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NO. 52632-8

**COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON**

In re the Welfare of

M.B.,

Minor Child.

**BRIEF OF RESPONDENT,
DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

ROBERT W. FERGUSON
Attorney General

JARED R. RAYBORN
Assistant Attorney General
WSBA #46880
Office of the Attorney General
1250 Pacific Avenue, Suite 105
PO Box 2317
Tacoma, WA 98401
(253) 593-5243
JaredR@atg.wa.gov
OID #91117

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I. INTRODUCTION

The trial court in this case did everything it could to accommodate N.B.'s appearance in court for his termination of parental rights trial. Unfortunately, despite granting multiple continuances of the trial date and signing multiple orders to transport N.B. from the Larch Corrections Center to the Pierce County Jail, there was no guarantee that he would be present in court for trial. However, N.B. benefited from zealous representation throughout the dependency proceedings and at the termination trial. His attorney was able to communicate with him and send him documentation during the trial. He appeared by telephone for the last day of his trial and testified. On appeal, N.B. fails to establish how his presence in trial would have resulted in any different or additional evidence relevant to the factual issues resolved by the trial court.

At the time of trial, M.B. had been living in the same foster home for nearly three years, which is the only home he knows. This foster family would like to adopt M.B. The Department's ability to produce evidence to establish permanency for M.B. depended on resolving the trial as soon as possible. Balancing all of the interests at stake, the trial court correctly determined that the child's right to and interest in permanency required the parties to proceed with trial without N.B.'s physical presence.

II. RESTATEMENT OF THE ISSUES

Did the trial court violate a represented father's procedural due process rights when there is no absolute right to appear personally at a parental rights termination trial, the trial court attempted to accommodate the father's presence on multiple occasions, and the father fails to establish any prejudice resulting from the trial court's actions?

III. RESTATEMENT OF THE CASE

N.B. is the father of M.B., born October 8, 2015. Exs. 1-3. The Department filed a dependency petition regarding M.B. soon after he was born in October 2015. Exs. 1-3. The Pierce County Juvenile Court found him dependent on December 8, 2015. Exs. 5, 7. M.B. has lived in the same foster home since he was "days old." RP 300. This family is the only home that M.B. has known, and they are willing to adopt him. RP 301, 139.

N.B. has a severe opiate use disorder and a severe amphetamine use disorder. RP 48, 51. He is "masterful" at presenting in ways that he wants others to perceive him and a great "salesman" with anti-social, histrionic, and narcissistic personality traits. RP 194-200. For example, he lives a double life where, on the one hand, he can appear to lead a drug-free life. RP 192. While on the other hand, he actually immerses himself in drug using, drug dealing, and criminal activity. RP 192.

N.B. attempted to obtain custody of M.B. throughout the dependency, but he could never sustain sobriety or remain out of jail long enough to do so. During M.B.'s dependency, N.B. was serving a Drug Offender Special Alternative (DOSA) sentence as a result of convictions in 2015. RP 157, 162; Exs. 66, 71. While under DOC supervision, he violated his DOSA conditions 16 times, such as failing to report, failing to be available for urinalyses, and consuming controlled substances. RP 166. He tried to "work the system" and did not complete all recommended chemical dependency requirements for his DOSA sentence. RP 167-68, 46-47, 63. N.B. went to jail six different times during the dependency for these violations. *See* RP 171-74.

The Department of Corrections (DOC) revoked his DOSA status in June 2018 because DOC officers found needles and tinfoil in his bedroom and foil, a scale, and a bottle of urine in his car in May 2018. RP 173, 129, 136. He also admitted to DOC officers that he had been using methamphetamine. RP 135-36. As a result, N.B. was in prison at the time of the termination trial with a release date in February 2019. RP 255, 169.

Because of N.B.'s inability to make progress toward reunification, the Department filed a petition to terminate parental rights on October 31, 2017. CP 1-4. The juvenile court initially set the termination trial date for April 25, 2018. CP 21. However, the parties agreed to continue the trial date

to June 13, 2018 due to a dependency retreat scheduled for April 25 and the Assistant Attorney General's (AAG) trial schedule. CP 42-43. The parties again agreed to a continuance until June 20, 2018 because they anticipated that the juvenile court would change the permanent plan to guardianship. CP 83-84. The juvenile court maintained a permanent plan of adoption and the parties agreed to continue the termination trial to August 8, 2018 for purposes of trial preparation. CP 85-86. Finally, the parties agreed to a continuance to September 5, 2018 because they needed to obtain records for trial. CP 103-104. Thus, contrary to Appellant's claim that only the State had requested these continuances of the termination trial date, all parties had in fact agreed on them because of scheduling conflicts or trial preparation issues. Br. of Appellant at 11.

