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SUPREME COURT OF THE STATE OF WASHINGTON

In Re the Dependency of D.L.B., a minor child,

STATE OF WASHINGTON,
Department of Social and Health Services,

Respondent,

v.

Edelyn Saint-Louis,

Petitioner.

**DSHS ANSWER IN OPPOSITION TO MOTION FOR
DISCRETIONARY REVIEW**

ROBERT W. FERGUSON
Attorney General

KELLY TAYLOR
Assistant Attorney General
WSBA #20073
Office Identification #91016
Office of the Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-7045

I. INTRODUCTION

Ms. Saint-Louis is the mother of D.L.B., a boy born in 2008. Her parental rights to D.L.B. were terminated on August 26, 2014 following a six day trial. Ms. Saint-Louis appealed from the order terminating parental rights, arguing that the trial court erred by not applying the incarcerated parent factors created by the Legislature in 2013. The 2013 statutory amendments require a trial court terminating parental rights to consider certain additional factors “if the parent is incarcerated.” Ms. Saint-Louis was not incarcerated at the time of the termination trial or decision. A panel of judges from Division One of the Court of Appeals engaged in a plain meaning review of the statute and the related amendments enacted in the same session law to conclude that the incarcerated parent factors only apply if the parent is incarcerated at the time of the termination hearing.

In the past two years since the incarcerated parent laws were enacted, four cases have been published regarding the incarcerated parent factors. As conceded by Ms. Saint-Louis, the “Court of Appeals has uniformly held that amended RCW 13.34.180(1)(f) applies if the parent is incarcerated at the time of the court’s decision on a termination petition.” Motion at 9. Given that these statutory amendments are now part of a well-settled area of law, review is not warranted by the Supreme Court, and the

motion for discretionary review should be denied.

II. ISSUES PRESENTED FOR REVIEW

If the Court were to accept review, the issue on appeal would be:

1. Does amended RCW 13.34.180(1)(f), pertaining to incarcerated parents, apply when petitioner was not incarcerated at the time of the termination hearing?
2. Does substantial evidence support the trial court's findings that the mother is unfit and that there is little likelihood that conditions would be remedied so D.L.B. could be returned her in the near future?
3. Does RCW 13.34.136(2)(b)(i)(A) modify the burden on the Department as to the termination factor set forth in RCW 13.34.180(d)(1)?

III. STATEMENT OF THE CASE

D.L.B. was born November 1, 2008, to Edelyn Saint-Louis and Kendrick Bryant. Ex. 1. In 2009, during an argument between his parents, D.L.B.'s father picked him up and threw him at Ms. Saint-Louis. RP 31, 177; Ex. 17 at 2. Mr. Bryant then punched Ms. Saint-Louis in the face. Ex. 13. Mr. Bryant was arrested and charged. RP 31, 178. As part of his conviction, Ms. Saint-Louis was granted a permanent protective order. RP 31.

In 2010, D.L.B. and Ms. Saint-Louis moved to Chicago. RP 492. Mr. Bryant followed shortly thereafter. RP 89-90, 494. During the three and one-half months that Ms. Saint-Louis and D.L.B. were in Chicago, Mr. Bryant frequently assaulted Ms. Saint-Louis. CP 354 (FF 2.18); RP 494, 504. He was arrested three times while she was living there. RP 496-97. Mr. Bryant's sister reported that D.L.B. witnessed domestic violence between his parents. RP 51, 494, 502.

In January 2012, after moving back to the Seattle area, Ms. Saint-Louis entered into a volatile relationship with Martell Thomas. CP at 351 (Finding of Fact 2.4, paras. 12-16). Child Protection Services received a report in January 2012 that D.L.B. was being exposed to domestic violence. Ex. 1; CP 349 (FF 2.4). While CPS was investigating the January 2012 report, a second report was received, alleging that Ms. Saint-Louis had been arrested for leaving her young child home alone, unattended, for several hours, and police had taken D.L.B. into protective custody. Ex. 1. Ms. Saint-Louis was not charged, but D.L.B. temporarily remained in foster care while the Department attempted to provide Ms. Saint-Louis with voluntary services. Exs. 1 and 17.

