

No. 74202-7-I

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

IN RE THE WELFARE OF A.M.M.A.

STATE OF WASHINGTON,
DEPARTMENT OF SOCIAL AND HEALTH SERVICES,

Respondent,

v.

ANTONIAL MONROE,

Appellant.

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Court of Appeals
Division I
State of Washington

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

MOTION FOR ACCELERATED REVIEW
APPELLANT'S OPENING BRIEF

MAUREEN M. CYR
Attorney for Appellant

WASHINGTON APPELLATE PROJECT
1511 Third Avenue, Suite 701
Seattle, Washington 98101
(206) 587-2711

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A. ASSIGNMENTS OF ERROR

1. The court erred in finding:

The services ordered under RCW 13.34.130 and 13.34.136 have been offered or provided and all necessary services reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided.

CP 63.

2. The court erred in finding:

There is little likelihood that conditions will be remedied so the child can be returned to the parents in the near future.

CP 63.

3. The court erred in finding:

As both sides agree that these same elements are in existence, there is no need to prove them and the court makes the finding that they are true.

CP 63, 296.

4. The court erred in finding:

After comparing the admitted phone recordings made following the missed visit in June, 2015 with Mrs. Nurse's testimony, the court concludes that Mrs. Nurse would say or do anything to get custody of this child and concludes that much of Mrs. Nurse's testimony proved to be false. Although Mrs. Nurse said that her role in her family is to "stand tall" and "take responsibility" for her actions, the phone calls showed that she did not stand tall against the father and, instead, instigated and agitated his anger. She also attempted to allow Brandi White, the

father's girlfriend, to have an unauthorized visit with the child and father and had unapproved overnight visits with the child even though she knew these actions were not approved. Mrs. Nurse's prior conviction of Assault 2nd Domestic Violence with her spouse as the victim permanently disqualifies her from having unsupervised access to children. Although this Court previously waived that disqualification to allow limited contact for purposes of transporting the child to the prison for visits with the father, the court did not waive the disqualifier for placement or guardianship. Mrs. Nurse has not shown that she could be a proper placement for the child and that she would not be controlled by the father. Mrs. Nurse's conduct, testimony and permanent disqualifier all prove that it would not be in this child's best interests to be placed with her.

CP 63-64, 299.

5. The court erred in concluding there is no basis to establish a guardianship. CP 64.

6. The court erred in concluding a guardianship should not be established. CP 65.

7. The court erred in not providing Mr. Monroe a reasonable opportunity to demonstrate that a guardianship was appropriate.

8. The court erred in finding:

The child was 5 ½ months old when the father went to prison. Prior to his incarceration, the father had only intermittent contact with the child, one to two days at a time and possibly for one week on one occasion. Even before incarceration, the father's role in the child's life was sporadic. His felony convictions completely

removed the father from day to day involvement in the child's life before the child was six months old.

CP 297.

9. The court erred in finding:

During his time in prison, the father received hundreds of infractions and has worked himself into more restrictive confinement because of his behaviors. He received anger management treatment three times, parenting classes and other self-help classes during his confinement. Despite these services, there has been little to no improvement in the father's ability to control his behaviors.

CP 297.

10. The court erred in finding:

The Department and the father presented significant testimony from the social worker, Natalie Judd, the paternal great-grandmother, Bernice Nurse and the father regarding a cancelled visit in June, 2015. At the time, the child was placed with the paternal uncle, a placement chosen by the father, and the father was having more visits with his child in the prison than what was originally ordered. The court also listened to recordings of three phone calls initiated by the father immediately subsequent to the cancelled visit. During these calls, the father had the opportunity to put skills he learned during his courses of anger management to the test. Where the job of a parent is to remain calm, focus on the issues at hand, and try to do what is best for everyone involved. The father reacted in anger and in self-serving ways without any consideration for others around him including the child. The father flunked the test, put his needs first and rendered chaos into his child's life, the life of his placement, the life of the placement's children and got himself in trouble too.

These are not the actions of a person who, after all of these classes, all of the self help and all of this hoping to better himself while in prison, convinces this Court he has the skills necessary to come out of prison and be an adequate parent, because the tests of a parent will be far worse than a missed visit in prison.

CP 297-98.

11. The court erred in finding:

The father participated in visitation with the child and was able to be focused, attentive, kind, caring and appropriate, played appropriately with his son and showing some level of bond with the child, for 1 – 2 hours at a time. This is not enough to show the father is capable of parenting.

CP 298.

12. The court erred in finding:

Given the eighteen months of services offered or provided, there is little likelihood that the conditions will be remedied so that the child could be returned to the parents in the near future. The father has been incarcerated for the entire dependency.

CP 298.

13. The court erred in finding:

The court considered whether or not the father maintains a meaningful role in the child's life based upon the factors in RCW 13.34.145(5)(b) and finds that the father has interacted with the child and has shown love and care, but this alone does not result in a meaningful relationship. The department made all reasonable efforts to reunify the child with the father, but these efforts were not successful. Services, including a psychological

evaluation and parenting assessment, counseling, anger management treatment, were offered despite the father's incarceration. There were no barriers to the father. The father had more visits than most courts would ever allow or order and the father found a way to sabotage all of that, including missing visits because of his own misconduct in prison.

CP 298-99.

14. The court erred in finding:

The court also finds that the Department considered placement with the father's sister, Asia Turner. The social worker, Natalie Judd, testified that Ms. Turner was contacted and given the opportunity to provide background checks for herself or any other adult living in the home. Ms. Judd explained to Ms. Turner that she would have to complete an Interstate Compact for Placement of a Child (ICPC). Ms. Turner responded that she would have to discuss the potential placement with her significant other. Ms. Turner did not contact Ms. Judd again. Ms. Turner did testify that she would like to start the ICPC process and was waiting for the Department to get back in touch with her. Regardless of who is right or wrong, it would be many months before the ICPC would be completed. This would clearly diminish the child's changes [sic] for an early integration into a stable and permanent home.

CP 299-300.

15. The court erred in finding:

Continuation of the parent-child relationship clearly diminishes the child's prospect for early integration into a stable and permanent home. The social worker, Natalie Judd and the GAL, Marianne Yamashita, both testified that the child is placed in a stable home with caregivers who have been approved to adopt. The

consensus of expert opinion is that both the likelihood and the ease with which a child will bond into a new family setting are increased when the child is placed into a family setting at a younger age versus a more delayed placement. The continuation of the status quo is not in the child's best interests and a resolution is needed as to who will be this child's permanent caretaker. The child's needs for permanence and stability must, at this point in time, be accorded priority over the rights of the biological parents in order to foster the early integration of the child into a stable and permanent home as quickly as possible.

CP 300.

16. The court erred in finding:

Termination of the parent-child relationship is in the best interests of the child to allow adoption planning to begin and to foster the creation of a stable and permanent placement for the child. The GAL, Marianne Yamashita, testified that it is in the child's best interests to remain in his current placement and to be adopted by them, the child's cultural heritage is being met because of the background of the caregivers.

CP 300.

17. The court erred in finding:

The parents are currently unfit to parent the child. The parents were notified of their parental deficiencies. Because of these deficiencies, the parents were unable to understand and were incapable of providing for the child's emotional, physical, mental and developmental needs. The parents are incapable of safely parenting the child.

CP 300.

18. The court erred in terminating Mr. Monroe's parental rights.

19. The court erred in denying Mr. Monroe's motion for a continuance.

B. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. In a parental termination trial, a parent has a constitutional due process right to present all relevant evidence, and a constitutional right to the effective assistance of counsel. In deciding whether to grant a parent's motion for continuance, the court must consider the potential impact on these important constitutional rights, as well as whether prior continuances were granted, and the need for an orderly procedure. Here, Mr. Monroe requested a continuance of only two weeks so that his attorney could contact and interview two material witnesses Mr. Monroe had identified, review discovery documents that were untimely provided, consult with Mr. Monroe, and prepare for trial. No prior continuances had been granted. Did the juvenile court err in denying the motion for continuance?

2. A guardianship is deemed a permanent option for a child. A parent facing potential termination must be granted a meaningful opportunity to argue for a guardianship, and the court must grant a guardianship if it is in the child's best interest. Maintaining family ties

is an important consideration. Here, Mr. Monroe could not take care of his son because he was incarcerated, but he maintained a meaningful relationship with his son. Other members of his family were available to care for his son as a guardian. Guardianship would ensure the child maintained family ties. Did the juvenile court err in denying the proposed guardianship? If the proposed guardian was inappropriate, did the court err in failing to provide Mr. Monroe a meaningful opportunity to argue for an alternative guardian?

3. A court may not terminate parental rights unless the State proves by clear, cogent and convincing evidence that continuation of the parent-child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home. Did the court err in terminating Mr. Monroe's parental rights, where he maintained a meaningful relationship with his son despite his incarceration, and where the child could be placed permanently with a guardian without terminating Mr. Monroe's parental rights?

C. STATEMENT OF THE CASE

Antonial Monroe is the father of A.M.M.A., who was born on October 14, 2011. CP 294. The child's mother is Caitlin Arendse. CP

294. Ms. Arendse's parental rights were terminated and she is not a party to this appeal.

At the time of A.M.M.A.'s birth, Ms. Arendse was living with her mother, Margaret Arendse. 9/03/15RP 38. Caitlin and the child continued to live with Margaret after the birth. 9/03/15RP 39. Mr. Monroe visited regularly and helped to take care of the child. 9/03/15RP 43; 9/04/15RP 125-27, 133.

