

FILED
SUPREME COURT
STATE OF WASHINGTON
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NO. 98094-2

SUPREME COURT OF THE STATE OF WASHINGTON

In re the Dependency of:
B.G.M.-S., A.M.-S., A.M.-S.,
Minor Children

ON APPEAL FROM THE SUPERIOR COURT OF
THE STATE OF WASHINGTON FOR SNOHOMISH COUNTY

**DCYF'S ANSWER TO
PETITION FOR REVIEW**

ROBERT W. FERGUSON
Attorney General

Lauren Danskine, WSBA #50151
Assistant Attorney General
3501 Colby Avenue, Suite 200
Everett, Washington 98201
(425) 257-2170
Office Id Number: 91145

I. INTRODUCTION

This case involves the juvenile court's denial of a father's motion for protective order seeking testimonial immunity to protect his Fifth Amendment rights for statements made during a court-ordered psychological evaluation and domestic violence assessment. The father sought, and was granted, discretionary review by the Court of Appeals. The Court issued a published opinion upholding the ruling of the juvenile court. The father now petitions this Court for review. The Department of Children, Youth, and Families (Department) took no position before the Court of Appeals. After the father completed both assessments, the Department no longer had a cognizable legal interest in the outcome of the father's motion and asked to be excused from participation. The State of Washington as represented by the Snohomish County Prosecutor's Office (Prosecutor's Office) is the true respondent in interest. They have filed a response to the father's petition. The Department respectfully declines to participate further in this matter.

II. IDENTITY OF RESPONDING PARTY

The Department of Children, Youth, and Families is the Respondent and the custodian of B.G.M.-S., A.M.-S., and A.M.-S. the dependent children. The Prosecutor's Office is the true respondent in interest.

III. ARGUMENT

At the juvenile court level the Department took no position as to whether or not protective orders should be granted. Instead the Department articulated an interest in the father engaging quickly and completely in the evaluations and assessments in which he was ordered to participate.

In the appellate matter, the Department did provide briefing and participated in oral argument before the Commissioner. However, once the father completed the assessments in question, the Department asked that the Court dismiss the matter as moot. In the alternative, the Department requested that it be excused from further participation in the appellate matter, as it no longer had a cognizable legal interest in the outcome. The Department submitted no further briefing and did not appear before the Court of Appeals for oral argument.

The Department now asks this Court to be excused from participation in this Court's review of the father's Petition for Review. The Department maintains that it has no legal interest in these proceedings. The true respondent in interest is the Snohomish County Prosecutor's Office (Prosecutor). The Prosecutor appeared before the juvenile court and opposed the motion. The Prosecutor filed briefing and participated in oral argument, both before the Commissioner and the panel. The Prosecutor has filed a response in this instant matter.

IV. CONCLUSION

The Department takes no position on the father's motion. The Department has no legal interest in the outcome of this matter, and respectfully declines to participate further.

RESPECTFULLY SUBMITTED this 12th day of February, 2020.

ROBERT W. FERGUSON
Attorney General

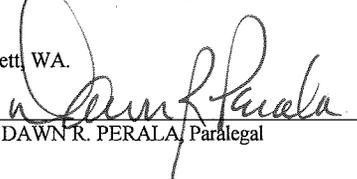


Lauren Danskine
Assistant Attorney General
WSBA No. 50151
Office ID number 91145

I, Dawn R. Perala, certify that I filed DCYF'S Answer to Petition for Review, electronically with the Supreme Court, through the Court's online filing system.

With the permission of the recipient(s), an electronic version of the Answer was delivered using the Court's filing portal to all parties on record. I certify under penalty of perjury, under the laws of the State of Washington, that the foregoing is true and correct.

Dated: February 12, 2020, at Everett, WA.

By: 
DAWN R. PERALA, Paralegal

ATTORNEY GENERAL'S OFFICE - EVERETT

February 12, 2020 - 2:00 PM

Transmittal Information

Filed with Court: Supreme Court
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Superior Court Case Number: 18-7-00836-7

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