The Department proceeded to trial on September 5, 2018. RP 1. Because of his revoked DOSA sentence, N.B. was incarcerated at the time of trial in the Larch Corrections Center near Vancouver, WA, but he was represented by counsel at all times during the proceedings. RP 1, 3-4; *see generally* RP. In fact, trial counsel represented N.B. over the past couple of years in his dependency before the termination trial, since at least June 2016.¹ *See* Ex. 13 at 1, 13.

¹ Exhibits 13, 17, 18, and 19 all reflect that N.B. and trial counsel, or her designee, were present together for review hearings throughout the dependency.

On the first day of the termination trial, September 5, 2018, the parties discussed potential options for N.B.'s participation in the trial. The "legal phone" at Larch Corrections Center was not operational. *See* RP 3-4, 7. Moreover, N.B. could not use a different phone at the facility for more than a couple of hours because of DOC employee resources and caseload issues. *See* RP 3-5. Thus, N.B.'s appearance by phone for the entire trial was simply impossible. RP 5. The trial court agreed to sign an order for transport but recognized that it could not force the DOC to comply, as the trial court lacked jurisdiction. RP 11. The court granted N.B. a 24-hour continuance to allow the parties to prepare an order for transport. *See* RP 10-13. The court signed an order for transport that day. CP 127-28.

The next day, the parties again appeared in court. They expected N.B. to be transported by Tuesday, September 11, 2018. RP 18. The trial court emphasized that it wanted to accommodate N.B.'s presence if possible and granted another trial continuance until September 11. *See* RP 16.

Unfortunately, N.B. was not present in court on September 11. Either the DOC or the Pierce County Sheriff had informed N.B.'s counsel that neither organization would transport N.B. due to the language in the September 5 order for transport. RP 36-37; CP 127-28. As a result, the trial court signed an amended order directing the DOC or the Pierce County

Sheriff to transport N.B. to Pierce County Superior Court by September 17.²
RP 36; CP 132-34.

Two professional witnesses from Northwest Integrated Health appeared in court on September 11. RP 36-37. N.B.'s counsel agreed that these two witnesses could present their testimony on that day despite N.B.'s absence from the courtroom. RP 35-37. The court recognized that defense counsel could call these witnesses again in her case-in-chief if she so desired. *See* RP 37.

The court informed the parties that it would make time in its schedule for trial to occur the following week in order to accommodate N.B.'s presence. RP 38-40. However, it emphasized the need to finish trial by September 20 because of judicial conferences and a weeklong recess after the conferences. RP 40. The court said it "loses its availability" after September 20, and it "becomes very problematic" if trial is not done by that time. RP 86. Both the AAG and defense counsel acknowledged that the court was doing everything it could to accommodate N.B.'s presence for trial. *See* RP 87.

² The court signed two orders on September 11, 2018. The only difference between the two orders is the date noted for trial and when the court ordered N.B. to be in the Pierce County Jail. *Compare* CP 131-32 *with* CP 133-34 (first order directs the Pierce County Sheriff to transport N.B. to the courtroom on September 13, and the second order directs the Sheriff to transport on September 17). The trial court signed two orders because it initially expected to resume trial on September 13, but the parties did not appear in court again until September 18. *See* RP 85, 94.

The following week, on September 18, N.B. was again not present in court. RP 91. At this point, the Superior Court had signed three orders³ directing the DOC or the Pierce County Sheriff to transport N.B. to Pierce County for a particular date. RP 91; CP 131-36. The trial court explained to the parties that “it is not uncommon” for inmates not to be transported for dependency cases, and that “it is not always easy” to get a defendant in DOC custody transported for dependency cases. RP 91.

Defense counsel informed the court that she had received correspondence stating that the earliest N.B. could be transported was September 27. RP 92-93; CP 137-38. The AAG informed the court that the number of continuances since September 5 was “beginning to compromise [his] ability to get witnesses [in court],” and when delay starts to compromise a child’s chance for permanency, he must advocate to resolve the trial as soon as possible for the child’s best interest. *See* RP 94-95. Responding to the AAG’s objection to another continuance, the court explained that it has to balance all of the different interests involved in the trial, which included the child’s interest in permanency. RP 95. The court emphasized the fact that the trial had been set over in vain multiple times to

³ The Superior Court technically signed four orders, including the duplicated order from September 11, as explained in footnote 2.

accommodate N.B.'s interest in his presence at trial. RP 95-96. The trial court directed the parties to proceed with trial. RP 95.