When A.M.M.A. was about five or six months old, Mr. Monroe went to jail. 9/04/15RP 133. He was convicted of possession of a controlled substance and promoting prostitution in the first degree. 9/03/15RP 6. He has been in Department of Corrections (DOC) custody since July 31, 2012. 9/03/15RP 6. His early release date is April 23, 2021. 9/03/15RP 6; CP 340.

Despite his incarceration, Mr. Monroe has been consistently committed to maintaining a relationship with his son. In June 2013, he filed a proposed parenting plan so that he could have regular visits with A.M.M.A. 9/04/15RP 134; CP 108-17. Mr. Monroe was concerned because he was not receiving consistent information from Margaret or Caitlin about his son and did not know how he was. 9/04/15RP 135. The court ordered a parenting plan. 9/04/15RP 137.

Meanwhile, unbeknownst to Mr. Monroe, Caitlin and Margaret were struggling to care for A.M.M.A. Caitlin had a long history of mental illness and substance abuse. CP 341; 9/03/15RP 40. She would disappear for weeks at a time and leave the child with Margaret. 9/03/15RP 40. Finally, when A.M.M.A. was about two and a half years old, Margaret decided she could no longer take care of him by herself and called CPS. 9/03/15RP 40. The child was taken into care. 9/03/15RP 39.

Mr. Monroe was shocked and concerned when he heard his son had been neglected and was taken into care. 9/04/15RP 136-37. He has several family members, including his grandmother, two sisters and a half-brother, who were available to care for A.M.M.A. 9/04/15RP 139; 9/08/15RP 41. If Mr. Monroe's family had known about the difficulties Margaret was experiencing, they would have tried to help and CPS would not have had to get involved. 9/08/15RP 38. Mr. Monroe has always maintained that A.M.M.A. should be placed with a member of his family rather than with strangers in foster care. 9/08/15RP 38.

Despite the Department's policy of favoring placement with relatives, A.M.M.A. was placed in foster care. 9/03/15RP 105-06; CP

347. A.M.M.A. did not seem well-cared-for in foster care. Mr. Monroe noted he showed signs of possible abuse, including a rope burn on his wrist and bruises. 9/08/15RP 33-34. A.M.M.A. also suffered from chronic diarrhea, which was not resolved until he was later placed with Mr. Monroe's half-brother, who took him to a doctor. 9/08/15RP 33-35.

A dependency petition was filed on March 17, 2014, and dependency and disposition orders were entered in May 2014. CP 339-54; Exhibit 24. The only parental deficiency specifically identified for Mr. Monroe was his incarceration. CP 342; Exhibit 24. He has no prior CPS history. CP 341. Although no parental deficiencies were specifically identified, the court ordered Mr. Monroe to participate in a psychological evaluation with a parenting component, a substance abuse evaluation, random UAs, a domestic violence batterer's assessment, and a parenting class. Exhibit 24. The court also ordered supervised visitation with A.M.M.A. in prison. Exhibit 24.

At Mr. Monroe's urging, A.M.M.A. was finally placed with paternal relatives in June 2014. The child was placed with Mr. Monroe's half-brother, Cortez Jackson, and his significant other, Lorraine. 9/03/15RP 105; Exhibit 24. Mr. Monroe approved of this

placement and felt his son was safe and well-taken-care-of while living with Mr. Jackson. 9/08/15RP 39.

Mr. Monroe was diligent about completing whatever services were available to him and was determined to do everything he could to make sure he maintained a relationship with his son. 9/04/15RP 42, 102, 141. Although some services, such as a chemical dependency evaluation, were unavailable in prison, Mr. Monroe completed several other services. 9/02/15RP 98; 9/04/15RP 63; Exhibits 12-17. He attended and completed a mindful meditation class, a stress management class, and at least two parenting classes. 9/03/15RP 74-75, 78; 9/04/15RP 145. He always behaved positively while attending programs. 9/03/15RP 83.

Mr. Monroe was also diligent about visiting his son and expressed a strong interest in visitation to the social worker. 9/03/15RP 75. He always wanted to have a meaningful role in his child's life despite his incarceration. 9/04/15RP 146. He began visitation in Fall 2014 and saw his son every other weekend from October 2014 to June 2015. 9/04/15RP 141. Over time, A.M.M.A. came to recognize Mr. Monroe and wanted to sit only on his lap. 9/04/15RP 142. Father and son always had good visits—they were affectionate with each other and

played well together. 9/04/15RP 143. Mr. Monroe also sent A.M.M.A. letters and pictures in order to maintain their bond. 9/04/15RP 144.

As ordered by the court, Mr. Monroe completed a psychological evaluation with a parenting component. Exhibit 1. The evaluator could not definitively diagnose Mr. Monroe with any specific disorder, although he noted Mr. Monroe might have attention deficit disorder and antisocial personality disorder. 9/02/15RP 55. The evaluator's primary concern regarding Mr. Monroe's parenting ability was the fact he would be incarcerated for the next six years. 9/02/15RP 65.

The evaluator observed a visit between Mr. Monroe and A.M.M.A. at the prison. Exhibit 1 at 4. Consistent with Mr. Monroe's perceptions, the evaluator noted Mr. Monroe and his son had a very positive interaction and appeared to be bonded. 9/02/15RP 65, 89. The two played together well and "were very affectionate" and "very positive" in their interaction, "often laughing together." Exhibit 1 at 4; 9/02/15RP 73-74. The evaluator said, "Mr. M was able to focus in a positive manner with his son on visits," and "did keep his child safe in the observation and was focused on him in a mutually positive manner." Exhibit 1 at 8. Mr. Monroe did not behave inappropriately during the visit in any manner. 9/02/15RP 73-74, 89.

Other people who observed visits between Mr. Monroe and his son echoed the evaluator's observations that the relationship was positive and affectionate. The Department social worker, Natalie Judd, observed several visits and said Mr. Monroe always treated A.M.M.A. appropriately. 9/04/15RP 23. The child recognized him and hugged him and called him "daddy." 9/04/15RP 23. Ms. Judd never had any concerns about the visits. 9/04/15RP 27. The GAL also observed a visit and agreed it went well. 9/04/15RP 90.

In July 2015, an incident occurred regarding a missed visit that led to the child being removed from Mr. Jackson's care. That day, Mr. Monroe's grandmother, Bernice Nurse, was scheduled to pick up the child from daycare and take him to the prison for a visit. 9/03/15RP 130. But she got lost and arrived at the daycare late, only to find the child was no longer available. 9/03/15RP 130. Mr. Monroe was upset that the visit did not occur. 9/04/15RP 147. He blamed Lorraine for the mix-up and allegedly made threats to his brother on the telephone about it. 9/03/15RP 106-07; 9/08/15RP 45, 54-55. Mr. Monroe and Mr. Jackson have always had a contentious relationship and sometimes use harsh language with each other, saying things they do not mean. 9/04/15RP 147. The next day, Mr. Monroe regretted what he had said

and apologized to his brother. 9/04/15RP 147. He did not mean what he said and was just speaking out of anger. 9/04/15RP 149; 9/08/15RP 22.

The social worker found out about the alleged threats and believed Mr. Jackson's family and A.M.M.A. might be at risk. A.M.M.A. was removed from their care. 9/03/15RP 106. Although Mr. Jackson had initially asked for the change of placement, he later changed his mind and asked that the child remain with him. 9/04/15RP 8; 9/08/15RP 47, 52, 66. But despite Mr. Jackson's change of heart, the child was placed with strangers in foster care, where he was still living at the time of trial. 9/04/15RP 42.

Mr. Monroe maintained his conviction that A.M.M.A. was not safe in foster care and should remain with family. 9/04/15RP 146; 9/08/15RP 33-34. He identified at least two other family members who were willing and able to take care of the child. They were Mr. Monroe's grandmother Bernice Nurse, and his half-sister Asia Turner. 9/04/15RP 146-47.

Ms. Nurse loves A.M.M.A. and was eager to be his guardian. 9/04/15RP 123. She thought it was in his best interest to be in a place where he could be happy and get to know his family. CP 5. Ms. Nurse

is well experienced in caring for children. She has 5 children, 22 grandchildren, and 19 great-grandchildren. 9/03/15RP 120; Exhibit 28 at 1. She lives with her husband, Bruce Nurse, in a four-bedroom house in Bellevue. CP 4; 9/04/15RP 120. She submitted a declaration stating she was willing to cooperate with a home study and, if designated as a guardian for A.M.M.A., would follow all orders and rules of the court and the Department. CP 5.

An evaluator working for the Washington State Office of Public Defense conducted an evaluation of Ms. Nurse and her husband and recommended them unequivocally as a placement for A.M.M.A. Exhibit 28. The evaluator noted Mr. and Ms. Nurse have a strong marriage, which is “one of fulfillment and one where common values appear easy to find.” Exhibit 28 at 5. They are both in good health, have an extended support system of friends and family, are active in the community, and attend church regularly. 9/08/15RP 15; Exhibit 28 at 7, 9. Their home is “neat, clean and organized,” and “welcoming and comfortable.” Exhibit 28 at 8. The evaluator observed:

God/spirituality is the foundation of their daily lives; family is of the highest priority; a strong advocate for education while modeling how to create a successful life for each child in their influence; a complete sharing of like values; church and community involvement; engaging in shared family traditions; a strong marriage

with mutual respect at its core; a desire to be a resource for the family and the community.

Exhibit 28 at 10. The evaluator concluded, “Bernice and Bruce gave no reason to believe that they would be anything but fair, neutral and protective caregivers for [A.M.M.A.]” Exhibit 28 at 9. The evaluator unequivocally recommended the Nurses as a placement for A.M.M.A. 9/08/15RP 16; Exhibit 28 at 11.

