

25-7208

Case No. _____

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

FILED
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OFFICE OF THE CLERK
SUPREME COURT, U.S.

ALBERT W. COBURN,
Petitioner,

v.

THE STATE OF WASHINGTON DEPARTMENT OF SOCIAL AND HEALTH SERVICES,
CHILD PROTECTIVE SERVICES, a state government and its division and agency,
Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF
WASHINGTON

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Fraud on the Court / Due Process

Whether the Due Process Clause permits a State to obtain dismissal of a civil action by relying on a false factual premise—specifically, the Attorney General’s assertion that a child-abuse allegation was investigated when the State’s own records, the Ombuds’ findings, and the accuser’s own admissions show no investigation ever occurred—and whether a court’s adoption of that false premise violates due process when it forecloses the parent’s ability to obtain any statutory remedy.

2. Ongoing Constitutional Injury to a Minor Child

Whether Due Process allows a State to refuse to investigate a child-abuse allegation involving a still-minor child, while simultaneously allowing that uninvestigated allegation to be repeatedly used in court (most recently in 2022) to restrict parental rights, impose legal disabilities, and deny the child the statutory protections that an investigation is designed to provide.

3. Right of a Parent to Litigate on Behalf of a Minor Child

Whether a state court may, without analysis or explanation, refuse to recognize a minor child as a party—despite the parent expressly filing claims on the child’s behalf—thereby preventing the child from asserting her own statutory rights and insulating the State from accountability for failing to investigate allegations of abuse.

PARTIES TO THE PROCEEDING

Petitioner **Albert Whitney Coburn**, was the plaintiff in the trial court and appellant in the Washington Court of Appeals. Minor child E.C. was a party in the case in the original complaint, but rulings in this case removed E.C in case headers they used.

Respondent **Washington State Department of Social and Health Services, Child Protective Services (CPS)**, now operating through the Department of Children, Youth, and Families (DCYF), was the defendant in the trial court and respondent in the Washington Court of Appeals.

No corporate parties are involved.

LIST OF PROCEEDINGS

Washington Court of Appeals, Division One

Coburn v. Department of Social and Health Services, Child Protective Services (now Department of Children, Youth, and Families)

No. 86123-1-I

Order denying motion for reconsideration filed April 21, 2025. (Appendix A) Reconsideration denied June 3, 2025. (Appendix H)

Washington Supreme Court

Coburn v. Department of Social and Health Services, Child Protective Services (now Department of Children, Youth, and Families)

No. 104372-1

Order denying petition for review entered November 5, 2025. (Appendix B)

Superior Court of Washington, King County

Coburn v. Department of Social and Health Services, Child Protective Services

No. 23-2-24048-1 KNT

Order granting Defendant's Motion for Summary Judgment as a Matter of Law entered May 10, 2024 (Appendix C).

Order on Plaintiff's Motion for Reconsideration of Order Denying Order to Show Cause entered March 26, 2026 (Appendix D).

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Statutes and Rules

28 U.S.C. § 1257(a)	1, 2
28 U.S.C. § 2101(c)	1
42 U.S.C. § 5106a (CAPTA)	2
RCW 26.44.030	3, 4, 11
WAC 110-30-0060	2, 4, 7

Other Authorities

OPINIONS BELOW

The opinion of the Washington Court of Appeals, Division I, was issued on April 21, 2025, and is reproduced at Appendix A-1.

The Washington Supreme Court denied discretionary review on November 5, 2025. That order is reproduced at Appendix B-1.

The trial court's order granting summary judgment is reproduced at Appendix C-1, and the order denying post-judgment relief is reproduced at Appendix D-1.

JURISDICTIONAL STATEMENT

This Court has jurisdiction under 28 U.S.C. § 1257(a). The Washington Court of Appeals, Division I, issued its decision on April 21, 2025. The Washington Supreme Court denied discretionary review on November 5, 2025.

On Petitioner's application, this Court granted an extension of time to file the petition for a writ of certiorari until April 4, 2026. This petition is timely filed within the period allowed by 28 U.S.C. § 2101(c) and this Court's order extending the filing deadline (Application # 25A829).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution, Fourteenth Amendment

(Ratified 1868)

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The Due Process Clause protects both the parent's liberty interest in the care and custody of a child and the child's independent right to state-mandated protective procedures.

