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No. 96155-7

No. 51127-4-II

THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION TWO

In re the Dependency of:

M.O.,

a minor child.

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

OPENING BRIEF OF APPELLANT

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TABLE OF CONTENTS

A. INTRODUCTION. 1

B. ASSIGNMENTS OF ERROR. 2

C. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR..... 4

D. STATEMENT OF THE CASE..... 5

E. ARGUMENT 10

THE COURT ERRED WHEN IT DENIED THE
GUARDIANSHIP PETITION AND GRANTED THE
DEPARTMENT'S PETITION TO TERMINATE MR. P'S
PARENTAL RIGHTS 10

1. In rejecting guardianship and choosing termination, the trial court applied the wrong standard and did not give appropriate weight to the parents' desire to have their daughter cared for by her grandparents. 10
 - a. Guardianship is a permanent placement for dependent children and allows for the preservation of family ties 10
 - b. Before a trial court chooses termination rather than guardianship, the State must prove that guardianship is clearly contrary to the child's best interests..... 13
 - c. Because the trial court did not apply the appropriate standard, this Court should reverse. 18
2. The Department failed to provide bilingual and culturally competent services to the family 24
3. The trial court erred when it found by clear, cogent, and convincing evidence that the Department had provided all necessary services to the father..... 29

F. CONCLUSION..... 30

TABLE OF AUTHORITIES

Washington Supreme Court

<u>In re A.W.</u> , 182 Wn.2d 689, 344 P.3d 1186 (2015).....	11, 12, 13, 15
<u>In re Dependency of K.N.J.</u> , 171 Wn.2d 568, 257 P.3d 522 (2011).....	11
<u>In re Dependency of M.S.R.</u> , 174 Wn.2d 1, 271 P.3d 234 (2012).....	14, 21
<u>Nguyen v. State, Dep’t of Health Med. Quality Assurance Comm’n</u> , 144 Wn.2d 516, 29 P.3d 689 (2001).....	23
<u>State v. Kalebaugh</u> , 183 Wn.2d 578, 355 P.3d 253 (2015).....	13

Washington Court of Appeals

<u>Haueter v. Cowles Pub. Co.</u> , 61 Wn. App. 572, 811 P.2d 231 (1991)	13
<u>In re Dependency of A.C.</u> , 123 Wn. App. 244, 98 P.3d 89 (2004).....	13
<u>In re Dependency of H.W.</u> , 92 Wn. App. 420, 961 P.2d 963 (1998)..	25, 30
<u>In re Dependency of T.L.G.</u> , 126 Wn. App. 181, 108 P.3d 156 (2005) ..	28, 30
<u>In re J.L.Q.-R.</u> , 2016 WL 2593878, No. 33276-4-III (May 5, 2016) ..	24, 26
<u>Matter of Welfare of JB, Jr.</u> , 197 Wn. App. 430, 387 P.3d 1152 (2016)..	13

United States Supreme Court

<u>Addington v. Texas</u> , 441 U.S. 418, 99 S.Ct. 1804, 60 L.Ed.2d 323 (1979)	14
<u>Moore v. City of E. Cleveland, Ohio</u> , 431 U.S. 494, 97 S.Ct. 1932, 52 L.Ed.2d 531 (1977).....	15, 20

Statutes

RCW 13.34.020 11

RCW 13.34.030 12

RCW 13.34.130(2)..... 21

RCW 13.34.145 30

RCW 13.34.180 12, 28, 30

RCW 13.34.260(1)..... 15, 21

RCW 13.36.010(1)..... 11

RCW 13.36.040(2)..... 12

RCW 13.36.050 11

RCW 13.36.070(3)..... 11

RCW 74.94.025(1)..... 24

WAC 388-271-0020..... 24

WAC 388-271-0030..... 24

Rules

GR 14.1(a)..... 24

RAP 2.5(a)(3)..... 13

Other Authorities

Admin Policy 7.22, Dep’t of Health & Soc. Serv. 2 (Sept. 22, 2011)..... 25

Am. Psych. Ass’n, Crossroads: The Psychology of Immigration in the
New Century 32-33 (2012)..... 26

Am. Psych. Ass'n, Working with Immigrant-Origin Clients: An Update
for Mental Health Professionals 8 (2013) Clients..... 24, 25, 26, 28

Dep't of Soc. & Health Serv., Cultural Competence Planning Guide
(2011)..... 25

Other Courts

In re D.M., 86 A.3d 584 (D.C. 2014)..... 17

In re T.J., 666 A.2d 1 (D.C. 1995)..... 16, 17, 18, 19, 23

A. INTRODUCTION

Mark P. is the father of M.O.,¹ the two year-old girl at the center of these proceedings. Mr. P. and his partner, Mary O., also have a five year-old daughter, M.R.O.

When M.O. was born, the maternal grandparents offered to provide a home for M.O., so that she could live with her older sister, M.R.O., who had been living with the grandparents in a third-party custody placement for her entire life. Even though the Department agreed that M.R.O was happy and healthy with her grandparents, the relative placement for M.O. was not approved, and sibling visitation was severely limited to 30 minutes, once per month.

Mr. P. petitioned for a guardianship in lieu of termination of his parental rights. At a trial considering the two competing petitions, the trial court failed to prioritize the parents' choice of placement with the grandparents and failed to prioritize continuity of the child's Filipino culture; as such, the court erred in its assessment of whether the guardianship with M.O.'s loving extended family members was in M.O.'s best interest.

¹ The sisters have identical initials. For the sake of clarity, a middle initial has been added to the older child's first name, since no middle names are provided in the record. Since the mother also shares the same initials, her first name is used herein.

B. ASSIGNMENTS OF ERROR

1. The juvenile court erred when it terminated the parent-child relationship. CP 78 (Finding XIII), CP 79 (Conclusion II).²

2. In determining that termination rather than guardianship was in the child's best interest, the court failed to give appropriate weight to the wishes of the parents. CP 77-78 (Finding VII; Finding VIII).

3. In finding the guardianship was not in the child's best interest, the court applied the wrong standard of proof. CP 77-78 (Finding VII; Finding VIII).

4. The court's finding that all statutory elements necessary for termination of parental rights were proven by clear, cogent, and convincing evidence was not based upon substantial evidence in the record. CP 73 (Finding IV).

5. The court's findings that all services ordered under RCW 13.34.130 were offered or provided to the father were not based upon substantial evidence in the record. CP 74 (Findings C, D).

² The juvenile court's Findings of Fact and Conclusions of Law are attached as an appendix. The court's findings are in narrative form.

6. The court erred when it failed to prioritize issues of culture, language, and national heritage in determining the best interest of the child. CP 76-77 (Finding VII).

7. The court failed to find the Department did not adhere to its own policies when it neglected to consistently provide interpreters or culturally competent service providers to Mr. P. or to the proposed guardians.

8. The court's findings concerning the father's visits and his bond with M.O. are not supported by substantial evidence in the record. CP 75 (Finding E); CP 76 (Finding VII).

9. The court's findings concerning the grandparents' suitability as proposed guardians are not supported by substantial evidence in the record. CP 77 -78 (Finding VII).