The Department filed a dependency petition on March 8, 2012. Ex. 31. A dependency order was entered May 11, 2012. Ex. 1. The order required the mother to participate in three services: (1) random urinalysis

for 90 days (2) a psychological evaluation with parenting component and follow recommended treatment; and (3) domestic violence support group. Ex. 1.

Ms. Saint-Louis was referred to psychologist Steve Tutty for the psychological evaluation in July 2012. Ex. 16; CP 352 (FF 2.9). Dr. Tutty determined that Ms. Saint-Louis “presents with a myriad of risk factors that threaten the safety and well-being” of D.L.B. Ex 16 at 13. The psychologist concluded that “her presentation, testing outcomes, and clinical/CPS history support psychological challenges best characterized by bipolar illness, polysubstance abuse, panic disorder, executive functioning deficits, learning disabilities, and histrionic traits.” *Id.* Dr. Tutty recommended that D.L.B. not be returned to Ms. Saint-Louis’ care. He also was of the opinion that it was “highly unlikely” that she would be able to remedy her parenting deficiencies within the statutory timeframe allowed in dependency actions. Ex. 16 at 15.

A reunification assessment was completed by the Foster Care Assessment Program (FCAP) in early December 2012. Ex. 17. Like Dr. Tutty, the FCAP evaluator recommended against reunification. RP 250; Ex. 17. In addition to recommending trauma-focused therapy for D.L.B., the FCAP evaluator stated: “If Ms. Saint-Louis is open to services, it is recommended she enroll in the Incredible Years parenting program,

sooner rather than later.” Ex. 17. She also recommended that visitation be closely supervised. CP 355 (FF 2.26); Ex. 17.

Ms. Saint-Louis began to engage in services shortly after Dr. Tutty made his recommendations. She enrolled in a 30-day in-patient chemical dependency treatment program beginning November 2012 to address her dependence on alcohol, cannabis, and cocaine. RP 61; Ex. 15. She successfully completed the program and then followed-up with an out-patient program, which she completed in April 2013. RP 61. She remained clean until May 2013, when she tested positive for alcohol. RP 62. At the time of trial, Ms. Saint-Louis still had not completed the 90 days of consistent, not missed, clean UAs. CP 353 (FF 2.11). Based on the positive UA, her social worker recommended that she enroll in a relapse prevention program. RP 276-77. Ms. Saint-Louis, however, did not begin the relapse program until the end of July 2014, the week before the termination trial began. RP 277.

Ms. Saint-Louis did not complete the Incredible Years program, despite several opportunities to do so. CP 353 (FF 2.12); Exs. 18, 19, 20. She started, but did not complete the program the first time she enrolled, and restarted the program again just before the termination trial. RP 281-82, 284, 395-96.

In April 2013, Ms. Saint-Louis was arrested and charged with forgery. CP 9; Ex. 25. Later, she was convicted on two counts of attempted forgery. Ex. 25. On July 2013, she was arrested again after she stole a car and then was involved in a vehicular assault and hit and run. CP 9, 354 (FF 2.23). She was charged with vehicular assault, hit and run, and taking a motor vehicle without permission. Ex. 22.

In January 2014, Ms. Saint-Louis was convicted and sentenced to 12 months for the vehicular assault, three months for taking the motor vehicle without permission, and 24 months of probation for the hit and run. Exs. 21 and 22. Ms. Saint-Louis had the opportunity to serve her time while on work/education release. Ex. 22. However, her work release was revoked after five days in March 2014. Ex. 23. Work release was then reinstated, and she spent an additional 15 days on work release in April 2014, before voluntarily deciding to return to the county jail to serve out her sentence. RP 84-85; Ex. 23. While she was on work release in April, she met with the Department social worker to talk about services, particularly the Incredible Years parenting classes, and about potential visits with D.L.B. at the work release facility. RP 153, 333. The social worker signed the paperwork for the visits to happen, but before any visits occurred, Ms. Saint-Louis voluntarily returned to jail. RP 349. By that time, the termination petition had been filed and a June 2014 trial date set.

