

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS

SUPERIOR COURT

OLIVIA ATKOCAITIS

Plaintiff,

-against-

NH DEPARTMENT OF HEALTH AND HUMAN
SERVICES;

COMMISSIONER LORI WEAVER, NEW
HAMPSHIRE DEPARTMENT OF HEALTH AND
HUMAN SERVICES, and her predecessors in office;

NEW HAMPSHIRE DIVISION FOR CHILDREN,
YOUTH AND FAMILIES, NEW HAMPSHIRE
DEPARTMENT FOR CHILDREN, YOUTH AND
FAMILIES;

JOSEPH RIBSAM, NEW HAMPSHIRE DIVISION
FOR CHILDREN, YOUTH AND FAMILIES and his
predecessors in office;

DYANE ANSTEY, NEW HAMPSHIRE DIVISION
FOR CHILDREN, YOUTH AND FAMILIES;

SCHOOL ADMINISTRATIVE UNIT 19, NEW
HAMPSHIRE;

SUPERINTENDANT BRIAN BALKE, SCHOOL
ADMINISTRATIVE UNIT 19, NEW HAMPSHIRE;

TOWN OF NEW BOSTON, NEW HAMPSHIRE
AND ITS BOARD OF SELECTMEN;

NEW BOSTON POLICE DEPARTMENT;

JAMES BRACE, CHIEF OF POLICE, NEW
BOSTON POLICE DEPARTMENT, and his
predecessors in office;

Docket No. _____

**COMPLAINT AND DEMAND
FOR TRIAL BY JURY**

STEPHEN C. CASE, NEW BOSTON POLICE
DEPARTMENT;

CHRISTOPHER KRAJENKA, NEW BOSTON
POLICE DEPARTMENT;

BRANDON T. TUCKER, NEW BOSTON POLICE
DEPARTMENT;

JOSEPH W. WILSON, NEW BOSTON POLICE
DEPARTMENT;

WIDE HORIZONS FOR CHILDREN,
INCORPORATED;

MAUREEN BROWN, WIDE HORIZONS FOR
CHILDREN, INCORPORATED;

DANIELLE DELANEY, WIDE HORIZONS FOR
CHILDREN, INCORPORATED;

KATHLEEN DONOVAN, WIDE HORIZONS FOR
CHILDREN, INCORPORATED;

JACLYN FARINA, WIDE HORIZONS FOR
CHILDREN, INCORPORATED;

HOMAIN SCHMIDT, WIDE HORIZONS FOR
CHILDREN, INCORPORATED;

LOUISE PLEISHA, WIDE HORIZONS FOR
CHILDREN, INCORPORATED;

DENISE ATKOCAITIS;

THOMAS ATKOCAITIS;

JOHN DOE 1-10;

And

JANE DOE 1-10.

Defendants.

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CIVIL ACTION

Plaintiff Olivia Atkocaitis (“Olivia”), by and through her undersigned counsel, Rath Young and Pignatelli, P.C., brings this civil action against the New Hampshire Department of Health and Human Services (“DHHS”); Commissioner Lori Weaver, in her official capacity as Commissioner of the Department of Health and Human Services (“Weaver”); the Division for Children, Youth and Families within the Department of Health and Human Services (“DCYF”); Joseph Ribsam in his official capacity as Director of DCYF (“Ribsam”); Dyane Anstey of DCYF (“Anstey”); the School Administration Unit 19, in Goffstown, New Hampshire (“SAU 19”); Brian Balke in his official capacity as the superintendent of SAU 19 (“Balke”); the Town of New Boston, New Hampshire and its Board of Selectmen (“Town of New Boston”); the New Boston Police Department, in New Boston, New Hampshire (“NB Police”); Chief of Police James Brace in his official capacity as Chief of Police New Boston (“Brace”); Stephen C. Case (“Case”); Christopher Krajenka (“Krajenka”), Brandon T. Tucker (“Tucker”), and Joseph W. Wilson (“Wilson”), currently or formerly of New Boston Police Department; Wide Horizons for Children, Inc. (“Wide Horizons”); Maureen Brown (“Brown”), Danielle Delaney (“Delaney”), Jaclyn Farina (“Farina”), Kathleen Donovan (“Donovan”), Homain Schmidt (“Schmidt”), Louise Pleisha (“Pleisha”), of Wide Horizons; Denise Atkocaitis and Thomas Atkocaitis, individually; and John and Jane Does.

INTRODUCTION

Olivia is a 19-year-old naturalized citizen of the United States and a resident of New Hampshire. She was born in China as an infant, imported into the United States, and subjected to slavery in New Boston, New Hampshire, during her ensuing childhood. Olivia is only able to bring this civil action because she dug her way through the walls of a basement prison, and then

ran for her life, to freedom, after suffering years of imprisonment and forced servitude within a home the defendants placed her in, and to which the defendants returned her, repeatedly.