28 U.S.C. § 1257(a)

(Supreme Court jurisdiction over state judgments)

This statute authorizes this Court to review “Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari...”

Child Abuse Prevention and Treatment Act (CAPTA), 42 U.S.C. § 5106a(b)(2)(B)(ii)

“[A State plan shall include] provisions or procedures for the prompt handling of reports of suspected child abuse or neglect, including... ensuring that all individuals who are mandated reporters under State law participate in the reporting system.”

CAPTA requires states receiving federal child-protection funds to establish procedures ensuring that all individuals and entities mandated to report child abuse—including courts—participate in the reporting system. States must maintain “procedures for the prompt handling of reports of suspected child abuse or neglect.”

Washington Administrative Code (WAC) 110-30-0060

(CPS intake and investigation requirements)

“The department must accept and document all reports of alleged child abuse or neglect.” “The department must conduct either an investigation or a family assessment response.” “Upon completion, the department must make a finding of ‘founded,’ ‘unfounded,’ or ‘inconclusive.’”

Washington law requires CPS to accept and document all reports of child abuse or neglect and to conduct an investigation or Family Assessment Response. After investigation, CPS must issue a finding of “founded,” “unfounded,” or “inconclusive.”

Revised Code of Washington (RCW) 26.44.030

(Mandatory reporting of child abuse)

Relevant subsections:

“When any practitioner, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, or other person has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident...”

“The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect.”

“The department shall investigate and provide the protective services section with a report.”

Washington’s mandatory-reporting statute requires certain professionals and entities to report suspected child abuse to CPS and requires CPS to investigate such reports involving minor children.

STATEMENT OF THE CASE

Petitioner Albert Whitney Coburn brought a civil action against the Washington Department of Children, Youth, and Families (DCYF/CPS) after nearly a decade of uninvestigated child-abuse allegations involving his still-minor daughter. The allegations—first made in 2016 (App. F-1) and repeated verbatim in 2022 (App. F5 to F6)—have never been investigated by any state agency, a fact confirmed by CPS’s own records and by the Washington Office of the Family and

Children’s Ombuds (App. G-1). The Ombuds letter was also the first official confirmation Petitioner ever received that CPS had never conducted any investigation at all; before that letter, he could only suspect the allegation had gone uninvestigated because CPS refused to accept his self-report and provided no notice of its inaction. Despite this, the allegations continue to appear in public court filings (App. F-5 to F-6), continue to be described as “undisputed,”(App. F-10) and continue to restrict Petitioner’s parental rights today.

The underlying problem began in 2016, when the child’s mother and grandmother accused Petitioner of physically abusing his four-year-old autistic daughter in sworn court declarations and in a proposed parenting plan (App. F-1 to F-2) that they unilaterally enforced. Although they restricted his parenting time based on those allegations, the same proposed plan simultaneously permitted unsupervised visitation—conduct that directly contradicted their claims and demonstrated that even the accusers did not treat the allegation as credible. Neither accuser reported the allegation to CPS. When Petitioner attempted to self-report the allegation, CPS refused to accept the report (App. E-2), stating that an accused parent cannot self-report. That refusal prevented CPS’s statutory duty under WAC 110-30-0060 from being triggered, leaving the allegation undocumented in the CPS case-management system and uninvestigated—despite state and federal CAPTA requirements that CPS document the source of each report, screen it, and determine whether an investigation is required.

The Respondent’s 2022 court Brief, which is publicly available online, confirms that no mandatory reporter notified CPS of the allegation, including the Family Court Services evaluator (Ms. Debra Hunter), who had statutory reporting duties under RCW 26.44.030. (App. F12–F14). The Brief also confirms that the family-law commissioner did not notify CPS or order an investigation, not because the allegation lacked seriousness, but because Washington has no

judicial procedure requiring courts to involve CPS when child abuse is alleged in court proceedings. This procedural gap allowed the allegation to go unreported, undocumented, and uninvestigated, despite the child's status as a minor and despite state and federal requirements that such allegations be screened and investigated.