The Department did not recommend Ms. Nurse as a placement or guardian for A.M.M.A., however. The Department believed Ms. Nurse’s prior domestic violence conviction for second degree assault from 1990 permanently disqualified her. 9/04/15RP 14. Ms. Nurse was convicted for assaulting her former husband after she walked in on him in bed with her sister. 9/03/15RP 122. But Ms. Nurse has had no criminal convictions since then. 9/03/15RP 122; CP 4; Exhibit 28 at 10. She recognizes the assault was “a mistake that should have never happened,” and she has “moved on with [her] life in a positive way.” CP 4. She is open and “candid” about the conviction. Exhibit 28 at 10. She “took responsibility for her actions,” and “demonstrated the capacity to change.” Exhibit 28 at 10.

The court was aware of Ms. Nurse’s domestic violence conviction when it approved her to have unsupervised contact with

A.M.M.A. and drive him to prison for visits. 9/04/15RP 15-17.

Moreover, the Department had previously allowed her to care for some of her grandchildren. 9/04/15RP 123.

Mr. Monroe also identified his half-sister Asia Turner as a potential guardian or placement for A.M.M.A. Ms. Turner lives in Georgia with her husband and two young children. 9/04/15RP 50-52; 9/08/15RP 78-79. Neither she nor her husband has any criminal or CPS history. 9/08/15RP 80-81. Ms. Turner told the social worker, and testified at trial, that she was interested and available to take care of A.M.M.A. 9/08/15RP 79-80. The social worker told her she would be contacted about being a possible placement, but Ms. Turner never heard back and received no further communication from the Department. 9/08/15RP 79. Ms. Turner got the impression from the social worker that no member of Mr. Monroe's family would ever be approved to take care of A.M.M.A. because the Department did not want Mr. Monroe to be able to contact his son. 9/08/15RP 80.

Despite the Department's recognition that it is important for children to maintain family connections, and despite the lack of evidence that the family members Mr. Monroe identified were unsafe,

the Department made no further effort to place the child with any of his paternal relatives. 9/04/15RP 59, 109, 111.

On July 21, 2015, Mr. Monroe filed a guardianship petition designating Ms. Nurse as a potential guardian for A.M.M.A. CP 355-59. The State filed a motion to dismiss the guardianship petition, arguing Ms. Nurse did not meet the minimum requirements due to her prior domestic violence conviction. CP 210-11. The Department also filed a petition for termination of Mr. Monroe's parental rights. CP 330-54. The court consolidated the two petitions and a single trial was held. 9/02/15RP 26.

Ms. Judd, the Department social worker, testified Mr. Monroe's parental deficiency was that he was incarcerated. 9/03/15RP 99.

Following the trial, the court denied the guardianship petition. Appendix A; CP 60-66. The court relied in part on Mr. Nurse's prior conviction, which it described as a "permanent disqualifier." CP 63-64. At the same time, the court entered an order terminating Mr. Monroe's parental rights. Appendix B; CP 294-302.

D. ARGUMENT

1. The juvenile court abused its discretion in denying Mr. Monroe's motion for a continuance.

The juvenile court abused its discretion in denying Mr. Monroe's motion to continue the termination trial because additional time was needed so that the court could fully and fairly consider the less restrictive alternative of a guardianship. In addition, the court abused its discretion in denying the motion for continuance because Mr. Monroe needed additional time to present all relevant evidence.

Prior to trial, Mr. Monroe requested a continuance so that the court could fully and fairly consider the guardianship petition designating Ms. Nurse as the potential guardian. CP 101, 204-06. The purpose was to provide adequate time to investigate whether Ms. Nurse was available as a proper guardian. CP 204. Although an OPD investigator had completed a home-study of Ms. Nurse and her husband, the home-study was limited in scope because the investigator did not have access to files and information within the State's possession. CP 205-06. Counsel asked the court for additional time so that Ms. Nurse could be adequately investigated. CP 206.

In addition, on the day of trial, defense counsel moved for a two-week continuance so that he could adequately prepare for trial. 9/02/15RP 3-5. Counsel had just received new, untimely, discovery from the State and needed additional time to review it. 9/02/15RP 4. The discovery included information from the Department about its investigation into finding an alternative relative placement for the child. 9/02/15RP 7. Also, Mr. Monroe had just told counsel about two witnesses he wanted to call who were relevant to his case, and counsel needed time to interview them. 9/02/15RP 4. One of the potential witnesses was the wife of a man Mr. Monroe was incarcerated with, who had observed at least one visit between Mr. Monroe and his son. 9/02/15RP 12. The other potential witness was another inmate who could testify about Mr. Monroe's expressions of interest and concern for his son. 9/02/15RP 12. Finally, counsel needed additional time to confer with Mr. Monroe. He had had little time to confer with him due to his incarceration. 9/02/15RP 4, 12. The court denied the motion for continuance, allowing counsel only a two-hour recess in which to review the discovery. 9/02/15RP 11, 13.

The court abused its discretion in denying Mr. Monroe's motion for a continuance because a continuance was necessary to allow the

court adequate time to fully and fairly consider all relevant information pertaining to the proposed guardianship. In a termination trial, the availability of a guardianship placement is relevant to the court's determination of whether the State has proved the required elements of the termination statute, RCW 13.34.180(1). In re Welfare of R.H., 176 Wn. App. 419, 428-29, 309 P.3d 620 (2013). In particular, the availability of a guardianship is relevant to whether the State can prove continuation of the parent-child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home. Id. at 423, 428; see RCW 13.34.180(1)(f). The new guardianship statute, RCW 13.36.040, provides a more flexible and favored alternative to the draconian option of termination of parental rights. R.H., 176 Wn. App. at 423. A guardianship provides permanence for the child without requiring that all parental rights be terminated. In re Welfare of A.W., 182 Wn.2d 689, 697, 344 P.3d 1186 (2015).

When a potential guardianship is proposed in a termination trial, “the juvenile court must consider all available material and relevant information” to properly decide whether termination or guardianship is preferable. R.H., 176 Wn. App. at 429. “[T]he availability of a

guardianship is evidence that the trial court should consider when determining whether the State has met its burden to prove RCW 13.34.180(1)(f).” Id. at 428-29. If additional time is needed to allow the court to fully and fairly consider the option of guardianship, the court should grant a continuance. Id. at 429. A court’s decision to deny a motion for continuance is reviewed for abuse of discretion. Id. at 425. The court abuses its discretion if its decision to deny a continuance prevents the parent from being able to present material evidence regarding RCW 13.34.180(1)(f). Id. at 429.

Under R.H., the court’s decision to deny a continuance in this case was an abuse of discretion. In R.H., prior to the termination trial, the children’s paternal aunt was identified as a potential guardian. Id. at 423. The father moved to continue the trial to allow the Department to complete a home study for the aunt but the court denied the motion and proceeded to terminate the father’s rights. Id. The Court reversed because the juvenile court’s denial of the motion for a continuance prevented the father from being able to present material evidence regarding RCW 13.34.180(1)(f). Id. at 429.

Similarly, here, the court’s decision to deny the motion for continuance prevented Mr. Monroe from presenting all material

evidence regarding the viability of the proposed guardianship. Although an OPD investigator had investigated Ms. Nurse as a placement option for A.M.M.A., his investigation was incomplete. CP 205-06. Additional investigation was needed to confirm Ms. Nurse's availability as a guardian. Id. The court's refusal to allow for additional time for that investigation was an abuse of discretion. R.H., 176 Wn. App. at 429.

In addition, the court abused its discretion in denying defense counsel's motion for a continuance made on the day of trial because counsel needed additional time to prepare and to present all information material to Mr. Monroe's defense. A parent's fundamental liberty interest in the care and custody of his child is protected by the Due Process Clause. In re Dependency of V.R.R., 134 Wn. App. 573, 141 P.3d 85 (2006); U.S. Const. amend. XIV; Const. art. I, § 3. Because a parent's fundamental rights are at stake in a termination trial, due process requires that the parent have the ability to present all relevant evidence for the juvenile court to consider before terminating a parent's rights. R.H., 176 Wn.2d at 425-26. In addition, in recognition of the significant rights at stake, state law guarantees a parent the right to the effective assistance of counsel. In re Welfare of J.M., 130 Wn. App.

912, 922, 125 P.3d 245 (2005); RCW 13.34.090(2). That right encompasses the right to be represented by an attorney who is given a fair opportunity to prepare for trial. V.R.R., 134 Wn. App. at 585-86.

A court abuses its discretion in denying a motion for continuance if additional time is needed so that counsel can adequately prepare for trial. Id. In deciding a motion to continue, the court should consider a number of factors, including diligence, due process, the need for an orderly procedure, the possible effect on the trial, and whether prior continuances were granted. Id. at 581. In V.R.R., the Court held the juvenile court abused its discretion in denying a motion for continuance, where counsel needed additional time to review documents the State intended to admit at trial, to interview witnesses, and to obtain an independent psychological evaluation of the father. Id. at 585-86.

Here, as in V.R.R., defense counsel needed additional time to prepare for trial and to ensure Mr. Monroe received a fair hearing. Counsel needed additional time to review discovery that was untimely provided, and to interview two potential, material witnesses recently identified by Mr. Monroe. 9/02/15RP 4-7. Counsel requested only a two-week continuance, which would not have significantly delayed the

trial. Moreover, no prior continuances had been granted. 9/02/15RP 5. In light of these factors, a short two-week continuance was warranted. The court abused its discretion in denying the motion for a continuance. V.R.R., 134 Wn. App. at 585-86.