10. The court's findings concerning the child's reactions during visitation are not supported by substantial evidence in the record. CP 78 (Finding VIII).

11. The court's findings concerning the continuance of the parent-child relationship and its effect on the child's prospects for early integration into a stable and permanent home are not supported by substantial evidence in the record. CP 75 (Finding VII).

C. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. Unlike termination, guardianship allows children to maintain family relationships. A parent's decision that guardianship is appropriate is entitled to great weight. Before a trial court rejects a parent's guardianship petition, due process requires proof by clear and convincing evidence that guardianship is *clearly* contrary to the child's best interest. In determining that termination and adoption, rather than guardianship with the child's grandparents, was in the child's best interest, did the trial court err by applying a preponderance standard, and did the court err by failing to give great weight to the parents' desire for guardianship?

2. In order to terminate a person's parental rights, the Department must prove it actively sought to remedy recognized parenting deficiencies and offered all reasonably available services necessary to rehabilitate the parent or custodian. Here, the Department did not refer Mr. P. to the inpatient co-occurring disorders program they knew he needed, and did not request a copy of his evaluation, even though Mr. P. had cooperated with an evaluation and had signed releases of information. The Department also failed to provide parenting classes. Did the court err by finding the Department

adequately met its burden of proof, despite a lack of necessary services?

3. Before terminating a parent's rights, the Department must provide all reasonably available services capable of correcting the parent's deficiencies, tailored to the parent's specific needs. This obligation includes providing bilingual services for monolingual parents and delivering culturally competent services. The family in this case, including the grandmother who was the proposed guardian, are Tagalog-speakers from the Philippines; however, the Department failed to provide interpreters to explain how to clear the background check for a relative placement, or how to follow the rules for supervising visits with M.O.'s parents. Did the Department thus fail to tailor its services to the family's specific needs?

D. STATEMENT OF THE CASE

Mark P. and Mary O. have three children together; M.O. (06/19/15), the subject of this appeal, celebrated her second birthday during this trial. CP 1-4; RP 334. The parents also have an older daughter, M.R.O., age five, and an infant son, J.O. RP 280, 330.

Because the parents' substance abuse and mental health challenges interfered with their ability to care for the children, each

child was removed shortly after birth. RP 280. M.R.O., the eldest, has been living in a successful third-party custody placement with her maternal grandparents, Candalaria and James Triplett, for practically her entire life. RP 94. It is undisputed that M.R.O. is happy and healthy, living with her grandparents in Port Orchard. Id. (“She is the happiest kid I’ve ever seen”); RP 347-48. Mr. Triplett is a Naval Officer, who has three years of shore duty remaining, before his imminent retirement from the military. RP 130-32. When asked about the impact of his previous deployments, Mr. Triplett stated, “it takes a special kind of woman to be able to put up with something like that.” RP 132.

Mrs. Triplett is a homemaker, dedicated to raising their teenagers, including Edward – who just graduated from high school and hopes to study medicine, and Angelina, age 12. RP 96, 113-15, 148. Mrs. Triplett is most comfortable speaking Tagalog, which she speaks with Edward, who was born in the Philippines. RP 148, 177-79. Mrs. Triplett testified at trial through an interpreter. RP 148. The Triplett family has tried for years to assist their oldest daughter, Mary, who suffers from drug addiction and untreated mental illness. RP 92-93, 132.

When Mary's daughter M.O. was born in 2015, the Triplets informed the Department that they wanted to provide a home for M.O.; they had been caring for M.R.O. since 2013 and wanted the sisters to be together. RP 126-27, 148-49. However, the Department did not approve the Triplets as a relative placement for M.O., and the Department limited the sisters' visitation to one 30-minute supervised visit per month at the Department office in Bremerton. RP 52.

Despite the Triplets' eagerness to welcome their second granddaughter into their home, their application as a placement option for M.O. was delayed by the Department for years and was never actually approved. RP 83-85, 126-28. The Department stated this delay was due to Mrs. Triplett's inability to pass a background check. RP 248. The Department cited an incident in May 2014 when, during a marital spat, Mr. Triplett had called 911, concerned that Mrs. Triplett had taken too many Tylenol tablets. RP 71, 82, 149 (no medical attention was needed, as Mrs. Triplett had actually spit out the Tylenol). When officers responded to the call, Mrs. Triplett apparently threw a shoe at her husband in frustration. RP 149.

Although no other allegations were made and there was no history of family violence, Mrs. Triplett was arrested and charged with

Fourth Degree Assault-DV.³ RP 249. The case was later dismissed under the court diversion program. RP 260. Since Mrs. Triplett was never actually convicted of the assault, the Triplettts were not disqualified from consideration as a relative placement for M.O.; they simply needed an administrative waiver, according to social worker Nicole Reed. RP 260-61. However, the Department refused to consider the Triplettts for this waiver until Mrs. Triplett had completed diversion, including probation and services. Id.

Almost three years later, the Department finally sent the Triplettts a letter stating that, in light of Mrs. Triplett’s successful completion of the diversion process, the administrative review unit had approved Mrs. Triplett’s background check. RP 248-49; Ex. 24 (January 2017 letter). Despite this approval letter, the Department continued to resist placing M.O. in the Triplett home, stating the grandmother’s file was missing certain documents and that she needed to take “additional steps.” RP 248-57.

³ Although the Department apparently believed this slim allegation was serious enough to disqualify Mrs. Triplett as a relative placement, no other information regarding this incident was provided in the record. Apparently the shoe-throwing occurred in front of police officers, mandating an arrest. RCW 10.31.100; RCW 10.99.030(6)(a).

After three years of inaction, the parents commissioned an independent relative home study of the grandparents' home. RP 35-39. This home study was conducted by Sonja Ulrich, a licensed social worker who formerly conducted similar home studies for the Department. RP 38.⁴ Among other conclusions, the home study recommended definitively that placement of M.O. with her grandparents should be approved. RP 41; Ex. 23.

Meanwhile, the father, Mr. P., had initiated the remedial services ordered by the court following the September 2015 dependency disposition, including a substance abuse evaluation. RP 211, 233. However, the Department social worker never sent Mr. P.'s completed evaluation to inpatient programs, even though Mr. P. had signed releases of information. RP 238-40, 242.

The same social worker also failed to provide parenting classes to Mr. P., stating it was difficult to coordinate, since the visitation needed to be supervised, and the parents were not reliable enough about attending. RP 243-45. This testimony was contradicted, however, by the testimony of the guardian ad litem (GAL), who stated in her report that Mr. P. was quite consistent in visiting. RP 338-40. According to

⁴ Ms. Ulrich has over 24 years' experience as a social worker, with over 10 years at the Department, including as a manager. RP 38; Ex. 23.

the GAL, Mr. P. was “mostly consistent” with visitation, and he really made an effort to get down on the floor and engage with M.O., coming prepared with food and enjoying the time with his daughter. RP 339.

In April 2016, the Department filed a petition for the termination of parental rights. CP 1-4. In response, the parents filed a petition for guardianship, naming the Triplets as proposed guardians. CP 111-15.

Following a trial before the Honorable Leila Mills, the court entered an order denying the guardianship petition and granting the petition terminating both parents’ rights. CP 72-82.