CP 1-16. Ms. Saint-Louis was released from jail on June 18, 2014, and called the social worker some time afterward to let her know that she was no longer in jail. RP 153. The social worker immediately made referrals for UA services and Incredible Years classes, and she scheduled visits between Ms. Saint-Louis and D.L.B. RP 334-36.

When the termination trial began in July 2014, Ms. Saint-Louis was not incarcerated. RP 27. The social worker testified that Ms. Saint-Louis continued to present a risk to D.L.B., that she was not able to make safe and appropriate choices for herself or for her child. RP 391. D.L.B.'s Court Appointed Special Advocate testified that D.L.B. needed stability and that termination of Ms. Saint-Louis' parental rights was in D.L.B.'s best interests. RP 462-63. The trial court entered an order terminating the parent-child relationship between Ms. Saint-Louis and D.L.B. CP at 356-57. Ms. Saint-Louis appealed the termination order, and on July 13, 2015, a panel of judges in Division One of the Washington State Court of Appeals issued an opinion affirming termination of parental rights. *In re Dependency of D.L.B.*, 188 Wn. App. 905, 355 P.3d 345 (2015). Ms. Saint-Louis now seeks review in the Washington State Supreme Court.

IV. REASONS WHY REVIEW SHOULD BE DENIED

- A. **The criteria under RAP 13.4(b)(1) and (2) are not met because after two years of litigation, it is well-settled that the incarcerated parents factors only apply to a termination of parental rights hearing when a parent is incarcerated at the time of the hearing.**

Under RAP 13.4(b)(1) and (2), one of the considerations governing acceptance of review in this Court is whether the decision of the Court of Appeals is in conflict with a decision of the Supreme Court or lower appellate courts. Ms. Saint-Louis claims the ruling below conflicts with “precedent,” but she fails to cite any precedent that is inconsistent with the ruling from the Court of Appeals. Motion at 2. Instead, Ms. Saint-Louis concedes that the “Court of Appeals has uniformly held that amended RCW 13.34.180(1)(f) applies if the parent is incarcerated at the time of the court’s decision on a termination petition.” Motion at 9.

In the past two years since the statutory amendments on incarcerated parents went into effect, our appellate courts have issued four published opinions addressing how incarcerated parent factors apply in a termination of parental rights case. *In re Dependency of A.M.M.*, 182 Wn. App. 776, 780, 790, 332 P.3d 500 (2014)(reversing a parental termination order because the record did not demonstrate the trial court considered the 2013 amendments to parent incarcerated at the time of termination trial); *In re Termination of M.J. and M.J.*, 187 Wn. App. 399, 348 P.3d 1265,

(2015)(remanding a parental rights termination order because the record did not provide information that the trial court considered the 2013 amendments to parent incarcerated at time of termination trial; *In re Welfare of K.J.B.*, 188 Wn. App. 263, 269, 354 P.3d 879 (2015)(applying harmless error analysis to uphold termination of parental rights order where trial court failed to consider incarcerated parent factors for parent incarcerated at time of termination trial when factors supporting termination were exceptionally strong); *In re Dependency of D.L.B.*, 188 Wn. App. 905, 355 P.3d 345 (2015) (holding the incarcerated parent factors only apply if the parent is incarcerated at the time of the termination hearing). All four cases found that the incarcerated parent considerations of RCW 13.34.180(1)(f) are mandatory and apply to parents who are incarcerated at the time of the termination trial. There is no support for Ms. Saint-Louis's claim that the ruling below conflicts with pre-existing case law, and review should be denied for this reason.