Because the court abused its discretion in denying the motion for continuance, the termination order must be reversed. Id.; R.H., 176 Wn. App. at 429.

2. The court erred in terminating Mr. Monroe's parental rights because guardianship was an available, permanent, less draconian alternative which would have allowed the child to maintain family ties.

When a parent cannot take care of his child, a guardianship may be preferable to terminating parental rights if the child is bonded to the parent and the guardianship allows the child to maintain family ties. Guardianship is a flexible alternative that permits the child to maintain a relationship with the parent while also providing permanency. When the parent is unavailable due to his incarceration, but has nonetheless maintained a meaningful role in the child's life, the court must consider the option of a guardianship before terminating the parent's rights.

Here, Mr. Monroe was unavailable to parent due to his incarceration but managed, through substantial efforts, to maintain a

meaningful role in his son’s life. He identified family members who were available and willing to serve as guardians, and who would have provided the child with permanency while also allowing the child to maintain ties with his father and extended family. Under these circumstances, the juvenile court erred in terminating Mr. Monroe’s parental rights and permanently removing the child from his family.

- a. A guardianship was preferable to termination because it was a flexible, permanent option that would have allowed the child to maintain family ties.*

In 2010, the Legislature created a more flexible alternative to parental termination—guardianship under RCW 13.36.040. R.H., 176 Wn. App. at 423. The Legislature enacted the new statute “to create a separate guardianship chapter to establish permanency for children in foster care through the appointment of a guardian and dismissal of the dependency.” RCW 13.36.010. “Once a guardianship is established under RCW 13.36.040(2), the guardian maintains physical and legal custody of the child and has several legal rights and duties regarding the child’s health, education, and care.” A.W., 182 Wn.2d at 699-700; RCW 13.36.050(2)(a)-(e). At the same time, the parent continues to have visitation, inheritance, and the right to consent to adoption. A.W., 182 Wn.2d at 700; RCW 13.36.050. A guardianship ends once the

child becomes 18 years old. A.W., 182 Wn.2d at 700; RCW 13.36.050. Guardianship is considered a statutory alternative to the termination of parental rights. A.W., 182 Wn.2d at 700.

Because a guardianship under RCW 13.36.040 is considered a permanent option, the availability of a guardianship placement is relevant to whether the State can prove one of the requisite elements of the termination statute, RCW 13.34.180(1)(f). R.H., 176 Wn. App. at 428. Before the State may terminate a parent's rights, the State must prove by clear, cogent and convincing evidence that "continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home." 13.34.180(1)(f). The availability of a guardianship is material to the court's determination of whether a parent's rights should be terminated. R.H., 176 Wn. App. at 423. That is, if a guardianship is available, the parent's rights need not be terminated in order for the child to be placed into a "stable and permanent home." Id.

Guardianship is a flexible alternative to termination because it allows a parent who cannot take care of his child to maintain a role in the child's life. Once a guardianship is established, the parent's rights are limited, but parents can be granted visitation and maintain the right

to consent to adoption and provide financial or medical support. A.W., 182 Wn.2d at 705; RCW 13.36.050. “Visitation is an important right that distinguishes a guardianship from termination.” A.W., 182 Wn.2d at 705. In addition, if the guardianship is with a child’s relative, the guardianship allows the child to maintain ties with extended family. By contrast, termination of a parent’s rights results in “all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent” being severed and terminated. Id.; RCW 13.34.200(1). Often the result of parental termination is not only the severance of a child’s ties with his parent, but also the severance of ties with extended family as well.

Before a court may establish a guardianship, the court must find by a preponderance of the evidence “that it is in the child’s best interests to establish a guardianship, rather than to terminate the parent-child relationship and proceed with adoption, or to continue efforts to return custody of the child to the parent.” RCW 13.36.040(2)(a). In making this determination, the court considers various factors, depending on the circumstances of the case. A.W., 182 Wn.2d at 711-12. Relevant factors include: the strength and nature of the parent and

child bond, the benefit of continued contact with the parent or the extended family, the need for continued State involvement and services, and the likelihood that the child may be adopted if parental rights are terminated. Id. at 712.

Here, the balance of factors weighs in favor of establishing a guardianship. Mr. Monroe and A.M.M.A. are bonded to each other despite Mr. Monroe's incarceration. 9/02/15RP 65, 89. They have developed a relationship that is beneficial to A.M.M.A. Reports of the visits between father and son were uniformly favorable. The two were affectionate with each other, laughed and played well together, and always had a positive interaction. 9/02/15RP 65, 73-74, 89; 9/04/15RP 23, 27, 90, 143. A.M.M.A. called Mr. Monroe "daddy." 9/04/15RP 23. Given Mr. Monroe's positive role in the child's life, and the existence of their bond, it was not in the child's best interest to sever ties with Mr. Monroe permanently.

Moreover, a guardianship with one of Mr. Monroe's relatives would have enabled the child to maintain ties with his extended family. The child is currently placed with strangers in a foster home. 9/04/15RP 42. As a result of the termination of Mr. Monroe's parental rights, the child's ties with his extended family were also severed. This

is contrary to the child’s best interests and contrary to legislative intent. The statutory scheme establishing the flexible alternative of a guardianship demonstrates the Legislature’s recognition that it is important to “provid[e] children with continuing connection to their extended families, culture, traditions and history.” In re Dependency of A.C., 123 Wn. App. 244, 251, 98 P.3d 89 (2004). The court’s decision to terminate Mr. Monroe’s parental rights—and permanently sever the child’s ties with his extended family—contravened this important interest.

Because the court’s decision to terminate Mr. Monroe’s parental rights rather than establish a guardianship not only permanently severed the child’s ties with his father but also with his extended family, the court’s decision was not in the child’s best interests.

b. A guardianship was preferable to termination because Mr. Monroe maintained a meaningful role in his child’s life despite his incarceration.

Mr. Monroe exerted great effort, and did everything he could, to maintain a meaningful role in his son’s life despite his incarceration. He took advantage of every opportunity and service available to him to maintain his relationship with his son and keep the family together. Under these circumstances, the Department had a duty to make

reasonable efforts to preserve the family unit. As part of that duty, the Department was required to consider a permanent option such as a guardianship that would allow Mr. Monroe to continue to play a role in his son's life. Because the State did not make reasonable efforts to establish a guardianship, both the termination order and the order dismissing the guardianship petition must be reversed.

In 2013, the Legislature amended the dependency statutes to address the problem of incarcerated parents and set forth a policy of attempting to help incarcerated parents maintain relationships with their children. In re Termination of M.J., 187 Wn. App. 399, 407, 348 P.3d 1265 (2015). The effect of the amendments was to require trial courts to consider whether an incarcerated parent could maintain a meaningful role in the child's life and to require the Department to make reasonable efforts to help the incarcerated parent remedy parental deficiencies. Id. at 408.

Before a trial court may terminate the parental rights of a person who is incarcerated, the court must consider: (1) whether the parent has maintained a meaningful role in the child's life based on factors identified in RCW 13.34.145(5)(b); (2) whether the Department made reasonable efforts to help the parent remedy parental deficiencies and

preserve the family unit; and (3) whether barriers existed that hindered the parent's ability to access visitation or other meaningful contact with the child. RCW 13.34.180(1)(f); M.J., 187 Wn. App. at 408, 412; In re Dependency of A.M.M., 182 Wn. App. 776, 786, 332 P.3d 500 (2014).

The court may find good cause not to file a termination petition for an incarcerated parent if “the parent maintains a meaningful role in the child’s life.” RCW 13.34.145(5)(a)(iv). If the parent has maintained a meaningful role in the child’s life, and it is in the best interest of the child, the Department must consider an alternative permanent option that allows the parent to maintain a relationship with the child, such as a guardianship pursuant to chapter 13.36 RCW. RCW 13.34.180(5).

In determining whether an incarcerated parent maintained a meaningful role in his child’s life, the court may consider (1) “[t]he parent’s expressions or acts of manifesting concern for the child, such as letters, telephone calls, visits and other forms of communication with the child”; (2) “[t]he parent’s efforts to communicate and work with the department or supervising agency or other individuals for the purpose of complying with the service plan and repairing, maintaining, or building the parent-child relationship”; and (3) limitations on the

parent's access to services and visitation. RCW 13.34.145(5)(b); A.M.M., 182 Wn. App. at 786-87.

In deciding whether an incarcerated parent has maintained a meaningful role in his child's life, the court should consider his expressions of concern for the child, as well as his attempts to communicate with and visit the child. M.J., 187 Wn. App. at 409-10. In M.J., the incarcerated mother made constant requests to visit her children and diligently communicated with them by sending pictures and letters. M.J., 187 Wn. App. at 404. Despite the obstacles she faced due to her incarceration, she "tr[ie]d hard to maintain a position in her children's lives." Id. at 409. The Court held these efforts constituted a "meaningful role" under RCW 13.34.145(5)(b). Id. at 409-10. The juvenile court was required to consider the mother's efforts before terminating her rights. Id. at 409-10.

Here, as in M.J., Mr. Monroe exerted great effort to maintain a position in his son's life. Even before the dependency was established, he filed a proposed parenting plan so that he could have regular visits with A.M.M.A. 9/04/15RP 134; CP 108-17. After the child was placed into foster care, Mr. Monroe tried and finally succeeded in having the child placed with a family member, Mr. Monroe's half-

brother. 9/03/15RP 105; Exhibit 24. Mr. Monroe consistently expressed a strong desire for visitation to the social worker and was diligent about visiting with A.M.M.A. 9/03/15RP 75; 9/04/15RP 141-42. During visits, he expressed concern and affection for A.M.M.A. and always treated the child appropriately. 9/02/15RP 65, 73-74, 89; 9/04/15RP 23, 27, 90, 143. When he could not see A.M.M.A., he sent pictures and letters in an effort to maintain their bond. 9/04/15RP 144.

