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IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

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In re the Custody of:

B.M.H.

MICHAEL J. HOLT
Respondent

v.

LAURIE L. HOLT
Appellant

SUPPLEMENTAL BRIEF OF RESPONDENT

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ORIGINAL

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A. INTRODUCTION

Children are powerless to control the circumstances of their lives. Adults create and control those circumstances, including the fundamental relationship between parent and child. Whatever attributes constitute that relationship, it is protected legally only if the state recognizes it.

This state function has never been tidy, but today it is further complicated by ethnic, cultural, social, and techno-medical diversity. Consequently, more than ever, the state must perform this function with an awareness and repudiation of bias – bias based on race, blood, family structure, poverty, marital status, sexual orientation, etc. To the child, what matters is the primacy and security of a parent’s love. That should also be what matters to the state.

The relationship between BMH and MH is a parent-child relationship, formed by their mutual love and years of care and intimacy, and formed by the intention and active, lifelong promotion of LH. Though she seeks now to sunder this father and son, she is wrong to claim a constitutional right to do so. The constitution grants no parent the right to harm a child by depriving him of his other parent. Nor does the constitution define who is a parent; the state does. MH is a de facto parent under our law, or should be permitted to prove he is. As a lesser alternative, he has established adequate cause to seek custody of BMH.

B. ISSUES PRESENTED

1. Does the de facto parent doctrine protect the relationship between this child and the only living father he has ever known?

2. Did MH “set[] forth facts” of a kind that, if true, will establish prima facie grounds for nonparental custody?

C. STATEMENT OF THE CASE

BMH’s biological father died before he was born. His mother, LH, turned immediately to MH, her former intimate partner with whom she co-parented a child, CH. MH answered the call wholeheartedly, helping LH through the remainder of her pregnancy and attending at the birth of BMH. He was the first to hold the child, a moment captured on film and captioned, by LH, “The first time you met your son ...” MH and LH failed in a second effort to make a go of their relationship, divorcing two years after BMH’s birth, but both remained committed to co-parenting BMH, along with their first son, CH. Even after the adults’ intimate relationship ended, LH conferred MH’s last name on the child. LH would have liked MH to adopt BMH, but withheld her consent out of fear that the adoption would terminate BMH’s survivor benefits. Notwithstanding,

everyone in their community shared the view of LH and BMH that MH was the child's father. These facts are not disputed.¹

Over the 13 years of BMH's life, MH has been to BMH the exact same caring, consistent, engaged father as he has been to his other children, CH and two children from a previous marriage. BMH has always lived with him, including post-separation, according to the same schedule as CH. MH is responsible for BMH's academic success and participates actively in BMH's extracurricular activities. His extended family is BMH's extended family, and LH has identified MH's mother as her preferred guardian for BMH should she and MH both die. MH voluntarily contributed financially to BMH's support, both by making payments directly to LH in an amount equal to what he paid for CH, and by providing a home for BMH, as well as providing for BMH's insurance and other needs. In short, MH has not merely acted as BMH's father; he has excelled in that role.

LH has relied on MH and, for the most part, cooperatively co-parented both children. However, LH's personal difficulties at times and with increasing frequency have impinged on BMH and threatened the stability of his life. For example, her history of numerous, brief, intimate

¹ Even if they were, because this case is before the court on summary dismissal for the de facto parent claim, the court presumes MH's factual allegations to be true. *In re Parentage of L.B.*, 155 Wn.2d 679, 684 n.2, 122 P.3d 161 (2005).

relationships has been confusing and disruptive to the children. Typical was her precipitous move from Vancouver, mid-school year, to pursue yet another short-term relationship with a man who lived in Castle Rock. LH has now moved back to Vancouver. 04/10/12 Financial Dec. of Petitioner. During some of these relationships, including this recent one, LH has kept BMH and MH from each other, with no regard for the impact on BMH. These disruptions also affected BMH's time with his brother, especially since CH moved, in 2009, to live primarily with MH, partly because of friction with LH. Those who know BMH best agree separating him from MH would be harmful, "devastating," as his brother and grandfather put it. After MH's failed efforts to negotiate with LH, he sought the court's help to protect BMH from this harm.