Because CPS never investigated, Petitioner was denied the statutory protections that follow an "unfounded" finding—protections that would have restored his credibility in court, undermined the accusers' credibility, and prevented the loss of parental rights that followed. The absence of an investigation (App. G-1) also deprived the child, who remains a minor, of the statutory protections Washington law provides to every child when abuse is alleged.

CPS's failure to act was not passive; it was a breach of its core statutory function. CPS is the agency responsible for receiving, documenting, screening, and investigating allegations of child abuse, regardless of where the allegation arises or who reports it. Anyone may report suspected abuse—including the accused parent—and CPS must act once it becomes aware of an allegation involving a minor child. The Ombuds letter confirms that CPS had actual knowledge that the 2016 allegation was never reported, never documented, and never investigated (App. G-1), yet CPS made no effort to intervene, notify the court, or perform the investigation that state and federal law require. This failure left the child without the protections that CPS is statutorily obligated to provide.

In 2023, Petitioner filed a civil action seeking to compel the State to perform the investigation it had refused to conduct for nearly a decade. Petitioner expressly offered, in writing, to drop all monetary damages if the State would simply: (1) formally document that the 2016/2022 allegations were never investigated; (2) perform the statutorily mandated investigation while the

child is still a minor; and (3) document any individual who obstructed or misrepresented the status of that investigation.

During discovery, the Attorney General moved for a protective order “to limit the scope of disclosure and discovery to certain matters at issue in this case.” The proposed order would have redacted the names and identifying information of non-party individuals. Because CPS records are indexed by the reporter of an allegation—who is often a non-party—such redaction would have made it impossible for Petitioner to demonstrate that no report was ever made and no investigation ever occurred. After the Attorney General filed the motion, CPS itself, contrary to the Attorney General’s position, provided Petitioner with the unredacted records. Those records, as confirmed by the Ombuds (App. G-1) and by the Attorney General’s own admission (App. J-3, lines 14-18), establish that no report was ever made and no investigation ever occurred.

The Attorney General refused to acknowledge this fact. Although the Attorney General never affirmatively stated that an investigation occurred, the State repeatedly implied in its filings that CPS had investigated the allegations in 2017. That implication contradicted CPS’s own records, as confirmed by the Ombuds (App. G-1), and contradicted the mother’s own admission to the Court of Appeals that the 2016 allegations were never reported to CPS (App. F-12 to F14). The State’s Motion for Summary Judgment likewise rested on the false factual premise that CPS had investigated the 2016 allegation, despite the absence of any such investigation in the CPS case-management system. (App. M-1). At the hearing on Petitioner’s claims, however, the Attorney General expressly acknowledged that the 2016 allegation “was not the basis of any independent investigation.” (App. J-3, lines 7-12). Despite this admission, the Washington Court of Appeals stated in its published opinion that CPS “investigated” the allegation in 2017 (App. A-1). At no point did the Attorney General identify any record of an investigation, even though

Washington law (WAC 110-30-0060) and federal CAPTA requirements mandate that all investigations be documented in CPS's case-management system.

At the hearing on Petitioner's claims, the trial judge did not accept the Attorney General's implied narrative that an investigation occurred in 2017 (App. J-1, lines 20–22). The judge's questions to Petitioner reflected his understanding that no investigation had taken place. Nevertheless, the trial court dismissed the case on statute-of-limitations grounds without addressing the factual contradiction.

The consequences of the Court of Appeals' false statement are ongoing and severe. Because the child is still a minor, the uninvestigated allegations continue to operate as a barrier to Petitioner's parental rights, continue to appear in public records as "undisputed," and continue to prevent Petitioner from clearing his name through any statutory process. The Court of Appeals' erroneous statement—left uncorrected—now functions as a judicially adopted false premise.

After the mandate issued, Petitioner moved the trial court to correct the record to reflect that no CPS investigation ever occurred. Although the trial judge's questions in open court presupposed that no CPS investigation had ever occurred (App. J-1, lines 20–22; App. J-4, lines 11–12), he denied the motion and left the false factual premise in place. In responding to Petitioner's post-judgment motions, the Attorney General again did not dispute that no CPS investigation occurred, instead raising only procedural objections unrelated to the factual truth. The trial court denied relief (App. D-1) without addressing the undisputed factual error.