B. The Court of Appeals properly engaged in a plain meaning review of the statute and the related amendments enacted in the same session law to conclude correctly that the amended factors only apply if the parent is incarcerated at the time of the termination hearing.

Ms. Saint-Louis claims that the Court of Appeals erroneously applied the "rules of grammar" and incorrectly applied the rules of statutory interpretation. Motion at 11. In fact, the Court of Appeals

correctly applied a plain meaning review of the statute and the related amendments enacted in the same session law. *D.L.B.* at 916. Effective July 2013, the Legislature amended several statutes in the Juvenile Court Act in a law entitled, “An Act Relating to the rights of parents who are incarcerated.” Laws of 2013, ch. 173 (amending RCW 13.34.067, .136, .145, .180). One of the amended provisions was to RCW 13.34.180(1)(f), the sixth element of the parental rights termination statute. Laws of 2013, ch. 173 § 4. The Legislature added three specific factors that the trial court must consider before terminating the parental rights of a parent who “is incarcerated.” Laws of 2013, ch. 173 § 4; *see In re Dependency of A.M.M.*; 182 Wn. App. 776, 786, 332 P.3d 500 (2014).

Amended subsection .180(1)(f) states, in part:

If the parent is incarcerated, the court shall consider whether a parent maintains a meaningful role in his or her child's life based on factors identified in RCW 13.34.145(5)(b); whether the department or supervising agency made reasonable efforts as defined in this chapter; and whether particular barriers existed as described in RCW 13.34.145(5)(b) including, but not limited to, delays or barriers experienced in keeping the agency apprised of his or her location and in accessing visitation or other meaningful contact with the child.

RCW 13.34.180(1)(f) (emphasis added).

Statutory interpretation starts with the statute's plain meaning.

State v. Slattum, 173 Wn. App. 640, 649, 295 P.3d 788 (2013). “If the

meaning of the statute is plain, the court discerns legislative intent from the ordinary meaning of the words.” *Tesoro Ref. & Mktg. Co. v. State. Dep’t of Revenue*, 164 Wn.2d 310, 317, 190 P.3d 28 (2008). In determining the plain meaning of a provision, the reviewing court looks to the text of the statutory provision in question, as well as the context of the statute in which that provision is found, related provisions, and the statutory scheme as a whole. *State v. Garcia*, 179 Wn.2d 828, 836- 37, 318 P.3d 266 (2014).

The statutory text, “if the parent is incarcerated,” uses the present tense form of the verb “to be.” The present tense does not refer to parents who have already been incarcerated; rather, it indicates that the subsection’s application is limited to those currently incarcerated. Thus, the plain language of subsection .180(1)(f) shows that the legislature contemplated that RCW 13.34.180(1)(f) be applied to parents who are incarcerated at the time of the termination hearing, and not to parents incarcerated before the hearing. The Legislature’s “use of specific temporal language in other provisions of the 2013 law confirms that the legislature intended to limit the application of subsection .180(1)(f) to parents who are incarcerated at the time of the termination hearing.” *D.L.B.* at 917.

The present tense meaning of .180(1)(f) is reinforced by the

Legislature's distinction between past and present incarceration in related statutes. RCW 13.34.145(4)(a)(iv) states that one "good cause exception" to filing a termination petition is where "[t]he parent *is incarcerated*, or the parent's *prior incarceration* is a significant factor in why the child has been in foster care" Laws of 2013, ch. 173 § 3 (emphasis added). RCW 13.34.145(4)(c) similarly provides specific temporal language: "The constraints of a parent's *current or prior incarceration* . . . may be considered" Laws of 2013, ch. 173 § 3 (emphasis added). Under RCW 13.34.180(1)(e)(iii), the court may consider "mitigating circumstances, such as a parent's *current or prior incarceration*." Laws of 2013, ch. 173 § 4 (emphasis added). And under RCW 13.34.180(2), "[a]s evidence of rebuttal to any presumption established pursuant to subsection (1)(e) of this section, the court may consider the particular constraints of a parent's *current or prior incarceration*." Laws OF 2013, ch. 173 § 4 (emphasis added). "Thus, the Legislature's deliberate use of temporal language in other provisions amended in the same session law strongly suggests that its use of the present tense in 'is incarcerated' was not inadvertent." *D.L.B.* at 917. "If the legislature intended to encompass prior incarceration in RCW 13.34.180(1)(f), it would have done so." *Id.*

The conclusion reached by the Court of Appeals in *D.L.B.* is entirely correct, and it is based upon a thorough and logical plain meaning

review. No further review of this ruling is necessary.

