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NO. 97731-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re the Welfare of

M.B.,

Minor Child.

RESPONSE TO MOTION FOR DISCRETIONARY REVIEW

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I. INTRODUCTION

The father, N.B., seeks discretionary review of the Court of Appeals ruling affirming the termination of his parental rights of M.B., minor child. Discretionary review should be denied because the trial court in this case did everything it could to accommodate N.B.'s appearance in court for his termination trial. Unfortunately, despite granting multiple continuances of the trial date and signing multiple orders to transport N.B. from the Larch Corrections Center to the Pierce County Jail, there was no guarantee that he would be present in court for trial. However, N.B. benefited from zealous representation throughout the dependency proceedings and at the termination trial. His attorney was able to communicate with him and send him documentation during the trial. He appeared and testified by telephone on the last day of his trial. N.B. fails to establish how his presence in trial would have resulted in any different or additional evidence relevant to the factual issues resolved by the trial court.

At the time of trial, M.B. had been living in the same foster home for nearly three years, which is the only home he knows. This foster family would like to adopt M.B. The Department's ability to produce evidence to establish permanency for M.B. depended on resolving the trial as soon as possible. Balancing all of the interests at stake, the trial court correctly

determined that the child's right to and interest in permanency required the parties to proceed with trial without N.B.'s physical presence.

II. RESTATEMENT OF THE ISSUE

Did the trial court violate a represented father's procedural due process rights when there is no absolute right to appear personally at a parental rights termination trial, the trial court attempted to accommodate the father's presence on multiple occasions, the father was represented at trial by able counsel, and the father fails to establish any prejudice resulting from the trial court's actions?

III. RESTATEMENT OF THE CASE

N.B. is the father of M.B., born October 18, 2015. Exs. 1-3. The Department filed a dependency petition regarding M.B. soon after he was born. Exs. 1-3. The Pierce County Juvenile Court found him dependent on December 8, 2015. Exs. 5, 7. M.B. has lived in the same foster home since he was "days old." RP 300. This family is the only home that M.B. has known, and they are willing to adopt him. RP 301, 139.

N.B. has a severe opiate use disorder and a severe amphetamine use disorder. RP 48, 51. He attempted to obtain custody of M.B. throughout the dependency, but he could never sustain sobriety or remain out of jail long enough to do so. During M.B.'s dependency, N.B. was serving a Drug Offender Special Alternative (DOSAs) sentence as a result of convictions in

2015. RP 157, 162; Exs. 66, 71. While under the Department of Corrections (DOC) supervision, he violated his DOSA conditions 16 times, such as failing to report, failing to be available for urinalyses, and consuming controlled substances. RP 166. He tried to “work the system” and did not complete all recommended chemical dependency requirements for his DOSA sentence. RP 167-68, 46-47, 63. N.B. went to jail six different times during the dependency for these violations. *See* RP 171-74.

The Department of Corrections revoked his DOSA status in June 2018 because DOC officers found needles and tinfoil in his bedroom and foil, a scale, and a bottle of urine in his car in May 2018. RP 173, 129, 136. He also admitted to DOC officers that he had been using methamphetamine. RP 135-36. As a result, N.B. was in prison at the time of the termination trial with a release date in February 2019. RP 255, 169.

Because of N.B.’s inability to make progress toward reunification, the Department filed a petition to terminate parental rights on October 31, 2017. CP 1-4. The juvenile court initially set the termination trial date for April 25, 2018. CP 21. However, the parties agreed to continue the trial date to June 13, 2018, due to a dependency retreat scheduled for April 25 and the Assistant Attorney General’s (AAG) trial schedule. CP 42-43. The parties again agreed to a continuance until June 20, 2018, because they anticipated that the juvenile court would change the permanent plan to

guardianship. CP 83-84. The juvenile court maintained a permanent plan of adoption and the parties agreed to continue the termination trial to August 8, 2018, for purposes of trial preparation. CP 85-86. Finally, the parties agreed to a continuance to September 5, 2018, because they needed to obtain records for trial. CP 103-104. Thus, contrary to N.B.'s claim that only the State had requested continuances of the termination trial date, all parties had in fact agreed on them because of scheduling conflicts or trial preparation issues. Mot. for Discretionary Review at 11.

The Department proceeded to trial on September 5, 2018. RP 1. Because of his revoked DOSA sentence, N.B. was incarcerated at the time of trial in the Larch Corrections Center near Vancouver, WA, but he was represented by counsel at all times during the proceedings. RP 1, 3-4; *see generally* RP. In fact, trial counsel represented N.B. over the past couple of years in his dependency before the termination trial, since at least June 2016.¹ *See* Ex. 13 at 1, 13.