D. ARGUMENT

1. FAMILY LAW IS AS DYNAMIC AND AS VARIABLE AS IS FAMILY LIFE.

In a nation that prides itself on its "melting pot" quality, it rightfully is "difficult to speak of an average American family." *Troxel v. Granville*, 530 U.S. 57, 64-65, 120 S. Ct. 2054, 2059, 147 L. Ed.2d 49 (2000). Still, the pace of recent changes can leave many nostalgic for "traditions" of family formation, though such "traditions" include coverture, racism, and illegitimacy. Dolgin, Janet, *Defining The Family: Law, Technology, And Reproduction In An Uneasy Age* (NYU Press

1997). In fact, of course, family law has always been as dynamic as our history, from common law marriage to same-sex marriage, from nuclear families to blended families. As but one of countless examples, the family law did at one time confer all custody rights on fathers, then preferred mothers for children in their “tender years,” and now the law declares parents shall be treated equally.

Likewise, state recognition of the parent-child relationship has always been a moving target, with biology, marriage, and court decree playing shifting roles. For most of our history, children born outside of marriage were declared to be fatherless (“*nullius filius*”); genetic paternity was not verifiable; and adoption was considered unnatural. Indeed, resort to the term “natural parent” is itself ambiguous, and little used in today’s law, since “natural” can mean “usual” or “normal” or can mean not “artificial” or, perhaps most precisely, can mean anything not miraculous. David Hume, *Treatise of Human Nature* (1739), Book 3.1.2 ¶¶ 5-10 (“in which sense every event that has ever happened in the world ... is natural”).

Indeed, the law has been especially important in the construction of fatherhood, presuming paternity where a man is married to a mother. Pickford, *Unmarried Fathers and the Law*, in Bainham, *et al*, *What is a Parent? A Socio-Legal Analysis* (Hart Publishing, Oxford, 1999). Though

originally premised on presumed biological connection, this presumption operates despite clear evidence of no biological connection. *See, e.g., In the Interest of S.N.V.*, -- P.3d – (2011 Colo. App. LEXIS 2104) (applying Colorado’s UPA to presume wife to be the mother of child born to putative surrogate); Grossman & Friedman, *Inside the Castle: Law and the Family in 20th Century America* (Princeton University Press, 2011) (based on survey data from the 1940s and 1990s, it is estimated 5% to 10% of children born within marriage are not the biological offspring of the husbands). Today, because of DNA testing, fatherhood is undergoing reconstruction. Rothstein, et al, eds., *Genetic Ties & The Family: The Impact of Paternity Testing on Parents and Children* (The Johns Hopkins University Press, 2005). Our own Uniform Parentage Act (UPA) illustrates the proliferation of parental species, as in alleged, acknowledged, presumed, intended, and adjudicated. RCW 26.26.011. This case involves the common law variant: parent in fact.

2. IN THE UNITED STATES, THE LEGAL STATUS OF PARENT IS A FUNCTION OF STATE LAW.

Thus, while our constitution protects the parent-child relationship, it does not define that relationship. That is left to the states to do, both in the constitutional context and in the broader context of federalism. For example, the Social Security Administration (SSA) relied on state law to

deny “survivor” benefits to children conceived posthumously with frozen sperm, regardless of their biological connection to the deceased man. *Astrue v. Capato*, -- U. S. -- 132 S. Ct. 2021, 2031, 182 L. Ed. 2d 887 (2012) (recognizing “traditional state-law realm of family relations”).

In *Astrue*, a unanimous court recognized variations in state laws and recognized that neither biology nor marriage were universally or necessarily defining of the parent-child relationship, as the children’s mother argued. 132 S. Ct. at 2029-2030; *see, also*, 2030 (noting there was no way to prove the biological relationship between a child and a father in 1939 when the Social Security Act was enacted). Specifically, the court rejected the invitation to treat better the “biological children of *married parents*.” *Id.* at 2033 n.10 (emphasis the court’s). Rather, the court recognized that deferring to state intestacy law for purposes of social security could include children defined as such by many means, including by “equitable adoption” (*Id.*, at 2028 n. 4), which is a kind of equitable parentage common in the intestacy context. *See, e.g., Calista Corp. v. Mann*, 564 P.2d 53, 61-62 (Alaska 1977) (equitable adoption is an “appropriate vehicle in intestate succession cases to avoid hardship created in part by the diversity of cultures found within this jurisdiction”).

