

384 P.3d 175 (Mem)  
Court of Appeals of Oregon.

In the Matter of K. L. H., a Child.  
Department of Human Services,  
Petitioner–Respondent,

v.  
M. L. B., Appellant.

A161860

|  
Submitted September 29, 2016.

|  
November 9, 2016

Wasco County Circuit Court, J13033;  
Petition Number J1303302; Karen Ostrye,  
Judge.

### Attorneys and Law Firms

Shannon Storey, Chief Defender, Juvenile Appellate Section, and Shannon Flowers, Deputy Public Defender, Office of Public Defense Services, filed the briefs for appellant.

[Ellen F. Rosenblum](#), Attorney General, Benjamin Gutman, Solicitor General, and [Inge D. Wells](#), Assistant Attorney General, filed the brief for respondent.

Before [Ortega](#), Presiding Judge, and [Egan](#), Judge, and [Lagesen](#), Judge.

### Opinion

### Footnotes

### PER CURIAM

**\*204** Mother appeals from a judgment terminating her parental rights to her daughter, K. Mother, who did not appear at the termination trial, argues that the judgment must be reversed because her attorney “mounted no defense on her behalf, which rendered his assistance inadequate.” However, as we recently have held, *because* mother did not appear at the trial, [ORS 419B.815\(8\)](#) prohibited her attorney from participating in the trial on her behalf. **\*176** [Dept. of Human Services v. S. C. T.](#), 281 Or.App. 246, 261, 380 P.3d 1211 (2016) (“Put another way, parents’ attorneys cannot save parents from the legal effect of parents’ absence by acting for parents to challenge the evidence presented.”). Mother’s claim of inadequate assistance necessarily fails for that reason. Because mother’s attorney was statutorily prohibited from presenting a defense at the trial, he was not inadequate for failing to do so.<sup>1</sup> Accordingly, we must affirm. Our affirmance is without prejudice to mother’s ability to seek relief from the judgment pursuant to [ORS 419B.923](#) on other grounds, if such grounds exist.

Affirmed.

### All Citations

384 P.3d 175 (Mem)

- 1 Mother does not suggest that she had a reasonable excuse for failing to appear, and that her attorney was inadequate for failing to request a continuance, which would present a different question. See [S. C. T., 281 Or.App. at 261 n. 8, 380 P.3d 1211](#). Her sole contention was that counsel was inadequate for not presenting a defense at the termination trial.

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