruling in this case does not conflict with prior court of appeals or Supreme Court decisions. Instead, precedent first established by *In re Dependency of J.C.* in 1996 has been consistently upheld. If this court thought its prior rulings were unclear or in error, it would have addressed those issues as they arose during the past ten years. Consequently, the father has failed to establish a basis for review under RAP 13.4(b)(1).

**B. The Father's Motion for Discretionary Review Does Not Raise Any issue of Public Interest or Significant Question of Law Under the State or Federal Constitutions.**

In passing, the father suggests there is a constitutional question that arises regarding the State's burden of proof when seeking the termination of the fundamental rights of both parents and children. Mot. at 2. Mr. Gladin fails to specify any specific basis for these arguments beyond what may be interwoven in his attempts to demonstrate conflict between the analysis of his case and prior Supreme Court decisions. "Lack of clear legal argument with cited authority is grounds for dismissing an argument on appeal." *In re Dependency of Chubb*, 112 Wn.2d 719, 773 P.2d 851 (1989), citing *Griffin v. Dept's of Social and Health Services*, 91 Wn.2d

616, 590 P.2d 816 (1979); *State v. Kroll*, 87 Wn.2d 829, 558 P.2d 173 (1976).

Mr. Gladin has not demonstrated that his constitutional rights have been violated. A parent's right to raise his children without the State's interference is a constitutionally protected fundamental right and, as a result, the court has examined the termination statutes under the strict scrutiny standard. *In re the Welfare of C.B.*, 134 Wn. App. 336, 139 P.3d. 1119 (2006). The Court has determined on numerous occasions that RCW 13.34.180 and RCW 13.34.190 as written, are facially constitutional because they advance a compelling state interest and are narrowly drawn to meet that interest. *Id.* at 345.<sup>7</sup> Mr. Gladin's parental rights were examined and terminated under this statute.

Substantial evidence supports the termination of the parental rights of the father. He has not shown any additional basis for constitutional violations. Thus, the termination of the father's parental rights does not raise an issue of public interest, or a significant question of law under the State or Federal Constitutions.

Further, since the father does not support his claims with argument as required by RAP 13.4(c)(7), this court should consider the alleged errors

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<sup>7</sup> Citing *In re Dependency of K.S.C.*, Wn.2d 918, 928, 976 P.2d 113 (1999) *In re Dependency of I.J.S.*, 128 Wn. App. 108, 120-121, 114 P.3d 1215 (2005), *review denied* 155 Wn.2d 1021, 128 P.3d 1240 (2005).

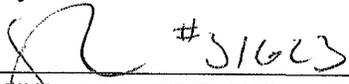
waived. *In re Detention of A.S.*, 138 Wn.2d 898, 922 n.10, 982 P.2 1156 (1999), and thus, the father's insistence that review is warranted by this court under RAP 13.4(b)(4) and (b)(3) is without merit.

### VIII. CONCLUSION

As the father fails to satisfy any basis for review under RAP 13.4(b), DSHS respectfully requests that the Supreme Court deny his motion for discretionary review.

RESPECTFULLY SUBMITTED this \_\_\_\_ day of August, 2011.

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EX

**ATTACHMENT A**

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## CONFIDENTIAL PSYCHOLOGICAL EVALUATION AND PARENTING ASSESSMENT

Name: Derek Gladin

Date of Birth: 6/11/66

Dates of Testing and Evaluation: 5/22/03, 05/29/03

Date of Report: 6/21/03

Location of Evaluation: Offices of Evan B. Freedman, Bellingham, Washington

Evaluation By: Evan B. Freedman, Ph.D. Washington License #2306

Assisted By: Psychometrician, Elizabeth Snyder, MS, LMHC #7502

Evaluation Methods: Clinical Interview; Mental Status Exam; Wechsler Adult Intelligence Scale—Third Edition (WAIS-III); Personality Assessment Inventory (PAI); the Sentence Completion Series—Parenting Version; Parent Stress Index for Mr. Gladin's child; the Child Abuse Potential Inventory (CAP); observation of Mr. Gladin while visiting with his child for one hour.

Relevant Records Reviewed: Letters from Wendy Koehler dated 05/22/03 and 05/02/03; Letter from Nancy M. Neal, Attorney at Law, dated 05/21/03; Letter from Debbie Scholm to Mr. Gladin, dated 12/05/02; Letter to Wendy Koehler from Mr. Gladin, dated 12/09/02; Letter from Wendy Koehler to Derek Gladin, dated 12/18/02; Email correspondence between Wendy Koehler to Pamela Weber-Stecker, dated 12/05/02; Notice and Summons for Dependency Proceedings for Kayla D. Sleasman, dated 11/26/02; Kidscreen for Kayla D. Sleasman, dated 12/09/02; Speech and Language Assessment for Kayla D. Sleasman, dated 11/12/97; Neurodevelopmental Physical Therapy Assessment for Kayla D. Sleasman, dated 12/08/07; Bellingham School District special education reevaluation report for Kayla D. Sleasman, dated 05/08/01; Medical records received from Dr. Jacobs regarding Kayla D. Sleasman, dated 04/25/99 through 10/28/02; Mt. Baker School District record review of Incoming Special Education Students for Kayla D. Sleasman, dated 03/21/02; Discharge Orders and Plan from Children's Hospital, dated 04/25/03; Interstate Relative Home Study Placement Recommended with Conditions from DSIS and John Campbell, dated 04/11/03;

EXHIBIT #

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Youthnet 90 day assessment, dated 03/05/03; DSHS ISSP and allegation history provided by DSHS.

Background and Referral Questions

Derek Gladin is a 36 year-old Caucasian man whose child, Kayla Sleasman, is currently seven years old. Mr. Gladin reported that the child's mother had a long history of drug and alcohol involvement and unstable parenting. However there were many allegations against Mr. Gladin involving intrusive behavior and, more recently, sexual abuse. Although Kayla is presently seven years old, she is apparently functioning at a three-to-four year-old level. She was recently hospitalized at the Children's Hospital in Seattle and discharged with a diagnosis of Oppositional Defiant Disorder, Mental Retardation, neurobehavioral disorder due to alcohol exposure, and Severe Mixed Receptive / Expressive Language Disorder. Apparently, given Kayla's level of function, she will require a caregiver for the remainder of her life span. Up until Kayla was placed in foster care on April 28 with her maternal grandparents, Mr. Gladin and Ms. Sleasman had engaged in a parenting plan which included the mother caring for the child during the weeks and Mr. Gladin caring for the child every other weekend and one night a week, in addition to some holidays.