This is but one of countless examples of how the federal law works through the states in the realm of family law, and of how federal law

acknowledges the varied approaches states take to this broad subject, as well as to the more specific issue of defining the parent-child relationship. For example, currently, only nine states have adopted the Uniform Parentage Act of 2002, and most have made changes to the uniform act in doing so.² States may or may not permit various forms of assisted reproductive technology. States may presume husbands to be fathers of the children born by their wives, but the time permitted to challenge that presumption varies. In Washington, that presumption is no longer based on sex or biology, since it applies alike to same-sex registered domestic partners. RCW 26.26.116.

Even where the federal law mandates uniformity (e.g., to prevent parental kidnapping or to enforce child support), it relies on states to define the parent-child relationship. *See, e.g.*, 42 U.S.C. 666 (requiring procedures for paternity determinations for child support enforcement purposes); 28 U.S.C. 1738A (mandating full faith and credit to state custody determinations); *see, also, Miller-Jenkins v. Miller-Jenkins*, 912 A.2d 951 (2006) (applying uniform jurisdictional law despite differences in state recognition of same-sex unions). In short, though the constitution protects the rights of parents, there is no constitutional definition of parent.

²Regarding adoption of the Uniform Parentage Act (last visited July 25, 2012): <http://uniformlaws.org/LegislativeFactSheet.aspx?title=Parentage%20Act>.

3. OUR STATE DEFINES PARENT TO INCLUDE DE FACTO PARENT.

This broader framing is important as an answer to LH's claim of constitutional protection, which seems to presuppose a constitutional definition of her status. In fact, determining MH to be a parent, by means of the de facto parent doctrine, is no different from determining LH to be a parent by means of biology. *In re Parentage of L.B.*, 155 Wn.2d 679, 711, 122 P.3d 161 (2005) (no "constitutional limitations on the ability of states to legislatively, or through their common law, define a parent or family"); *see, e.g., Michael H. v. Gerald D.*, 491 U.S. 110, 109 S.Ct. 2333, 105 L.Ed.2d 91 (1989) (no constitutional infringement where state law favored mother's husband over genetic father). In other words, defining the parent-child relationship is not state interference in a constitutional pre-existent right, as LH argues. Rather, from the state determination, constitutional protections flow.

MH seeks the law's recognition that he is as much of a parent to BMH as is LH. This no more trenches on LH's constitutional rights than does any other parentage action. *L.B.*, 155 Wn.2d at 712 ("the rights and responsibilities which we recognize as attaching to *de facto* parents do not infringe on the fundamental liberty interests of the other legal parent"). As with Carvin in *L.B.*, MH stands in this role "only through the active

encouragement” of LH. *L.B.*, at 712. Here and in our law generally, one parent does not enjoy the power to “veto” the status of another parent, whether parentage is created through a transient sexual relationship, through marriage, or through more than a decade of co-parenting. This has nothing to do with LH being a single parent because, in fact, she is not a single parent, any more than Britain was in *L.B.* As did *L.B.*, BMH has two parents, and one of them is MH.

4. THE EQUITABLE REMEDY OF DE FACTO PARENT IS A VITAL COMPLEMENT TO THE LEGISLATURE’S EFFORTS TO IDENTIFY AND PROTECT PARENT-CHILD RELATIONSHIPS.

Seven years ago, this Court recognized that family forms had so multiplied that the legislature, in its efforts to define the parent-child relationship, “inevitably did not contemplate nor address every conceivable family constellation.” *L.B.*, 155 Wn.2d at 688 n.5. Nothing illustrates this point better than the history of Washington’s own parentage statute. In 2002, Washington replaced its 1973 paternity statute with the 2000 version of the Uniform Parentage Act. *See In re Parentage of J.M.K.*, 155 Wn.2d 374, 378 n.1, 119 P.3d 840 (2005) (noting history). Before the ink was dry, Washington’s UPA was outdated. The authors of the uniform act, the National Conference of Commissioners on Uniform State Laws (NCCUSL), immediately amended it because it discriminated

against children of unmarried parents, contrary to the act's purpose. John J. Sampson, *Preface to the Amendments to the Uniform Parentage Act* (2002), 37 *Family L. Q.* 1 (2003).