C. The Trial Court's Findings Regarding Unfitness and Little Likelihood are Not A Basis For Discretionary Review.

A trial court's findings of fact must be upheld if they are supported by substantial evidence in the record from which a rational trier of fact could find the necessary facts by clear, cogent and convincing evidence. *In re Dependency of K.D.S.*, 176 Wn.2d 644, 652-53, 294 P.3d 695 (2013). The decision of the trial court is entitled to deference and the appellate court does not judge the credibility of the witnesses or weigh the evidence. *M.R.H.*, 145 Wn. App. at 24. This deference to the trial court is particularly important in termination proceedings. *In re Welfare of Hall*, 99 Wn.2d 842, 849, 664 P.2d 1245 (1983); *In re Welfare of L.N.B.-L.*, 157 Wn. App. 215, 243, 237 P.3d 944 (2010).

Ms. Saint-Louis claims that the Department failed to prove that there is little likelihood that conditions will be remedied so that D.L.B. could be returned in the near future and she was unfit to parent D.L.B. Motion at 19. The focus of the little likelihood factor set forth in RCW 13.34.180(1)(e) is whether parental deficiencies have been corrected. *In re Dependency of S.M.H.*, 128 Wn. App. 45, 55, 115 P.3d 990 (2005). (citing *In re Dependency of K.R.*, 128 Wn.2d 129, 144, 904 P.2d 1132 (1995)). Ms. Saint-Louis's parenting deficiencies were clearly outlined in

Dr. Tutty's report at the end of 2012. Ex. 16.

Dr. Tutty noted that Ms. Saint-Louis reported having attempted suicide; she experienced anxiety or panic attacks; she expressed an unreasonable fear of certain animals or insects; she admitted having unwanted, repetitive thoughts and having performed repetitive acts. She was hospitalized three times for emotional problems. Ex 16 at 6. He recommended "extensive psychiatric treatment" to remediate her parenting deficits. Ex. 16 at 15. The steps she needed to take to address those deficiencies, and the time frame within which she needed to work, also were clearly explained to her over the more than two-year dependency. RP 329-30, 334, 390-91. But, by the time of the termination trial, Ms. Saint-Louis had engaged only minimally with mental health providers and her need for treatment continued to exist. RP 364-66.

Ms. Saint-Louis' lack of parenting skills, particularly her lack of empathy for her son, and lack of understanding of his needs also had not been addressed by her over the two-year dependency. Ex. 16; RP 391. Both Dr. Tutty and the FCAP evaluator recommended a specific parenting class, the Incredible Years program. Ex. 16; Ex. 17. Ms. Saint-Louis started the class, but did not finish. CP 353 (FF 2.12). She started, but did not complete the program the first time she enrolled and restarted the program again just before the termination trial. RP 281-82, 284, 395-96.

Her failure to complete the program was not due to her incarceration but her failure to attend the classes. CP 353 (FF 2.12). By the time of trial, she had only just re-started the program. RP 306-07.

Additionally, although Ms. Saint-Louis had participated in domestic violence support groups, she was unable to apply what she learned to her own life. She had participated in domestic violence counseling after her abusive relationship with Mr. Bryant, and before D.L.B. was removed from her care. RP 53. She also participated in other domestic violence support groups after leaving Mr. Thomas. RP 53. She admitted that one of the things she learned was that she should not become involved with someone who has a history as a domestic violence perpetrator. RP 59. But at the time of trial she was living with a man (Mr. Conley) who had four domestic violence related convictions, the most recent in 2012. CP 353 (FF 2.16; FF 2.17). She testified that she wanted Mr. Conley to help her raise D.L.B. CP 353 (FF 2.17); RP 161, 176. Because she had not yet noticed the "signs" of domestic violence in their relationship, she did not believe the relationship posed a risk. RP 177, 301-02.