Petitioner now seeks review of the federal question raised by this procedural posture: whether a State may obtain dismissal by relying on a false factual premise, and whether a court's adoption

of that false premise violates the Due Process Clause when it becomes the basis for denying a parent and child access to judicial relief.

REASONS FOR GRANTING THE WRIT

I. The State's Use of a False Factual Premise to Obtain Dismissal Presents a Clear and Recurring Due-Process Violation

This case presents a clean and undisputed constitutional question: May a State obtain dismissal by asserting a factual premise that is objectively false, contradicted by its own records, and material to the outcome — and may courts adopt that false premise without violating due process?

The Attorney General repeatedly implied in its filings that CPS had investigated the 2016 child abuse allegation, even though the State never identified any record of such an investigation. The Washington Court of Appeals then adopted this implication as fact, stating in its published opinion that CPS “investigated” the allegation in 2017 (App. A-1). That statement was false. CPS’s own records contain no such investigation; the Ombuds confirmed none occurred (App. G-1); and the accuser herself admitted the allegation was never reported to CPS (App. F-12 to F14). The State’s Motion for Summary Judgment likewise rested on the false factual premise that CPS had investigated the 2016 allegation, despite the absence of any such investigation in the CPS case-management system. (App. M-1). The CPS case-management system contains no intake, no screening decision, no assignment, and no investigative activity—documentation that state law and CAPTA require to exist if any investigation had occurred. The trial judge did not accept the State’s implied narrative, but the Court of Appeals’ erroneous statement now functions as a judicially adopted false premise.

This Court has long held that due process is violated when the State secures a judgment through false factual assumptions. In *Mooney v. Holohan*, 294 U.S. 103 (1935), the Court held that the State may not obtain a judgment through “deception” or the use of false evidence. The principle applies equally where, as here, the State’s litigation position rests on a factual premise that its own records disprove.

Likewise, in *Napue v. Illinois*, 360 U.S. 264 (1959), this Court held that due process is violated when the State “allows false evidence to go uncorrected,” even if the State did not originate the falsehood. The constitutional injury arises from the State’s failure to correct a material falsehood once it becomes part of the judicial record.

That is precisely what occurred here. The State implied a factual premise it could not support; the Court of Appeals adopted that premise as judicial fact; and the State then refused to correct the falsehood even after Petitioner produced the complete CPS records proving that no investigation ever occurred.

This Court has long held that due process prohibits judgments based on materially false assumptions of fact, especially when the State itself is the source of the falsehood or allows it to stand uncorrected. A judicial system cannot function when the government may “win” by asserting facts that its own records disprove. The issue is not merely state-law error; it is a structural due-process defect that undermines the integrity of judicial proceedings.

This case is an ideal vehicle because the factual contradiction is clear, documented, and outcome-determinative.

II. The Child Victim Remains a Minor, and the State's Failure to Investigate Continues to Inflict Ongoing Constitutional Injury

The child at the center of this case is still a minor and the child abuse allegation made by the child's mother remains uninvestigated as confirmed by the Ombuds (App. G-1).

Washington law requires CPS to investigate every allegation of child abuse involving a minor child. Yet the State has refused to investigate for nearly a decade, even as the allegations continue to be used in court to restrict parental rights.

This Court has long recognized that the parent-child relationship is a fundamental liberty interest protected by the Fourteenth Amendment. *Santosky v. Kramer*, 455 U.S. 745, 753 (1982) ("the fundamental liberty interest of natural parents in the care, custody, and management of their child"). When the State refuses to perform the mandatory procedures that protect that liberty interest, the resulting injury is constitutional, not merely statutory.

The child also possesses independent constitutional rights. In *In re Gault*, 387 U.S. 1 (1967), this Court held that minors are "persons" under the Constitution and entitled to due-process protections. Washington's refusal to investigate the allegations deprives the child of the protective procedures that state law guarantees to every minor when abuse is alleged.