In preparation for this evaluation, letters were received from Wendy Koehler, the social worker assigned to this case, as well as Mr. Gladin's attorney. Mr. Gladin's attorney, Ms. Neil, expressed in her letter, dated May 21, 2003, her disagreements with the many statements regarding this case reported by Ms. Koehler, the caseworker. Ms. Koehler reported that Mr. Gladin had initially denied being Kayla's parent, however Mr. Gladin denied this, as did his attorney. Ms. Koehler alleged in her letter that in 1996, Mr. Gladin broke into Kayla's mother's home, and again Mr. Gladin and his attorney deny this allegation. Ms. Koehler alleged that Mr. Gladin had "used alcohol prior to Kayla's birth," and again Mr. Gladin and his attorney denied this had occurred. Ms. Koehler stated in her letter that Mr. Gladin refused to participate in services, and Mr. Gladin reported that he was in fact in the process of applying for an appointment for an alcohol evaluation and had initially refused participation in services at the advice of his attorney.

Ms. Koehler reported that Mr. Gladin allegedly kidnapped Kayla in 2001 for about four months, taking her to Seattle. Again Mr. Gladin denied this allegation, stating that he had only taken his daughter to protect her from harm, as she was not being cared for by her mother. Mr. Gladin claimed that he had begun the process to enroll her in school and to gain custody. Mr. Gladin's attorney reported that Kayla's mother and her own mother instigated that allegation of kidnapping to prevent Mr. Gladin from seeing his daughter. The allegation of sexual abuse was also reported by Mr. Gladin and his attorney to have been made by Kayla's mother. Mr. Gladin believed that this was done, again, to deprive him of visitation with his daughter. Finally Ms. Koehler's letter reported that Mr. Gladin was aware that Kayla was in the state's care since November 2002 but "chose not to visit Kayla, stating he wanted to talk to his attorney." Mr. Gladin actively denied that this was the case and claimed that he was not offered visitation until recently and has since been participating in the visitation.

This evaluation was originally referred by Wendy Koehler, Social Worker III, from the Bellingham DCFS offices. It was hoped that the evaluation would provide a mental health assessment, including "further explorations of paranoid tendencies." There are further questions about necessary safety measures to be put in place to assure that Kayla would be safe in Mr. Gladin's care, as well as structure which would allow Mr. Gladin to follow a service plan to enable the Department to monitor the safety of his child. There are other specific questions around "personality conflicts" and more generally, Mr. Gladin's fitness to parent, given the history. It is hoped the evaluation will make recommendations for the necessity of a "sexual deviancy component" for this evaluation as well as other services or interventions which would help to reduce the risk of child abuse or neglect by decreasing deficiencies and increasing strengths in the even Kayla were placed with Mr. Gladin.

Mr. Gladin reviewed the Forensic Informed Consent Contract, which explained the lack of confidentiality regarding the findings of this evaluation and the Authorization for Mutual Release and Exchange of Confidential and Privileged Information. Mr. Gladin had many questions about both forms and initially refused to sign either until after he had spoken to his attorney. After a significant period of discussion, Mr. Gladin did agree to sign the Informed Consent Contract. Later in the day he signed the Authorization for Mutual Release and Exchange of Confidential and Privileged Information after his attorney joined him during the evaluation, hotly debated the content of the form and demanded significant edits to it.

#### Relevant History

The evaluator notes the Mr. Gladin was a poor historian, unable to remember dates and sequences of events in his life, and presented with defensiveness regarding providing information that would make for an accurate evaluation. Mr. Gladin persistently asked, "How is this information related to how I am as a parent?" Mr. Gladin's orientation to the history interview and for that matter, the rest of the evaluation, made information gathering quite difficult and idiosyncrasies and inaccuracies may exist based on his report.

#### Developmental History

Mr. Gladin reported that he was born on 6/11/66 in Oxford, Germany. He believed that he was the product of a normal gestation and delivery and that he reached all developmental milestones at appropriate times. He resided in Germany for approximately two years until his family moved to the United States and continued to move frequently until he was approximately five years old. At the age of five, his family settled in San Diego, California where he lived until 1993, when he again relocated to Point Roberts, Washington, and then shortly to Bellingham, Washington.

#### Family History

Mr. Gladin's mother and father were married at his birth and remained married until his father committed suicide in 1973. At the time of the suicide, his father was living in a

different state and had been absent from the family for several years. Therefore, no family member witnessed the accident. Mr. Gladin stated that he never developed a relationship with his father, as his father had suffered from "nerves" and possibly Post-Traumatic Stress Disorder from two tours in the Vietnam War. Mr. Gladin's father was possibly hospitalized at the Veterans Administration hospital; however Mr. Gladin refused to provide information on this topic. Mr. Gladin was raised by his mother and his sister, Jenny, who was two years his elder. His sister is a social worker in California, and by his report they speak on the phone frequently and have a close relationship. He has three half-sisters from his mother's marriage prior to marrying his father. He reported he had relationships with his half-sisters and that he visited with them approximately twice a year. Mr. Gladin's mother is a retired psychologist, and has remarried since the death Mr. Gladin's father to a Mr. Leo Woodland, who is an attorney. Mr. Gladin's mother remarried when he was approximately nine years old and was divorced by the time he was approximately 16 years old. He described his stepfather as a "hard worker, has good communication skills" and they continue to have a relationship, albeit visiting only occasionally. He reported a strong relationship with his mother, who presently resides in California. They speak on the phone often and visit occasionally. He described her as a "hard worker, honest, caring person, educated and smart." Mr. Gladin denied that there were any drug and alcohol issues or mental health diagnoses in his family other than his father, who committed suicide.

Abuse History

Mr. Gladin denied that he had ever experienced any form of abuse.

School History

Mr. Gladin attended school in California. He attended Elementary School at Parkdale Lane. He was diagnosed with dyslexia in elementary school and was placed in special education curriculum throughout elementary school and for a short time in junior high until he was returned to a mainstreamed curriculum track. He attended two years of junior high at Oaks Junior High and after his family moved to a new area, he attended two years at Persian Junior High. He attended San Diego High School, and after his family moved, he attended Patrick Henry High School in the tenth grade. He reported receiving below-average grades in school and denied participation in any extracurricular activities. He also denied receiving any disciplinary actions.

Mr. Gladin reported that he left school during the tenth grade because he had been working and "wanted to make money." He attended Cross Mont Junior College part-time approximately two years after he had left high school and enrolled in courses such as general education and art. Mr. Gladin attended a technical college for approximately six months in a smog and auto mechanics certification program. He completed the program but did not get his smog license because he moved to Washington and there was not a smog-licensing program there.

Work History

Mr. Gladin reports a vocational history which includes multiple positions of short duration in multiple fields. His first job was at the age of 10, when he began working

with his stepfather landscaping for the summer. Mr. Gladin reported a work history consisting of sales, telemarketing, restaurant work, general labor for construction companies, and work as an auto mechanic. At the age of 11 he held a paper route for several years and moved up to selling subscriptions door-to-door. At the age of 16 he worked at a toy store as a helium deliverer and salesman. He was then employed at a gas station for several years, while at the same time being employed as a prep cook and dishwasher at a pizza place. He was employed as a security guard for six months and then employed at a gas station as a mechanic for several years. He changed vocations at that time and began working for several construction companies as a general laborer for approximately three years. He returned to work as an auto mechanic for approximately a year while at the same time he was employed as a door-to-door salesman and a telemarketer. As a telemarketer he would sell sunroom add-ons and timeshares.