In 2011, Washington's act underwent another major revision, adopting the 2002 revisions to the uniform act and tacitly endorsing the de facto parent doctrine. Where formerly the statute declared itself to "govern[...] every determination of parentage in this state," it now more modestly "applies to determinations of parentage in this state." RCW 26.26.021(1). *See, also, 1000 Friends of Wash. v. McFarland*, 159 Wn.2d 165, 182, 149 P.3d 616 (2006) (inferring legislative approval from inaction); *accord, Id.*, at 190 (Madsen, J., concurring and noting 12 years of legislative inaction). The UPA further provides expressly that it "does not create, enlarge, or diminish parental rights or duties under other law of this state." RCW 26.26.021(3).

The legislature knows it cannot anticipate every type of family deserving of the law's protection. There is both room and need for the equitable remedy this Court created, which serves as a crucial safety net to secure the relationships of a small but deserving number of parents and children, such as BMH and MH.

5. THE DOCTRINE IS FLEXIBLE BUT LIMITED.

Equitable tools are necessarily flexible and fact-specific, but that does not render them unmanageable. Certainly, this father and this son should not be deprived of the law's protection based on speculative floodgate arguments. For one thing, establishing de facto parentage presents "no easy task." *L.B.*, 155 Wn.2d at 712. It requires proof of four distinct factors. *Id.* at 708.

(1) the natural or legal parent consented to and fostered the parent-like relationship, (2) the petitioner and the child lived together in the same household, (3) the petitioner assumed obligations of parenthood without expectation of financial compensation, and (4) the petitioner has been in a parental role for a length of time sufficient to have established with the child a bonded, dependent relationship, parental in nature.

Id. "In addition," this remedy is "limited to those adults who have fully and completely undertaken a permanent, unequivocal, committed, and responsible parental role in the child's life." *Id.* (internal citations omitted).³ Indeed, this rigorous test requires a petitioner to prove *more* than all other types of parents need to prove to obtain legal recognition: a history of, capacity for, and commitment to parenting a particular child, a child who loves and depends on the de facto parent. This is actually the most difficult path to parentage, one that many legal parents would fail.

³ Some have viewed this as a fifth factor in the test. *See, e.g., In re Custody of A.F.J.*, 161 Wn. App. 803, 811, 260 P.3d 889, *rev. granted*, 172 Wn.2d 1017 (2011).

The de facto parent inquiry is entrusted to a trial court, which makes precisely these types of judgments every single day, especially in family law cases. Indeed, the legislature relies on trial judges to sort out complicated parentage questions that arise under the UPA. For example, RCW 26.26.535 requires the court to engage in a fact-intensive estoppel analysis before ordering genetic testing where there is already an acknowledged or presumed father. Thus, a man who has acted as a father may retain that legal status against the challenge of a putative biological father if the child's best interests are served by maintaining the continuity of his or her primary relationships. The de facto parent analysis is no more difficult and every bit as vital a protection as this statute.

Apparently concerned about "floodgates," this Court made this remedy unavailable to the petitioner in *In re Parentage of M.F.*, 168 Wn.2d 528, 228 P.3d 1270 (2010), who came into the child's life when she was 18 months old, was married to the mother for some of the time he parented the child, and where the child had two legal parents. The Court of Appeals construed this holding, not as a limitation based on marital status, but based on the fact that the child had two living parents with a parenting plan. *In re Custody of B.M.H.*, 165 Wn. App. 361, 375-378, 267 P.3d 499 (2011); *accord A.F.J.*, 161 Wn. App. at 816. Certainly, to treat BMH differently than LB merely because MH and CH briefly married is

nothing less than a new kind of illegitimacy, and, like other such distinctions, “belongs to a bygone day.” *Parentage of J.M.K.*, 155 Wn.2d at 389 (internal citations omitted).

BMH had no power over whether LH and MH married or remained married. The fact of the marriage and the fact of the divorce should not render BMH *nullius filius*. His relationship to MH is not dependent on the adults’ relationship to one another; it has continued regardless. *See, e.g., Estate of Blessing*, 174 Wn.2d 228, 237, 273 P.3d 975 (2012) (in wrongful death action, stepchildren-stepparent relationship survives the marriage that brought the relationship into existence).

To the extent LH claims the de facto parent doctrine unconstitutionally distinguishes between single-parent and dual-parent families, this Court justified that distinction in *M.F.*, where the “competing interests” of two parents “with established parental rights and duties” foreclosed the third party petitioner. 168 Wn.2d at 532. LH fails to show the lack of a rational basis for this distinction. *See Harris v. Charles*, 171 Wn.2d 455, 463, 256 P.3d 328 (2011) (“[a] party challenging the application of a law as violating equal protection principles has the burden of showing that the law is irrelevant to maintaining a state objective or that it creates an arbitrary classification”) (internal citations omitted).