Mr. Monroe was also determined to do everything he could to improve his parenting ability and make sure he complied with the Department's requirements so that he could maintain a relationship with his son. He maintained communication with the social worker. He completed every service available to him in prison. 9/02/15RP 98; 9/03/15RP 74-75, 78; 9/04/15RP 42, 63, 102, 141, 145; Exhibits 12-17.

As a result of his considerable efforts, he managed to maintain a "meaningful role" in the child's life despite his incarceration. RCW 13.34.145(5); M.J., 187 Wn. App. at 409-10. The court was required to take Mr. Monroe's meaningful relationship with his son into account before terminating his rights. RCW 13.34.180(1)(f); M.J., 187 Wn. App. at 408, 412; A.M.M., 182 Wn. App. at 786.

Because Mr. Monroe maintained a meaningful role in A.M.M.A.'s life, the Department was required to consider an alternative permanent option that would have allowed him to maintain that relationship, such as a guardianship. RCW 13.34.180(5). As discussed below, the Department failed in its statutory duty to give serious consideration to the option of a guardianship.

c. The court erred in dismissing the guardianship petition because Ms. Nurse was an available, appropriate guardian.

When a potential guardianship is proposed in a termination trial, “the juvenile court must consider all available material and relevant information” to properly decide whether termination or guardianship is preferable. R.H., 176 Wn. App. at 429. The availability of a guardianship is evidence the trial court should consider when determining whether termination is necessary to ensure the child is integrated “into a stable and permanent home.” Id. at 428-29; RCW 13.34.180(1)(f).

A court *must* grant a guardianship petition for a dependent child if the court “finds by a preponderance of the evidence that it is in the child's best interests to establish a guardianship, rather than to terminate

the parent-child relationship” and the other elements of the guardianship statute are met.¹ RCW 13.34.030(2)(a).

Under the circumstances of this case, the court erred in terminating Mr. Monroe’s rights instead of granting a guardianship. A potential, proposed guardian was available. A guardianship petition was filed naming Mr. Monroe’s grandmother Bernice Nurse as a

¹ The other elements of the guardianship statute are:

(c)(i) The child has been found to be a dependent child under RCW 13.34.030;

(ii) A dispositional order has been entered pursuant RCW 13.34.130;

(iii) At the time of the hearing on the guardianship petition, the child has or will have been removed from the custody of the parent for at least six consecutive months following a finding of dependency under RCW 13.34.030;

(iv) The services ordered under RCW 13.34.130 and 13.34.136 have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided;

(v) There is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future; and

(vi) 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 13.34.040(2)(c).

potential guardian. CP 355-59. Ms. Nurse could have provided A.M.M.A. with a stable and permanent home without terminating Mr. Monroe's parental rights. The guardianship would have allowed the child to maintain his relationship with his father as well as his extended family.

The State opposed Ms. Nurse as a potential guardian because it believed her 25-year-old conviction for second degree assault against her former husband permanently disqualified her. 9/04/15RP 14. The trial court agreed. CP 63-64. This was error.

In order for a person to be designated as a proposed guardian, he or she "must be age twenty-one or over and must meet the minimum requirements to care for children as established by the department under RCW 74.15.030, including but not limited to licensed foster parents, relatives, and suitable persons." RCW 13.36.030(2). RCW 74.15.030, in turn, provides the Department with authority "to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed." RCW 74.15.030(2). The minimum requirements include "[c]onducting background checks for those who will or may have unsupervised access to children." RCW 74.15.030(2)(c).

The Department promulgated regulations providing that convictions for certain crimes permanently prohibit a person from “being licensed, contracted, certified or authorized to have unsupervised access to children.” WAC 388-06A-0170(1). One of those crimes is “[s]pousal abuse.” WAC 388-06A-0170(1)(b).

This regulation does not apply to Ms. Nurse as a proposed guardian, however, because it relates to what internal criteria would disqualify someone from “being licensed, contracted, certified or authorized to have unsupervised access to children.” WAC 388-06A-0170(1). It does not expressly apply to a proposed guardian.

Moreover, the trial court had already determined this ostensible requirement could be waived. The court was aware of Ms. Nurse’s 25-year-old conviction when it earlier approved her to have unsupervised contact with A.M.M.A. and drive him to prison for visits. 9/04/15RP 15-17. Also, the Department had previously allowed her to care for some of her grandchildren. 9/04/15RP 123.

Just as it was appropriate for the court to overlook Ms. Nurse’s 25-year-old conviction for second degree assault when the court approved her to have unsupervised contact with A.M.M.A. and transport him to the prison for visits, it was appropriate to overlook the

conviction when considering her for a guardianship. Ms. Nurse had no subsequent criminal convictions. 9/03/15RP 122; CP 4; Exhibit 28 at 10. She recognizes the assault was “a mistake that should have never happened,” and she has “moved on with [her] life in a positive way.” CP 4. She is open and “candid” about the conviction. Exhibit 28 at 10. She “took responsibility for her actions,” and “demonstrated the capacity to change.” Exhibit 28 at 10. Moreover, the circumstances of the crime make Ms. Nurse’s actions understandable. Ms. Nurse assaulted her former husband after walking in on him in bed with her sister. 9/03/15RP 122.

Ms. Nurse was otherwise an appropriate guardian. She loved A.M.M.A. and was eager to be his guardian. 9/04/15RP 123. She was well-experienced in caring for children, having raised five children, and helped to raise 22 grandchildren and 19 great-grandchildren. 9/03/15RP 120; Exhibit 28 at 1. She and her husband live in a spacious, “neat, clean and organized” home that is “welcoming and comfortable.” Exhibit 28 at 8. They have a strong marriage and values, are active in the community, and have an extended social support system. 9/08/15RP 15; Exhibit 28 at 7, 9.

Given that a guardianship was a permanent option that would have allowed the child to maintain a relationship with his father and extended family, and given that, in most ways, Ms. Nurse was apparently an ideal placement for a child, a guardianship with Ms. Nurse was in the child's best interests. Because the trial court had the ability to waive the requirement that Ms. Nurse's prior conviction disqualify her, and because Ms. Nurse was otherwise an appropriate guardian, the trial court erred in terminating Mr. Monroe's parental rights rather than granting the guardianship petition.

d. Even if Ms. Nurse was not an appropriate guardian, the court erred in terminating Mr. Monroe's rights without providing a meaningful opportunity to designate an alternate guardian.

As discussed, if an incarcerated parent has maintained a meaningful role in his child's life, and it is in the best interest of the child, the Department must consider an alternative permanent option that allows the parent to maintain a relationship with the child, such as a guardianship. RCW 13.34.180(5). "[T]he availability of a guardianship is evidence that the trial court should consider when determining whether the State has met its burden to prove RCW 13.34.180(1)(f)." R.H., 176 Wn. App. at 428-29. If additional time is

needed to allow the court to fully and fairly consider the option of a guardianship, the court should grant a continuance. Id. at 429.

Here, Mr. Monroe proposed other members of his family as guardians for A.M.M.A. The Department had a duty to seriously consider a guardianship with one of Mr. Monroe's family members so that he could maintain a relationship with his child. RCW 13.34.180(5). Even though none of the other prospective family members was specifically designated in a guardianship petition, the court should have granted a continuance so the option could be fully and fairly considered. R.H., 176 Wn. App. at 428-29.

In particular, Mr. Monroe identified his half-sister Asia Turner as a potential guardian. Ms. Turner appears to be an appropriate guardian. She lives in Georgia with her husband and two young children. 9/04/15RP 50-52; 9/08/15RP 78-79. Neither she nor her husband has any criminal or CPS history. 9/08/15RP 80-81. She was willing and interested in being a guardian for A.M.M.A. 9/08/15RP 80.

Despite Ms. Turner's availability and apparent suitability, the Department did not seriously consider her as a potential guardian. The Department was aware of her availability. On July 22, 2015, defense counsel sent an email to the social worker asking if she had been in

contact with Ms. Turner and would begin the process of determining her suitability as a placement option. CP 119. Likewise, Ms. Turner told the social worker, and testified at trial, that she was interested and available to take care of A.M.M.A. 9/08/15RP 79-80. Although the social worker told Ms. Turner she would be contacted about being a possible placement, Ms. Turner never heard back and received no further communication from the Department. 9/08/15RP 79. Ms. Turner got the impression from the social worker that neither she nor any member of Mr. Monroe's family would ever be approved as a placement for A.M.M.A. because the Department did not want Mr. Monroe to be able to have contact with his son. 9/08/15RP 80.

The Department's actions in refusing to consider Ms. Turner or any other member of Mr. Monroe's family as a guardian for A.M.M.A. contravened the Department's duties under the statute. Because a guardianship was a permanent option that would allow the child to maintain ties with his father and extended family, it was in the child's best interests. The juvenile court erred in terminating Mr. Monroe's rights instead of granting the guardianship petition designating Ms. Nurse as the proposed guardian, or providing Mr. Monroe additional time to designate an alternate guardian.

E. CONCLUSION

The juvenile court abused its discretion in denying Mr. Monroe's motion to continue the termination trial. It also erred in terminating Mr. Monroe's rights rather than granting the guardianship petition designating Ms. Nurse as the proposed guardian, or providing Mr. Monroe additional time to designate an alternate guardian. Thus, the termination order, and the order dismissing the guardianship petition, must be reversed.