E. ARGUMENT

THE COURT ERRED WHEN IT DENIED THE GUARDIANSHIP PETITION AND GRANTED THE DEPARTMENT'S PETITION TO TERMINATE MR. P’S PARENTAL RIGHTS.

1. In rejecting guardianship and choosing termination, the trial court applied the wrong standard and did not give appropriate weight to the parents’ desire to have their daughter cared for by her grandparents.

a. Guardianship is a permanent placement for dependent children and allows for the preservation of family ties.

Reunification of parents and their children is the goal of dependency proceedings. In re Dependency of K.N.J., 171 Wn.2d 568,

577, 257 P.3d 522 (2011); RCW 13.34.020. When that is not reasonably possible, termination of parental rights and adoption is not the only solution. The legislature has provided another far less draconian measure, one allowing for preservation of family ties – guardianship. Ch. 13.36 RCW; In re A.W., 182 Wn.2d 689, 697-700, 705, 344 P.3d 1186 (2015).

In enacting chapter 13.36 RCW, the Legislature found “that a guardianship is an appropriate permanent plan for a child who has been found to be dependent under chapter 13.34 RCW and who cannot safely be reunified with his or her parents.” RCW 13.36.010(1). In a guardianship, the guardian has custody of the child. RCW 13.34.020. Parents, however, continue “to have visitation, inheritance, and the right to consent to adoption.” A.W., 182 Wn.2d at 700. “Visitation is an important right that distinguishes a guardianship from termination.” Id. at 705. Moreover, termination of guardianship may occur based on a change in the parents’ circumstances. Id. at 707; see RCW 13.36.070(3).

The statute provides a guardianship may be established in one of two ways – 1) where all parties agree to the guardianship and the proposed guardians are found qualified under RCW 13.36.050; or 2)

where a child is found dependent under RCW 13.34.030 and similar criteria have been met to a termination of parental rights proceeding under RCW 13.34.180. RCW 13.36.040(2). The same criteria must be met to establish a guardianship as to grant a petition terminating parental rights; the State need not show, however, that the continuation of the parent-child relationship clearly diminishes the prospects for the child's early integration into a stable and permanent home, since a guardianship is also considered a permanent plan. Compare RCW 13.34.180(1)(f) with RCW 13.36.040(2).⁵

In a case involving a guardianship petition filed by the Department and a challenge to this statute by a parent, our Supreme Court held that establishing guardianship by a preponderance of the evidence complies with due process. A.W., 182 Wn.2d at 694, 714.

⁵ To establish a guardianship, the court must also find:

The proposed guardian has signed a statement acknowledging the guardian's rights and responsibilities toward the child and affirming the guardian's understanding and acceptance that the guardianship is a commitment to provide care for the child until the child reaches age eighteen.

RCW 13.36.040(2)(c)(vi).

b. Before a trial court chooses termination rather than guardianship, the State must prove that guardianship is *clearly* contrary to the child’s best interests.

In A.W., the Supreme Court did not determine the appropriate framework for a proceeding involving competing guardianship and termination petitions. Neither does the statutory scheme address such proceedings. In these scenarios, as here, the court must decide whether guardianship or termination is in the best interest of the child. See Matter of Welfare of JB, Jr., 197 Wn. App. 430, 438, 387 P.3d 1152 (2016); In re Dependency of A.C., 123 Wn. App. 244, 250, 98 P.3d 89 (2004). In making this determination, appellate courts have set forth a number of nonexclusive factors to aid the trial court. See A.W., 182 Wn.2d at 711-12; A.C., 123 Wn. App. at 254-55. The question remains, however, as to what degree of confidence the trial court must have before rejecting a parent’s choice of placement – guardianship – and choosing termination instead. In other words, what is the proper burden of proof? ⁶

⁶ Although Mr. P. raised this issue to some degree below, this type of claim may be properly raised for the first time on appeal as manifest constitutional error. RAP 2.5(a)(3); see State v. Kalebaugh, 183 Wn.2d 578, 583-85, 355 P.3d 253 (2015) (reviewing error related to burden of proof for first time on appeal); Haueter v. Cowles Pub. Co., 61 Wn. App. 572, 577 n.4, 811 P.2d 231 (1991) (same); see also RP 236-37, 386-87; CP 52-53.

This is an issue of constitutional due process:
The function of a standard of proof, as that concept is embodied in the Due Process Clause and in the realm of factfinding, is to instruct the factfinder concerning the degree of confidence our society thinks he should have in the correctness of factual conclusions for a particular type of adjudication.

Santosky, 455 U.S. at 754-55 (quoting Addington v. Texas, 441 U.S. 418, 423, 99 S.Ct. 1804, 60 L.Ed.2d 323 (1979) (internal quotations omitted)). The standard of proof has “both practical and symbolic consequences.” Santosky, 455 U.S. at 764.

Parents have a fundamental liberty interest in directing the upbringing of their children. Id. at 753. Children also have an interest in the parent-child relationship and in their extended family. In re Dependency of M.S.R., 174 Wn.2d 1, 15-16, 271 P.3d 234 (2012) (“child [in termination proceedings] is at risk of not only losing a parent but also relationships with sibling, grandparents, aunts, uncles, and other extended family.”). Termination, unlike guardianship, severs these family ties.

Moreover, there is a constitutional presumption that fit parents act in the child’s best interests. Troxel, 530 U.S. at 69-70; C.A.M.A., 154 Wn.2d at 63. When a fit parent makes a decision, the judiciary must give that decision “special weight.” Troxel, 530 U.S. at 69-70;

C.A.M.A., 154 Wn.2d at 63; see A.W., 182 Wn.2d 707 n.16 (“The State must assume that the interests of the parent and the child converge until the State proves by the requisite standard that there is parental unfitness.”). Government action that contravenes parents’ decisions regarding their children, including their living arrangements, must be carefully scrutinized. See Moore v. City of E. Cleveland, Ohio, 431 U.S. 494, 499, 97 S.Ct. 1932, 52 L.Ed.2d 531 (1977) (“when the government intrudes on choices concerning family living arrangements, this Court must examine carefully the importance of the governmental interests advanced and the extent to which they are served by the challenged regulation.”). Therefore, guardianship petitions filed by parents are inherently different from guardianship petitions filed by the Department and opposed by parents.

A guardianship does not require a determination that a parent is unfit. See A.W., 182 Wn.2d at 698-700. Moreover, parents in dependencies retain much of their constitutionally recognized parental authority. As recognized by the Legislature, “Parental authority is appropriate in areas that are not connected with the abuse or neglect that resulted in the dependency.” RCW 13.34.260(1). Thus, in seeking

to have M.O. placed with her grandparents and a guardianship established, Mr. P.'s decision was entitled to special consideration.

Given the interests at stake and the special weight that parental judgments are entitled to, a preponderance of the evidence standard is inappropriate in deciding whether guardianship is inappropriate. Rather, for a trial court to choose termination rather than guardianship, due process requires proof, by clear and convincing evidence, that guardianship is *clearly* contrary to the child's best interests.