Mr. Gladin moved to Washington after he was hired as a marine mechanic at a Point Roberts, Washington company. He was employed for approximately one year and then began his own automotive repair shop for one year. He found employment with Whatcom Foreign Auto Repair where he was employed for approximately one year. At this time, he began selling timeshares again and moved to Dr. John's auto repair, and sold car wash products for Dr. John on the side. He was then employed for Construction Super City Services as a general laborer, and then moved to Seattle, Washington, where he was employed by DSH Cladding Company as a metal technician for one year. He then was employed at Zach Salas Services as a general laborer until he found employment with Washington National Mortgage as a telemarketer. He has been employed by Washington National Mortgage for three months, and he plans to continue his employment, as he enjoys the flexibility of his work. He continues to do small mechanical and home repairs on the side.

Health History

Mr. Gladin denied that he had ever experienced any major illnesses or head injuries. At the age of 36 he had his wisdom teeth pulled and at one time fractured a toe in his left foot. He denied that he consumed any prescription medication or over-the-counter medication.

Treatment History

Mr. Gladin denied that he had ever received any chemical dependency treatment, chemical dependency evaluations, psychological or mental health treatment, or psychological and mental health evaluations.

Drug and Alcohol History

Mr. Gladin appeared very defensive regarding his previous drug use, and it was unclear to this evaluator whether he was being truthful. He stated that his first alcohol consumption was at the age of 15 and that he consumed alcohol minimally until he was over the age of 21, and then he began having a beer occasionally at parties or wine with dinner. He reported that he had not consumed any alcohol for the last month and a half and that never in his life had he been involved with the "over-consumption of alcohol".

He denied that he had ever tried marijuana, methamphetamines, cocaine, heroin, mushrooms, or LSD or any other illicit drug.

#### Relationship History

Mr. Gladin's first relationship was when he was 15 years old when he reportedly met a woman from Turkey. He stated that this relationship was very short-term, but he considered her his first girlfriend. He then met a young woman named Jenny who was a girlfriend of his for a short time. Apparently, she had wanted to have sex with him and he was not yet interested in such intimacy and he broke off the relationship. He then met April, whom he dated for six months and had his first sexual experience with when he was 17 and she was 16. After breaking up with April he met and dated a woman named Elizabeth, who was 20 when he was 18, and went on to date another woman, Sarah, who was 26 when he was 24. He was in a relationship casually with Sarah for approximately one year. After his relationship with Sarah ended, he reported that he did not have any serious relationships for a long while and dated one woman, Victoria, who he considered a friend with whom he had intimate relations. After Victoria, he was in several short-term relationships until he met Charmaine, who resided in Canada. They were in a relationship for approximately one year and Charmaine moved in with him for eight months. The relationship ended when he did not accompany her after she was promoted at her job and relocated to Ottawa, Canada. Apparently, Charmaine had wanted to marry him and have a child, but by his report, he was not ready.

Mr. Gladin met Ms. Sue Sleasman at a coffee shop when she was 18 and he was 26 years old. They were together for a short time before moving in together, and she became pregnant three months into the relationship. Mr. Gladin claimed that she did not inform him of the pregnancy until she was three months along. Their daughter, Kayla, was born on 7/28/95. He reported that the relationship with Ms. Sleasman deteriorated because she "liked to go out at night with her friends and enjoyed getting drunk." Mr. Gladin stated that Ms. Sleasman had no relationship with her mother when they met and prior to Ms. Sleasman turning 18, she had herself emancipated due to the volatile relationship with her mother. Mr. Gladin's claimed that his positive influence on Ms. Sleasman brought her back in touch with her mother. Mr. Gladin eventually regretted this reunification as he believed that Ms. Sleasman's mother was very "controlling" and eventually "got in the way" of his relationship with Ms. Sleasman. He described Ms. Sleasman's mother by stating, "she used to be a witch, and now she is a born-again hypocritical Christian." He admitted that the two argued and engaged in verbal fights but denied that he ever physically abused Ms. Sleasman. The relationship between Mr. Gladin and Ms. Sleasman ended poorly after several conflicts regarding childcare and managing the household chores.

The relationship with Ms. Sleasman ended approximately two years after Kayla's birth. On the last night of Mr. Gladin and Ms. Sleasman's relationship, Ms. Sleasman left the home and moved in with her mother. Shortly thereafter, Mr. Gladin received an eviction notice and restraining order against him. Again according to Mr. Gladin, the restraining order indicated that Ms. Sleasman had made him out to be a "violent, evil person" and he had made her "fear for her life." The restraining order was eventually dropped when it

became non-conductive to exchanging parental care for Kayla. There is some indication that in 1996 Mr. Gladin broke into Ms. Sleasman's mother's home by "cutting a hole in the laundry room floor through a crawl space", however, Mr. Gladin emphatically denies that this is true and a statement was made in a letter from Ms. Neal, dated 05/31/03 to this effect.

The couple has been involved in a long custody battle over Kayla. Paternity tests were completed indicating that Mr. Gladin was in fact the father of Kayla. This paternity test has come under question, as Ms. Sleasman and her mother apparently used the fact that the test was completed as an indication that Mr. Gladin did not believe he was the father. However, he denied that he had requested the test to be done and stated, "I always knew I was Kayla's father" and that it was the Sleasman's that were falsifying the situation.

Mr. Gladin reported that he had been in several short-term relationships since his relationship with Ms. Sleasman but no long-term commitments.

#### Cultural and Spiritual Background

Mr. Gladin was raised with a small amount of Christianity but did not feel that religion was "forced down my throat." He stated that his mother was raised Catholic however did not raise him in the Catholic Church. He has attended Christ the King church and occasionally Hillcrest Church and now only occasionally attends church. He reported having a close relationship with God and that "God makes the decisions in my life and whatever happens is due to God's will."

#### Criminal History

Mr. Gladin denied that he had any arrests other than a driving while his license was suspended. He stated that he received that DWLS arrests because he had outstanding tickets, resulting in his license being revoked, without him knowing the tickets were outstanding. He claimed that he had believed that the tickets had been paid.

#### Presentation and Mental Status

Mr. Gladin presents as a Caucasian male appearing stated age. He presented on time for the evaluation, oriented to person, place, and time, and appeared to engage in all aspects of the evaluation in a willing, although defensive manner. Overall it was noted throughout the evaluation that Mr. Gladin presented himself as a "salesman," who might have been attempting to convince a potential buyer to commit to a sale. His verbal style is somewhat perseverative, although he does respond to attempts at limit-setting and direction.