¹ Exhibits 13, 17, 18, and 19 all reflect that N.B. and trial counsel, or her designee, were present together for review hearings throughout the dependency.

On the first day of the termination trial, September 5, 2018, the parties discussed potential options for N.B.'s participation in the trial. The "legal phone" at Larch Corrections Center was not operational. *See* RP 3-4, 7. Moreover, N.B. could not use a different phone at the facility for more than a couple of hours because of DOC employee resources and caseload issues. *See* RP 3-5. Thus, N.B.'s appearance by phone for the entire trial was simply impossible. RP 5. The trial court agreed to sign an order for transport but recognized that it could not force the DOC to comply, as the trial court lacked jurisdiction over the DOC. RP 11. The court granted N.B. a 24-hour continuance to allow the parties to prepare an order for transport. *See* RP 10-13. The court signed an order for transport that day. CP 127-28.

The next day, the parties again appeared in court. They expected N.B. to be transported by Tuesday, September 11, 2018. RP 18. The trial court emphasized that it wanted to accommodate N.B.'s presence if possible and granted another trial continuance until September 11. *See* RP 16.

Unfortunately, N.B. was not present in court on September 11. Either the DOC or the Pierce County Sheriff had informed N.B.'s counsel that neither organization would transport N.B. due to the language in the September 5 order for transport. RP 36-37; CP 127-28. As a result, the trial court signed an amended order directing the DOC or the Pierce County

Sheriff to transport N.B. to Pierce County Superior Court by September 17.²
RP 36; CP 132-34.

Two professional witnesses from Northwest Integrated Health appeared in court on September 11. RP 36-37. N.B.'s counsel agreed that these two witnesses could present their testimony on that day despite N.B.'s absence from the courtroom. RP 35-37. The court recognized that defense counsel could call these witnesses again in her case-in-chief if she so desired. *See* RP 37.

The court informed the parties that it would make time in its schedule for trial to occur the following week in order to accommodate N.B.'s presence. RP 38-40. However, it emphasized the need to finish trial by September 20 because of judicial conferences and a weeklong recess after the conferences. RP 40. The court said it "loses its availability" after September 20, and it "becomes very problematic" if trial is not done by that time. RP 86. Both the AAG and defense counsel acknowledged that the court was doing everything it could to accommodate N.B.'s presence for trial. *See* RP 87.

² The court signed two orders on September 11, 2018. The only difference between the two orders is the date noted for trial and when the court ordered N.B. to be in the Pierce County Jail. *Compare* CP 131-32 *with* CP 133-34 (first order directs the Pierce County Sheriff to transport N.B. to the courtroom on September 13, and the second order directs the Sheriff to transport on September 17). The trial court signed two orders because it initially expected to resume trial on September 13, but the parties did not appear in court again until September 18. *See* RP 85, 94.

The following week, on September 18, N.B. was again not present in court. RP 91. At this point, the Superior Court had signed three orders³ directing the DOC or the Pierce County Sheriff to transport N.B. to Pierce County for a particular date. RP 91; CP 131-36. The trial court explained to the parties that “it is not uncommon” for inmates not to be transported for dependency cases, and that “it is not always easy” to get a defendant in DOC custody transported for dependency cases. RP 91.

Defense counsel informed the court that she had received correspondence stating that the earliest N.B. could be transported was September 27. RP 92-93; CP 137-38. The AAG informed the court that the number of continuances since September 5 was “beginning to compromise [his] ability to get witnesses [in court],” and when delay starts to compromise a child’s chance for permanency, he must advocate to resolve the trial as soon as possible for the child’s best interest. *See* RP 94-95. Responding to the AAG’s objection to another continuance, the court explained that it has to balance all of the different interests involved in the trial, which included the child’s interest in permanency. RP 95. The court emphasized the fact that the trial had been set over in vain multiple times to

³ The Superior Court technically signed four orders, including the duplicated order from September 11, as explained in footnote 2.

accommodate N.B.'s interest in his presence at trial. RP 95-96. The trial court directed the parties to proceed with trial. RP 95.

Notably, however, the trial court agreed that if defense counsel could confirm that N.B. would be present in court on September 27, it would consider allowing him to appear for trial on that day. *See* RP 96. Otherwise, the court would accommodate N.B.'s testimony by phone, if possible. *See* RP 96. The court asked defense counsel to see if the father could be available by phone for testimony the following day, September 19, and proceeded with trial. RP 178.

