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SUPREME COURT  
STATE OF WASHINGTON  
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No. 90072-8

SUPREME COURT  
OF THE STATE OF WASHINGTON

In re the Custody of:  
MASON WADDLE,

GREG MINIUM and LINDA  
MINIUM,

Petitioners,

and

PATTI SHMILENKO,

Respondent,

JOHN SHMILENKO,

Respondent,

PATTI SHMILENKO,

Respondent,

and

GREG and LINDA MINIUM,

Petitioners.

PETITIONERS'  
STATEMENT OF  
ADDITIONAL AUTHORITY

Petitioners Greg and Linda Minium submit as additional  
authority:



ORIGINAL

1) *Pierce v. Society of Sisters*, 268 U.S 510, 534-35, 45 S. Ct. 571 (1925) (“liberty of parents and guardians” includes the right “to direct the upbringing and education of children under their control”).

2) RCW 13.34.010 (“The legislature declares that the family unit is a fundamental resource of American life which should be nurtured. Toward the continuance of this principle, the legislature declares that the family unit should remain intact unless a child's right to conditions of basic nurture, health, or safety is jeopardized.”)

3) RCW 13.34.110 (legal custodians are entitled to the same right as parents in dependency hearings, including a right to an attorney, to introduce evidence, and to examine witnesses); *see also* RCW 13.34.090; RCW 13.34.062.

4) *Dependency of J.W.H.*, 147 Wn.2d 687, 698, 57 P.3d 266 (2002) (holding that Department must prove that legal custodians were incapable of adequately caring for the children before the court could find the children dependent, and that legal custodians have right to both intervene and present evidence in the dependency proceeding); *see also Welfare of R.S.G.*, 172 Wn. App. 230, 255, ¶ 62, 289 P.3d 708 (2012) (Reply Br. 4-5)

5) RCW 26.10.170 (“Except as otherwise agreed by the parties in writing *at the time of the custody decree*, the custodian may determine the child's upbringing, including education, health care, and religious training, unless the court after hearing, finds, upon motion by the noncustodial parent, that in the absence of a specific limitation of the custodian's authority, the child's physical, mental, or emotional health would be endangered.”) (emphasis added). (See CP 61)

6) *Custody of A.F.J.*, 179 Wn. 2d 179, 186, ¶ 8, 314 P.3d 373 (2013)( “If the legislature does not register its disapproval of a court opinion, at some point that silence itself is evidence of legislative approval.”) (*citations omitted*).

DATED this 26<sup>th</sup> day of June, 2015.

SMITH GOODFRIEND, P.S.

By: 

Catherine W. Smith  
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Valerie A. Villacin  
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Attorneys for Petitioners

**DECLARATION OF SERVICE**

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

That on June 26, 2015, I arranged for service of the foregoing Petitioners' Statement of Additional Authority, to the court and to the parties to this action as follows:

Office of Clerk Washington Supreme Court Temple of Justice P.O. Box 40929 Olympia, WA 98504-0929	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
Noelle McLean Noelle McLean P.S. P.O. Box 757- 415 S 3rd Avenue Kelso, WA 98626	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
Matthew Andersen Barry J. Dahl Walstead Mertsching PS 1700 Hudson St., Fl 3 P.O. Box 1549 Longview, WA 98632-7934	<input type="checkbox"/> Facsimile <input type="checkbox"/> Hand-Deliver <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail

**DATED** at Seattle, Washington this 26<sup>th</sup> day of June, 2015.

  
\_\_\_\_\_  
Victoria K. Vigoren

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**To:** Victoria Vigoren  
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**Subject:** RE: In re the Custody of Waddle, Cause No. 90072-8

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Attached for filing in pdf format is Petitioners' Statement of Additional Authority and Motion to Strike Untimely Response to Financial Declaration, in the *Custody of Waddle*, Cause No. 90072-8. The attorney filing these documents is Valerie A. Villacin, WSBA No. 34515, email address: [valerie@washingtonappeals.com](mailto:valerie@washingtonappeals.com).

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