The State's refusal to investigate has three constitutional consequences:

The child is denied the statutory and constitutional protections that an investigation is designed to provide, including the child's independent right to state-mandated protective procedures.

The parent is denied any mechanism to clear his name, because an "unfounded" finding can only be issued after an investigation.

The State's misrepresentation forecloses all avenues of relief, because courts treat the uninvestigated allegation as "undisputed fact."

This is not a closed chapter. It is an ongoing constitutional injury affecting a still-minor child. Washington's failure to investigate is compounded by mandatory-reporter failures and by the absence of any judicial procedure requiring CPS involvement when abuse is alleged in court. Respondent's 2022 Brief acknowledges that neither the mother, nor the grandmother, nor the Family Court Services evaluator (Ms. Debra Hunter) reported the 2016 allegation to CPS, despite Ms. Hunter's statutory duties under RCW 26.44.030. (App. F-12 to F-14). The Brief also confirms that the commissioner did not report the allegation or order CPS to investigate it — not because the allegation lacked seriousness, but because Washington has no rule requiring courts to notify CPS when child abuse is alleged in judicial proceedings. This procedural gap allowed the allegation to go unreported and uninvestigated. Instead of acknowledging these failures, the State created a false factual premise that CPS "investigated" the allegation in 2017, and the courts adopted it. This false premise now shields mandatory reporters from accountability and prevents the child from receiving the protections that Washington law guarantees to every minor when abuse is alleged.

This procedural failure also places the accused parent in an impossible legal position. In family-law proceedings, allegations of child abuse are adjudicated under a "preponderance of the evidence" standard. When CPS refuses to accept a report, when no mandatory reporter notifies the agency, and when the court has no procedure requiring CPS involvement, the accused parent is left with no mechanism to obtain the only evidence capable of rebutting the allegation: a CPS investigation and an "unfounded" finding. The absence of an investigation is then treated as neutral, even though it systematically advantages the accuser and deprives the accused parent of

any meaningful opportunity to defend himself. This structural defect is not merely a state-law problem; it is a due-process violation that affects every parent against whom an allegation is raised in court without CPS involvement.

CPS is the only agency authorized to investigate allegations of child abuse in Washington. Courts cannot substitute themselves for CPS, nor can judicial proceedings replace the statutorily mandated investigative process. When CPS refuses to act, no other branch of government can perform the investigation or issue the “unfounded” finding required to clear the accused parent’s name or protect the child. This structural limitation makes CPS’s failure uniquely consequential and constitutionally significant.

The trial judge’s own questions during the May 10, 2024 hearing confirm that he understood CPS had never investigated the 2016 allegation. The court asked: “Okay, but in 2017 you wanted them to do something that they weren’t doing, correct?” (App. J-4, lines 11–12). The court later asked: “So from 2016 you felt that the defendant had a duty to investigate the allegations of abuse?” (App. J-1, lines 20–22). These questions presuppose that CPS did not investigate the 2016 allegation and that the 2017 FAR was unrelated. No reasonable reader of the transcript could interpret the trial court’s questions as reflecting a belief that CPS had already investigated the 2016/2022 allegations.

CPS’s inaction also defeats the statutory design of Washington’s child-protection system. CPS is the only agency authorized to investigate allegations of child abuse and the only entity capable of issuing an “unfounded” finding that would clear the accused parent’s name. When CPS refuses to act—even after gaining actual knowledge of the allegation through the Ombuds—no other mechanism exists to protect the child or the parent. This abdication of responsibility is not

merely a policy failure; it is a structural due-process violation that leaves the child without representation and the parent without any avenue to obtain exculpatory evidence.

III. The State's Failure to Implement CAPTA's Mandatory-Reporting Structure Creates Systemic Risk and National Importance

Under the federal Child Abuse Prevention and Treatment Act (CAPTA), states must ensure that all branches of government, including the judiciary, participate in the child-protection reporting system. Washington has not implemented this requirement. Judges may adjudicate child-abuse allegations without notifying CPS, and CPS may refuse to accept reports from accused parents. Washington's failure to implement CAPTA's judicial-reporting requirement is not an abstract policy flaw; it is the structural defect that allowed the false premise in this case to arise and persist.