This rule is supported by a case from the District of Columbia, In re T.J., 666 A.2d 1, 11 (D.C. 1995). In T.J., a child was placed in foster care because the child's mother had a mental illness that resulted in her being unable to care for the child. 66 A.2d at 4. After the child's great-aunt petitioned for custody, the child's foster mother sought to adopt the child. Id. at 4-5. In a joint hearing, the trial court denied the custody petition and granted the foster mother's adoption petition instead, determining that adoption was in the child's best interest by a preponderance of the evidence. Id. at 5.

The appellate court reversed, holding the trial court "erred in applying the preponderance of the evidence standard when weighing the foster mother's interest against the mother's right to preserve the

relationship of parent and child and to exercise her choice of the great-aunt as custodian.” Id. at 16. Rather, the parent’s choice of custodian was entitled to “a weighty consideration which can be overcome only by a showing, by clear and convincing evidence, that the custodial arrangement and preservation of the parent-child relationship is clearly contrary to the child’s best interest.” Id. at 11 (emphasis added). In reaching this decision, the appellate court reasoned “the trial court erred in placing the mother’s wishes on an equal footing with the other factors it considered.” Id.

Although involving custody and adoption proceedings, the T.J. standard logically extends to termination actions where alternate caretakers for a child are identified, as the D.C. appellate court has recognized. In re D.M., 86 A.3d 584, 587 n.12 (D.C. 2014).

Likewise, to protect the due process rights of Washington parents, this standard should be applied when a court is adjudicating a guardianship petition filed by a parent in conjunction with a termination petition filed by the State. This Court should hold that for a trial court to reject a parent’s guardianship petition in favor of the government’s termination petition, due process requires proof, by clear

and convincing evidence, that guardianship is *clearly* contrary to the child's best interests. See T.J., 66 A.2d at 11.

c. Because the trial court did not apply the appropriate standard, this Court should reverse.

Here, the parents wanted M.O. to reside with her maternal grandparents as her guardians. The Department opposed the parents' proposal, arguing the parents had not shown that guardianship was in M.O.'s best interest. RP 376, 426. The Department also compared the grandparents' home and the foster home, arguing M.O. "should remain where she's at in the home that she knows, and that this can be a permanent and stable home for her, and is in her best interest." RP 426. The guardian ad litem agreed with the Department, stating M.O. seemed traumatized due to the infrequent visitation with the Triplets, and thus, M.O.'s bond with her grandparents had not been allowed to grow naturally. RP 338.⁷

In rejecting the guardianship petition, the court accepted these contentions, finding the parents did not prove by a preponderance of the evidence that it was in M.O.'s best interest to establish guardianship

⁷ Although the Department and the GAL argued M.O. was traumatized by visitation with her parents (and extended family), no efforts were made or additional services provided to improve visitation. Although a child mental health specialist was consulted, no treatment or services were offered. RP 338.

rather than termination. CP 77, 78 (FF VII, VIII). The court also found the grandparents to be unsuitable guardians,⁸ due to concerns about Mrs. Triplett’s ability to set boundaries with the mother and finding that both the parents and the grandparents have an “unestablished bond” with M.O. RP 437, 444.

In rejecting guardianship and making its related findings, the trial court did not analyze whether guardianship was “clearly” contrary to N.A.’s best interests. T.J., 666 A.2d at 11. The trial court likewise failed to give “weighty consideration” to the parents’ choice of the grandparents as guardians for M.O. T.J., 666 A.2d at 11. Rather, as advocated for by the Department and the GAL, the trial court appears to have presumptively favored continuation of M.O.’s placement with the foster parents and termination of the parents’ rights. See CP 78 (FF VIII) (“Due to the child’s adjustment issues, it is not in the child’s best interest to move her”). When a parent seeks that a guardianship be established, placing a thumb on the scale against guardianship and in favor of termination is erroneous.

⁸ Mr. P. assigns error to the court’s finding regarding Mrs. Triplett’s much-discussed arrest for assault in the fourth degree, which was dismissed following diversion. CP 77 (Finding VII, Lines 21-22). The court found the grandmother “committed domestic violence against the grandfather when she overdosed,” which is both nonsensical and inconsistent with the record. RP 149-50, 248-50, 341-42.

Substantive due process recognizes the benefits of both immediate family and relative relationships. Moore, 431 U.S. at 503-06. In striking down a zoning ordinance that forbade a grandmother from living with and caring for her grandsons, the United States Supreme Court discussed America's rich tradition of extended families caring for and raising children:

Ours is by no means a tradition limited to respect for the bonds uniting the members of the nuclear family. The tradition of uncles, aunts, cousins, and especially grandparents sharing a household along with parents and children has roots equally venerable and equally deserving of constitutional recognition. Over the years millions of our citizens have grown up in just such an environment, and most, surely, have profited from it. Even if conditions of modern society have brought about a decline in extended family households, they have not erased the accumulated wisdom of civilization, gained over the centuries and honored throughout our history, that supports a larger conception of the family. Out of choice, necessity, or a sense of family responsibility, it has been common for close relatives to draw together and participate in the duties and the satisfactions of a common home. Decisions concerning child rearing, which Yoder, Meyer, Pierce and other cases have recognized as entitled to constitutional protection, long have been shared with grandparents or other relatives who occupy the same household indeed who may take on major responsibility for the rearing of the children. Especially in times of adversity, such as the death of a spouse or economic need, the broader family has tended to come together for mutual sustenance and to maintain or rebuild a secure home life.

Moore, 431 U.S. at 504-05. (internal footnotes omitted).

Our Legislature has also “recognized the importance of [family and relative] relationships in many portions of chapter 13.34 RCW.” M.S.R., 174 Wn.2d at 16. For example, chapter 13.34 recognizes that placement of a child with a relative or “other suitable person” is preferred, and the wishes of the parent should be followed, absent good cause. RCW 13.34.130(2); RCW 13.34.260(1). Thus, contrary to the court’s finding, due process and Washington law establishes that children benefit from knowing and having a relationship with their family and relatives. This includes M.O.

Lastly, the court’s factual findings concerning M.O.’s bonding with her grandparents and her father are not based upon substantial evidence. For example, the court found the parents had not established that M.O. shares a bond with her extended family, particularly her grandparents. RP 437; CP 77. Although the court acknowledged that the limited visitation between M.O. and her grandparents and sister may have been responsible for diminished familial bonds, the court found relevant only the bond “that currently exists on the day of trial.” RP 441 (“Whether or not the Department should have placed the child with the grandparents at the outset of the case or whether or not the

grandparents should have been visitation supervisors are not really the deciding factors in this case”).

The court’s findings were at odds with the GAL’s discussion of the “very important” benefits to children of maintaining connections with siblings and other extended family members, stating these connections often outlive a person’s connections to their own parents. RP 362. The GAL conceded that for M.O. to see her sister for only 30 minutes each month was hardly enough time to maintain a sibling bond, but that the GAL “didn’t make much effort” to increase this visitation. RP 363-64. The GAL also acknowledged that when M.O. visited with her grandfather, Mr. Triplett, she immediately felt quite at home with him, even though she had not seen him for a long time. RP 364-65. In fact, the GAL testified that M.O. “engag[ed] with Mr. Triplett much like she does with her father. So she seemed to feel comfortable with him.” RP 364.