The next day, N.B. appeared by phone for his testimony. RP 238. The court allowed him to testify out of order, before the AAG rested his case, and he remained on the phone for part of defense counsel's cross-examination of the social worker and the entirety of the Guardian ad Litem's (GAL) testimony. RP 278-305. Thereafter, the Department rested. RP 304. The court asked defense counsel if N.B. had any further witnesses to call, and counsel responded "no." RP 304. Defense counsel made no mention of whether N.B. could be present on September 27. *See* RP 238-335.

The court gave its oral ruling on September 20 and terminated N.B.'s parental rights. RP 336-54. Defense counsel again made no mention of whether N.B. could be present for court on September 27. RP 337-54. The court noted in its ruling that the father participated in trial through his

attorney. RP 337. The court indicated that the parties made numerous efforts to arrange N.B.'s in-person court appearance with three signed orders for transport with varying language. RP 337. Defense counsel told the court that she "appreciate[d] the efforts that [the trial judge] made in trying to get [N.B.] transported [to court]." RP 354. The Court of Appeals affirmed the trial court's ruling. N.B. now seeks discretionary review with this Court.

IV. REASONS WHY THE COURT SHOULD DENY REVIEW

A Court of Appeals order terminating parental rights is subject to further review by the Supreme Court only if it meets one or more of the criteria in RAP 13.4(b). *See* RAP 18.13A(j), 13.3(e), 13.5A(a)(4)(b). The father argues that his motion should be accepted for review under RAP 13.4(b)(3) (a significant question of constitutional law) and RAP 13.4(b)(4) (an issue of substantial public interest), claiming that the trial court violated his due process rights by proceeding with trial without his physical presence. N.B.'s argument is without merit. This appeal involves an analysis of case-specific facts applied to well-settled doctrine. N.B.'s absence from the courtroom did not violate his due process rights under a *Mathews* balancing test. Thus, discretionary review should be denied.

The decision to proceed with a termination trial in the absence of a parent rests in the trial court's sound discretion. *In re Interest of Darrow*,

32 Wn. App. 803, 808-09, 649 P.2d 858 (1982). Appellate courts review alleged due process violations de novo. *In re Welfare of L.R.*, 180 Wn. App. 717, 723, 324 P.3d 737 (2014).

A. The *Mathews* Balancing Test Is Used to Determine Whether N.B. Was Deprived of Due Process

Due process in the termination context requires that parents have notice, an opportunity to be heard and defend, and the right to be represented by counsel. *In re L.R.*, 180 Wn. App. at 723 (citing *In re Welfare of S.E.*, 63 Wn. App. 244, 250, 820 P.2d 47 (1991)). The right to be heard “ordinarily includes the right to be present.” *Id.* (citing *In re Welfare of Houts*, 7 Wn. App. 476, 481, 499 P.2d 1276 (1972)). However, there is no absolute right for an incarcerated parent to personally attend a termination proceeding or to appear telephonically. *Id.* at 723-24 (citing *In re Dependency of M.S.*, 98 Wn. App. 91, 94-96, 988 P.2d 488 (1999); *In re Interest of Darrow*, 32 Wn. App. at 808). Due process does not guarantee the right to appear personally and defend, so long as the person was afforded an opportunity to defend through counsel. *See Darrow*, 32 Wn. App. at 808.

In determining whether a parent received adequate due process in his trial, a court must balance the three factors set forth in *Mathews v. Eldridge*, 424 U.S. 319, 335, 96 S. Ct. 893, 47 L. Ed. 2d 18

(1976). See *In re L.R.*, 180 Wn. App. at 724. The *Mathews* balancing test weighs (1) the parent's interest, (2) the risk of error created by the procedures used, and (3) the State's interests. *In re L.R.*, 180 Wn. App. at 724.

B. A Balancing of the *Mathews* Factors Based on the Specific Facts in This Case Demonstrates That N.B.'s Absence From the Courtroom Did Not Violate His Due Process Rights, and, as a Result, Does Not Present Any Issue of Constitutional Concern or Broader Public Importance

The Court of Appeals properly weighed the particular facts of this case in its analysis of the *Mathews* factors. Its ruling is consistent with well-settled law. There are no significant questions of law under the Washington or U.S. Constitution involved with this case, and there are no issues of substantial public interest. Accordingly, because the trial court's actions did not violate N.B.'s due process rights, and the Court of Appeals properly affirmed the trial court's ruling, this Court should deny review.

