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**SUPREME COURT OF THE STATE OF WASHINGTON**

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IN RE THE DEPENDENCY OF A.L.K., L.R.K.S., D.B.K.S.

L.K.,

Petitioner,

v.

STATE OF WASHINGTON, DEPARTMENT OF CHILDREN, YOUTH  
AND FAMILIES,

Respondent.

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**DCYF SUPPLEMENTAL BRIEF**

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## I. INTRODUCTION

The Indian Child Welfare Act (ICWA) and the Washington State Indian Child Welfare Act (WICWA) provide protections to Native children in child welfare proceedings “aimed at preserving the children’s relationships with their families, Native communities, and identities.” *In re Dependency of Z.J.G.*, No. 98003-9, slip op. at 2 (Wash. 2020). One critical protection is the requirement that child welfare agencies make “active efforts” tailored to the facts and circumstances of the case to prevent the breakup of the Indian family. The Department of Children, Youth, and Families (DCYF) fulfilled that obligation in this case.

L. and D. are Indian children under ICWA and WICWA. Their mother, L.K., has struggled for years to safely parent her children due to her substance use disorder. DCYF averted the children’s removal through robust supports for the family offered off and on over five years via previous interventions. Ultimately, removal could no longer be avoided and law enforcement removed the children on an emergency basis.

DCYF immediately resumed active efforts. DCYF collaborated immediately with the children’s Tribe, the Northern Arapaho Tribe of the Wind River Reservation; arranged regular visitation for the family; and offered services and case planning to aid the family. The children’s Tribe intervened in the dependency matter and agreed through its expert witness

that DCYF had provided active efforts and that out-of-home placement remained warranted because custody by the parents would likely result in serious emotional or physical damage to the children.

DCYF made active efforts in this case. Rather than apply the invited error doctrine, as the Court of Appeals did, which is imprecise in this context, this Court should affirm the trial court's determination of active efforts.

## II. RESTATEMENT OF THE ISSUES

1. Did the trial court correctly conclude that DCYF made the active efforts required by federal and state law?
2. Does invited error preclude L.K.'s appellate attack on the adequacy of DCYF's active efforts?

## III. STATEMENT OF THE CASE

L.K. is the mother of A., L., and D.<sup>1</sup> L. and D. are Indian<sup>2</sup> children under ICWA and WICWA through their father's membership in the Northern Arapaho Tribe of the Wind River Reservation (Tribe). CP 151.<sup>3</sup> The Tribe intervened and remains involved. CP 78-79.

### 1. **In August 2018, L.K.'s children are removed on an emergency basis due to neglect**

In August 2018, DCYF received a report that L.K.'s three children had been abandoned. RP 159. Officer Kelly Gregory of the East Wenatchee

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<sup>1</sup> A. has a different father. ICWA and WICWA do not apply to her. L.K. does not seek relief related to A. from this Court.

<sup>2</sup> DCYF will use "Indian" as a legal term of art. No disrespect is intended.

<sup>3</sup> References to Clerk's Papers Volume I, COA #366227 (regarding D.B.K.S).

Police Department and Child Protective Services (CPS) Investigator Cathy Pete responded by conducting a welfare check. RP 130, 132-133, 144, 157-58. Just as they arrived at the home, L.K. also arrived, transported by an individual with a felony record. RP 145-146, 163. D., then one year old, was found dirty with just a diaper hanging off, crawling around the backyard, including in a wood floor shed. RP 145, 165-66. Two-and-a-half year old L. and nearly five-year-old A. were also in the backyard unsupervised. RP 163-66. Officer Gregory described the shed as “pretty disturbing conditions” and “[s]omewhere a kid shouldn’t be.” RP 145. The only adult present, L.K.’s landlord, was in a bedroom. RP 164. L.K. had been away from home all night and all that day. RP 164. She was frequently absent or sleeping, relying on her landlord and landlord’s daughter to care for the children and to provide food and basic supplies. RP 180-86. Officer Gregory placed the children into protective custody. RP 156, 164, 167-68.

**2. DCYF begins active efforts to prevent the break-up of the family the day the children are placed in protective custody**

CPS Investigator Angela Stephens-Adamek was assigned to the case the day the children were placed in protective custody. RP 205-06. She immediately notified the Tribe and initiated visitation, offering L.K. visitation with her children three times per week. RP 217, 224, 288.