Despite the GAL’s and the social worker’s testimony that M.O. felt comfortable with her father, and testimony from each that Mr. P. was consistent with visitation, playing on the floor with M.O. and enjoying their time together, the court’s findings discounted all of the positive testimony about the father-daughter bond. CP 75 (FF E), CP

76 (FF VII), CP 77 (FF VII). Mr. P. assigns error to the court's findings that there is "minimal parent-child bond" between him and M.O., when the evidence at trial established that M.O. was clearly bonded and comfortable with him and with her grandfather. RP 271-72 (social worker agrees that M.O. seeks out her father for comfort during visits), RP 364 (GAL testimony).

In sum, because the trial court applied the wrong standard, failing to determine whether a guardianship was clearly in M.O.'s best interest, the error affects all of its substantive findings related to the issue of guardianship. Applying the proper standard, the court would have made different findings and reached a contrary result. See T.J., 666 A.2d at 11.

Because the trial court failed to apply the proper standard, which would require finding a guardianship was not clearly in M.O.'s best interest, this Court should reverse the termination order. See Nguyen v. State, Dep't of Health Med. Quality Assurance Comm'n, 144 Wn.2d 516, 534, 29 P.3d 689 (2001) (reversing where tribunal improperly applied preponderance of the evidence standard rather than clear and convincing standard); A.M.M., 182 Wn. App. at 789-90 (reversing

termination order because trial court did not apply applicable law in effect).

2. The Department failed to provide bilingual and culturally competent services to the family.

In accordance with its obligation to tailor services to a parent's specific needs, the Department must provide interpreters for monolingual parents. RCW 74.94.025(1) requires the Department to provide non-English speaking parents with bilingual services, and WAC 388-271-0020 instructs the Department to timely provide a qualified interpreter to recipients of its services. Additionally, WAC 388-271-0030 requires the Department to translate written communications to a parent's native language.

These requirements are empirically sound because research demonstrates services conducted in a client's native language are more effective than services conducted in English as a second language. In re J.L.Q-R., No. 33276-4-III, 2016 WL 2593878, at *9 (May 5, 2016) (citing Am. Psych. Ass'n, Working with Immigrant-Origin Clients: An Update for Mental Health Professionals 8 (2013), <http://www.apa.org/topics/immigration/immigration-report-professionals.pdf>).⁹

⁹ GR 14.1(a) (unpublished opinions of the Court of Appeals may be accorded such persuasive value as the Court deems appropriate).

The Department must also deliver culturally competent services to parents from diverse backgrounds, in compliance with its mandate to provide tailored services to parents. E.g., In re Dependency of H.W., 92 Wn. App. 420, 428, 961 P.2d 963 (1998). The Department’s Administrative Policy defines “cultural competence” as “a set of congruent behaviors, attitudes, and policies that come together in a[n]...agency...which enables individuals to work effectively in cross-cultural situations. It promotes respect and understanding of diverse cultures and social groups and recognizes each individual’s unique attributes.”¹⁰

One of the Department’s stated policies is to deliver culturally competent services.¹¹ The Department’s policy has been implemented because “a lack of cultural competence can lead to misdiagnosis or

¹⁰ Admin Policy 7.22, Dep’t of Health & Soc. Serv. 2 (Sept. 22, 2011), <https://www.dshs.wa.gov/sites/default/files/SESA/odi/documents/07-22.pdf>.

¹¹ Id. at 1-2; see also Dep’t of Soc. & Health Serv., Cultural Competence Planning Guide (2011), <https://www.dshs.wa.gov/sites/default/files/SESA/odi/documents/CultCompGuid ebook22-1470.pdf>.

overpathologization of immigrant clients.”¹² Furthermore, a lack of cultural competence can lead to a misunderstanding of clients’ needs.¹³

Here, the Department failed to tailor its services to Mr. P. when it failed to consistently provide him or the proposed guardians with interpreters or culturally competent services. Although Mr. P. and Mrs. Triplett speak some English, they primarily speak Tagalog. RP 148, 326. No interpreter was present during Mr. P.’s services, and no interpreter was provided to the grandmother to assist her with navigating the labyrinthine relative placement or guardianship application process.

The court heard extensive testimony concerning the complicated background check procedures and the difficult process that was reportedly explained to Mrs. Triplett about navigating the Department’s administrative waiver department, as the grandparents tried to have M.O. placed in their home for several years. RP 248-59. Despite the social worker’s acknowledgment that Mrs. Triplett had no blemishes in her background, other than the diverted case, there is no evidence the

¹² J.L.Q.-R., 2016 WL 2593878, at *9 (citing Am. Psych. Ass’n, Crossroads: The Psychology of Immigration in the New Century 32-33 (2012), <http://www.apa.org/topics/immigration/immigration-report.pdf>).

¹³ Am. Psych Ass’n, Working with Immigrant-Origin Clients, supra, at 5.

Department ever provided a Tagalog interpreter, nor translated materials, in order to facilitate a relative placement. Rather, the Department allowed M.O. to reside in licensed care with non-relatives for years, encouraging cultural ties and the family bond to decrease. RP 45-46, 83-85; CP 23 (home study concludes much of the Department's communication with the grandmother occurred without interpreters and no attempt was made for relative placement or preservation of child's culture).

A pattern of disregard for both Mr. P.'s and the grandmother's linguistic needs, as well as M.O.'s need for cultural continuity persisted throughout the dependency. From the start, the Department placed M.O. in a foster home with a non-Filipino family. RP 360-61. The GAL testified that she viewed M.O.'s visits with her parents and grandparents, in which they brought traditional Filipino food and tried to speak Tagalog with M.O. as a way for the child to "still hav[e] that connection that way." RP 362. The GAL seem to completely misunderstand that should M.O. be adopted, this cultural connection with M.O.'s Filipino side would be immediately lost.

Bilingual and culturally competent services were necessary to aid Mr. P. and the grandparents, and to support the petition for

guardianship in this case. The Department's failure to timely and consistently provide such services requires reversal. RCW 13.34.180(1)(d) requires the Department to provide both the services ordered under RCW 13.34.136 and all reasonably available necessary services. In re Dependency of T.L.G., 126 Wn. App. 181, 200, 108 P.3d 156 (2005). Empirical evidence demonstrates that culturally competent service providers and service providers that speak the client's native language are better equipped to deliver successful outcomes. Am. Psych. Ass'n, Working with Immigrant-Origin Clients, supra, at 8; Ex. 23 (home study); RP 46-48 (concluding the Department has been very "dismissive" of the cultural values of this family).

The Department's failure to tailor its services to Mr. P.'s cultural and linguistic needs, and to provide appropriate interpretive services to him and to the proposed guardians during the dependency, requires reversal.

3. The trial court erred when it found by clear, cogent, and convincing evidence that the Department had provided all necessary services to the father.

The court erred when it found, as to the termination petition, that the Department had offered and provided all necessary services to Mr. P., despite its failure to send Mr. P.'s substance abuse evaluation to the inpatient program he needed, or to provide parenting education.