Mr. Gladin denies any significant mental health concerns, including symptoms of depression, anxiety, panic attacks, or neurovegetative signs of emotional distress. His affect is noted to be euthymic although defensive, with congruent, slightly flattened and compulsive mood. As noted above, although his speech was articulate and clearly understood, he tended to be somewhat long-winded and perseverative. There was no aggressive or depressive thought content noted, and Mr. Gladin denied intrusive

memories, flashbacks, recurrent nightmares, hallucinations, or delusions. Fine and gross motor skills appeared to be within normal limits, as did gait, however there was a slight suggestion of minor developmental delay in Mr. Gladin's presentation. Eye contact was noted to be within normal limits. Insight appeared to be fair, but judgment and impulse control were difficult to evaluate due to the many inconsistencies and disagreements in the history. Nonetheless, during the evaluation, judgment and impulse control appeared to be normal. Long- and short-term memory appeared to be intact, and concentration and attention were within normal limits. Mr. Gladin denied any history of self-harm behavior or suicidal ideation in the past or present.

When asked about his libido, Mr. Gladin reported that his interest had been reduced due to his current legal battle and other hassles, as was decreased due to his age. Although it had not been the intention of interviewer to elicit further material around his sexual interests, Mr. Gladin responded to the question with some nervousness and defensiveness and went on at some length about how he saw relationships as more important than sex and saw his sex drive as normal in every way.

#### Intellectual Functioning

##### Wechsler Adult Intelligence Scale - Third Edition (WAIS-III)

Mr. Gladin was administered 13 subtests of the *Wechsler Adult Intelligence Scale - Third Edition* (WAIS-III) from which his IQ and Index scores were derived. The Full Scale IQ is the aggregate of the Verbal and Performance scores and is usually considered to be the most representative measure of global intellectual functioning. Mr. Gladin's general cognitive ability is in the *Low Average* range of intellectual functioning, as measured by the Wechsler Adult Intelligence Scale - Third Edition (WAIS-III). His overall thinking and reasoning abilities exceed those of approximately 19% of adults his age (FSIQ = 87; 95% Confidence Interval = 83-91).

##### Verbal and Performance Abilities

The Verbal score is a measure of acquired knowledge, verbal reasoning, and comprehension of verbal information. His verbal reasoning abilities, as measured by the Verbal IQ, are in the *Low Average* range and above those of approximately 21% of his peers (VIQ = 88; 95% Confidence Interval = 83-93). On the verbal reasoning subtests, Mr. Gladin obtained his highest score on the Similarities, Digit Span and Information subtests and his lowest score on the Letter-Number Sequencing subtest. His performance on these subtests differs significantly relative to each other and suggests that these are the areas of most pronounced strength and weakness, respectively, in Mr. Gladin's profile of verbal reasoning abilities. His weak performance on the Letter-Number Sequencing subtest is below that of most of his peers. The Verbal Comprehension Index (VCI) is similar to the Verbal IQ in that it provides a measure of verbal acquired knowledge and verbal reasoning. However, it does not include the measures of abilities related to working memory, such as holding information to perform a specific task. Therefore, the Verbal Comprehension Index may be considered a purer measure of verbal comprehension than is the Verbal IQ. In Mr. Gladin's case, his Verbal Comprehension Index score is generally comparable to his Verbal IQ score. On tasks measuring verbal

knowledge, Mr. Gladin's performance is comparable to that of his peers. His ability to understand and respond to verbally presented material is better than that of 27% of others his age (VCI = 91, 95% Confidence Interval = 86-97).

The Performance score provides an indication of an individual's nonverbal reasoning, spatial processing skills, attentiveness to detail and visual-motor integration. His nonverbal reasoning abilities, as measured by the Performance IQ, are in the *Low Average* range and better than those of approximately 18% of his peers (PIQ = 86, 95% Confidence Interval = 80-94). On the nonverbal reasoning subtests, Mr. Gladin obtained his highest score on the Block Design subtest. His performance differs significantly from his Nonverbal subtest mean score and suggests that this is the area of most pronounced strength in Mr. Gladin's profile of nonverbal reasoning abilities. The Perceptual Organization Index (POI) is actually a purer measure of nonverbal reasoning than is the Performance IQ. The POI measures fluid reasoning, spatial processing, attentiveness to detail, and visual-motor integration. However, it does not measure the individual's speed in processing information or performing simple tasks related to that information. In Mr. Gladin's case, his Perceptual Organization Index score is comparable to his Performance IQ score. Mr. Gladin's nonverbal reasoning abilities are comparable to those of his peers. His performance on the Perceptual Organization Index exceeds that of 37% of his age-mates (POI = 95, 95% Confidence Interval = 88-103).

His ability to think with words is comparable to his ability to reason without the use of words. Both Mr. Gladin's verbal reasoning and nonverbal reasoning abilities are also in the *Low Average* range.

#### **Working Memory Abilities**

The Working Memory Index (WMI) provides information regarding an individual's ability to attend to verbally presented information; to process information in memory, and then to formulate a response. Compared to his peers, Mr. Gladin may experience some difficulty in holding information to perform a specific task. Difficulties with working memory may make the processing of complex information more time-consuming for Mr. Gladin, drain his mental energies more quickly as compared to other adults his age, and perhaps result in more frequent errors on a variety of learning tasks. He performed better than 9% of his age-mates (WMI = 80; 95% Confidence Interval = 74-88). On the subtests which compose the Working Memory Index, Mr. Gladin obtained his highest score on the Digit Span subtest. His ability to process and store information (e.g., numbers) simultaneously and to verbally express this information according to a specified sequence may be a relative strength compared to his overall level of working memory abilities.

#### **Processing Speed Abilities**

The Processing Speed Index (PSI) provides a measure of an individual's ability to process simple or routine visual information quickly and efficiently and to quickly perform tasks based on that information. Mr. Gladin's skill in processing visual material without making errors is below that of his peers. His performance on the Processing Speed Index was better than only 18% of his age-mates (PSI = 86; 95% Confidence Interval = 79-97). A relative weakness in processing speed may make the task of

comprehending novel information more time-consuming and difficult for Mr. Gladin. Mr. Gladin's abilities on the subtests that compose the Processing Speed Index are all in the *Below Average to Average* range. His performance across these subtests varies little, suggesting that his abilities are comparable across this domain.

### Emotional Functioning

#### Personality Assessment Inventory (PAI)

Mr. Gladin completed the Personality Assessment Inventory (PAI) a self-administered inventory of adult personality designed to assess for psychopathology, diagnosis and treatment needs. The PAI provides a number of validity indices that are designed to provide an assessment of factors that could distort the results of testing. Such factors could include failure to complete test items properly, carelessness, reading difficulties, confusion, exaggeration, malingering, or defensiveness. For this protocol, the number of uncompleted items is within acceptable limits. Also evaluated is the extent to which the respondent attended appropriately and responded consistently to the content of test items. Mr. Gladin's scores suggest that he did attend appropriately to item content and responded in a consistent fashion to similar items.