The facts of her case prove that, more than 150 years after its formal abolition, slavery still exists in modern times, in acute forms, in New Hampshire. State and municipal governments, as well as at least one non-profit international adoption agency, separately and together, contributed to the perpetuation of Olivia's slavery. They did so through repeated acts, as well as through the application of policies and practices, all of which embraced, and still embrace, a deeply degraded view of human life.

The facts of Olivia's case are nightmarish. Delivered by the state and an international adoption agency to criminals and child abusers in her first months of life, Olivia's childhood in a rural New Boston home included all of the hallmarks, badges and indicia of slavery and involuntary servitude. Her parents imprisoned her in a dungeon basement room. They forced her to act as their personal servant. They subjected her to punitive manual labor. They isolated her. They withheld a public education from her. They starved her and beat her. They hurled the most vile, racial epithets at her. They withheld necessary healthcare from her. They failed to confirm her status as a US citizen and threatened her with terror, including extradition.

They did all of this with the aid and assistance of public officials, their contractors, employees, agents, advisors, here in New Hampshire. Indeed, when Olivia attempted to escape, as she did repeatedly as a child, local police hunted her down, reprimanded her for escaping, and returned her to servitude. During her last effort at escape, the police used dogs to track her.

Olivia's story should shock the conscience of any person who claims to have one. She seeks justice through this lawsuit. In further support of this civil action, Olivia further alleges the following:

THE PARTIES

1. Olivia is the plaintiff. She lives at 206 Meadow Lark Lane, Pembroke, New Hampshire 03275.

2. She is a citizen of New Hampshire and of the United States.

3. The Defendants are as follows:

4. DHHS is an agency within the government of the state of New Hampshire, located at 129 Pleasant Street, Concord, New Hampshire 03301. DHHS is an agency within the executive branch of the New Hampshire State Government.

5. Weaver is the Commissioner of DHHS. She is located at 129 Pleasant Street, New Hampshire 03301. She has held various positions of official responsibility and supervisory authority, within DHHS, over the periods of time covered in this case. Her predecessors in office include Lori Shibinette and Jeffrey Meyers at the same address.

6. DCYF is a division of DHHS and is located at 97 Pleasant Street, Concord, New Hampshire 03301.

7. Ribsam is the Director of DCYF with official supervisory responsibility and authority over it; his address is 97 Pleasant Street, Concord, New Hampshire 03301. His predecessor in office includes Lorraine Bartlett at the same address.

8. Anstey is or was an employee of DCYF, located at 97 Pleasant Street, Concord, New Hampshire 03301.

9. SAU 19 is the school administrative unit operating and managing the schools serving the public education requirements of New Boston school age residents, including New Boston Central School (Kindergarten – sixth grade), Mountain View Middle School (grades 7 and

8) and Goffstown High School (grades 9-12). The SAU 19 address is 11 School Street, Goffstown, New Hampshire 03045.

10. Balke is the superintendent of SAU 19 with official supervisory responsibility and authority over SAU 19. He has also served as assistant superintendent of SAU 19. His address is 11 School Street, Goffstown, New Hampshire 03045.

11. The Town of New Boston is a New Hampshire municipality, located at 7 Meetinghouse Hill Road, New Boston, New Hampshire 03070.

12. It is governed by a Board of Selectmen, located at the same address: 7 Meetinghouse Hill Road, New Boston, New Hampshire 03070. It supervises, advises, guides, funds and supports NB Police and its employees and officers.

13. NB Police is the municipal police department for New Boston, New Hampshire. It is located at 116 Old Coach Road, New Boston, New Hampshire 03070.

14. Brace is the Chief of Police for NB Police with supervisory authority and responsibility over it. His address is 116 Old Coach Road, New Boston, New Hampshire 03070.

15. Case, Krajenka, Tucker and Wilson are, or were, police officers at NB Police, located at 116 Old Coach Road, New Boston, New Hampshire 03070. Krajenka was the chief of police at one point, including during times covered by this lawsuit.

16. Wide Horizons is a corporation incorporated in the Commonwealth of Massachusetts and registered as a foreign corporation in New Hampshire since 1988.

17. Its current New Hampshire registered agent is Corporation Service Company, 10 Ferry Street S313, Concord, New Hampshire 03301.

18. Wide Horizons maintains its principal place of business at 375 Totten Road, Suite 400, Waltham, Massachusetts 02451.

19. At material times, it also maintained a New Hampshire office, including at P.O. Box 47, Milford, New Hampshire 03055 and 116 South River Road, Building D, Unit 2, Bedford, New Hampshire 03110.

20. Brown is or was an employee, agent, or contractor of Wide Horizons located at 116 South River Road, Building D, Unit 2, Bedford, New Hampshire 03110.

21. Delaney is or was an employee, agent, or contractor of Wide Horizons located at 116 South River Road, Building D, Unit 2, Bedford, New Hampshire 03110.