At trial, Department social worker Nicole Reed testified that she was "impressed" that Mr. P. followed through and completed a substance abuse evaluation – the first step toward receiving treatment. RP 241. However, when the evaluation recommended inpatient treatment, Ms. Reed admitted she never followed through by sending the completed evaluation to programs. RP 237-42. Ms. Reed did not call the evaluator to ask for a copy of the evaluation, even though she had received a signed release from Mr. P. to do so. RP 243. Nor did she make any other referrals for Mr. P. to receive treatment, although she stated he needed it. Id.

In addition, Ms. Reed determined that Mr. P. needed the Incredible Years parenting education program. RP 243. However, she never referred Mr. P. to this program, stating it would have been too complicated, due to the supervised visitation schedule. Id. at 243-45.

Ms. Reed admitted that the Department has provided this parenting program in other supervised visitation cases, but simply chose not to provide it here. RP 245.

The State is obligated to provide, or meaningfully offer, services to an unfit parent. RCW 13.34.145; RCW 13.34.180. The State must demonstrate “clear, cogent, and convincing evidence that [the parent] was offered or provided all reasonably available, potentially efficacious services.” T.L.G., 126 Wn. App. at 200 (emphasis in original); H.W., 92 Wn. App. at 428. The burden does not rest on the parent in need of services to seek them out, but on the Department. Id.

The services deemed essential to remedying Mr. P.’s parental deficiencies were not expressly offered and provided. See id. at 427-28. Because the Department failed to meet its burden to provide necessary services, the court’s order of termination should be vacated and reversed, and appropriate remedial services offered. T.L.G., 126 Wn. App. at 200. In the alternative, the proposed guardianship petition should be granted.

F. CONCLUSION.

The juvenile court applied the wrong standard when it failed to support M.O.’s cultural heritage and family connections, denying the

guardianship petition in favor of permanently severing M.O.'s connections with her biological family. In addition, the court's findings that the Department provided all necessary services to remedy Mr. P.'s alleged custodial deficiencies are not supported by substantial evidence in the record. This Court should reverse the petition terminating parental rights and grant the guardianship petition.

DATED this 30th day of November, 2017.

Respectfully submitted,

s/ Jan Trasen

JAN TRASEN – (WSBA 41177)
Washington Appellate Project (WSBA 91052)
Attorneys for Appellant

APPENDIX

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KITSAP
JUVENILE DEPARTMENT

In Re the Welfare of:

MAJA OLARTE
DOB 06/19/2015

NO. 16-7-00114-9

FINDINGS OF FACT AND CONCLUSIONS
OF LAW AS TO MARY OLARTE, MOTHER,
AND MARK PAREDES, FATHER

THIS MATTER having come on regularly for hearing for a termination of parental rights before the undersigned Judge of the above-entitled court in June 2017; MARY OLARTE, mother of the child did appear in person and through LEYNA HARRIS; the father, MARK PAREDES did appear in person and through counsel NATHAN COLLINS; the Washington State Department of Social and Health Services Social Worker, NICOLE REED, was personally present and represented through attorneys, ROBERT FERGUSON, Attorney General, and PETER KAY, Assistant Attorney General; STEPHENIE HOOKER appeared as Guardian ad Litem for the minor child; and the court having considered the files and records herein, and listened to all the evidence presented by all parties, and the court, NOW, THEREFORE, makes and enters the following:

FINDINGS OF FACT

I.

MAJA OLARTE was born on 06/19/2015.

II.

1
2 A petition setting forth allegations for the termination of parental rights relative to the
3 aforesaid child, who is within or resides within KITSAP County, has been filed.

III.

4
5 The parents are MARK PAREDES, father, and MARY OLARTE, mother.

IV.

6
7 MARK PAREDES filed, and the mother, MARY OLARTE joined, a RCW 13.36
8 guardianship petition on the child, naming JAMES TRIPLETT and CANDALARIA TRIPLETT as
9 proposed guardians for the child, under cause number 17-7-00152-0. As part of filing this
10 guardianship petition, the father stipulated, and the mother joined in, that the first five elements
11 under RCW 13.36.040(c)(i)-(v) have been met by a preponderance of the evidence. These five
12 elements are reflected in the first five elements under the termination statute, RCW 13.34.180
13 (1)(a)-(e). The Department presented evidence on these elements under the termination action.
14 The court finds the elements contained RCW 13.34.180 (1)(a)-(e) have been established by clear,
15 cogent and convincing evidence, even if there was no guardianship petition filed, as detailed below:

A.

16
17 MAJA OLARTE was originally found dependent in September 2015, and the court
18 subsequently entered a dispositional order as to the parents.

B.

19
20 Since being found to be a dependent child, the Kitsap County Juvenile Court has continued
21 to find MAJA OLARTE to be a dependent child pursuant to RCW 13.34.030, and placed out of the
22 parents' care. The child has been out of the parents' care her entire life.

C.

23
24 All services ordered under RCW 13.34.130 have been expressly and understandably offered
25 or provided to MARY OLARTE, including: Drug/Alcohol evaluation and treatment, random UAs,
26 psychological evaluation and parenting assessment; mental health intake and services, and

1 parenting classes. All services ordered under RCW 13.34.130 have been expressly and
2 understandably offered or provided to father, MARK PAREDES, including: Drug/Alcohol
3 evaluation and treatment, random UAs, mental health intake and services, and parenting classes.

4 D.

5 All services reasonably available, capable of correcting the parental deficiencies within the
6 foreseeable future, have been offered or provided to the parents. The father has failed to follow
7 through with the court ordered services, other than attending a drug/alcohol evaluation that
8 recommended in-patient treatment and spending one night at a detox facility. He instead testified
9 that he wanted to go to Alaska to work on fishing boats. The mother has failed to follow through
10 with the court ordered services, except for attempts at drug treatment. MARY OLARTE completed
11 an in-patient program in 2016, but failed to follow thorough with out-patient treatment. She is
12 currently in the Kitsap Criminal Drug Court program as a result of her pending criminal matter, and
13 has been sent to complete another in-patient treatment program due to her on-going substance use
14 by the Kitsap Criminal Drug Court.

15 E.

16 There is little likelihood that conditions will be remedied so that the child can be returned to
17 the parents in the near future. MARY OLARTE is currently unfit to parent the child. The mother
18 has not effectively participated in services to address her substance abuse and mental health issues.
19 She has a long history of such issues that have prevented her from being able to care for her
20 children. The parents had another child, Johnathan Olarte-Paredes, who was born in August 2016,
21 positive for methamphetamines. She has not been visiting with MAJA OLARTE on a regular basis,
22 and as a result there is a minimal parent-child bond present and no connection between the mother
23 and the child. The testimony was that the mother would often fall asleep when she did attend visits.

24 MARK PAREDES is currently unfit to parent the child. The father has not participated in
25 services to address his substance abuse and mental health issues. He has a long history of such
26 issues that have prevented him from being able to care for his children. The parents had another

1 child, Johnathan Olarte-Paredes, who was born in August 2016, positive for methamphetamines.
2 He has not been visiting with MAJA OLARTE on a regular basis, and while the child tolerated the
3 father at visits, there is a minimal parent-child bond present. The testimony was that the father
4 would often fall asleep at visits with the child. He has acknowledged that he is not able to care for
5 the child and wants the child to be placed in a guardianship.