Notably, however, the trial court agreed that if defense counsel could confirm that N.B. would be present in court on September 27, it would consider allowing him to appear for trial on that day. *See* RP 96. Otherwise, the court would accommodate N.B.'s testimony by phone, if possible. *See* RP 96. The court asked defense counsel to see if the father could be available by phone for testimony the following day, September 19, and proceeded with trial. RP 178.

The next day, N.B. appeared by phone for his testimony. RP 238. The court allowed him to testify out of order, before the AAG rested his case, and he remained on the phone for part of defense counsel's cross-examination of the social worker and the entirety of the Guardian ad Litem's (GAL) testimony. RP 278-305. Thereafter, the Department rested. RP 304. The court asked defense counsel if N.B. had any further witnesses to call, and counsel responded "no." RP 304. Defense counsel made no mention of whether N.B. could be present on September 27. *See* RP 238-335.

The court gave its oral ruling on September 20 and terminated N.B.'s parental rights. RP 336-54. Defense counsel again made no mention of whether N.B. could be present for court on September 27. RP 337-54. The court noted in its ruling that the father participated in trial through his

attorney. RP 337. The court indicated that the parties made numerous efforts to arrange N.B.'s in-person court appearance with three signed orders for transport with varying language. RP 337. Defense counsel told the court that she "appreciate[d] the efforts that [the trial judge] made in trying to get [N.B.] transported [to court]." RP 354. N.B. now appeals the trial court's termination order.

IV. ARGUMENT

A. **Parents Do Not Have an Absolute Right to Attend a Termination of Parental Rights Trial and Their Due Process Rights Are Subject to the *Mathews* Balancing Test**

The decision to proceed with a termination trial in the absence of a parent rests in the trial court's sound discretion. *In re Interest of Darrow*, 32 Wn. App. 803, 808-09, 649 P.2d 858 (1982). However, this Court reviews alleged due process violations de novo. *In re Welfare of L.R.*, 180 Wn. App. 717, 723, 324 P.3d 737 (2014).

Due process in the termination context requires that parents have notice, an opportunity to be heard and defend, and the right to be represented by counsel. *In re L.R.*, 180 Wn. App. at 723 (citing *In re Welfare of S.E.*, 63 Wn. App. 244, 250, 820 P.2d 47 (1991)). The right to be heard "ordinarily includes the right to be present." *In re L.R.*, 180 Wn. App. at 723 (citing *In re Welfare of Houts*, 7 Wn. App. 476, 481, 499 P.2d 1276 (1972)). However, there is no absolute right for an incarcerated parent to

personally attend a termination proceeding or to appear telephonically. *In re L.R.*, 180 Wn. App. at 723-24 (citing *In re Dependency of M.S.*, 98 Wn. App. 91, 94-96, 988 P.2d 488 (1999); *In re Interest of Darrow*, 32 Wn. App. at 808). Due process does not guarantee the right to appear personally and defend, so long as the person was afforded an opportunity to defend through counsel. *See Darrow*, 32 Wn. App. at 808.

In determining whether a parent received adequate due process in his or her trial, this Court must balance the three factors set forth in *Mathews v. Eldridge*, 424 U.S. 319, 335, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976). *See In re L.R.*, 180 Wn. App. at 724 (internal citations omitted). The *Mathews* balancing test requires weighing: (1) the parent's interest, (2) the risk of error created by the procedures used, and (3) the State's interests. *In re L.R.*, 180 Wn. App. at 724 (internal citations omitted).

As to the first factor, parents have a fundamental liberty interest in the care and custody of their children. *L.R.*, 180 Wn. App. at 724 (citing *In re Dependency of K.D.S.*, 176 Wn.2d 644, 652, 294 P.3d 695 (2013)).

The second *Mathews* factor assesses whether the hearing had sufficient procedural safeguards to insure that the parent had a full and fair opportunity to defend – i.e., to present evidence, rebut opposing evidence, and present legal arguments. *In re L.R.*, 180 Wn. App. at 725 (internal citations omitted). The ability to defend through counsel reduces the risk

of error. *Id.* at 724. In addition, this Court has identified that a lack of prejudice relates to the risk of error prong of the *Mathews* test. *Id.* at 726 n.2.