The degree to which response styles may have affected or distorted the report of symptomatology on the inventory is also assessed. Certain of these indicators fall outside of the normal range, suggesting that Mr. Gladin may not have answered in a completely forthright manner. Mr. Gladin's pattern of responses suggest that he tends to portray himself as being exceptionally free of common shortcomings to which most individuals will admit. As a result, he will be quite reluctant to admit to minor faults, perhaps not even willing to admit these faults to himself. He may be blindly uncritical of his own behavior and insensitive to negative consequences associated with his behavior, tending to minimize the negative impact that his behavior has on others and on himself. Given the high level of defensiveness, the clinical scale profile potentially reflects considerable distortion and minimization of difficulties in several areas, and the test results are unlikely to be a valid representation of Mr. Gladin's true experience.

#### Clinical Features

Due to the overly defensive response style indicated above, the PAI clinical profile reveals no elevations which would indicate the presence of clinical psychopathology. Denial or defensiveness is likely to be responsible for the generally trouble-free picture that he is reporting, as he seems to be reluctant to admit to dysfunction or problems across many areas. Despite this level of defensiveness, there are some areas where Mr. Gladin described problems of greater intensity than is typical of defensive respondents. These areas include: suspiciousness; hostility and bitterness; poor control over anger; and the impact of traumatic events. Due to Mr. Gladin's defensive presentation it is difficult to elaborate on these findings. However, it would appear that these findings suggest a personality structure which will make Mr. Gladin quite difficult to work with, undermine his interpersonal skills and limit his insight into potential problems which need to be addressed.

### Allegation History

Kayla was taken into protective custody after her mother, Ms. Sleasman, had been involved in a high-speed chase with the police while Kayla was in the car. It is noted that during the high-speed chase, Ms. Sleasman was apparently intoxicated. Ms. Sleasman had several warrants for her arrest, apparently in other counties, and was arrested while Kayla was placed in foster care. Previously, Ms. Sleasman had ongoing contact with law enforcement in Whatecom County due to substance abuse problems and custodial interference issues. Apparently Ms. Sleasman frequently left Kayla with her own mother when she was incarcerated or when she was having struggles with her own life. The Department received numerous information-only referrals regarding Kayla and two previously accepted referrals, one unfounded, and one inconclusive on Ms. Sleasman.

There are custodial dispute issues between Ms. Sleasman and Mr. Gladin, and on one occasion Ms. Sleasman alleged that Mr. Gladin "abducted" Kayla. Mr. Gladin allegedly kidnapped Kayla in 2001 by taking her with him to Seattle for approximately four months. Ms. Kochler indicated that during that time, a roommate of Mr. Gladin's reported that Mr. Gladin had not cared for Kayla but had left her with others to care for and feed her. There were also no indications that Mr. Gladin had attempted to enroll Kayla in school or obtain any other services for her.

In June 2002 there were allegations of sexual abuse by Mr. Gladin towards Kayla. Due to Kayla's cognitive and speech limitations, the Department was unable obtain any useful information, and Mr. Gladin refused to participate with the police in any interview or polygraph. Kayla was placed in the state's care in November 2002 and Mr. Gladin did not visit her until 01/31/03. He reported that he had not wanted to begin visits until consulting with an attorney. This allegation history was received from notes provided by DSHS and Wendy Kochler, as written in the ISSP. Although a formal allegation history was provided, all names and recognizable information had been blocked out, leaving the document incomprehensible.

### Response to Allegation History

Mr. Gladin categorically denied all allegations which had been made against him. He reported that his child's mother or his mother-in-law had fabricated many of the allegations. He denied ever sexually abusing his child and claimed that at all times he had maintained his child's needs above all else. As noted above, Mr. Gladin denied ever having broken into his child's mother's home, denied kidnapping the child, and further denied any inappropriate interactions with his daughter during the visits, as had been alleged by CPS caseworkers.

In a letter from Mr. Gladin's lawyer, Ms. Nancy Neal, dated 05/21/03, it was denied that Mr. Gladin had refused to participate in suggested services, kidnapped his daughter or abused his daughter. Given the disparities between the accounts given by the department and Mr. Gladin it is very difficult to discern the reality of events. Nonetheless, it would appear that Mr. Gladin's defensive posture and apparent lack of insight may have affected his perceptions or representations.

## Parenting

### Background Information

Mr. Gladin's child has apparently been diagnosed with significant developmental delay and mental retardation, however Mr. Gladin himself reports that his child was diagnosed only with learning disabilities and recently with mental retardation, although this was "the first I hear of it." Mr. Gladin admitted that his child had missed a great deal of school, a fact he attributed to his child's mother's inconsistencies.

### **Collaborative Information Regarding Kayla Slesman**

On 11/12/97, when Kayla was two and a half, she was given a speech and language assessment at the Children's Neurodevelopmental Program at St. Joseph's Hospital. She was found to demonstrate significant delays in receptive and expressive skill development as well as articulation skills. Her motor skills were assessed on 12/08/97. At that time she was diagnosed with decreased motor control in most gross motor activities assessments and it appeared that most of her motor difficulties may "stem from problems she may be having integrating sensory information in order to organize her motor output."

Medical records received indicate that Kayla has had repeated urinary tract infections. Although there were allegations regarding sexual abuse from Mr. Gladin in 2002, the investigation was inconclusive. Kayla was admitted to Children's Hospital on 3/31/03. She was initially to stay there for approximately one week, but the time was extended until 4/26/03, when she was discharged. During that time, Children's Hospital did several more assessments including a complete cognitive screening, medication assessment and observation of Kayla with her grandparents and in a classroom setting. Children's Hospital attempted to assess sexual abuse issues as Kayla continued to demonstrate sexualized behaviors while at Children's Hospital. Due to Kayla's limited speech and cognitive skills, there were no specific disclosures of sexual abuse noted. Physical evidence was not present, however Children's Hospital did recommend a testing for HIV and other sexually transmitted diseases.

Upon discharge from Children's Hospital in Seattle, Kayla was diagnosed with Axis I: Oppositional Defiant Disorder, Axis II: Mental Retardation - Moderate, Axis III: Neurobehavioral Disorder - Alcohol Exposure, Axis IV: Severe Mixed Receptive / Expressive Language Disorder, Axis IV: Admit 30, Discharge 38. Kayla's age-handled score is three years and 10 months, and it is reported that Kayla will require a caregiver for the rest of her life. Medical records received indicated that Kayla has been participating in neuro-developmental, speech/language, and physical therapy. Kayla meets the criteria for a developmental delayed child. Dr. Jacobs reported that Kayla was an at-risk child and had "global delays, including speech and language perception, as well as previous history of fine and gross motor delays." Dr. Jacobs requested a Fetal Alcohol Syndrome evaluation. Though the FAS evaluation was negative, Dr. Jacobs believes there was some significant event for Kayla in utero. Dr. Jacobs stated that the mother had been consuming alcohol while pregnant with Kayla. This information is per the ISSP

provided by DSHS. According to Ms. Koehler, Kayla is believed to have mild frontal nasal dysplasia.