Under the first prong of the *Mathews* balancing test, the Department recognizes the importance of N.B.'s interest in his right to parent. See *L.R.*, 180 Wn. App. at 724 (parents have a fundamental liberty interest in the care and custody of their children) (citing *In re Dependency of K.D.S.*, 176 Wn.2d 644, 652, 294 P.3d 695 (2013)). However, "the right to be present at trial is not absolute and must be balanced against the other two *Mathews* factors." *In re L.R.*, 180 Wn. App. at 725.

1. **N.B. was subject to little risk of error because counsel represented N.B.'s interests throughout the dependency and termination proceedings, N.B. testified telephonically, and N.B. fails to articulate how his absence prejudiced his ability to defend and present evidence**

The second *Mathews* factor assesses whether the hearing had sufficient procedural safeguards to insure that the parent had a full and fair opportunity to defend—i.e., to present evidence, rebut opposing evidence, and present legal arguments. *In re L.R.*, 180 Wn. App. at 725 (internal citations omitted). The ability to defend through counsel reduces the risk of error. *Id.* at 724.

Sufficient procedural safeguards in this case insured that N.B. had a full and fair opportunity to defend. He had an attorney who advocated on his behalf throughout the trial. N.B. appeared telephonically during the trial and provided testimony. Importantly, N.B. is unable to demonstrate how his absence from the courtroom affected his ability to defend or how the court would have ruled differently.

Although *In re Welfare of K.J.R.* is an unpublished decision,⁴ that decision's analysis regarding the second *Mathews* factor is directly analogous to the present case for two reasons. First, counsel represented the parent in that case for multiple years in related dependency proceedings

⁴ GR 14.1(a) permits citation of unpublished Court of Appeals decisions filed on or after March 1, 2013, as long as they are identified as such by the citing party.

before the termination trial, resulting in a low risk of error. *In re Welfare of K.J.R.* Nos. 45304-5-II, 45310-0-II 2014 WL 3970750 at *10 (Wash. Ct. App. August 12, 2014) (unpublished). Second, the parent in *K.J.R.* telephonically appeared for part of her termination trial and testified over the phone, also indicating a low risk of error. *Id.*; *see also In re Welfare of L.R.*, 180 Wn. App. 717, 726, 324 P.3d 737 (2014). The *K.J.R.* Court pointed out that these protective factors existed in *L.R.* and found that, like in *L.R.*, the juvenile court had no guarantee of the parent's timely release from jail. *See K.J.R.*, 2014 WL 3970750 at *10-11 (citing *In re L.R.*, 180 Wn. App. at 726-27).

N.B. argues that his case resulted in a due process violation because he was absent for a greater portion of his trial than the mother in *L.R.* and he was not provided the additional procedural safeguards afforded to the mother in *L.R.* Not so. The Court of Appeals Commissioner correctly ruled that the differences between N.B.'s case and *L.R.* do not result in a risk of error that amounts to a due process violation. Ruling at 7. For example, N.B.'s attorney represented his interests throughout the entire termination trial and for at least two years prior during the dependency. RP 3; Ex. 13 at 1, 13; Ruling at 7. Trial counsel communicated with N.B. and sent him documentation to review during trial. *See* RP 8, 92-93; Ruling at 7. Thus, contrary to N.B.'s false claim, counsel and N.B. were well acquainted and

communicated during the trial.⁵ Moreover, the trial court would have allowed N.B.'s trial counsel to re-call the State's witnesses during N.B.'s case-in-chief if counsel deemed that necessary. *See* RP 37; Ruling at 7. Because trial occurred over the course of multiple days, counsel could have consulted with her client about any of the evidence presented in N.B.'s absence and then decided whether further examination was necessary. N.B. fails to cite any support in the record for his claim that the trial court would have allowed only him to testify on September 27. Mot. for Discretionary Review at 15. Nevertheless, the fact remains that N.B. never confirmed whether he could actually appear in court on September 27, making any question about what *could have* happened purely speculation. *See* RP 96-235, 238-335, 337-54.

Additionally, on the day that N.B. appeared for trial telephonically, he heard part of his attorney's cross examination of the social worker and the entirety of the GAL's testimony. RP 278-305. N.B. also testified telephonically and offered evidence, further reducing any risk of error. RP 238-78.