Respectfully submitted this 25th day of March, 2016.

/s/ Maureen M. Cyr

MAUREEN M. CYR (WSBA 28724)
Washington Appellate Project - 91052
Attorneys for Appellant

APPENDIX A

2015 OCT 13 AM 10:32

**SUPERIOR COURT OF WASHINGTON
COUNTY OF SKAGIT JUVENILE COURT**

Dependency of

ANTONIAL M M ARENDSE

DOB 10/14/11

No 15-7-00511-2

**Findings and Conclusions re Petition
for Order Appointing Title 13 RCW
Guardian -- DENIED
(FNFLC)**

I. Basis

11 **Petition** The Department of Social and Health Services filed a petition seeking appointment of a guardian in this case. The court held a hearing in this case on September, 2-4, 8, 2015 consolidated with the Department's petition requesting termination of the parent-child relationship

12 **Appearance:**

<input type="checkbox"/> Mother CAITLIN ARENDSE	<input type="checkbox"/> Mother's Lawyer WENDY WALL <i>(withdrew at trial)</i>
<input checked="" type="checkbox"/> Father ANTONIAL MONROE	<input checked="" type="checkbox"/> Father's Lawyer BENJAMIN HARRIS
<input checked="" type="checkbox"/> Child's GAL MARIANNE YAMASHITA	<input checked="" type="checkbox"/> GAL's Lawyer DAVID YAMASHITA
<input checked="" type="checkbox"/> DSHS/Agency Worker NATALIE JUDD	<input checked="" type="checkbox"/> Agency Lawyer LISA M LAGUARDIA

13 **Basis:** The court heard testimony from Dr. Kevin Zvilna (Psychological/Parenting evaluator), Margaret Hobbs (DOC Corrections Officer), Roberto Mendiola (DOC Classification Counselor), Ashley Zuber (DOC Telephone System Monitor/Director), Margaret Arendse (Maternal Grandmother), Stephen Coney (DOC Investigator), Jeffrey Flick (DOC Correctional Unit Supervisor), Natalie Judd (DSHS Social Worker), Bernice Nurse (Paternal Great-grandmother), Marianne Yamashita (Guardian ad Litem), Antonial Monroe (Father), Michael Aldrich (Office of Public Defense Social Worker), Bernajeon Pareja-Washington (Paternal Grandmother), Asia Turner (Paternal Aunt).

II. Findings of Fact

21 **Notice:** The following have received adequate notice of these proceedings as required by

ORIGINAL

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2 The mother father guardian or legal custodian DSHS child child's lawyer
3 child's guardian ad litem proposed Title 13 Guardian

4 The child 12 or older and was notified that he/she may request a lawyer

5 2 2 **Child's Indian status**

6 The petitioner [x] has [] has not made a good faith effort to determine whether the child is an
7 Indian Child

8 Based upon the following, the child is not an Indian child as defined in Laws of 2011,
9 ch 309, §4, and the federal and Washington State Indian Child Welfare Acts do not
10 apply to these proceedings ***Neither parent is an enrolled member of an Indian
11 tribe. The child is neither an enrolled member of an Indian tribe nor eligible for
12 enrollment/the child of an enrolled member.***

13 Based upon the following, the child is an Indian child as defined in Laws of 2011, ch
14 309, §4, and the federal and Washington State Indian Child Welfare Acts apply to this
15 proceeding

16 The proposed guardian(s) fall within the placement preferences specified in Laws
17 of 2011, ch 309, §18, **Or**

18 The proposed guardian(s) does (do) not fall within the placement preferences of
19 Laws of 2011, ch 309, §18, but there is good cause to continue placement with
20 the proposed guardian(s) because

21 **And**

22 The child's tribe has been notified of this proceeding by registered mail received
23 at least 15 days prior to the hearing

24 Pursuant to Laws of 2011, ch 309, §13, active efforts have been made by
25 actively working with the parent, parents, or Indian Custodian to engage them in
26 remedial services and rehabilitative programs to prevent the break-up of the
Indian family beyond simply providing referrals to such services, and these efforts
have been unsuccessful

Pursuant to Laws of 2011, ch 309, §13, the court finds by clear and convincing
evidence, including the testimony of a qualified expert witness, that continued
custody of the child by the parent(s) or Indian custodian is likely to result in
serious emotional or physical damage to the child

The petitioner [] has [] has not provided notice of these proceedings as required by
Laws of 2011, ch 309, §7 and the federal Indian Child Welfare Act to all tribes to which
the petitioner or court knows or has reason to know the child may be a member or
eligible for membership

2 3 **Service Members' Relief Acts**

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Mother

The federal Servicemembers Civil Relief Act of 2003, 50 U S C § 501, et seq
 the Washington Service Members Civil Relief Act, chapter 38 42 RCW does not
apply to the mother in this proceeding

The federal Servicemembers Civil Relief Act of 2003, 50 U S C § 501, et seq
the Washington Service Members Civil Relief Act, chapter 38 42 RCW does apply to
the mother in this proceeding The requirements of the act(s) have been met as
follows

Father

The federal Servicemembers Civil Relief Act of 2003, 50 U S C § 501, et seq
 the Washington Service Members Civil Relief Act, chapter 38 42 RCW does not
apply to the father in this proceeding

The federal Servicemembers Civil Relief Act of 2003, 50 U S C § 501, et seq []
the Washington Service Members Civil Relief Act, chapter 38 42 RCW does apply to
the father in this proceeding The requirements of the act(s) have been met as follows

2 4 Antonial M M Arendse was born on October 14, 2011 and is a dependent child in Whatcom
County

2 5 The child's mother, Caitlin Ann Arendse, is currently homeless

2 6 The child's father, Antonial Marquette Monroe currently resides in DOC custody

2 7 Guardianship is is not in the best interests of the child, rather than termination of the
parent-child relationships and proceeding with adoption, or continuation of efforts to return
custody of the child based upon the following facts

2 7 1 Upon the father's request, the guardianship hearing was consolidated with the
Departments Petition for Termination of Parent-Child Relationship, Skagit County Superior Court # 15-7-
00021-8 As such, the court finds that both the father and the Department pled, in their respective petitions,
the following as matters of fact

(a) The child has been found to be a dependent child under RCW 13 34 030

(b) A dispositional plan has been entered pursuant to RCW 13 34 130

(c) The child has been removed, or will, at the time of the hearing, have been removed from
the custody of the parent for a period of at least six consecutive months following a finding of
dependency under RCW 13 34 030

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1 (d) The services ordered under RCW 13 34 130 and 13 34 136 have been offered or provided
2 and all necessary services reasonably available, capable of correcting the parental deficiencies
3 within the foreseeable future have been offered or provided
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5 (e) There is little likelihood that conditions will be remedied so the child can be returned to the
6 parents in the near future
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8 As both sides agree that these same elements are in existence, there is no need to prove them and the
9 court makes the finding that they are true The Department provided additional evidence at trial that also
10 **proves** these five elements

11 2 7 2 The Department and the father presented significant testimony from the social worker,
12 Natalie Judd, the paternal great-grandmother, Bernice Nurse and the father regarding a cancelled visit in
13 June, 2015 The court also listened to recordings of three phone calls initiated by the father immediately
14 subsequent to the cancelled visit

15 2 7 3 The father's petition names the paternal great-grandmother, Bernice Nurse, as the
16 guardian After comparing the admitted phone recordings made following the missed visit in June, 2015
17 with Mrs Nurse's testimony, the court concludes that Mrs Nurse would say or do anything to get custody
18 of this child and concludes that much of Mrs Nurse's testimony proved to be false Although Mrs Nurse
19 said that her role in her family is to "stand tall" and "take responsibility" for her actions, the phone calls
20 showed that she did not stand tall against the father and, instead, instigated and agitated his anger She
21 also attempted to allow Brandi White, the father's girlfriend, to have an unauthorized visit with the child and
22 father and had unapproved overnight visits with the child even though she knew these actions were not
23 approved Mrs Nurse's prior conviction of Assault 2nd Domestic Violence with her spouse as the victim
24 permanently disqualifies her from having unsupervised access to children Although this Court previously
25 waived that disqualification to allow limited contact for purposes of transporting the child to the prison for
26 visits with the father, the court did not waive the disqualifier for placement or guardianship Mrs Nurse has

1 not shown that she could be proper placement for the child and that she would not be controlled by the
2 father Mrs Nurse's conduct, testimony and permanent disqualifier all prove that it would not be in this
3 child's best interests to be placed with her

4 **2 8 Basis for Establishing Guardianship**

- 5 There is no basis to establish a guardianship
6 The dependency guardian and DSHS agree that the court should convert the
7 dependency guardianship entered on _____(date) in
8 _____(cause number) under chapter 13 34 RCW in a
guardianship under Chapter 13 36 RCW

9 Or

- All parties to the dependency agree to entry of the guardianship order and the
proposed guardian is qualified, appropriate and capable of performing the duties of
guardian under RCW 13 36 050

10 Or

- 11 The following apply
12 (a) The child was found to be dependent pursuant to RCW 13 34 030 on
_____ (date)
13 (b) The court entered dispositional orders pursuant to RCW 13 34 130 on
_____ (date) in _____ (cause number)
14 (c) The child has been removed from the custody of the parents for a period of at
15 least six consecutive months following a finding of dependency under RCW
13 34 030
16 (d) Services ordered under RCW 13 34 130 and 136 have been offered or
17 provided and all necessary services reasonably available, capable of
correcting the parental deficiencies within the foreseeable future, have been
18 offered or provided
19 (e) There is little likelihood that conditions will be remedied so that the child can be
20 returned to the parents in the near future
21 (f) The proposed guardian 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 18