Kayla's school reported Kayla had severe delays in cognition, language, social, and motor skills and had been in the Life Skills class at approximately four different schools in the past year. Her skill level was tested in June 2001, and she presented as three years ten months on picture similarities and two years seven months on block building. The classroom observation indicated, even with one-on-one intensive adult contact, Kayla had great difficulty remaining focused and engaged in the activity. Kayla's short-term memory was reportedly poor, and when told "no," Kayla would have a temper tantrum that included crying, screaming, kicking, and hitting. In a Youthnet evaluation from 03/05/03, it was reported that Kayla was prescribed Adderall and Paxil. It did not appear from this assessment that Kayla had made any significant gains since her placement into foster care.

#### Parenting Interview

Mr. Gladin admitted that the pregnancy for Kayla had been accidental, however he reported an "inner vision" in which he saw that he would have a child. He stated that he was opposed to abortion and always wanted children. In conflict to earlier statements, he further reported that his child's developmental problems were determined during her first year of life, however to him she seemed to be a good baby at home.

During Kayla's first two years of life, Mr. Gladin lived with Kayla and the child's mother. He reported that, all the time that he could, he gave to his child, watching her and taking care of her. He reported that he helped to nurse and wean his child and was more responsible than the average father due to his paramour's difficulties with parenting. He added that he had attended parenting classes prior to that baby's birth. Following the couple's separation, he participated in a parenting plan in which he was responsible for Kayla every other weekend and one night a week, as well as some holidays. During these times he reported that Kayla would wake up early and want to play and go to the park. He stated that he would take her sailing on his boat and added that she would always be in a life jacket. While Mr. Gladin was prompted several times to articulate a consistent schedule for the child and may have followed one, it was difficult to assess, and given his reports it is likely the daily schedule was inconsistent. Obviously a child with Kayla's disabilities will need to have a consistent schedule in order to maintain and continue development.

When asked to describe the disciplinary strategies he uses, Mr. Gladin reported that if the child does something she is not supposed to do, he puts her in a corner, without television or toys for a few minutes. He added that he would then discuss with her what she did wrong. He denied ever hitting or spanking his child. Mr. Gladin reported that he has no extended family in the area who can help with parenting, although he stated vaguely that he does have friends with children who are able to help him. Mr. Gladin added that his sister does provide support by phone for his parenting.

When asked what he would do in the event one of his children were expelled from school

or daycare for fighting, Mr. Gladin stated that he would find out what the situation was and why the fighting had occurred. He would set up an appointment with the schoolteacher or principal to see about getting her back into school. He would further evaluate other schools or daycares and talk to his boss about taking time off work to deal with the problem. He added that he would speak to his daughter and have mediation with the school, if necessary, and perhaps teach the child at home.

If he were to find marijuana in the child's room, Mr. Gladin reported that he would ask the child if it were hers and where the drug came from and judge her reaction. He would ask her if she were smoking and explain the negative effects of marijuana on both mind and body. If her drug use continued he would try to enroll her in a drug treatment program, talk to other families with similar problems, and join a group to learn more parenting skills in this area.

If his child were to steal something from a store, Mr. Gladin stated that he would explain to his child why it was not right to steal and return to the store and explain what happened, pay for item, and put the child on restriction after explaining to her why her behavior was wrong.

If his child were to become sexually active at a young age, Mr. Gladin stated that he would explain the risk of pregnancy to her and advise her to wait until after marriage. He would also explain to her the risk of sexually transmitted diseases and talk to her teachers about increasing the amount of sexual education she received so that she would be educated in this area. Mr. Gladin added that he would have his child meet with other children who had children of their own and show her why it was inappropriate to have sex out of wedlock.

#### Parent/child observation

Mr. Gladin was observed during a one hour visit with his daughter Kayla at the DCFSS offices in Bellingham, WA. Mr. Gladin arrived for the visit on time and was greeted positively by his daughter. Nonetheless, there was the sense at the beginning and throughout the visit that Kayla saw her father as simply another adult playmate and not necessarily a special relation. It was difficult to determine if this factor was based on her developmental delay or the nature of their relationship. As the visit progressed, Mr. Gladin engaged with his daughter in a variety of play activities suited to her developmental level. Despite reports that there had been a history of oversexualized interactions between Mr. Gladin and his daughter, no such behavior was noted during the visit. In fact the visit was mostly without incident or significant issue.

At one point Mr. Gladin was asked to direct Kayla to clean up some toys which she had been playing with. He immediately complied and was able to direct Kayla to follow his directives. However, other than this interaction and the need to clean up at the end of the visit, there was no other opportunity to observe limit setting, as none was required during the visit. No inappropriate disciplinary strategies were used and Mr. Gladin generally demonstrated patience with his daughter. Mr. Gladin appeared to understand and recognize his daughter's special needs although very few didactic interactions were

observed. Such interactions will be important in the future to support Kayla's developing better speech, language, living and coping skills.

As noted above, Kayla treated her father as a playmate and there was little physical interaction between them. Perhaps Mr. Gladin felt uncomfortable demonstrating physical affection in this setting due to the allegations of sexual abuse which had been made against him. Nonetheless, Kayla did not demonstrate fear or aversion from her father, nor did she demonstrate opposition or defiance. Overall, the visit went smoothly and there were not serious concerns noted. The one problematic area appeared to be attachment which, as noted above, may have been affected by either developmental delay or perhaps lack of more consistent recent contact between father and daughter. The possibly exists however that the lack of attachment arises from other more troubling factors.

#### **Collaborative Parent/Child Observations**

It is indicated that there had been several visits between Kayla and Mr. Gladin where "sexualized talk was prevalent" and Kayla's behavior began to regress over a period of time until she was hospitalized on 03/21/03. Apparently, following a visit with Mr. Gladin on 03/07/03, Kayla smeared feces over herself and her room and was engaging in tantrums where she would "fling her head on the floor, cutting her head so that she required stitches." She was also engaging in sexually provocative behaviors.

A letter dated 05/22/03 from Wendy Koehler was received regarding the observation of Mr. Gladin with Kayla on two separate visits where she outlines her concerns regarding these visits. She had concerns that Mr. Gladin was condescending and "mocking" towards Kayla and did not appear to understand Kayla's developmental delays. This was indicated by Mr. Gladin asking Kayla to "not use baby talk" when she was using her normal voice. Ms. Koehler also had concerns that Mr. Gladin did not engage in appropriate play with Kayla. She reported witnessing a lack of affection from Mr. Gladin towards Kayla indicated by greeting Kayla with a "hi" and a lack of "personal interaction". Ms. Koehler stated that there had not been any "sexualized talk" observed during these two visits.