⁵ As explained in footnote 1, exhibits 13, 17, 18, and 19 all reflect that N.B. and trial counsel, or her designee, were present together for review hearings throughout the dependency. The portion of the record that N.B. cites in support of his claim that counsel had never spoke to him until less than a week before trial in fact says "... that was the first time I had been able to talk to my client *since he was in the facility.*" Mot. For Discretionary Review at 10; RP 8 (emphasis added).

Significantly, N.B. does not identify *how* his physical presence at the trial would have resulted in any different or additional evidence relevant to the factual issues resolved by the trial court. *In re L.R.*, 180 Wn. App. at 726 (incorporating prejudice analysis into second *Mathews* factor). In other words, he fails to articulate how the trial court's actions prejudiced his ability to defend. Rather, N.B. vaguely claims the trial court "violated [his] constitutional right to Due Process by continuing with the trial without his telephonic or physical presence" and generally suggests that his presence would have assisted trial counsel.⁶ Mot. For Discretionary Review at 8, 10. However, he fails to identify any specific way his presence would have affected his attorney's ability to examine witnesses or represent his interests, and thus has not identified any identifiable prejudice. *See In re Adoption of K.M.T.*, 195 Wn. App. 548, 568, 381 P.3d 1210 (2016) (parent failed to show actual prejudice when unable to articulate how parent's presence would have assisted trial counsel). N.B.'s decision not to re-call any of the State's witnesses in his case-in-chief suggests that N.B.'s

⁶ N.B. failed to preserve his procedural due process argument regarding the two Northwest Integrated Health witnesses who testified in court on September 11 because trial counsel agreed to go forward with their testimony on that day, despite N.B.'s absence. RP 36-37; *see In re Adoption of K.M.T.*, 195 Wn. App. 548, 567, 381 P.3d 1210 (2016) (Parent waived right to appeal a procedural due process error when attorney did not object regarding issue of telephonic presence). Nevertheless, prejudice is the central question in a circumstance where trial counsel fails to object, thus resulting in a similar analysis for the claims that N.B. properly preserved. *Id.* at 567-68 (explaining manifest error under RAP 2.5(a)(3), which requires showing actual prejudice).

presence was not significant for cross-examination of any of the State's witnesses. RP 37, 304; see *In re Adoption of K.M.T.*, 195 Wn. App. at 568. Accordingly, because N.B. has not demonstrated prejudice, the risk of error factor does not support a finding of a due process violation. *In re L.R.*, 180 Wn. App. at 726.

Next, after arguing that the Commissioner and trial court failed to heed the "admonition" in *L.R.* to make efforts to accommodate the presence of incarcerated parents during termination of parental rights trials, N.B. confusingly claims a trial court's "efforts" are irrelevant under the *Mathews* balancing test. Mot. For Discretionary Review at 14-15. This argument fails. The Commissioner properly recognized that the trial court in this case, unlike the court in *L.R.*, made considerable efforts to have N.B. present for the termination trial, contributing towards a low risk of error. Ruling 7.

Finally, the facts and holdings of *In re Welfare of J.M.*, 130 Wn. App. 912, 925, 125 P.3d 245 (2005) have nothing in common with this case. In *J.M.*, the parent's trial counsel made no attempt to defend the parent's position or attack the State's position. *Id.* In fact, in that case "[c]ounsel simply took the State's evidence at face value and recited that his client disagreed," leaving the appellate court to guess about the potential strengths and weaknesses in the parties' cases. *Id.* N.B.'s reliance on *J.M.* thus is misplaced. The record for this case is replete with trial counsel's

objections and arguments. *See, e.g.*, RP 21, 46, 55, 62, 111, 269. Tellingly, N.B. has not claimed ineffective assistance of counsel, which was the central issue in *J.M.* *See* 130 Wn. App. at 919.

2. The Department had a strong interest in proceeding with the trial without N.B. present because the trial court had continued the trial multiple times without any guarantee that N.B. could ever be physically present, and M.B. has a right to timely permanence

The Department has a strong interest in protecting the rights of children, which includes a speedy resolution of the termination proceeding. *In re L.R.*, 180 Wn. App. at 727; *In re Dependency of C.R.B.*, 62 Wn. App. 608, 615, 814 P.2d 1197 (1991); *see also* RCW 13.34.020 (“The right of a child to basic nurturing includes the right to a safe, stable, and permanent home and a speedy resolution of any proceeding under this chapter.”).

The State’s interest was particularly high in this case. The trial court had done everything it could to accommodate N.B.’s presence by granting multiple continuances to no avail. Even if the court had been inclined to wait any longer, it simply had no guarantee that N.B. could ever be present. Importantly, the child’s right to a safe and stable home was directly tied to any additional delay.