The social worker testified that the mother would have to consistently engage in services, at the very minimum for six months, before the Department would begin to look at a possible transition for

D.L.B. to his mother's home. RP 369. But waiting that long to see whether his mother would engage in and complete services is not within D.L.B.'s foreseeable future, and would be harmful to him. RP 389, 462. The trial court found there was little likelihood that Ms. Saint-Louis could remedy her deficiencies within the near future. CP 355 (FF 2.32). The Court of Appeals correctly determined that substantial evidence supported this finding. *D.L.B.* at 923. No further review of this issue is warranted.

The Court of Appeals also determined that the "trial court did not err in finding that Saint-Louis was currently unfit to parent D.L.B." *D.L.B.* at 922. By the time of trial, Ms. Saint-Louis continued to have untreated mental health problems, unresolved domestic violence issues, possible chemical dependency issues, and a serious lack of parenting skills. These parenting deficiencies made her a significant risk to D.L.B. and resulted in her being unfit to parent D.L.B. CP 355-56 (FF 2.27, 2.34 and 2.36); RP 390. The trial court's finding that Ms. Saint-Louis was currently unfit to parent D.L.B. was supported by substantial evidence, including the evidence (discussed earlier) which demonstrated her inability to remedy her parental deficiencies. The finding of current parental unfitness was not in error, and further review of this issue is not warranted.

D. RCW 13.34.136(2)(b)(i)(A) did not modify the existing burden set forth in RCW 13.34.180(d)(1).

Ms. Saint-Louis argues that a third statutory amendment from 2013 - set forth in RCW 13.34.136(2)(b)(i)(A) - is at issue in her appeal. RCW 13.34.136 requires the Department to create a permanency plan whenever a child is removed from a home. RCW 13.34.136(1). The plan must specify what services the parent must meet to resume custody of their child. RCW 13.34.136(2)(b)(i). Under RCW 13.34.136(2)(b)(i)(A), the Department is directed as follows when engaging in permanency planning for incarcerated parents:

If the parent is incarcerated, the plan must address how the parent will participate in the case conference and permanency planning meetings and, where possible, must include treatment that reflects the resources available at the facility where the parent is confined. The plan must provide for visitation opportunities, unless visitation is not in the best interests of the child.

RCW 13.34.136(2)(b)(i)(A)

Ms. Saint-Louis argued in her opening brief that the “record does not show that the Department made reasonable efforts to offer Ms. Saint-Louis services during her incarceration.” Bf. Appellant at 34. The Court of Appeals responded to this argument by noting that the required factor regarding services at a termination trial is set forth in RCW 13.34.180(1)(d), not RCW 13.34.136(2)(b)(i)(A). “The Department

may not terminate parental rights unless it proves that ‘all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided.’ RCW 13.34.180(1)(d).” *D.L.B.* at 920. The Court of Appeals reviewed the evidence presented, and correctly determined that the trial court’s finding under RCW 13.34.180(1)(d) was supported by substantial evidence. *Id.* at 921. The Court of Appeals also dropped a footnote indicating that Ms. Saint-Louis did not appeal from the permanency planning order entered during the time period when she was incarcerated. *Id.* at 354 n.10.