Regarding the final *Mathews* factor, the Department has a strong interest in protecting the rights of children, which includes a speedy resolution of the termination proceeding. *In re L.R.*, 180 Wn. App. at 727. “[T]he State and the child have a strong interest not only in establishing a stable and permanent home for the child, but also in doing it as soon as possible.” *In re C.R.B.*, 62 Wn. App. 608, 615, 814 P.2d 1197 (1991); *see also* RCW 13.34.020 (“The right of a child to basic nurturing includes the right to a safe, stable, and permanent home and a speedy resolution of any proceeding under this chapter.”).

B. A Balancing of the *Mathews* Factors Demonstrates that N.B.’s Absence from the Courtroom Did Not Violate His Due Process Rights

Here, the Department recognizes the importance of N.B.’s interest in his right to parent. However, “the right to be present at trial is not absolute and must be balanced against the other two *Mathews* factors.” *In re L.R.*, 180 Wn. App. at 725.

1. N.B. was subject to little risk of error because counsel represented N.B.'s interests throughout the dependency and termination proceedings, N.B. testified telephonically, and he fails to articulate how his absence prejudiced his ability to defend and present evidence

Sufficient procedural safeguards in this case insured that N.B. had a full and fair opportunity to defend. He had an attorney who advocated on his behalf throughout the trial. N.B. did in fact appear telephonically during the trial and provided testimony. Significantly, N.B. is unable to demonstrate how his absence from the courtroom affected his ability to defend or how the court would have ruled differently.

Although *In re Welfare of K.J.R.* is an unpublished decision,⁴ the Court's analysis regarding the second *Mathews* factor is directly analogous to the present case for two reasons. First, counsel represented the parent in that case for multiple years in related dependency proceedings before the termination trial, resulting in a low risk of error. *See In re Welfare of K.J.R.* Nos. 45304-5-II, 45310-0-II 2014 WL 3970750 at *10 (Wash. Ct. App. August 12, 2014) (unpublished). Second, the parent in *K.J.R.* telephonically appeared for part of her termination trial and testified over the phone, also indicating a low risk of error. *See id.* (unpublished); *see also In re L.R.*, 180 Wn. App. at 726. The *K.J.R.* Court pointed out that these protective factors

⁴ GR 14.1(a) permits citation of unpublished Court of Appeals decisions filed on or after March 1, 2013, as long as they are identified as such by the citing party.

existed in *L.R.* and found that, like in *L.R.*, the juvenile court had no guarantee of the parent's timely release from jail. *See K.J.R.* Nos. 45304-5-II, 45310-0-II 2014 WL 3970750 at *10-11 (Wash. Ct. App. August 12, 2014) (unpublished) (citing *In re L.R.*, 180 Wn. App. at 726-27).

Here, N.B. had an attorney representing his interests throughout the entire termination trial and for at least two years prior to the termination trial during the dependency. RP 3; Ex. 13 at 1, 13. Trial counsel was able to communicate with N.B. and send him documentation to review during trial. *See* RP 8, 92-93. Thus, contrary to N.B.'s patently false claim that "the defense attorney was not assigned to the case during the lengthy dependency phase" and "counsel had never spoken to the father until less than a week before the trial began," counsel and N.B. were well acquainted and communicated during the trial.⁵ Moreover, the trial court would have allowed defense counsel to re-call the State's witnesses during N.B.'s case-in-chief if counsel deemed that necessary. *See* RP 37. Since trial occurred over the course of multiple days, counsel could have consulted with her

⁵ As explained in footnote 1, exhibits 13, 17, 18, and 19 all reflect that N.B. and trial counsel, or her designee, were present together for review hearings throughout the dependency. The portion of the record that N.B. cites in support of his claim that counsel had never spoke to him until less than a week before trial in fact says "...that was the first time I had been able to talk to my client *since he was in the facility.*" Br. of Appellant at 11; RP 8 (emphasis added).

client about any of the evidence presented in his absence and then decided whether further examination was necessary.

Additionally, on the day that N.B. appeared for trial telephonically, he heard part of his attorney's cross examination of the social worker and the entirety of the GAL's testimony. RP 278-305. N.B. also testified telephonically and offered evidence, further reducing any risk of error. RP 238-78.