The next day, DCYF convened a Family Team Decision-Making

Meeting to discuss the children's placement, which L.K. attended. RP 212-216. DCYF placed the older child, A., with her paternal grandmother. RP 286. Although initially DCYF was unable to find an emergency placement where D. and L. could be placed together, DCYF was soon able to do so. RP 286. Following that meeting, DCYF referred L.K. for a urinalysis test (UA), but she did not participate. RP 220-221.

The following day, Ms. Stephens-Adamek and her supervisor met with L.K. to discuss the reasons for the children's removal. RP 220. DCYF again referred L.K. for a UA, which she did not attend. RP 222-21. She did attend the shelter care hearing, at which the court ordered her to complete a UA and a hair follicle test. RP 221. DCYF referred L.K. to these services that same day, and again L.K. did not attend. RP 221.

The family's case transferred to Social Worker Brianne Reeves. RP 224, 282, 291. Ms. Reeves communicated with the tribal social worker about the children's placement and available tribal services. RP 290. DCYF and the Tribe collaborated through frequent communication by phone and email, and DCYF ensured the Tribe received updated case documentation. RP 290. DCYF worked with the Tribe to search for potential relative placements and Native foster care placements, but none had been identified by the time of the dependency fact-finding trial. RP 290.

The month after the children were removed, in September 2018, Ms.

Reeves met with L.K. again. RP 288-89. Ms. Reeves again offered the mother UAs and a chemical dependency assessment, but the mother refused. RP 288-89. Ms. Reeves suggested a housing resource to L.K. and helped her contact the resource during their meeting. RP 288-89. In the five months between the children's removal and fact-finding hearing, L.K. maintained contact to access visitation, but repeatedly refused to meet again and continued to reject services. RP 312. On several occasions, L.K. told Ms. Reeves that she would not engage in services, only visits, and that she wanted only financial assistance. RP 312.

Ms. Reeves developed a case plan for the family. RP 303-04. She recommended the mother complete a chemical dependency evaluation, random UAs, a domestic violence assessment, parenting education, psychological evaluation, sign a release of information, and obtain safe and stable housing. RP 303-04. Ms. Reeves also identified critical services for the children, such as medical and dental care.

**3. Prior to this dependency case, DCYF provided active efforts to prevent the breakup of the family, aimed at resolving the same parental deficiencies causing the children's removal in this dependency**

Earlier efforts by DCYF to assist this family provide important context for the current dependency proceeding. DCYF has received nineteen allegations of child abuse or neglect perpetrated by L.K. over six years. RP

208. DCYF's active efforts to identify and remediate L.K.'s parental deficits began in 2013, when the Department of Corrections reported to DCYF that L.K. relapsed on methamphetamine while on probation. RP 12, 14, 252, 258. DCYF initiated a Family Voluntary Services case, during which DCYF offered L.K. counseling, drug testing, chemical dependency evaluation and treatment, and family preservation services. RP 24-27, 252, 257. Although voluntary cases are typically open for ninety days, DCYF offered L.K. these services for seven months, closing the case only when L.K. declined further services. RP 24-27, 252, 257.

In 2017, when L.K. relapsed on methamphetamines during her pregnancy with D., DCYF opened a second Family Voluntary Services case. RP 258. The social worker again offered L.K. services to build L.K.'s skills and rehabilitate the parental deficits that continued to destabilize the family and place the children at risk. RP 258, 265-270; CP 5, 57. These services included: assistance in finding and maintaining safe, stable housing; parenting education; family preservation services; free full-time daycare; chemical dependency testing and assessment with full inpatient and outpatient treatment available; one-on-one coaching; mental health counseling; transportation in connection with job search and job readiness; and assistance in appealing the denial of public benefits. DCYF communicated with the children's Tribe during this intervention. RP 269.

L.K. refused to engage in UAs, a chemical dependency assessment, or any sober support groups. RP 270. L.K. declined three safe housing options, in favor of living at a motel, where she was evicted for nonpayment. RP 35, 265. When DCYF closed the voluntary case after eight months, in March 2018, L.K. continued to be impaired by substance abuse. RP 258, 272-74. She declined further services. RP 272. Five months later, the children were placed in protective custody by law enforcement and DCYF initiated the current dependency proceeding. RP 156, 164, 167-68; CP 1-4.