When the trial started on September 5, 2018, the juvenile court had already continued it four times from its originally scheduled date of April 2018. CP 42-43, 83-84, 85-86, 103-104; *See In re L.R.*, 180 Wn. App.

at 727 (noting multiple continuances in support of State's interest). In addition to these continuances, the trial court granted *three more* continuances in an effort to accommodate N.B.'s physical presence. *See* RP 10-13, 16, 38-40, 94.

Despite the additional continuances, no party could guarantee that N.B. would ever physically appear in court. N.B.'s claim that the trial judge had "information showing that [N.B.] could be transported the following week," on September 27, is incorrect. Mot. For Discretionary Review at 7 (citing RP 92; CP 137-38). The record is silent regarding whether N.B. could actually appear in court on September 27. *See* RP 96-235, 238-335, 337-54. Instead, the record reflects that September 27 was the earliest date that N.B. could theoretically appear in court.⁷ CP 137-38; RP 93. The trial court even noted, "I don't know what that -- what the [correspondence] means." RP 93.

Despite the potential of problematic scheduling for September 27 because of a weeklong recess starting September 28, the trial court again tried to accommodate N.B.'s physical presence. *See* RP 93, 40, 86. The court agreed that if defense counsel could confirm that N.B. would actually be present in court the following week, on September 27, it would consider

⁷ The fax sent to defense counsel states: "The soonest WCC can facilitate a transport to Pierce County Jail is September 27th 2018". CP 138.

extending trial for him to appear that day. *See* RP 96. However, defense counsel never confirmed, or even again mentioned, whether N.B. could appear on September 27. *See* RP 96-235, 238-335, 337-54. Thus, like in *L.R.* and *K.J.R.*, there was no guarantee of N.B.'s timely release from incarceration even if the court granted yet another continuance, bolstering the State's interest in resolving the trial as soon as possible. *In re L.R.*, 180 Wn. App. at 727; *see also K.J.R.*, 2014 WL 3970750 at *11.

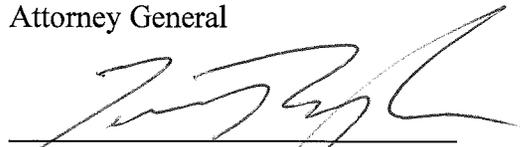
In contrast, the reality here was that M.B. had been in the only home he had known for nearly three years since he was "days old," the father was back at "square one" in his dependency, and the only barrier to the child's adoption was the parents' rights. Exs 1-3; RP 101, 300-01, 110, 124-25, 139; *see K.J.R.*, 2014 WL 3970750 at *11. The trial court was also aware that further delay could impact the State's ability to prove its case and produce evidence, directly impacting the child's right to a speedy resolution and a safe, stable, and permanent home. RP 95; RCW 13.34.020. As a result, the Department had a strong interest in proceeding with the trial without N.B.'s physical presence, rather than allowing any further delay, and thus the trial court did not violate father's due process rights by proceeding with the trial.

V. CONCLUSION

The father fails to show how case-specific balancing of the *Mathews* factors implicates any significant questions of constitutional law or any issues of substantial public interest sufficient to warrant further review under RAP 13.4(b). This Court should deny discretionary review.

RESPECTFULLY SUBMITTED this 1st day of November,
2019.

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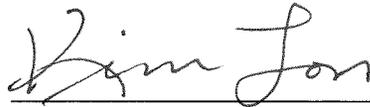
DECLARATION OF SERVICE

I, Kim Lon, declare under penalty of perjury under the laws of the state of Washington that the following is true and correct:

On November 1, 2019, I caused a true and correct copy of the Response to Motion for Discretionary Review to be filed electronically with the Supreme Court, and to be served via email through the Court's electronic filing system as indicated below:

SKYLAR TEXAS BRETT, Attorney for Appellant
skylarbrettlawoffice@gmail.com

SIGNED in Tacoma, Washington, this 1st day of November, 2019.



Kim Lon
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(253) 593-5243
Kim.Lon@atg.wa.gov

ATTORNEY GENERAL OF WASHINGTON - TACOMA SHS

November 01, 2019 - 9:55 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 97731-3
Appellate Court Case Title: In re the Termination of Parental Rights to: M.B.
Superior Court Case Number: 17-7-02238-5

The following documents have been uploaded:

- 977313_Other_20191101095106SC307011_4793.pdf
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