Finally, N.B. does not identify *how* his physical presence at the trial would have resulted in any different or additional evidence relevant to the factual issues resolved by the trial court. *In re L.R.*, 180 Wn. App. at 726 (incorporating prejudice analysis into second *Mathews* factor). In other words, he fails to articulate how the trial court's actions prejudiced his ability to defend. Rather, N.B. vaguely claims the trial court "violated [his] constitutional right to Due Process by continuing with the trial without his telephonic or physical presence" and generally suggests that his presence would have assisted trial counsel.⁶ Br. of Appellant at 8, 11. However, he

⁶ N.B. failed to preserve his procedural due process argument regarding the two Northwest Integrated Health witnesses who testified in court on September 11 because trial counsel agreed to go forward with their testimony on that day, despite N.B.'s absence. RP 36-37; see *In re Adoption of K.M.T.*, 195 Wn. App. 548, 567, 381 P.3d 1210 (2016) (Parent waived right to appeal a procedural due process error when attorney did not object regarding issue of telephonic presence). Nevertheless, prejudice is the central question in a circumstance where trial counsel fails to object, thus resulting in a similar analysis for the claims that N.B. properly preserved. *In re Adoption of K.M.T.*, 195 Wn. App. at 567-68 (explaining manifest error under RAP 2.5(a)(3), which requires showing actual prejudice).

fails to identify any specific way his presence would have affected his attorney's ability to examine witnesses or represent his interests, and thus has not identified any identifiable prejudice. *See In re Adoption of K.M.T.*, 195 Wn. App. 548, 568, 381 P.3d 1210 (2016) (parent failed to show actual prejudice when unable to articulate how parent's presence would have assisted trial counsel). Further, N.B. decided not to re-call any of the State's witnesses in his case-in-chief. This decision suggests that N.B.'s presence was not significant for cross-examination of any of the State's witnesses. *In re K.M.T.*, 195 Wn. App. at 568. Accordingly, because N.B. has not demonstrated prejudice, the risk of error factor does not support a finding of a due process violation. *In re L.R.*, 180 Wn. App. at 726.

Citing *In re Welfare of J.M.*, 130 Wn. App. 912, 925, 125 P.3d 245 (2005), N.B. claims that he was prejudiced because the trial court could only speculate as to what weaknesses in the State's case or strengths in his case might have been revealed if he had "been afforded the opportunity to meaningfully participate in the termination trial." Br. of Appellant at 15. However, as discussed above, the trial court afforded N.B. a meaningful opportunity to participate.

Moreover, the facts and holdings of *J.M.* have nothing in common with the present case. In *J.M.*, the parent's trial counsel made no attempt to defend the parent's position or attack the State's position. *In re J.M.*,

130 Wn. App. at 925. In fact, in that case “[c]ounsel simply took the State’s evidence at face value and recited that his client disagreed,” leaving the appellate court to guess about the potential strengths and weaknesses in the parties’ cases. *In re J.M.*, 130 Wn. App. at 925. N.B.’s reliance on *J.M.* thus is misplaced. The record for this case is replete with trial counsel’s objections and arguments. *See generally* RP. Tellingly, N.B. has not claimed ineffective assistance of counsel, which was the central issue in *J.M.* *See* 130 Wn. App. at 919.

2. The Department had a strong interest in proceeding with the trial without N.B. present because the trial court had continued the trial multiple times without any guarantee that N.B. could ever be physically present, and M.B. has a right to timely permanence

The State’s interest was particularly high in this case. The trial court had done everything it could to accommodate N.B.’s presence by granting multiple continuances to no avail. Even if the court had been inclined to wait any longer, it simply had no guarantee that N.B. could ever be present. Importantly, the child’s right to a safe and stable home was directly tied to any additional delay.

When the trial started on September 5, 2018, the juvenile court had already continued it four times from its originally scheduled date of April 2018. CP 42-43, 83-84, 85-86, 103-104; *See In re L.R.*, 180 Wn. App. at 727 (noting multiple continuances in support of State’s

interest). In addition to these continuances, the trial court granted *three more* continuances in an effort to accommodate N.B.'s physical presence. *See* RP 10-13, 16, 38-40, 94.

Despite the additional continuances, no party could guarantee that N.B. would ever physically appear in court. Yet, N.B. claims that the trial judge had "information showing that [N.B.] could be transported the following week," relying on the correspondence that defense counsel received regarding potential transport for September 27. Br. of Appellant at 8 (citing RP 9; CP 137-38). Not so. The record is silent regarding whether N.B. could actually appear in court on September 27. *See* RP 96-235, 238-335, 337-54. Instead, the record reflects that September 27 was the earliest date that N.B. could theoretically appear in court.⁷ CP 137-38; RP 93. The trial court even noted, "I don't know what that -- what the [correspondence] means." RP 93. The court also reminded defense counsel that scheduling after September 20 was problematic because of a weeklong recess starting September 28. *See* RP 93, 40, 86.