This failure creates systemic national risk:

- False positives — where children are harmed by being falsely restricted from a loving parent because allegations are never investigated and never cleared.
- False negatives — where real abuse is ignored because mandatory-reporting pathways are not triggered.

Petitioner's case is a textbook false positive.

The allegation was never investigated, yet it has been used for nearly a decade to restrict parental rights, influence court decisions, and appear in public records as "undisputed."

This Court has repeatedly granted review where state systems fail to implement federal child-protection mandates, because the consequences extend far beyond a single case. The same is true here.

IV. The State Courts' Refusal to Recognize the Minor Child as a Party Raises a Separate and Important Federal Question

Petitioner expressly filed claims on behalf of his daughter, seeking the investigation that state law guarantees to every child. The Court of Appeals refused to recognize the child as a party, without analysis or explanation.

That refusal:

- denies the child her own statutory rights,
- prevents her from asserting her own constitutional interests,
- and insulates the State from accountability for failing to investigate allegations involving a minor.

This Court has long held that minors have independent constitutional rights, and that parents may litigate on their behalf when the child cannot. The state courts' refusal to acknowledge the child's status as a party raises a significant federal question about access to justice for minors.

V. No State-Court Remedy Exists; Only This Court Can Correct the Constitutional Error

The trial court adopted the State's false premise. The Court of Appeals repeated it. The Washington Supreme Court denied review. The mandate has issued.

There is no remaining state court mechanism to correct the false factual premise that now appears in multiple judicial orders and continues to harm a minor child. This Court has long held that due process is violated when the State secures a judgment through false factual assumptions. *Mooney v. Holohan*, 294 U.S. 103 (1935). That principle applies with full force where, as here, the State's litigation position rests on a factual premise that its own records disprove.

After the mandate was issued, Petitioner filed a Motion for Reconsideration asking the trial court to correct the record to reflect the undisputed fact that no CPS investigation ever occurred. The trial judge's questions in open court presupposed that no CPS investigation had ever occurred (App. J-1, lines 20–22; App. J-4, lines 11–12) yet nevertheless denied the motion and left the false factual premise intact. The State itself had already admitted in open court that no investigation ever occurred. (App. J-3, lines 14-18). The State's Motion for Summary Judgment likewise relied on the same false factual premise, asserting that CPS had investigated the 2016 allegation despite the absence of any such investigation in the CPS case-management system. (App. M-1). The allegation remains absent from the CPS case-management system, as confirmed by the Ombuds (App. G-1) and by the Attorney General's own admission (App. J-3, lines 14-18), despite state and federal CAPTA requirements that CPS document the source of each report, screen it, and determine whether an investigation is required.

This refusal to correct the record — despite the court's own recognition of the truth — demonstrates that the false premise is now embedded in the judicial system itself. Under *Napue v. Illinois*, 360 U.S. 264 (1959), due process is violated when the State “allows false evidence to go uncorrected,” even if the State did not originate the falsehood. The constitutional injury arises from the State's failure to correct a material falsehood once it becomes part of the judicial record.

In the Response to the Motion to Vacate, the Attorney General representing CPS made no attempt to defend the false factual premise that CPS investigated the 2016 allegation (App. L-1 to L-3). The State did not argue that an investigation occurred, did not cite any record supporting such a claim, and did not dispute Petitioner's evidence showing that no investigation ever took place. Instead, the State relied solely on procedural objections that were irrelevant to the factual issue and were not ultimately relied upon by the trial court in denying relief. The State's refusal

to address the truth — and the court’s refusal to correct the record despite acknowledging the truth — confirms that the false premise is now embedded in the judicial system and that no state court remedy exists.

Worse still, when Petitioner previously sought to correct the record in family court, the court responded by restricting his ability to file motions. These restrictions were not imposed for frivolous filings, but for attempting to correct the State’s false factual premise. Together, these actions show that the State created the false premise, the courts adopted it, and subsequent courts now punish attempts to correct it, rendering the falsehood effectively unreviewable within the state system. This Court has held that states may not erect barriers that prevent parents from accessing judicial procedures necessary to protect their parental rights. *M.L.B. v. S.L.J.*, 519 U.S. 102 (1996). Washington’s refusal to correct the false premise forecloses every avenue of relief.