The dicta in footnote 10 does not conflict with existing case law and does not warrant review by this Court. The 2013 amendments that apply to incarcerated parents changed several features of statutory framework for dependencies. *In re M.J.*, 187 Wn. App at 407. The two amendments pertaining to incarcerated parents at the time of a termination trial are RCW 13.34.180(1)(f) and RCW 13.34.145(5)(b). *Id.* at 408. As discussed earlier, the Court of Appeals correctly determined that these statutory amendments are inapplicable to Ms. Saint-Louis case because she was not incarcerated at the time of her termination trial. RCW 13.34.136(2)(b)(i)(A) also was inapplicable at the time of the termination trial, because this statute did not alter the existing language set forth in

RCW 13.34.180(d)(1).

When one considers RCW 13.34.136 and the case law addressing this statute's visitation provisions, footnote 10 in *D.L.B.* is shown to be consistent with pre-existing case law. RCW 13.34.136 not only addresses permanency plans and services, it also establishes that "visitation is the right of the family." RCW 13.34.136(2)(b)(ii)(A). Consequently, the juvenile court usually orders visitation to occur between a parent and a child. Sometimes, though, visitation may not be ordered, for example, when visitation is harmful to the child. If a parent objects to visitation order of the juvenile court, the parent's remedy is to challenge the order by way of a petition for discretionary review, or an appeal from a dispositional order. *In re Dependency of T.H.*, 139 Wn. App. 784, 793, 162 P.3d 1141 (2007), *review denied*, 162 Wn.2d 1001(2007) ("If a parent wishes to challenge the propriety of the underlying dependency order limiting visitation, he or she must do so in an appeal of the disposition order or a petition for discretionary review of other orders entered by the dependency court.") In other words, a termination trial is not the time to contest a visitation order, because "visitation is not a service for the purposes of proving RCW 13.34.180(1)(d)." *In re Welfare of K.M.M.*, 187 Wn. App. 545, 572, 349 P.3d 929 (2015). Similarly, when a trial court presides over a termination trial, the permanency planning efforts made

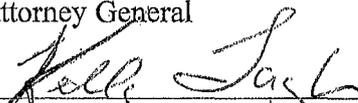
during a time period when the parent was previously incarcerated is not necessarily relevant, as long as substantial evidence is provided to support the trial court's determination under RCW 13.34.180(1)(d). In other words, a parent is not entitled, within the context of an appeal from an order terminating parental rights, to collaterally attack each and every order made during the lifetime of a dependency case. Footnote 10 of D.L.B. is entirely consistent with pre-existing case law in this respect. The dicta in footnote 10 has not been shown to be of substantial public importance, and review should be denied for this reason.

V. CONCLUSION

Ms. Saint-Louis has failed to establish that the Court of Appeals decision in this case is inconsistent with established law, raises constitutional issues, or presents issues of substantial public interest that should be resolved by the Supreme Court. The Respondent therefore respectfully requests that the Supreme Court deny the Motion for Discretionary review.

RESPECTFULLY SUBMITTED this 17th day of November, 2015.

ROBERT W. FERGUSON
Attorney General


KELLY TAYLOR WSBA #20073
Assistant Attorney General
Office Identification #91016

SUPREME COURT OF THE STATE OF WASHINGTON

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DECLARATION OF
SERVICE BY E-MAIL

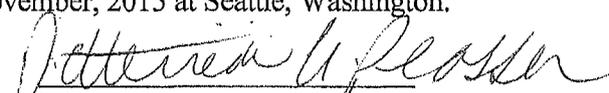
I, Patricia A. Prosser, declare as follows:

I am a Legal Secretary employed by the Washington State Attorney General's Office. On the 17th day of November, 2015, I served a copy of a **DSHS Answer in Opposition to Motion for Discretionary Review; and Declaration of Service By E-mail** to:

1. Richard W. Lechich, Washington Appellate Project, wapofficemail@washapp.org; and richard@washapp.org; and
2. April Rivera, Dependency CASA Program, casa.group@kingcounty.gov; and april.rivera@kingcounty.gov

I declare under penalty of perjury, under the law of the State of Washington that the foregoing is true and correct.

DATED this 17th day of November, 2015 at Seattle, Washington.


PATRICIA A. PROSSER
Office Identification #91016
Legal Secretary