6 V.

7 MAJA OLARTE is not an Indian child as defined by the Indian Child Welfare Act.

8 VI.

9 The Servicemembers Civil Relief Act of 2003, 50 U.S.C. §501, et. seq., does not apply.

10 VII.

11 Continuance of the parent-child relationship clearly diminishes the child's prospects for
12 early integration into a stable and permanent home. The Department can prove this element in one
13 of two ways. *In re Welfare of R.H.*, 176 Wn. App. 419, 428, 309 P.3d 620 (2013). First, the
14 Department can prove that prospects for a permanent home exist but the parent-child relationship
15 prevents the child from obtaining that placement. Second, the Department can prove the parent-
16 child relationship has a damaging and destabilizing effect on the child that would negatively
17 impact the child's integration into any permanent and stable placement. A guardianship is
18 material as to whether the Department has established this element.

19 The parents have filed a guardianship petition under RCW 13.36, 17-7-00152-0, naming
20 JAMES TRIPLETT and CANDALARIA TRIPLETT as proposed guardians, and the court has
21 reviewed RCW 13.36 and the case law on guardianships. Under the case of *A.W.*, 182 Wn.2d 689
22 (2015), and the case of *A.C.*, 123 Wn.App. 244 (2004), the court looks at various factors – there
23 is no exclusive set of factors, instead each case is unique. Under guardianships, the parent-child
24 relationship is maintained and some form of visitation is a part of the guardianship. There must
25 be some persuasive evidence that further contact between the parents and the child is beneficial
26 to the child – if the focus of a determination between a guardianship and a termination is what is

1 in the best interests of the child. This continued contact is an important factor for the court to
2 consider on the issue of guardianship and termination.

3 Here, there is a minimal parent-child bond present, and the parents have served to
4 destabilize the child. Both the mother and the father have on-going methamphetamines use and
5 mental health issues. The parents have not consistently attended visitation and they have not
6 developed a bond with the child as a result of their failure to consistently attend visitation. When
7 the parents did attend visitation, they would often fall asleep. There is no evidence that the bond
8 between the parents and the child is growing. The parents may want a bond with the child, but
9 their actions have caused a bond not to be present, even after two years into the case. The child
10 has been in care for two years, waiting for the parents. The mother, especially, has been absent
11 from visitation due to her in-patient attendance and criminal issues.

12 Furthermore, MAJA OLARTE has had a negative reaction when going to visitation.
13 Visits have been traumatic for MAJA OLARTE and she has had great difficulty adjusting to
14 these visits, when the parents would attend. These negative reactions are a strong indication of
15 the parents' failure to develop a parent-child bond with the child. The parent-child relationship
16 has a damaging and destabilizing effect on the child that would negatively impact the child's
17 integration into any permanent and stable placement.

18 Prospects for a permanent home exist but the parent-child relationship prevents the child
19 from obtaining that placement. The continuation of the parent-child relationship diminishes her
20 prospects for early integration into a permanent and stable home. Due to the child's adjustment
21 issues, it is not in the child's best interest to move her. The child cannot be returned to the
22 parents, due to their parental unfitness, and she is not legally in a permanent and stable home as
23 long as the parental rights remain. Instead, the child should be freed up for an adoption, as this
24 would provide her with a permanent and stable home.

25 In making its decision, the court is not minimizing issues of culture, language, and
26 heritage, as these are important factors. However, cultural values cannot override what is in the

1 best interest of the child at issue. The court must consider where MAJA OLARTE is at in her
2 short life and what is best for her. She does not have a positive relationship, and very little bond,
3 with the mother, the father, or the grandparents.

4 A guardianship is not in the best interest of MAJA OLARTE. Even if JAMES
5 TRIPLETT and CANDALARIA TRIPLETT were suitable guardians for the child, the result
6 would be the same - a guardianship is not in the best interest of MAJA OLARTE. Should the
7 Department have placed with the child with the grandparents initially is not the deciding factor in
8 the case. Instead, the issue is the best interest of the child in terms of placement.

9 The grandmother's criminal domestic violence matter impeded the child's placement
10 early in the case. CANDALARIA TRIPLETT was on probation for domestic violence until June
11 2016, after the child was placed in her current foster/adoptive placement. It was clear that
12 JAMES TRIPLETT was not present in the home at times during the case due to his Navy
13 commitments. The mother had also vetoed JAMES TRIPLETT as a visitation supervisor during
14 the case, and MARY OLARTE and MARK PAREDES were together, and visiting together,
15 during most of the case. As a result, the Department could not have JAMES TRIPLETT
16 supervise the parents' visits, even when he was present in the area.

17 Even if not looking at the child's perspective, the TRIPLETTs are not suitable guardians
18 in general. The court will not place another child in their care as there are sufficient concerns for
19 the court. The fact that Mariah Olarte was previously placed with the Triplett's in a non-parental
20 custody action, and has not yet been removed from their care, is not the dispositive factor, or the
21 standard for the court. Since the placement of Mariah, the grandmother committed domestic
22 violence against the grandfather when she overdosed. CANDALARIA TRIPLETT has
23 minimized the parents' methamphetamine and mental health issues. She allowed the parents to
24 drive her and Mariah to a visit with MAJA OLARTE, while the parents were actively using
25 methamphetamines. The grandmother testified that she relies on the parents to tell her when they
26

1 are using methamphetamines and takes them at their word. As the grandmother testified, if she
2 was to ask them, the parents would just say no, that they were not using methamphetamines.

3 There is a lack of boundaries between the parents, with their methamphetamine and
4 mental health issues, and the grandparents. The parents were living at the grandparents' residence
5 when Johnathon Olarte-Paredes was born in August 2016, and tested positive for
6 methamphetamines at birth. CANDALARIA TRIPLETT testified that the mother told her that
7 the mother would stop bothering her if she gets placement of the kids. The court has serious
8 concerns about whether the grandmother can stand up to the parents, with the grandfather gone in
9 the Navy. The court cannot guarantee the safety of the child if the child was placed with the
10 grandparents as a result of all of these issues.

11 VIII.

12 An order terminating all parental rights is in the best interests of the child. A guardianship
13 is not in the best interest of MAJA OLARTE. There is no evidence that the bond between the
14 parents and the child is growing. When the parents did attend visitation, they would often fall
15 asleep. Furthermore, MAJA OLARTE has had a negative reaction when going to visitation.
16 Visits have been traumatic for MAJA OLARTE and she has had great difficulty adjusting to
17 these visits, when the parents would attend. These negative reactions are a strong indication of
18 the parents' failure to develop a parent-child bond with the child.

19 Due to the child's adjustment issues, it is not in the child's best interest to move her. The
20 child cannot be returned to the parents, due to their parental unfitness, and she is not legally in a
21 permanent and stable home as long as the parental rights remain. Instead, the child should be
22 freed up for an adoption, as this would provide her with a permanent and stable home.

23 IX.

24 The Guardian ad Litem, STEPHENIE HOOKER, appeared at the hearing and
25 recommended that the parental rights of MAJA OLARTE, child, be permanently terminated.
26

X.

