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No. 90468-5

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IN THE WASHINGTON STATE SUPREME COURT

In Re the Dependency of:

M.H.P.

ON REVIEW FROM THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR KING COUNTY

RESPONDENTS' ANSWER TO AMICUS

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ORIGINAL

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I. ARGUMENT IN RESPONSE

The Brief of Amicus suffers from the same weakness as that of DSHS and the CASA in this case. It fails to acknowledge that the funding procedure at issue is no longer in place. And, Amicus concedes that the Court of Appeals “held that the constitutional sealing test applies to funding motions in parental termination cases, but did not say so explicitly.” Amicus Brief at 7.

Amicus also argues that the King County Superior Court did not follow GR 9(a) when adopting the procedure at issue in this case. But there is no proof of that in the record and the issue of how this abandoned procedure was adopted by the King County Superior Court is not before this Court.

Finally, Amicus argues that GR 15 “contains no exception to the requirement that the opposing party be notified of a motion to seal funding requests.” Amicus Brief at 9. But that is not entirely true. GR 15(1)(c) provides that a criminal defendant seeking funds for expert services need not notify opposing counsel. The King County Superior Court considered the indisputable fact that both criminal defendants and poor parents are entitled to the appointment of counsel and necessary ancillary services. Thus, the Superior Court adopted the same process for indigent parents as it did for indigent criminal defendants. Judge Kessler’s well-reasoned

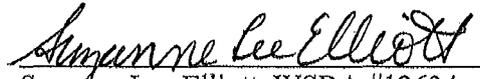
order explained why the procedure adopted for indigent criminal cases should apply to indigent parents in dependency and termination cases. Amicus does not provide any rational basis to distinguish between these two similarly situated groups.

II. CONCLUSION

Like Petitioner, Amicus provides no reasoned basis for overruling the Court of Appeals decision below.

DATED this 1st day of May, 2015.

Respectfully submitted,


Suzanne Lee Elliott, WSBA #12634

CERTIFICATE OF SERVICE

I hereby certify that on the date listed below, I served by First Class United States Mail, postage prepaid, one copy of this brief on the following:

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May 1, 2013

Date

Christina Alburas

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OFFICE RECEPTIONIST, CLERK

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May 1, 2015

Dear Clerk:

Attached for filing in *In re the Dependency of M.H.P.*, No. 90468-5, is Respondents' Answer to Amicus. Thank you for your kind assistance.

Sincerely,
Christina Albouras
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* * * *

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