This Court embraced the de facto parent doctrine because the relevant “statutes often fail to contemplate all potential scenarios which may arise in the ever changing and evolving notion of familial relations.” *L.B.*, 155 Wn. 2d at 706. This Court devised an equitable tool ideally suited to rescuing those parent-child relationships that otherwise would fall through the interstices in the statutory scheme. *Id.*, at 707. But to be effective, this tool must remain flexible, eschewing categorical restrictions while insisting on rigorous requisite proof of the *L.B.* factors.

6. STATUTE PROVIDES NO OTHER WAY FOR MH AND BMH TO SECURE THEIR RELATIONSHIP.

MH filed a nonparental custody petition as an alternative relief. Failing to do so would have risked preclusion of the cause altogether and made MH derelict in his duty to protect BMH. Carvin in *L.B.* also sought statutory remedies (arguing the third party visitation statute survived *In re Custody of Skyanne Smith*, 137 Wn.2d 1, 969 P.2d 21 (1998) and arguing for recognition under the UPA). As this Court in *L.B.* recognized, whether one can bring a claim does not mean there is an adequate statutory remedy. Certainly, nonparental custody is not such a remedy where the goal is to protect the parent-child relationship, as two divisions of the Court of Appeals have acknowledged. *B.M.H.*, 165 Wn. App. at 376-379;

In re Parentage of J.A.B., 146 Wn. App. 417, 426, 191 P.3d 71 (2008).⁴

Here, as in *L.B.*, the relief sought is parentage, not merely a transitory right to custody. Indeed, the inadequacy of a custody order alone is one reason for the equitable doctrine. *J.A.B.*, at 425 (“[t]his inadequacy is the premise of [equitable parentage doctrines]”).

In other words, the de facto parent doctrine is necessary because the legislature did not and cannot foresee all the winding paths a parent and child might take to becoming essential to each other. This reality is not specific to one type of omitted person or omitted family form. Rather, in *L.B.*, the court recognized the general problem and the need for a flexible remedy.

Somehow this recognition has become an additional hurdle to de facto parent petitioners, as if any statute touching on the facts of the case, no matter how strained or convoluted the interpretation, or how limited the relief provided, renders the doctrine unavailable, as if petitioners must pass through the eye of needle to gain entry to the court house. That makes no sense. Equity deals with people where it finds them, with the facts as they exist now, with the need that arises because of a particular,

⁴ Likewise, there is no remedy in RCW 26.09.240, because MH is not merely a stepparent seeking visitation and, in any case, the statute is unconstitutional and void, meaning it is a nullity and always has been. *In re Parentage of C.A.M.A.*, 154 Wn.2d 52, 61, 109 P.3d 405 (2005); *In re Custody of Smith*, 137 Wn.2d 1, 18, 969 P.2d 21 (1998); *Boeing Co. v. State*, 74 Wn.2d 82, 88-89, 442 P.2d 970 (1968).

unique history. Equity addresses *what is*, not “what-ifs” – as in *what if* they had not married, or had remained married longer, *what if* on divorcing they had relied on an unconstitutional statute (RCW 26.09.240), *what if* LH had sacrificed BMH’s survivor benefits to consent to adoption, etc. This same exercise could have been done in *L.B.* as to adoption and nonparental custody. The mere existence of statutory paths to parentage does not alter the fact that some parent-child relationships will fall through the cracks. Certainly, the statutes do not protect BMH’s relationship with his father. The de facto parent doctrine should and does.

7. MH SATISFIED THE ADEQUATE CAUSE REQUIREMENT FOR NONPARENTAL CUSTODY.

By discretionary review, LH challenged the trial court’s finding of adequate cause for MH to proceed to fact-finding on his nonparental custody claim. To establish adequate cause, the statute requires petitioners to “set[] forth facts” supporting their ability to prevail on the merits, that is, their ability to prove the parents are unfit or to prove actual detriment to the child’s growth and development. RCW 26.10.032(1); *In re Custody of E.A.T.W.*, 168 Wn.2d 335, 348, 227 P.3d 1284 (2010). The statute does not establish a quantum for this proof, but merely requires the petitioner to file “an affidavit ... setting forth facts supporting the requested order.” RCW 26.10.032(1). On its face, this is not a heavy burden. Rather, the

alleged facts must simply be of a kind that, “*if true*, will establish a prima facie case supporting the requested order.” *E.A.T.W.*, 168 Wn.2d at 346 (emphasis added). In other words, the alleged facts should be viewed in the light most favorable to the petitioner. *In re Marriage of Lemke*, 120 Wn. App. 536, 541-542, 85 P3d 966 (2004). The facts must be proved at a trial on the merits. *E.A.T.W.*, 168 Wn.2d at 348 n.5.