22 **2 9 Exceptional Circumstances when the Child Has no Legal Parent**

- 23 Does not apply
24 The child has no legal parent The following exceptional circumstances support the
establishment of the guardianship
25 the child has special needs and a suitable guardian is willing to accept custody
26 and able to meet the needs of the child to an extent unlikely to be achieved

through adoption

- the proposed guardian has demonstrated a commitment to provide for the long-term care of the child and,
 - is a relative of the child,
 - has been a long-term caregiver for the child and has acted as a parent figure to the child and is viewed by the child as a parent figure, or
 - the child's family has identified the proposed guardian as the preferred guardian, and, if the child is age 12 years or older, the child also has identified the proposed guardian as the preferred guardian

Other _____

2 10 **Visitation**

- Contact between the child and the child's mother, the child's father, the child's siblings, namely _____, is in the child's best interests as follows _____
- Contact between the child and the child's mother, the child's father, the child's siblings, namely _____, is not in the child's best interests and should be restricted because _____

2 11 _____ (name) is qualified, appropriate and capable of performing the duties of guardian under RCW 13 36 050 and meet the minimum requirements to care for children established by DSHS under RCW 74 15 030

2 12 **Need and Scope of Continued Court Oversight**

- There is no need for further court oversight
- There is a need for continued court oversight as follows _____

III. Conclusions of Law

- The court has jurisdiction over the child, parents and subject matter of this action
- Unless otherwise indicated, the above findings have been proved by a preponderance of the evidence
- A Title 13 RCW guardianship should not be established under RCW 13 36 050
- A Title 13 RCW guardianship should be established under RCW 13 36 050
- The Dependency guardianship under _____ (cause number) should be converted into a guardianship under chapter 13 36 RCW
- The dependency in _____ (cause number) should be dismissed

Dated 10-13, 201~~4~~⁵

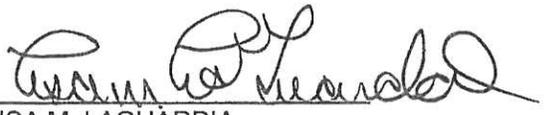
Dee Needy
Judge/Commissioner

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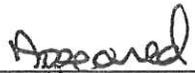
ROBERT W FERGUSON
Attorney General



LISA M LAGUARDIA
Assistant Attorney General
WSBA #29888

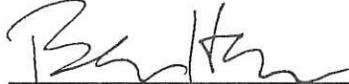
COPY RECEIVED, APPROVED FOR ENTRY, NOTICE OF PRESENTATION WAIVED

CAITLIN ANN ARENDSE
Mother



ANTONIAL MARQUETTE MONROE
Father

Attorney for Mother, WSBA #31671



BENJAMIN J HARRIS
Attorney for Father, WSBA #45961

DAVID YAMASHITA ← *(waived)*

MARIANNE YAMASHITA
Child's Guardian ad Litem



DAVID YAMASHITA
Attorney for Child's Guardian ad Litem
WSBA #



NATALIE JUDD
Social Worker



APPENDIX B

2015 OCT 13 AM 10:32

**SUPERIOR COURT OF WASHINGTON
COUNTY OF SKAGIT
JUVENILE COURT**

Dependency of

No 15-7-00021-8

ANTONIAL M M ARENDSE

**Hearing, Findings, and Order Regarding
Termination of Parent-Child Relationship**

DOB 10/14/11

Granted (ORTPCR)
 Dismissed (ORDSM)

Clerk's Action Required: Paragraph 4.1

The child is legally free An attorney must be appointed for the child in dependency case number 14-7-00219-1 no later than six months from today's date (NCLF)

I. Hearing

11 The court held a hearing in this case on September, 2-4, 8, 2015 on a petition requesting termination of the parent-child relationship

12 **The following persons appeared**

<input type="checkbox"/> Mother CAITLIN ARENDSE	<input checked="" type="checkbox"/> Mother's Lawyer WENDY WALL <i>(withdrew at trial)</i>
<input checked="" type="checkbox"/> Father ANTONIAL MONROE	<input checked="" type="checkbox"/> Father's Lawyer BENJAMIN HARRIS
<input checked="" type="checkbox"/> Child's GAL MARIANNE YAMASHITA	<input checked="" type="checkbox"/> GAL's Lawyer DAVID YAMASHITA
<input checked="" type="checkbox"/> DSHS SW NATALIE JUDD	<input checked="" type="checkbox"/> Agency Lawyer LISA M LAGUARDIA
<input type="checkbox"/> Other	<input type="checkbox"/> Other

13 The court heard testimony from Dr. Kevin Zvilna (Psychological/Parenting evaluator), Margaret Hobbs (DOC Corrections Officer), Roberto Mendiola (DOC Classification Counselor), Ashley Zuber (DOC Telephone System Monitor/Director), Margaret Arendse (Maternal Grandmother), Stephen Coney (DOC Investigator), Jeffrey Flick (DOC Correctional Unit Supervisor), Natalie Judd (DSHS Social Worker), Bernice Nurse (Paternal Great-grandmother), Marianne Yamashita (Guardian ad Litem), Antonial Monroe (Father), Michael Aldrich (Office of Public Defense Social Worker), Bernajean Pareja-Washington (Paternal Grandmother), Asia Turner (Paternal Aunt).

ORIGINAL

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I. Findings

2 1 The following received adequate service

- Mother
- Father
- Any and All Putative Fathers
- Child (if age 12 or older)
- Legal Guardian
- Alleged Father
- Other

2 2 Indian status

- Based upon the following, there is no reason to know that the child is an Indian child as defined in RCW 13 38 040, and federal and Washington State Indian Child Welfare Acts do not apply to these proceedings ***The CPS social worker interviewed the family and inquired into Indian ancestry. The Indian Inquiry form was completed and the parents denied Indian ancestry. Neither parent is an enrolled member of an Indian tribe. The child is neither an enrolled member of an Indian tribe nor the child of an enrolled member/eligible for enrollment.***
- The child is an Indian child as defined in RCW 13 34 080, and the federal and Washington State Indian Child Welfare Acts do apply to these proceedings
- The petitioner has has not provided notice of these proceedings as required by RCW 13 38 070 and the federal Indian Child Welfare Act to all tribes to which the petitioner or court knows or has reason to know the child may be a member or eligible for membership The following tribes were notified

2 3 The child's mother, Caitlin Arendse

- has appeared in this proceeding both personally and through her attorney, Wendy Wall ***Ms. Wall brought a motion to withdraw at the start of the proceeding. Ms. Arendse was not present. No objections were made to Ms. Wall's motion. Ms. Wall's motion to withdraw was granted***
- has failed to appear, plead or otherwise defend against the termination petition and has been found in default

2 4 The child's father, Antonial Monroe

- has appeared in this proceeding both personally and through his attorney, Benjamin Harris
- has failed to appear, plead or otherwise defend against the termination petition and has been found in default

2 5 The Servicemembers' Civil Relief Act does not apply to this proceeding

2 6 Upon the father's request, the termination hearing was consolidated with the father's Petition for Order Appointing Title 13 RCW Guardian, Skagit County Superior Court # 15-7-00511-2 As such, the court finds that the father pled, in that petition, the following as matters of fact

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- 1 (a) The child has been found to be a dependent child under RCW 13 34 030
2 (b) A dispositional plan has been entered pursuant to RCW 13 34 130
3 (c) The child has been removed, or will, at the time of the hearing, have been removed from
4 the custody of the parent for a period of at least six consecutive months following a finding of
5 dependency under RCW 13 34 030
6 (d) The services ordered under RCW 13 34 130 and 13 34 136 have been offered or provided
7 and all necessary services reasonably available, capable of correcting the parental deficiencies
8 within the foreseeable future have been offered or provided
9 (e) There is little likelihood that conditions will be remedied so the child can be returned to the
10 parents in the near future

11 These five elements are also pled by the department in its Petition for Termination of Parent-Child
12 Relationship under sections 19(2)-(10) As both sides agree that these same elements are in existence,
13 there is no need to prove them and the court makes the finding that they are true The Department
14 provided additional evidence at trial that also *proves* these five elements as outlined in the following
15 findings

16 2 7 A Dependency Petition was filed in this matter on March 17, 2014

17 2 8 The child herein was found to be a dependent child pursuant to RCW 13 34 030(6) by an Order of
18 Dependency entered in this matter on May 7, 2014 as to both mother and father

19 2 9 A dependency dispositional order was entered pursuant to RCW 13 34 130 and incorporated into
20 the Order of Dependency entered in this matter on May 7, 2014 as to both mother and father

21 2 10 The child's dependent status has been reviewed by the court on July 8, 2014, December 16, 2014
22 and last on June 2, 2015 The next regularly scheduled dependency review hearing is set for November
23 12, 2015
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1 2 11 The child has been removed from the custody of the parents for over six months pursuant to a
2 finding of dependency under RCW 13 34 On March 17, 2014, the child was placed in out of home care,
3 and the child has remained in an out-of-home placement until the present time