**4. The juvenile court grants DCYF's dependency petitions and places the children in out-of-home care**

The juvenile court held a contested fact-finding hearing on DCYF's dependency petitions in January 2019. CP 108. DCYF identified chronic chemical dependency as the critical parental deficit. RP 209-212, 220-22. At the fact-finding trial, L.K. did not challenge whether DCYF had made active efforts. L.K. denied that she had any impairments impacting her ability to safely care for her children. RP 10, 19-20, 413-14. L.K.'s testimony confirmed her repeated rejection of DCYF's service offerings. RP 20. Although she admitted to relapses on methamphetamine during at least two pregnancies and acknowledged several drug-related criminal convictions and probation violations, she maintained that she did not have a drug problem nor need a hair follicle test, UAs, a chemical dependency evaluation or treatment,

or counseling. RP 17, 29, 40-42, 57-74.

The tribal social worker Shelly Mbonu participated in the fact-finding hearing telephonically on behalf of the Tribe. RP 5. Ms. Mbonu also served as a Qualified Expert Witness required by ICWA and WICWA and submitted a statement opining that DCYF had made active but unsuccessful efforts. CP 151-55. Ms. Mbonu warned that returning the children to L.K.'s care would put them at significant risk of substantial harm. CP 151-55.

The juvenile court granted DCYF's dependency petitions. CP 169-179, 180-190. At the disposition hearing, the trial court found that DCYF had made active efforts and placed the children in foster care. CP 181, 184. The mother appealed the orders of dependency and disposition, arguing that DCYF had failed to make timely active efforts. The Court of Appeals *sua sponte* declined to reach L.K.'s argument, finding that her argument was precluded by invited error based on the mother's refusal to engage in services and her trial strategy of arguing that her children should be returned to her without further intervention. *In re Dependency of A.L.K.*, 12 Wn. App. 2d 1074, 2020 WL 1649834, at \*3 (Wash. Ct. App. March 31, 2020) (unpublished). This Court granted review.

#### IV. ARGUMENT

##### A. **DCYF Made Active Efforts To Prevent the Breakup of L.K.'s Family But These Efforts Were Unsuccessful**

The trial court correctly found that DCYF made active efforts to provide remedial services to prevent the breakup of this family. The record amply supports this finding, and the trial court appropriately considered all of the surrounding facts and circumstances, including previous efforts to resolve L.K.'s parental deficiencies. This Court should affirm on that basis.

##### 1. **Both ICWA and WICWA require DCYF to make active efforts as a prerequisite to foster care placement**

The active efforts requirement is crucial to ICWA and WICWA's purpose of remedying historic destruction of Native families while also ensuring the safety of Native children. *See Z.J.G.*, slip op. at 2. Federal and state law provide similar, but not identical, definitions of "active efforts."

Federal regulations define active efforts as "affirmative, active, thorough, and timely efforts intended primarily to maintain or reunite an Indian child with his or her family." 25 C.F.R. § 23.2. Active efforts must be tailored to the facts and circumstances of the case and assist the parent with accessing or developing the necessary resources to satisfy the case plan. 25 C.F.R. § 23.2. Federal regulations also provide examples. *Id.* Those include identifying services and helping the parent overcome barriers, involving the child's Tribe in participation and problem-solving, searching for family

placement options, keeping siblings together, supporting parental visits, and tapping into tribal resources when available. *Id.*

Under WICWA, when DCYF seeks foster care placement,<sup>4</sup> it must establish that DCYF social workers actively worked with the parent to engage the parent in remedial services rehabilitation programs to prevent the breakup of the family, beyond simply providing referrals. RCW 13.38.040(1)(a). In deciding whether the State made active efforts, one factor to weigh is a parent’s demonstrated lack of willingness to participate in treatment. *In re Parental Rights of D.J.S.*, 12 Wn. App. 2d 1, 32, 456 P.3d 820 (2020) (citing *Bob S. v. State*, 400 P.3d 99, 107 (Alaska 2017)); *see also In re Dependency of A.M.*, 106 Wn. App. 123, 135–37, 22 P.3d 828 (2001) (applying the general rule that a parent’s unwillingness or inability to make use of the services provided excuses the State from offering extra services).

Whether active efforts are sufficient to satisfy ICWA and WICWA is a mixed question of law and fact. *D.J.S.*, 12 Wn. App. 2d at 37. The court reviews the underlying findings for substantial evidence, but reviews de novo whether those findings satisfy the requirements of ICWA. *Id.* at 37. To decide if active efforts have been made, each case is decided on its individual

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<sup>4</sup> A “foster care placement” is “any action removing an Indian child from his or her parent or Indian custodian for temporary placement in a foster home, institution, or with a relative, guardian, conservator, or suitable other person where the parent or Indian custodian cannot have the child return upon demand, but where parental rights have not been terminated.” RCW 13.38.040(3)(a); 25 U.S.C. § 1903(1)(i) (substantially similar).

circumstances. *Id.* at 32. Here, the record supports that DCYF made active efforts as required, and this Court should affirm.