MH set forth facts establishing a parent-child relationship with BMH. Losing a person the child views as a parent, whatever their legal relationship, is devastating to that child. *Smith*, 137 Wn.2d at 20 (recognizing “severe psychological harm to the child”). LH threatened BMH with such a loss and was otherwise acting in ways detrimental to his growth and development. Indeed, it seemed everyone but LH could see the harm she was doing to her children. By submitting this evidence, MH established more than adequate cause to proceed to trial.

Yet LH argued that the court could not act because she had not *yet* caused harm to MH and BMH. See Petition for Review, at 11. This is not a very sound leg to stand on, even if true. But it is not true, and it is also not the standard. Adequate cause is satisfied by setting forth facts which “if true” would satisfy the petitioner’s ultimate burden. MH did that. The statute entitles him to a fact-finding.

Moreover, as noted above, LH did harm her children. She repeatedly undermined the stability and security of her children, conditions essential for healthy development. In this respect, this case closely resembles the inspiration for the nonparental custody state, *In re Marriage of Allen*, 28 Wn. App. 637, 626 P.2d 16 (1981). The legal parents in *Allen* were not unfit, but the environment they provided the child was detrimental, lacking the important opportunities for development offered by the former stepparent. Here, the guardian ad litem noted evidence suggesting the environment of the mother's home was detrimental to the older child, CH; he is now living with his father. LH withheld BMH from MH, would have when she moved to Castle Rock, had the court not intervened, and has continued throughout the pendency of these proceedings to resist the temporary orders.

The harm to BMH is real, not merely speculative. The court need not wait upon further harm, perhaps irreversible harm, before it may act to protect the child by ordering a fact-finding hearing. At this fact-finding, the court may weigh the evidence to determine the likelihood of additional future harm, just as the court routinely assesses all manner of future-oriented possibilities such as when it compares relative detriment in relocation cases or future dangerousness or flight risks, etc. Some facts a

court must find are necessarily speculative, but that is not the same as “merely speculative.” In any case, this assessment is for trial.

E. CONCLUSION

Many forces have combined to dramatically multiply the forms families take today. Though biology was never the sole organizing principle for family, it now takes its place among multiple other organizing principles. Throughout all these changes, certain themes persist. Children need parents. Parents love children. States involve themselves to protect this relationship and, thereby, provide for emotional and material needs, rights, and obligations. In keeping with these themes, this case involves a parent in fact who seeks recognition as a parent in law and involves a child who for 13 years has known only this man as his father. Our law can and should protect this son and his father.

Accordingly, MH asks this Court to affirm the Court of Appeals and to remand this cause to the superior court for trial.

Dated this 30th day of July 2012.

RESPECTFULLY SUBMITTED,

/s/ Patricia Novotny

PATRICIA NOVOTNY, WSBA #13604
Attorney for Respondent

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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re the Custody of:

B.M.H., CHILD

MICHAEL HOLT

Respondent

and

LAURIE HOLT

Petitioner

No. 86895-6

DECLARATION OF
SERVICE

Patricia Novotny certifies as follows:

On July 30, 2012, I served upon the following true and correct copies of Michael Holt's Supplemental Brief and this Declaration, by electronic mail ("email").

Catherine Smith
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Seattle, WA 98101-2988
cate@washingtonappeals.com

Robert Vukanovich
211 E. McLoughlin Blvd.
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I certify under penalty of perjury that the foregoing is true and correct.

/s/ Patricia Novotny

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Subject: RE: No. 86895-6, Custody of B.M.H.

Rec'd 7/30/2012

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Subject: No. 86895-6, Custody of B.M.H.

Attached for filing in pdf format is the Supplemental Brief of Respondent Michael Holt in Custody of BMH, No. 86895-6. The person submitting these pleadings is Patricia Novotny, WSBA No. 13604, whose email address is novotnylaw@comcast.net.

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Thank you!