4 2 12 The mother's parental deficiencies identified at the time of the child's removal related to her abuse
5 of illegal substances, chaotic lifestyle, disagreements with the maternal grandmother and untreated mental
6 health which all created drama and confusion in the child's life The mother did not participate in any of the
7 services the Department offered to address these deficiencies The services offered were substance
8 abuse evaluation and treatment, random urinalysis, psychological evaluation, parenting assessment,
9 mental health assessment, domestic violence victim's services, parenting instruction and case
10 management services The mother also failed to participate in the trial to terminate parental rights All
11 elements of termination are proven as to the mother She has been offered all of the services, has
12 participated in almost none, and has little to no involvement in the child's life, despite numerous
13 opportunities to be involved Substantial evidence has been shown and termination of the mother's
14 parental rights is appropriate

15 2 13 This child was 5 ½ months old when the father went to prison Prior to his incarceration, the father
16 had only intermittent contact with the child, one to two days at a time and possibly for one week on one
17 occasion Even before incarceration, the father's role in the child's life was sporadic His felony convictions
18 completely removed the father from day to day involvement in the child's life before the child was six
19 months old

20 2 14 During his time in prison, the father received hundreds of infractions and has worked himself into
21 more restrictive confinement because of his behaviors He received anger management treatment three
22 times, parenting classes and other self-help classes during his confinement Despite these services, there
23 has been little to no improvement in the father's ability to control his behaviors

24 2 15 The Department and the father presented significant testimony from the social worker, Natalie
25 Judd, the paternal great-grandmother, Bernice Nurse and the father regarding a cancelled visit in June,
26

1 2015 At the time, the child was placed with the paternal uncle, a placement chosen by the father, and the
2 father was having more visits with his child in the prison than what was originally ordered. The court also
3 listened to recordings of three phone calls initiated by the father immediately subsequent to the cancelled
4 visit. During these calls, the father had the opportunity to put skills he learned during his courses of anger
5 management to the test. Where the job of a parent is to remain calm, focus on the issues at hand, and try
6 to do what is best for everyone involved. The father reacted in anger and in self-serving ways without any
7 consideration for others around him including the child. The father flunked the test, put his needs first and
8 rendered chaos into his child's life, the life of his placement, the life of the placement's children and got
9 himself in trouble too. These are not the actions of a person who, after all of these classes, all of the self
10 help and all of this hoping to better himself while in prison, convinces this Court he has the skills necessary
11 to come out of prison and be an adequate parent, because the tests of a parent will be far worse than a
12 missed visit in prison.

13 2 16 The father participated in visitation with the child and was able to be focused, attentive, kind, caring
14 and appropriate, played appropriately with his son and showing some level of bond with the child, for 1 – 2
15 hours at a time. This is not enough to show the father is capable of parenting.

16 2 17 Given the eighteen months of services offered or provided, there is little likelihood that the
17 conditions will be remedied so that the child could be returned to the parents in the near future. The father
18 has been incarcerated for the entire dependency.

19 2 18 The court considered whether or not the father maintains a meaningful role in the child's life based
20 upon the factors in RCW 13 34 145(5)(b) and finds that the father has interacted with the child and has
21 shown love and care, but this alone does not result in a meaningful relationship. The department made all
22 reasonable efforts to reunify the child with the father, but these efforts were not successful. Services,
23 including a psychological evaluation and parenting assessment, counseling, anger management treatment,
24 were offered despite the father's incarceration. There were no barriers to the father. The father had more
25
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1 visits than most courts would ever allow or order and the father found a way to sabotage all of that,
2 including missing visits because of his own misconduct in prison

3 2 19 The court considered guardianship in lieu of termination and finds that the father's proposed
4 guardian is not suitable. The father filed a competing petition for guardianship under cause number 15-7-
5 00511-2 and proposed the paternal great-grandmother, Bernice Nurse, as the guardian. After comparing
6 the admitted phone recordings made following the missed visit in June, 2015 with Mrs. Nurse's testimony,
7 the court concludes that Mrs. Nurse would say or do anything to get custody of this child and concludes
8 that much of Mrs. Nurse's testimony proved to be false. Although Mrs. Nurse said that her role in her
9 family is to "stand tall" and "take responsibility" for her actions, the phone calls showed that she did not
10 stand tall against the father and, instead, instigated and agitated his anger. She also attempted to allow
11 Brandi White, the father's girlfriend, to have an unauthorized visit with the child and father and had
12 unapproved overnight visits with the child even though she knew these actions were not approved. Mrs.
13 Nurse's prior conviction of Assault 2nd Domestic Violence with her spouse as the victim permanently
14 disqualifies her from having unsupervised access to children. Although this Court previously waived that
15 disqualification to allow limited contact for purposes of transporting the child to the prison for visits with the
16 father, the court did not waive the disqualifier for placement or guardianship. Mrs. Nurse has not shown
17 that she could be proper placement for the child and that she would not be controlled by the father. Mrs.
18 Nurse's conduct, testimony and permanent disqualifier all prove that it would not be in this child's best
19 interests to be placed with her.

20 2 20 The court also finds that the Department considered placement with the father's sister, Asia
21 Turner. The social worker, Natalie Judd, testified that Ms. Turner was contacted and given the opportunity
22 to provide background checks for herself or any other adult living in the home. Ms. Judd explained to Ms.
23 Turner that she would have to complete an Interstate Compact for Placement of a Child (ICPC). Ms.
24 Turner responded that she would have to discuss the potential placement with her significant other. Ms.
25 Turner did not contact Ms. Judd again. Ms. Turner did testify that she would like to start the ICPC process
26

1 and was waiting for the Department to get back in touch with her. Regardless of who is right or wrong, it
2 would be many months before the ICPC would be completed. This would clearly diminish the child's
3 changes for an early integration into a stable and permanent home.

4 2.21 Continuation of the parent-child relationship clearly diminishes the child's prospect for early
5 integration into a stable and permanent home. The social worker, Natalie Judd and the GAL, Marianne
6 Yamashita, both testified that the child is placed in a stable home with caregivers who have been approved
7 to adopt. The consensus of expert opinion is that both the likelihood and the ease with which a child will
8 bond into a new family setting are increased when the child is placed into a family setting at a younger age
9 versus a more delayed placement. The continuation of the status quo is not in the child's best interests and
10 a resolution is needed as to who will be this child's permanent caretaker. The child's needs for
11 permanence and stability must, at this point in time, be accorded priority over the rights of the biological
12 parents in order to foster the early integration of the child into a stable and permanent home as quickly as
13 possible.

14 2.22 Termination of the parent-child relationship is in the best interests of the child to allow adoption
15 planning to begin and to foster the creation of a stable and permanent placement for the child. The GAL,
16 Marianne Yamashita, testified that it is in the child's best interests to remain in his current placement and to
17 be adopted by them, the child's cultural heritage is being met because of the background of the caregivers.

18 2.23 The parents are currently unfit to parent the child. The parents were notified of their parental
19 deficiencies. Because of these deficiencies, the parents were unable to understand and were incapable of
20 providing for the child's emotional, physical, mental and developmental needs. The parents are incapable
21 of safely parenting the child.

22 2.24 The child has no siblings with whom he had a prior relationship.
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1 From the foregoing Findings of Fact, the court now makes and enters the following

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3 **III. Conclusions of Law**

4 3 1 The court has jurisdiction over the parties and subject matter of the above-entitled action including,
5 but not limited to, personal jurisdiction over Caitlin Arendse

6 3 2 The court has jurisdiction over the parties and subject matter of the above-entitled action including,
7 but not limited to, personal jurisdiction over Antonial Monroe

8 3 3 The foregoing Findings of Fact have been established by clear, cogent, and convincing evidence

9 3 4 The requirements of RCW 13 34 180(a) – (e) have been pled by both parties and are accepted as
10 true In addition the requirements of RCW 13 34 180(a) - (f) and RCW 13 34 190(2) have been established
11 by clear, cogent, and convincing evidence

12 3 5 The parent-child relationship existing between Antonial Arendse, and his her mother, Caitlin
13 Arendse, should be terminated pursuant to RCW 13 34 190 (1)(a) and (2)

14 3 6 The parent-child relationship existing between Antonial M M Arendse, and his her father,
15 Antonial Monroe, should be terminated pursuant to RCW 13 34 190 (1)(a) and (2)

16 From the foregoing Findings of Fact and Conclusions of Law, the court makes and enters the
17 following

18 **IV. Order**

19 4 1 The petition is denied and the termination action is dismissed with without
20 prejudice

21 4 2 The petition is granted

22 4 2 1 All rights, powers, privileges, immunities, duties and obligations, including any rights to
23 custody, control, visitation or support existing between

Mother Caitlin Arendse,
 Father Antonial Monroe

and Antonial Arendse are severed and terminated and the parent shall have no standing
to appear at any further legal proceedings concerning the child

24 4 2 2 Any support obligation existing prior to the effective date of this order remains in full force
25 and effect

26 4 2 3 This order does not affect the rights of a parent not named above

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4 2 4 The child is committed to the custody of

- the Department of Social and Health Services has the power and authority granted by RCW 13 34 210 The child is legally free
- other The child remains a dependent child pending termination of the rights of the other parent(s)

4 3 Other
Dated 10-13-15

Dave Needy
Judge/Commissioner

Presented by
ROBERT W FERGUSON
Attorney General
Robert W Ferguson

LISA M LAGUARDIA
Assistant Attorney General
WSBA 29888

APPROVED FOR ENTRY, NOTICE
OF PRESENTATION WAIVED

Attorney for Mother,
WSBA #
Ben Harris

BENJAMIN HARRIS
Attorney for Father
WSBA #45961

Natalie A Judd MSW
NATALIE JUDD
Social Worker

Caitlin Arendse, Mother

Antonial Monroe
Antonial Monroe, Father

Marianne Yamashita
MARIANNE YAMASHITA
Child's Guardian ad Litem/CASA

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