

FILED
COURT OF APPEALS
DIVISION II

2014 DEC 16 AM 8:36

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON

BY _____
DEPUTY

In re the Dependency of:

No. 45585-4-II

J.D.T.,

A Minor Child,

J.T.,

Appellant,

v.

UNPUBLISHED OPINION

STATE OF WASHINGTON, DEPARTMENT
OF SOCIAL AND HEALTH SERVICES,

Respondent.

MAXA, J. — JT appeals the ruling of the juvenile court finding that his son JDT is a dependent child and that JDT should be placed in out of home care. The trial court based its dependency finding on the abuse or neglect of JDT under RCW 13.34.030(6)(b) and on JT's inability to provide adequate care for JDT.

A commissioner of this court considered JT's appeal on an accelerated basis under RAP 18.13A. The commissioner held that the juvenile court erred in concluding that JDT was a dependent child based on abuse or neglect under RCW 13.34.030(6)(b), but held that the juvenile court did not err in concluding that JDT was a dependent child based on inability to provide adequate care under RCW 13.34.030(6)(c). The commissioner therefore affirmed the juvenile court's order of dependency.

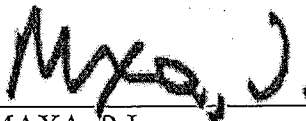
JT filed a motion to modify the commissioner's ruling. We granted the motion in part solely to address whether, based on the commissioner's ruling, the case should be remanded to

the trial court to amend its dependency order to omit the RCW 13.34.030(6)(b) as a basis for dependency.

We now rule that this case must be remanded to juvenile court for entry of an amended dependency order. Because the commissioner ruled that the juvenile court erred in concluding that JDT was a dependent child under RCW 13.34.030(6)(b), the juvenile court's dependency order is erroneous in part. The trial court must enter an amended dependency order indicating that its finding of dependency is based solely on RCW 13.34.030(6)(c).

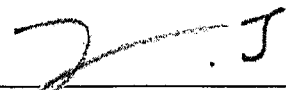
Accordingly, we affirm the juvenile court's finding that JDT is a dependent child, but remand and direct the juvenile court to enter an amended dependency order stating that RCW 13.34.030(6)(c) is the only basis for JDT's dependency.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.



MAXA, P.J.

We concur:



LEE, J.



MELNICK, J.