#### **Parent Related Testing**

It appeared that Mr. Gladin had a very defensive approach to the parent-related testing measures. This phenomenon occurred in spite of the fact that Mr. Gladin had been carefully instructed on several occasions about the importance of being honest and the ability of the tests used to discriminate between honest and dishonest responses. While it would appear that Mr. Gladin's cognitive function was in part responsible for the defensive responding style noted below, it would also appear that Mr. Gladin was making extreme efforts to appear more positive, competent, and capable than he was in reality. Although defensive responding is not uncommon in parent competency evaluations, such high levels found here are often indicative of additional factors.

#### Child Abuse Potential Inventory (CAP):

Mr. Gladin was administered the Child Abuse Potential Inventory, which is an instrument that has demonstrated predictive validity in differentiating those who may be abusive to their children versus non-abusive parents. The CAP profile generated by Mr. Gladin was invalid due to a high Faking Good Response style. It appeared from the CAP Validity scales that Mr. Gladin's score was significantly affected by what appeared to be his attempt to give socially desirable responses in order to hide any negative personality characteristics. Others with similar scores often deny minor faults because of excessive concern of consequences of revealing negative attitudes or feelings, and are attempting to present themselves in favorable light in order to create a positive image. Due to the elevated Faking Good subscale score, further interpretation was not possible.

#### Parent Stress Index (PSI):

Mr. Gladin was administered the PSI, a measure which surveys the level of stress present in the parenting system and helps to identify parent/child systems which are at risk for the development of dysfunctional parenting behaviors or behavioral or emotional problems in the child or parent. Mr. Gladin completed the PSI for his one child, Kayla. It appeared that the profile score was significantly affected by a defensive response style. Mr. Gladin's approach to the PSI appeared to be extremely defensive, either based on denial, lack of insight, or an attempt to mislead the examiner. Further interpretation of the PSI was not possible, due to the extreme level of defensive responding.

#### Sentence Completion Series - Parenting Version:

Mr. Gladin completed the Sentence Completion Series - Parenting Version. On this task, the examinee is asked to complete sentence fragments which relate to parenting and parent skills. Mr. Gladin's responses to the Sentence Completion Series were extremely concrete and brief. Due to his low reading level, it is possible that part of the constriction was due to intellectual skills and reading abilities. Nonetheless it would appear that Mr. Gladin's orientation to parenting is quite concrete. He is able to articulate some very basic parenting responsibilities and able to acknowledge their importance to the role of parenting. He appears aware of the need to attend to his child, feels his parenting is "good," and is able to identify some very basic struggles of parenting, including refusals to clean up or listen.

### Diagnosis

#### Axis I (Clinical Disorders)

799.9 Diagnosis Deferred

#### Axis II (Personality Disorders)

301.9 Personality Disorder NOS with Paranoid, Antisocial and Borderline personality traits.

#### Axis III (Health Problems)

None known

#### Axis IV (Psychosocial and Environmental Problems)

Problems with primary support group: history of unstable family structure and possible domestic violence. Involved in stressful attempts to have child returned to his care.

#### Axis V (Global Assessment of Function) Scale of 1 to 100: 65

### Summary and Recommendations

Derek Gladin is a 36-year-old Caucasian male whose significantly developmentally delayed daughter was placed in care after allegations of neglect and inadequate care by the mother. It appears that due to allegations of sexual abuse and inconsistent behavior on Mr. Gladin's part, the child was not placed in his care.

This case is confused by a variety of significant factors. First and foremost is Mr. Gladin's defensive response style which invalidated most of the assessment measures used and appeared to undermine the validity of the interviews. Mr. Gladin tends to portray himself as being exceptionally free of common shortcomings and is reluctant to admit to even minor faults both about himself or his daughter. Mr. Gladin may be blindly uncritical of his own behavior and insensitive to the negative consequences associated with his behavior. This stance will likely lead to minimization of the negative impact his behavior has on others or himself.

The etiology of his defensive posture is similarly difficult to determine. His overall cognitive ability, as estimated by the Full Scale IQ, is in the Low Average range at 87. His Full Scale score of 87 places him at only three points above the 84 cut off point for Borderline Intellectual Function. It would appear that his Average skills in Perceptual Organization and Verbal Comprehension compensate for an overall intellectual profile which would otherwise fall below the cut off for Borderline Intellectual Function. Stronger skills in these areas may allow Mr. Gladin to present as more intellectually competent than he is in reality. Examinees with Borderline Intellectual Function are often difficult to interview and may produce invalid test scores due to lack of understanding. While Low Average intelligence may be a factor here, it would appear that a comorbid personality function leads to the suspiciousness, hostility and bitterness and poor control over anger with which Mr. Gladin appears to grapple.

Despite his assertions to the contrary, Mr. Gladin appears to have had some challenges consistently attending to his child's intellectual, social, emotional and physical needs and has a reported history of difficulty setting limits and managing behavior. It also may be the case that he has failed to act in a protective manner to defend his child from the actions of his wife. He is able to demonstrate some capacity to initiate and follow child-centered activity although his ability to understand and have age appropriate expectations for his child and her developmental disabilities is in question. His ability to maintain a stable environment for the child is difficult to determine and it would appear that at times the environment has been less than nurturing given some inappropriate interactions reported by collaborative sources. The child's developmental delays and associated vulnerability and lack of self-protective mechanisms put her at increased risk. Mr. Gladin's invalid Child Abuse Potential Inventory together with the history leaves open the possibility of risk for physical abuse. However the more serious concern is around neglect and related potential for injury as well as inability to follow through with needed treatment and education for the child.

*Given the interview, history, observation, testing and other information available for this evaluation, risk of returning custody to Mr. Gladin's care at this time is estimated to be moderate to high.* While Mr. Gladin would appear to meet criteria for minimum parenting competency, his lack of insight and the history of allegations, taken together with the history of reports regarding his daughter's sexualized behavior and developmental vulnerability, significantly increase risk. Most likely the best scenario will be for the children to remain in alternative placement while Mr. Gladin continues services and assessments and continue to demonstrate improved commitment to parenting and parenting skills. The many factors which serve to complicate this case also make prediction of time frame for recovery difficult. Nonetheless, in order to support Mr. Gladin so he may most effectively parent his child and reduce the risk of neglect or abuse the following recommendations are made:

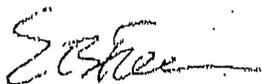
1. Mr. Gladin should be court ordered to submit to a sexual history interview and polygraph and, if indicated, a sexual deviancy evaluation. Evaluators should take his intellectual function into account when making conclusions.
2. Parenting responsibilities should be increased in a step-wise fashion to insure competency. Assuming ongoing visitation is deemed to be appropriate, supervised visitation should be expanded in order to provide opportunities for Mr. Gladin and his child to bond and to allow for ongoing observation.
3. Mr. Gladin should be referred to ongoing parenting education which focuses on the care of children with developmental disabilities. Again intellectual function should be taken into account. Education through modeling and one to one instruction may be necessary. It would appear that Mr. Gladin would benefit from specific discipline techniques such as 1-2-3 Magic as well as further education around child development. The importance of maintaining a consistent schedule and remaining open to feedback around parenting should be reinforced.