1
2 The child has the following siblings: Mariah Olarte, who resides in the non-parental custody
3 with James and Candalaria Triplett. The children have been having sibling contact during visits.
4 Johnathan Olarte- Paredes, a dependent child, resides in a different foster home and the children
5 have been having sibling contact during visits.
6

7 FROM THE FOREGOING FINDINGS OF FACT, THE COURT NOW MAKES AND
8 ENTERS THE FOLLOWING:
9

CONCLUSIONS OF LAW

I.

10
11
12 That this court has jurisdiction of the person of said minor child, of MARY OLARTE,
13 mother, MARK PAREDES, father, and of the subject matter of this case.
14

II.

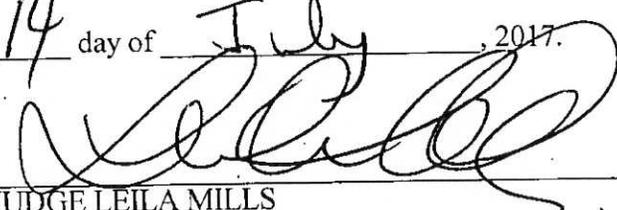
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16 That it would be in the best interest of the minor child, including the child's health and
17 safety, that the parent-child relationship between the above-named child and MARY OLARTE,
18 mother, and MARK PAREDES, father, be terminated and that the child be placed in the custody of
19 the Washington State Department of Social and Health Services for placement as best suits the
20 needs of the child. The Department of Social and Health Services has the authority to consent to
21 the adoption of the child and to place said child in temporary care and authorize any needed medical
22 care, dental care or evaluations of the child until the adoption is finalized.
23

III.

24
25 That all the allegations contained in the termination petition, as provided in RCW
26 13.34.180(1)(a) - (f) have been established by clear, cogent, and convincing evidence.

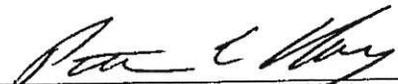
IV.

That an order terminating the parent and child relationship between MARY OLARTE, mother, MARK PAREDES, father and MAJA OLARTE, child, is in the best interests of the child. An order establishing a guardianship under RCW 13.36 is not in the best interests of the child.

DONE IN OPEN COURT this 14 day of July, 2017.

JUDGE LEILA MILLS
LEILA MILLS

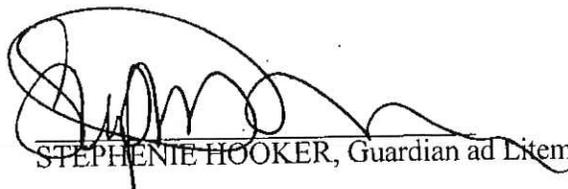
Presented by:

ROBERT FERGUSON
Attorney General


PETER KAY, WSBA #24331
Assistant Attorney General

Approved for Entry:


NATHAN COLLINS, WSBA # 48613
Attorney for MARK PAREDES, father


STEPHENIE HOOKER, Guardian ad Litem


LEYNA HARRIS, WSBA # 48038 AS TO FORM
Attorney for MARY OLARTE, mother

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KITSAP
JUVENILE DEPARTMENT

In Re the Welfare of:
MAJA OLARTE, DOB 06/19/2015

NO. 16-7-00114-9

ORDER OF TERMINATION AS TO MARY
OLARTE, MOTHER, AND MARK PAREDES,
FATHER.

THIS MATTER having come on regularly for a hearing for a termination of parental rights before the undersigned Judge of the above-entitled court in June 2017; the father, MARK PAREDES did appear in person and was presented by counsel NATHAN COLLINS; MARY OLARTE, mother, did appear in person and was represented by counsel LEYNA HARRIS; the Washington State Department of Social and Health Services Social Worker, NICOLE REED, was personally present and represented through attorneys, ROBERT FERGUSON, Attorney General, and PETER KAY, Assistant Attorney General; STEPHENIE HOOKER appeared as Guardian ad Litem for the minor child; and the court having listened to all the evidence presented by all parties, the arguments of counsel, and the court having made and entered its Findings of Fact and Conclusions of Law, and being in all matters fully advised, NOW, THEREFORE, it is hereby

ORDERED, ADJUDGED and DECREED that said child, MAJA OLARTE, is hereby declared to be a dependent child as defined by RCW 13.34.030 and under the permanent jurisdiction of the court, and that MARY OLARTE, mother, and the father, MARK PAREDES, no longer retain parental rights and all rights, powers, privileges, immunities, duties and obligations, including any rights to custody, control, visitation or support existing between MARY OLARTE,

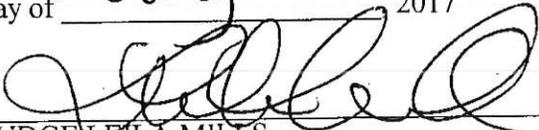
1 mother, the father, MARK PAREDES and the child are severed and terminated, and MARY
2 OLARTE, mother, and the father, MARK PAREDES shall have no standing to appear at any
3 further legal proceedings concerning the child. It is further

4 ORDERED, ADJUDGED and DECREED that any support obligation existing prior to the
5 effective date of this order is not severed or terminated. It is further

6 ORDERED, ADJUDGED and DECREED that the child is committed to the custody of the
7 Department of Social and Health Services, and said Department has the right and authority to give
8 consent to travel and consent to medical, minor surgery, and dental care deemed necessary for the
9 welfare of said child without further order of the court until adoption is finalized. It is further

10 ORDERED, ADJUDGED and DECREED that the Department of Social and Health
11 Services has the authority to place said child for adoption and must consent to the adoption of said
12 child pursuant to RCW 26.33.160.

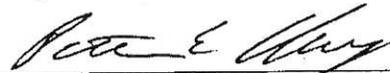
13 DONE IN OPEN COURT this 14 day of July 2017

14 
15 JUDGE LEILA MILLS

LEILA MILLS

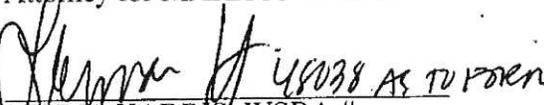
16 Presented by:

17 ROBERT FERGUSON
18 Attorney General

19 
20 PETER KAY, WSBA #24331
Assistant Attorney General

21 Approved for Entry:

22 
23 NATHAN COLLINS, WSBA #48613
24 Attorney for MARK PAREDES

25 
26 LEYNA HARRIS, WSBA #
Attorney for MARY OLARTE


STEPHENIE HOOKER
Guardian ad Litem

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION TWO**

IN RE M.O.)	
MINOR CHILD)	
)	
)	
M.P.,)	NO. 51127-4-II
)	
)	
APPELLANT FATHER.)	
)	

DECLARATION OF DOCUMENT FILING AND SERVICE

I, MARIA ARRANZA RILEY, STATE THAT ON THE 30TH DAY OF NOVEMBER, 2017, I CAUSED THE ORIGINAL **OPENING BRIEF OF APPELLANT** TO BE FILED IN THE **COURT OF APPEALS - DIVISION TWO** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

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SIGNED IN SEATTLE, WASHINGTON THIS 30TH DAY OF NOVEMBER, 2017.

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