**2. “Active efforts” includes all efforts made to prevent the breakup of the Indian family**

Courts can and should consider the entire arc of a Native family’s interactions with a child welfare agency in determining whether the agency has made active efforts to prevent the breakup of the family. While the Department cannot rely exclusively on years-old services, *see* 25 C.F.R. § 23.2 (requiring that efforts be “timely”), past interactions can be relevant. This is clear from the text, decisions of other courts, and the policies underlying ICWA and WICWA.

The text of WICWA makes clear that courts may consider past efforts to prevent the breakup of an Indian family. In defining “active efforts” and its requirements, WICWA expressly mentions “voluntary services” that are provided prior to the filing of the dependency petition, affirming that past efforts is relevant evidence to consider. RCW 13.38.040(1)(a)(i). In some cases, prior efforts by DCYF might be too remote or tangential to be given great weight. In other cases, evidence of the Department’s prior efforts could be used to challenge the adequacy of current efforts. And, in cases like this one, prior efforts may illustrate a continuous effort to address a specific parental deficit and avoid removal. Because active efforts are tailored to the

facts and circumstances of the case, the history of DCYF involvement with the family can be important.

Other courts interpreting ICWA have analyzed this question and determined that efforts during prior cases, related to prior children, or in between formal cases can be considered by courts when assessing whether active efforts have been made. *See, e.g., In re E.P.F.L., Jr.*, 265 P.3d 764, 770 (Okla. Civ. App. 2011); *Sandy B. v. State, Dep't of Health & Soc. Servs., Off. of Child.'s Servs.*, 216 P.3d 1180, 1188–89 (Alaska 2009); *In re J.L.*, 483 Mich. 300, 325, 770 N.W.2d 853 (2009); *Maisy W. v. State ex rel. Dep't of Health and Soc. Servs., Off. of Child.'s Servs.*, 175 P.3d 1263, 1268 (Alaska 2008); *People ex rel. K.D.*, 155 P.3d 634, 637 (Colo. App. 2007).

Consideration of all of the circumstances also serves ICWA and WICWA's goals to protect the best interests of Indian children while promoting the stability of Indian tribes and families. 25 U.S.C. § 1902.

In sum, while past efforts may not themselves be sufficient to establish active efforts to prevent the breakup of a Native family, they will frequently be relevant. As discussed below, the trial court appropriately considered all of the interactions between DCYF and L.K.'s family.

**3. DCYF made active efforts to prevent the children's foster care placement**

From the time DCYF filed the dependency petitions in August 2018 through the trial court's entry of the dependency and disposition orders in February 2019, DCYF made timely, thorough, and affirmative efforts to prevent the breakup of the family, working in collaboration with the Tribe.

DCYF's efforts were timely. DCYF contacted the Tribe the same day that the children were removed, scheduled a meeting with L.K. to discuss placement options the next day, and two days after the children were removed, met with L.K. to discuss the reasons for removal. RP 207-208, 212-17, 220, 222, 224, 288. DCYF referred L.K. for a UA that day, though she did not attend. RP 220. DCYF began providing visitation between L.K. and her children three days after removal. RP 224, 288.

DCYF's efforts were thorough. DCYF repeatedly offered L.K. UAs and a chemical dependency assessment despite her repeated refusals. RP 19-20, 221, 288-89, 303. DCYF worked closely with the Tribe between the filing of the dependency petitions and the fact-finding hearing, including the Tribe in meetings, case planning, and hearings. RP 222.

DCYF's efforts were affirmative. Social workers met with L.K., discussed her preferences, affirmatively attempted to find a suitable Indian relative or placement, and affirmatively offered UAs and a chemical

dependency assessment. 99, 252, 263, 266, 288-89. Social workers continued to engage with L.K. via text, but L.K. was unwilling to meet or have a phone conversation to discuss issues she may have been experiencing. RP 310. DCYF affirmatively connected L.K. with housing resources and crafted a proposed service plan for L.K., recommending and asking her to engage in a chemical dependency evaluation and random UA's, a domestic violence assessment, parenting education, and a psychological evaluation. RP 289, 305-06; *see also* RP 312 (inquiring about L.K.'s willingness to participate in counseling or parenting education). DCYF arranged for three in-person visits for L.K. a week, with all the children in attendance. RP 288.