4. Mr. Gladin's interest in and motivation for treatment is below average in comparison to adults who are not being seen in a therapeutic setting, and his treatment motivation is a great deal lower than is typical of individuals being seen in treatment settings. His responses suggest that he is satisfied with himself as he is, that he is not experiencing marked distress, and that, as a result, he sees little need for changes in his behavior. He may be rather defensive and reluctant to discuss personal problems, meaning that he may not be willing to make a commitment to therapy. Therefore, engaging him in the therapeutic endeavor is likely to represent a formidable problem. While Mr. Gladin does not appear to be a good candidate for individual therapy, anger management or domestic violence treatment will likely be helpful in assisting Mr. Gladin to gain interpersonal and coping skills and improve his spousal relationship.
5. Case management services should assist Mr. Gladin in developing clear schedules, rules, and guidelines for herself and her child. She should be encouraged to keep a daily planner that includes all upcoming events and activities. He would benefit from setting feasible timelines for completion of work and/or school-related activities. It may be necessary for him to develop a behavioral system with the help of a case worker through which he may better absorb new parenting strategies.
6. Care providers should work together to assist Mr. Gladin in constructing emergency plans. These plans should cover a variety of circumstances and situations and provide step-by-step instructions for actions to be taken including who to call, where to go, and what to do when. Such emergency planning should be designed to help Mr. Gladin learn to identify periods of stress or increases in irritation, which may trigger anger or abuse.
7. While Mr. Gladin will most likely be able to provide for the basic needs of his child, she will obviously need others to assist her in developing emotional and social function. Therefore, Mr. Gladin's needs to comply with all needed services indicated for his daughter on a consistent basis.

Declaration

Thank you very much for the opportunity to provide this evaluation. The results of this evaluation are based on the records submitted and information gathered from collaborative interviews as well as interview and testing of the examinee. It is believed that all information accumulated for, and presented in, this report has been accurately reported. If corrections are required, please notify this office immediately so that modifications or amendments may be made.

I hereby declare under penalty of perjury of the laws of Washington State that the information contained in this report is true and correct to the best of my knowledge and belief.



Evan B. Freedman, Ph.D.  
Licensed Psychologist #2306

# ATTACHMENT B

## Final Report: Parenting Program

Client: Derek Gladin

### 1. ROUTINES

- a. Derek will develop and maintain a routine for visits at his home.
- b. Derek will have appropriate foods available to Kayla for the home visits.
- c. Derek will have appropriate activities available for Kayla during the home visits.

#### COMMENTS:

Initially the visits were at Derek's home which gave us an opportunity to put routines in place that were within a natural environment however when Derek left his home the visits were back at the DSHS office. It was more difficult to practice home routines but we did have some rules and routines. When we stayed at the office Derek developed rules about taking off shoes and coat. He followed my lead on making a routine with activities (quiet vs. movement oriented) but was at times he was rigid in his ability to change focus when Kayla got frustrated or lost interest. We discussed how it is important to look at her body language as she will not be able to articulate when she is no longer able to continue an activity.

Derek was very consistent and safe whenever we went for walks. He kept her safe and interacted appropriately most of the time. There were a few times he talked to her but she didn't understand the concepts. I pointed them out and Derek agreed at times that the concepts were too difficult but there were also times he insisted she understood.

### 2. DISCIPLINE

- a. Derek will develop and use a "Rule Chart" and will apply appropriate consequences for target misbehaviors. Consequences may include natural consequences, logical consequences, time-outs or redirecting.
- b. Derek will reinforce positive behaviors with encouraging words, stickers, or time with a special toy.
- c. If warranted, Derek will use a behavior/reward system chart to assist Kayla in maintaining safe appropriate behavior.

#### COMMENTS:

Around the middle of our work together Kayla's behavior became very oppositional and a bit aggressive. I was able to see on 1 visit how Derek handles her acting out and he was calm and showed no frustration but also tended to let her act out longer than useful. This particular instance was when rules in place and Kayla got upset and acted out. DSHS requested we not use formal rules and routines as they did not want Kayla to get too upset so from that time on our routines were not very consistent. Unfortunately we were no longer able to work on handling acting out behavior because Kayla was no longer challenged to follow rules. Derek did redirect when Kayla was moving towards an activity unacceptable but it would have been useful to see how Derek handles tantrums as Kayla does act out and handling outbursts would have been a useful piece of the program.

### 3. UNDERSTANDING OF KAYLA'S SPECIAL NEEDS

Derek will work with the school and other resources to understand Kayla's special needs and apply what he has learned during the visits. This applies to how to de-escalate, reading body language, ways to communicate effectively and knowing what information Kayla can and can not understand based on her chronological age and special needs.

COMMENTS:

This was the largest concern for me during our visits as I believe Derek does not truly understand the level of disability that Kayla has. Derek insisted she can understand concepts that I do not think she does. He and I did talk about learning styles and he talked about how Kayla learns best from repetition, which I agree is true.

4. OTHER

Derek will not talk about "case related" issues during the visits with Kayla.

COMMENTS:

At the beginning of the program Derek tried to engage me in talk about the concerns he has about the system but by the end of the program he was able to focus on Kayla primarily and was easily redirected to the visit.

Educator notes

In summary, Derek was always calm with Kayla, never looked angry and was able to get down on her level to play. He is fairly concrete in his thinking and having routines and consistency was useful for both him and Kayla. There were times I needed to change focus as Kayla was getting frustrated or bored and Derek didn't always see her starting to get upset.

Derek never displayed any risky behaviors with Kayla and she never showed any signs of fear, although Kayla doesn't show signs of fear with anyone.

Derek does need to work on learning more about Kayla's disability and her limitations. It is clear that in order for Kayla to learn and succeed she will require consistent environments to live and learn in.

Throughout the program Derek got better at being consistent and making routines for the visit. He also got better at focusing on Kayla vs. wanting to engage me in discussions about his case.

There were also 3 sessions that Derek was late (about 15 minutes).

Derek's strength: ability to play on Kayla's level and stay calm.

Derek's weakness: minimizes Kayla's disability and my concern that he will expect her to understand concepts she can not.

  
\_\_\_\_\_  
Amy Glasser, LICSW

4/28/05  
\_\_\_\_\_  
Date

0412-64466  
Contract Number