Despite the potential of problematic scheduling for September 27, the trial court again tried to accommodate N.B.'s physical presence. The court agreed that if defense counsel could confirm that N.B. would actually

⁷ The fax sent to defense counsel states: "The soonest WCC can facilitate a transport to Pierce County Jail is September 27th 2018". CP 138.

be present in court the following week, on September 27, that it would consider extending trial for him to appear that day. *See* RP 96. However, defense counsel never confirmed, or even again mentioned, whether N.B. could appear on September 27, thereby establishing that it was not actually possible for him to appear or that he no longer desired to do so. *See* RP 96-235, 238-335, 337-54. Thus, like in *L.R.* and *K.J.R.*, there was no guarantee of N.B.'s timely release from incarceration even if the court granted yet another continuance, bolstering the State's interest in resolving the trial as soon as possible. *In re L.R.*, 180 Wn. App. at 727; *see also K.J.R.* Nos. 45304-5-II, 45310-0-II 2014 WL 3970750 at *11 (Wash. Ct. App. August 12, 2014) (unpublished).

In contrast, the reality here was that M.B. had been in the only home he had known for nearly three years since he was "days old," the father was back at "square one" in his dependency, and the only barrier to the child's adoption was the parents' rights. Exs 1-3; RP 101, 300-01, 110, 124-25, 139; *see K.J.R.* Nos. 45304-5-II, 45310-0-II 2014 WL 3970750 at *11 (Wash. Ct. App. August 12, 2014) (unpublished) (finding similar facts established a strong interest for the Department to proceed with trial rather than allowing further delay). The trial court was also aware that further delay could impact the State's ability to prove its case and produce evidence, directly impacting the child's right to a speedy resolution and

right to a safe, stable, and permanent home. RP 95; RCW 13.34.020. As a result, the Department had a strong interest in proceeding with the trial without N.B.'s physical presence, rather than allowing any further delay, and thus the trial court did not violate father's due process rights by proceeding with the trial.

V. CONCLUSION

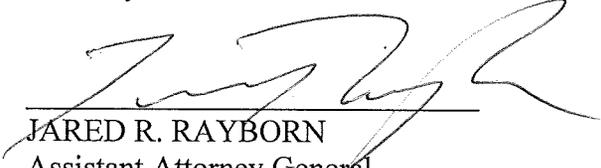
The balancing of the *Mathews* factors demonstrates that N.B.'s absence during part of the trial did not violate his due process rights. Although he had a strong interest in attending the trial, his right to be present is not absolute. The trial court did everything it possibly could to help N.B. appear in court by signing multiple orders to transport, granting continuances, and exercising a great deal of patience. *See* Part III, *supra*. There was a significant amount of coordination and cooperation among defense counsel, the Department's attorney, and the trial court in an attempt to accommodate N.B.'s presence. *Cf. In re L.R.*, 180 Wn. App. at 728. Despite those efforts, there was never a guarantee that N.B. could be present for trial.

N.B. remained represented by competent counsel at all stages of the proceedings, and he fails to demonstrate how his ability to defend and present evidence was prejudiced by the trial court's actions. In termination proceedings, trial courts must resolve conflicts between the rights of parents

and children in favor of the child's right to a permanent home and a speedy resolution of the proceedings. *Matter of Welfare of E.D.*, 195 Wn. App. 673, 687, 381 P.3d 1230 (2016) (citing RCW 13.34.020, 145(1)(c)). The trial court appropriately weighed all competing interests and resolved the conflict in favor of the child. RP 95-96. The Department respectfully requests that this Court affirm the trial court.

RESPECTFULLY SUBMITTED this 4th day of April 2019.

ROBERT W. FERGUSON
Attorney General



JARED R. RAYBORN
Assistant Attorney General
WSBA #46880

DECLARATION OF SERVICE

I, MELANIE WIMMER, declare under penalty of perjury under the laws of the state of Washington that the following is true and correct:

On APRIL 4, 2019, I caused a true and correct copy of the BRIEF OF RESPONDENT to be filed electronically with the Court of Appeals, Division II, and to be served on the parties electronically through the Court's filing system.

SIGNED in Tacoma, Washington, this 4th day of April, 2019.



MELANIE WIMMER
Legal Assistant

ATTORNEY GENERAL OF WASHINGTON - TACOMA SHS

April 04, 2019 - 1:15 PM

Transmittal Information

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Appellate Court Case Title: In Re The Welfare of M.B., a minor child
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