The services offered to L.K. were tailored to the facts and circumstances of the case and were designed to assist L.K. with accessing necessary services. *See* 25 C.F.R. § 23.2. The Department identified L.K.'s substance abuse as a parental deficit through their multiple interactions with her. RP 209, 273, 306-07. DCYF repeatedly offered UAs and a chemical dependency evaluation to address this issue. RP 99, 252, 263, 266. DCYF also took "steps to keep siblings together" and "[s]upport[ed] regular visits with parents." 25 C.F.R. § 23.2; RP 222

DCYF conducted its efforts "in partnership with" the children's Tribe. 25 C.F.R. § 23.2. In addition to including the Tribe in meetings, case planning, and hearings, DCYF solicited the Tribe's preferences and input for

placement. RP 290. DCYF also worked with the Tribe in conducting a diligent search for the children's extended family members. 25 C.F.R. § 23.2; RP 222, 290; *see also* RCW 13.38.180(2).

Unfortunately, L.K. repeatedly refused DCYF's efforts to provide remedial services, telling the social worker that she "will not engage in services but would only participate in visits." RP 312.

The Tribe's social worker and qualified expert witness Shelly Mbonu opined that DCYF made the active efforts described, and warned that returning L.K.'s children to her care would pose a risk of serious emotional or physical damage to the children. CP 151-55.

DCYF's efforts during previous interventions support the conclusion that DCYF fulfilled its obligation to make active efforts to prevent the breakup of this family. L.K.'s family has been involved in two lengthy cases through Family Voluntary Services. DCYF offered L.K. exhaustive services designed to remediate the same deficiencies that gave rise to the need for the children's removal during this intervention. DCYF did not simply offer referrals, but worked with L.K. to overcome barriers and to permit engagement, including meeting with her frequently, providing assistance with completing applications, providing transportation to various housing agencies, full-time day care, gas vouchers, and basic supplies like diapers and wipes. RP 263-64, 270.

This was work to prevent the break-up of a Native family, consistent with the goals of ICWA and WICWA, and these efforts should be considered in the context of the active efforts requirement. DCYF's previous prevention efforts assisted in identifying chemical dependency as an intransigent parental deficit standing in the way of safe and stable reunification. The evidence of services offered to this family across several years, including in the months before the children were removed by law enforcement, to attempt to address L.K.'s same parental deficits that ultimately necessitated removal, demonstrates DCYF's use of active, but ultimately unsuccessful, efforts to prevent removal of the children.

Here, DCYF has honored the goals of ICWA and WICWA to avoid unwarranted and unnecessary intrusion into the lives of Native families. DCYF, in consultation with the children's parents and Tribe, attempted for years to avoid removal. Ultimately, for the children's safety, the children had to be removed from the home. The objective remained to provide services that would facilitate a safe return home. CP 56. After removal, DCYF continued, again in consultation with the Tribe, to make active efforts to reunify the family, though those efforts were rebuffed by L.K. Throughout this process, DCYF has facilitated family and cultural connections to their Tribe, siblings, and relatives, ensured the children received critical services, and provided regular visitation with their mother.

DCYF's efforts in this case readily satisfy the requirement of active efforts to prevent the breakup of this Indian family. The Tribe agreed. This Court should affirm.

**B. This Court should not Rely on the Invited Error Doctrine**

This Court should affirm on the basis that DCYF made active efforts; this Court should not rely on the invited error doctrine. The Court of Appeals' *sua sponte* reliance on the invited error doctrine was an imprecise fit for the facts of this case. This Court should rule narrowly, however, in recognition of two important considerations. First, this Court should not entirely foreclose the availability of the invited error doctrine in this context. Second, this Court should recognize that a parent's refusal to participate in services is relevant to the active efforts inquiry.

"Invited error" is an appellate remedy that prohibits a party from setting up error in the trial court and then complaining of it on appeal. *State v. Henderson*, 114 Wn.2d 867, 870-71, 792 P.2d 514 (1990). Under the doctrine of invited error, a party may not materially contribute to an erroneous application of law at trial and then complain of it on appeal. *In re Dependency of K.R.*, 128 Wn.2d 129, 147, 904 P.2d 1132 (1995).

The Court of Appeals' *sua sponte* application of invited error in this case is imprecise. Although not supported by the facts here, if DCYF has not made active efforts to provide remedial services, a parent's reluctance to

acknowledge parenting deficiencies should not block that person from raising that issue on appeal.

