

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

In re the Dependency of: M.I.K.-L., and
M.D.L.-K.,

Minor children,

DEPARTMENT OF CHILDREN,
YOUTH AND FAMILIES,

Respondent,

v.

MICHAEL LOVEJOY,

Appellant.

No. 82260-8-I

DIVISION ONE

UNPUBLISHED OPINION

PER CURIAM — Michael Lovejoy appeals a trial court’s order terminating his parental rights to his two children, M.I.K.-L. and M.D.L.-K. Lovejoy argues that his due process rights were violated when, after the trial court determined that the Department of Children, Youth and Families had not met its burden in proving the elements of RCW 13.34.180(1) by clear, cogent and convincing evidence, it continued the hearing on the termination petition to allow the State to offer additional services to him. The State concedes that, based on the Matter of Welfare of D.E., 196 Wn.2d 92, 106, 469 P.3d 1163 (2020), once a trial court makes a determination that the Department has not met its burden, it must dismiss the petition. We accept the State’s concession. We reverse the order of

termination and remand to the trial court for further proceedings consistent with this opinion.

FOR THE COURT:

Dugan, J.

Andrus, A.C.J.

Luppelwick, J.