This Court has repeatedly intervened where:

- the State’s misrepresentation becomes embedded in the judicial record,
- the error forecloses all avenues of relief,
- and the injury is ongoing.

This case presents exactly that posture.

VI. This Case Is an Ideal Vehicle

- The facts are undisputed.
- The false premise is documented.
- The child is still a minor.
- The harm is ongoing.

- The federal questions are clean and purely legal.
- The record is complete.
- The issue is nationally significant.

This Court's review is warranted.

CONCLUSION

This case presents a rare and urgent combination of constitutional error and systemic child-protection failure. The State relied on a factual premise that its own records disprove, the courts adopted that false premise as judicial fact, and the resulting error now forecloses every statutory mechanism that would allow a parent to clear his name or a child to receive the protections Washington law guarantees to all minors. The child at the center of this case remains a minor, and the uninvestigated allegations continue to restrict parental rights, influence judicial decisions, and appear in public records as “undisputed,” despite the absence of any investigation.

The Respondent's own appellate filing—publicly available online—confirms that the allegation was never reported to CPS, that the evaluator with mandatory-reporting duties did not report it, that the commissioner did not involve CPS, and that no investigation ever occurred. (App. F-12 to F-14). These admissions make the later assertion that CPS “investigated” the allegation in 2017 impossible to reconcile with the record. Yet that false premise now appears in a published appellate opinion, has been adopted by the courts as judicial fact, and continues to block every avenue of relief.

The federal Child Abuse Prevention and Treatment Act (CAPTA) requires states to ensure that all branches of government, including the judiciary, participate in the child-protection reporting system. Washington has failed to implement this mandate. Judges may adjudicate child-abuse

allegations without notifying CPS, and CPS does not act to represent the child's interests when the court fails to report. This dual failure—the court's failure to involve CPS and CPS's failure to intervene—is the root cause of the harm in this case and the reason Petitioner was forced to sue CPS.

This structural breakdown creates a systemic risk with national implications: false positives, where children are harmed by being unnecessarily separated from a loving parent based on uninvestigated allegations, and false negatives, where real abuse is ignored because mandatory-reporting pathways are never triggered. Petitioner's case is a textbook false positive—a child and parent harmed not by abuse, but by the State's refusal to investigate and the courts' adoption of a false factual premise. The family court's restriction on Petitioner's ability to file motions for attempting to correct that premise, and the trial court's refusal to correct the record even after acknowledging that no investigation occurred, underscore the systemic nature of the harm and the impossibility of obtaining relief in state court.

The Constitution does not permit a State to create a system in which an accused parent cannot possibly defend himself because the State refuses to trigger the statutory process that produces the only evidence capable of clearing his name.

The Constitution does not permit a State to create a child-protection system in which the only agency authorized to investigate allegations of abuse refuses to act even after gaining actual knowledge that a minor child's allegation was never reported, never documented, and never investigated.

The Constitution does not permit a State to obtain dismissal by asserting a false factual premise, nor does it permit courts to adopt that premise when it forecloses all avenues of relief for a parent

and child. The questions presented are clean, recurring, and of exceptional national importance. Only this Court can correct the constitutional error and clarify the due-process limits on state conduct in child-protection systems.

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 4/2/2026

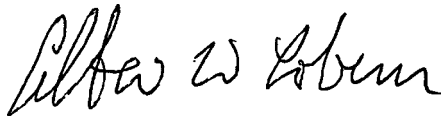
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CERTIFICATE OF COMPLIANCE

As required by Supreme Court Rule 33.1(h), I certify that this petition contains 5876 words, excluding the parts of the petition that are exempted by Rule 33.1(d).

This petition was prepared using Microsoft Word, and the word count was generated using the word-count feature of that program. The text is set in 12-point Times New Roman font, and footnotes are set in 10-point Times New Roman font.

Respectfully submitted,



Albert Whitney Coburn

Date: 04/02/2026