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SUPREME COURT *VSC*
STATE OF WASHINGTON
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**IN THE SUPREME COURT
OF THE STATE OF WASHINGTON**

In re the Custody of A.F.J.,

MARY FRANKLIN

Respondent,

and

JACKIE JOHNSTON,

Petitioner.

No. 86188-9

STATEMENT OF
ADDITIONAL AUTHORITY

Pursuant to RAP 10.8, Petitioner Jackie Johnston submits the following additional authority, which relates to Petitioner's arguments that she, the legal parent, had no capacity to consent to and foster the relationship between the third party and the child while the State had custody of the child:

New Jersey Div. of Youth and Family Svcs. v. D.P., 422 N.J. Super. 583, 29 A.3d 1116 (2011) at 601-3 (New Jersey Division of Youth and Family Services never conferred custody upon the foster parents as required by the first prong of the psychological parent test ("the legal parent must consent to and foster the relationship between the third party and the child"); psychological parenting can be created only where the legal parent cedes a measure of parental authority and autonomy to the third party, thus satisfying the requirement that the legal parent consent to and foster the relationship.)

Respectfully submitted this 12th day of August, 2013.



Dennis J. McElroth, WSBA No. 28177
Robert J. Cadranell, WSBA No. 41773
Olympic Law Group, PLLP
2815 Eastlake Ave. E., Suite 170
Seattle, WA 98102
Telephone: (206) 527-2500
Attorneys for Petitioner

CERTIFICATE OF SERVICE

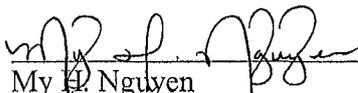
The undersigned certifies under penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the below written date, I caused delivery of a true copy of Statement of Additional Authority to the following individuals via U.S. Mail:

Roger A. Leishman Davis Wright Tremaine LLP 1201 Third Avenue, Suite 2200 Seattle, WA 98101-3045 rogerleishman@dwt.com	Trisha L. McArdle Ofc of The Atty Gen 800 5th Ave Ste 2000 Seattle, WA 98104-3188 trisham@atg.wa.gov
David J Ward Legal Voice 907 Pine St., Ste 500 Seattle, WA 98101-1818 dward@legalvoice.org	Michael Finesilver American Academy of Matrimonial Lawyers 207 East Edgar St. Seattle, WA 98102-3108 les@a-f-m-law.com
Sheila Malloy Huber Carrie Hoon Wayno Office of the Attorney General P.O. Box 40124	Sarah A. Dunne Nancy Lynn Talner Cyrah Khan ACLU of Washington Foundation

<p>Olympia, WA 98504 sheilah1@atg.wa.gov & carrieh@atg.wa.gov</p>	<p>901 5th Ave., Suite 630 Seattle, WA 98164 dunne@aclu-wa.org talner@aclu-wa.org cyrah-khan@comcast.net</p>
<p>Jonathon Mark Weiss Law Office of J Mark Weiss PS 200 W. Mercer St., Suite 410 Seattle, WA 98119 mweiss@mark-weiss.com</p>	<p>Peter S. Lineberger 900 N. Maple St., Suite 102 Spokane, WA 99201 psline@pslinelaw.com</p>

DATED this 12th day of August, 2013 Seattle, Washington.


My H. Nguyen
Legal Assistant

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From: My Nguyen [<mailto:my@olympiclawn.com>]
Sent: Monday, August 12, 2013 2:13 PM
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Cc: Robert Cadranel
Subject: Mary Franklin v. Jackie Johnston: Case No. 86188-9

Good Afternoon,

Please see attached for filing:

1. Statement of Additional Authority.

Very truly yours,

My H. Nguyen

Legal Assistant

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