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### IN RE D.H.

By: Jeffrey Adams

During the last month, the Washington State Court of Appeals, Division II, ruled on In the Matter of the Welfare of D.H. and A.K., where it reversed the termination order pertaining to a mother with an intellectual disability, ruling that the Department is required, but in this case failed, to tailor its “offer” of services to a parent’s disability and not merely the “services” themselves. In other words, communication around services must be tailored to meet the parent’s special needs just as services themselves are to be so tailored.

The Court of Appeals also held that it was improper to apply the futility doctrine where the Department failed to offer services in a manner tailored to the parent’s disability. At trial, the Department failed to demonstrate that the assigned social workers knew of the current guidelines for disability-friendly communication. DCYF offered that one social worker had received training in her undergraduate studies around 1980. While the Department offered the testimony of the neuropsychological provider that he was aware of these “guidelines,” he did not testify what those were nor did he inform the Department about the best way to communicate with the mother in this case. Holding the Department to its burden, the Court of Appeals concluded the record was inadequate and dispositive and, as such, there Court of Appeals refused to apply the futility doctrine where the Department failed to demonstrate it adequately offered the services.

We encourage you to read the full opinion [here](#).

### AN INTERVIEW WITH STEVEN C. GONZALES

Recently, Chief justice Steven C. Gonzales sat down with Alicia Bannon and discussed the court’s extraordinary letter issued on June 4, 2020 addressing racialized inequities in the law and the legal community’s role in combatting system racism. The article is both insightful and inspiring. We encourage you to review the full interview, [here](#). And if you haven’t read the Court’s letter, it can be found [here](#).

### THE NINTH CIRCUIT REFUSES TO HEAR A CHALLENGE TO THE BAN ON CONVERSION THERAPY

The Ninth Circuit Court of Appeals has refused to hear Tacoma-area therapist Brian Tingley’s claim that Washington State’s ban on conversion therapy for minors violates free speech. The full article can be found [here](#).

### OPTIONAL TRAINING OPPORTUNITIES

FREE – Spokane County Hope Summit, Wednesday, February 15, 2023, 9:00 am – 12:10 pm. The agenda is appended hereto, and the keynote speaker is Brad Lundahl who is presenting on motivational interviewing and hope.

FREE – Legal Lunchbox Series: Building Equity with a Community-Centered Practice. February 28, 2023, 12:00 – 1:35 pm. For more information, please click [here](#). *1.5 Ethics (Equity) available.*

### REMINDER REGARDING MANAGING ATTORNEY CONTACT

*PLEASE REMEMBER* that Katie Maucione is on leave and all contacts should be addressed to [CRP@OCLA.wa.gov](mailto:CRP@OCLA.wa.gov).

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If you have any topics for us to highlight or information you would like to share in this newsletter, please contact us by email at: [CRP@OCLA.wa.gov](mailto:CRP@OCLA.wa.gov).

## **Spokane County 3<sup>rd</sup> Annual Hope Summit** **Dependency Court System Training**

Wednesday, February 15<sup>th</sup>, 2023

9:00AM – 12:10PM

Hybrid Format offered

Via Zoom or In-person

### **Agenda**

- 8:30 – 9:00am**     **Zoom Room Opens**  
*Doors open in-person*
- 9:00 – 9:15am**     **Welcome**
- Land Acknowledgement**  
*Charles Henry, Parents Attorney ICWA Team*
- Message From the Bench**  
*Julie McKay, Presiding and Juvenile Judge, Spokane County Superior Court*
- Hope Activity (Prizes for Zoom and in-person participants!)**  
*Michelle Ressa, Court Commissioner, Spokane County Superior Court*
- 9:15 – 10:45am**     **Motivational Interviewing and Hope**  
*Dr. Brad Lundahl, Licensed Psychologist & LCSW, Associate Professor: College of Social Work, University of Utah*
- 10:45 – 11:05am**     **Break**
- 11:05 – 11:10am**     **Hope Activity (Prizes for Zoom and in-person participants!)**  
*Michelle Ressa, Court Commissioner, Spokane County Superior Court*
- 11:10 – 12:05pm**     **Action Planning**  
*Breakout groups and discussion*
- 12:05 – 12:10pm**     **Closing**  
*Michelle Ressa, Court Commissioner, Spokane County Superior Court*