The invited error doctrine may, however, be applicable in other cases. For example, if a parent expressly stipulates that DCYF has satisfied the active efforts requirement—inducing DCYF to avoid putting on evidence at trial—the invited error doctrine would preclude the parent from raising the issue on appeal. This Court should leave open that possibility to be addressed in an appropriate case.

Additionally, a parent’s refusal to participate in services is still relevant to the determination of whether DCYF has made active efforts, which are particular to the facts and circumstances of each case. A parent’s responsiveness to the Department’s offerings and attempts to engage the parent impacts the efforts that the agency can make. Thus, it is a relevant consideration for the court when determining what efforts would constitute active efforts in a specific case. In this way, the Court of Appeals was correct in recognizing that a parent’s refusal of services has consequences.

A remand to the Court of Appeals is not necessary. This Court can perform a de novo review of whether active efforts occurred in this case without an opinion from the Court of Appeals. *See State v. Costich*, 152 Wn.2d 463, 477, 98 P.3d 795 (2004) (“This court may affirm a lower court’s ruling on any grounds adequately supported in the record.”). This approach

is consistent with ensuring a speedy resolution for these children and expediting this appeal. *See, e.g.*, RCW 13.34.020; RAP 18.13A.

This Court should affirm on the basis that DCYF made active efforts.

**C. If this Court Must Reverse, the Remedy Is to Remand for A New Disposition Order**

If this Court concludes that DCYF did not make active efforts as required by ICWA and WICWA, it should reverse the disposition orders' out-of-home placement, but it should not reverse the orders of dependency. This Court would then remand the case to the juvenile court to determine whether "returning the child to his parent or custodian would subject the child to a substantial and immediate danger or threat of such danger." 25 U.S.C. § 1920; RCW 13.38.160; *see also In re Welfare of A.L.C.*, 8 Wn. App. 2d 864, 876–77, 439 P.3d 694 (2019).

A finding of "active efforts" is a prerequisite to a "foster care placement" for an Indian child. 25 U.S.C. § 1912(d); RCW 13.38.040(1)(a). A finding of dependency determines only whether a child meets one of the statutory definitions of "dependent child" under RCW 13.34.030(6). RCW 13.34.110(1)-(3). A finding of dependency is not a placement decision. The child's placement is determined by an order of disposition. RCW 13.34.130(1). The order of disposition may "maintain[] the child in his or her home." RCW 13.34.130(1)(a). Maintaining the child in home is not a "foster

care placement” for purposes of ICWA or WICWA. 25 U.S.C. § 1903(1)(i); RCW 13.38.040(3)(a).

The only issue before this Court is whether the court correctly found that DCYF made active efforts. Even if this Court were to conclude that DCYF did not do so, the orders of dependency should stand, and this Court should reverse the foster care placement in the dispositional order and remand for further proceedings. *See A.L.C.*, 8 Wn. App. 2d at 876.

## V. CONCLUSION

As recently stated by this Court, “[d]ecisions to remove children from the care of their parents are some of the most consequential decisions judicial officers make.” *Z.J.G.*, slip op. at 39. Here, the decision to temporarily remove L. and D. was not arrived at lightly, but only after years of attempted interventions with the full involvement and agreement of the children’s Tribe. Because DCYF complied with the active efforts requirements of ICWA and WICWA, this Court should affirm the orders of dependency and the disposition.

RESPECTFULLY SUBMITTED this 17th day of September, 2020.

ROBERT W. FERGUSON  
Attorney General



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RACHEL BREHM KING, WSBA #42247  
Assistant Attorney General

NO. 98487-5

**SUPREME COURT  
OF THE STATE OF WASHINGTON**

IN RE THE DEPENDENCY OF  
A.L.K., L.R.K.S., D.B.K.S.

L.K.,

Petitioner,

v.

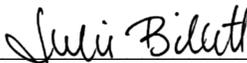
STATE OF WASHINGTON,  
DEPARTMENT OF CHILDREN,  
YOUTH AND FAMILIES,

Respondent.

CERTIFICATE OF SERVICE

I, Julie Billett, certify that on the 17th day of September, 2020, I caused a true and correct copy of **Respondent's Supplemental Brief** to be filed with the Clerk of the Court and served on the active parties through the Court's filing portal by email per agreement of the parties.

Signed this 17<sup>th</sup> day of September, 2020

  
\_\_\_\_\_  
**Julie Billett**  
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**ATTORNEY GENERAL'S OFFICE - EVERETT**

**September 17, 2020 - 3:55 PM**

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**Superior Court Case Number:** 18-7-00098-5

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