22. Donovan is or was an employee, agent, or contractor of Wide Horizons located at 116 South River Road, Building D, Unit 2, Bedford, New Hampshire 03110.

23. Farina is or was an employee, agent, or contractor of Wide Horizons located at 116 South River Road, Building D, Unit 2, Bedford, New Hampshire 03110.

24. Schmidt is or was an employee, agent, or contractor of Wide Horizons located at 116 South River Road, Building D, Unit 2, Bedford, New Hampshire 03110.

25. Pleisha is or was an employee, agent, or contractor of Wide Horizons located at 116 South River Road, Building D, Unit 2, Bedford, New Hampshire 03110.

26. Denise Atkocaitis at material times, resided at 61 Helena Drive, New Boston, New Hampshire and was the adoptive mother of Olivia. Her current address is 1925 Boy Scout Road, Byron, Georgia 31008.

27. Thomas Atkocaitis at material times, resided at 61 Helena Drive, New Boston, New Hampshire and was the adoptive father of Olivia. His current address is 150 Pleasant Street, Apt. #2, Auburn, Maine 04210.

28. John Doe 1-10 and Jane Doe 1-10, are unknown individuals employed by, or in contract with, DHHS, DCYF, SAU 19, NB Police, New Boston, SAU 19, or Wide Horizons, who had involvement in this matter, or whose involvement is not known at this time.

29. DHHS, Weaver, DCYF, Ribsam, Anstsey, SAU 19, New Boston, NB Police, Brace, Case, Krajenka, Tucker, Wilson and their employees, agents, contractors, or licensees, including any John or Jane Doe, are together, are the “State and Municipal Defendants.”

JURISDICTION AND VENUE

30. This Court has subject matter jurisdiction over this action pursuant to RSA 491:7; George L. Blum, et al., *Presumption of concurrent jurisdiction*, American Jurisprudence, Second Edition, 32A Am. Jur. 2d Fed. Cts. § 865 (2022 ed.) (“The state courts are presumed to have concurrent jurisdiction with the federal courts over civil causes of action arising under federal statutes.”) (summarizing cases) (footnotes and citations omitted).

31. This Court has personal jurisdiction over this action by virtue of the parties’ contacts with New Hampshire.

32. Venue is proper in this Court because Olivia officially resides in Merrimack County, New Hampshire and pursuant to RSA 541-A:24, *supra*.

FACTUAL BACKGROUND

I. Wide Horizons, DCYF, and DHHS brought Olivia from China to New Hampshire as an infant, placed her in the Atkocaitis household, and abandoned her to the horrors that ensued.

a. Olivia began life as an already vulnerable orphan whose adoption occurred in the midst of documented corruption arising from China’s “one-child” policy.

33. Olivia is now nineteen (19) years old.

34. She was born in China.

35. For most of the first fourteen (14) months of her life, Olivia was raised in an orphanage in the Hunan Province of China.

36. She does not know her biological parents or any of her biological family members.

37. At the time she was born, China had implemented a “one-child policy,” prohibiting families from having more than one child as part of a nationwide population control mandate.

38. During, and leading through, the time of Olivia’s adoption, China had the second largest population of enslaved people on earth.¹

39. As a result of its adoption of a “one-child policy,” millions of children were born in violation of the laws of China.

40. Countless parents there sought to conceal the existence of children to prevent the government of China from imposing sanctions on parents and children. Parents did so through the mechanism of abandonment and adoption.²

41. As a result of this policy, orphanages in China, which were underfunded, became overwhelmed with children, including undocumented children.

42. As a result of this policy, some orphanages in China came to view the international market for the adoption of children as a source of funding, and as a mechanism for off-loading children to foreign nations.

43. As a result of this policy, and the demand for adoptions from adults living in the United States and other countries, an international market for the purchase and sale of children

¹ See Monique Villa, *Slaves Among Us*, THE HIDDEN WORLD OF HUMAN TRAFFICKING 3 (2019) (India, “[w]ith a population of 1.3 billion people, the country is home to the largest number of enslaved people, followed by China.”)

² See Laura Briggs and Diana Marre, *Circulation of Children*, in INTERNATIONAL ADOPTION: GLOBAL INEQUALITIES AND THE CIRCULATION OF CHILDREN 13 (Diana Marre and Laura Briggs, eds., 2009) (“In the wake of the Cold War, China started a transnational adoption program that quickly became one of the largest in the world. The vast and populous country’s one-child policy provided significant penalties for those who had a second child, or those whose first child was a girl but longed for a boy.”).

arose, creating incentives for bad actors to coerce parents into abandoning, and even selling children to orphanages, and into the market for international adoption.³

44. During and leading through the time of Olivia's birth, the United States became the largest demand-side market for the adoption of Chinese-born children because of these policies.

45. The stated purpose and justification for any international adoption is the commitment by those facilitating an international adoption that they will provide an orphan from another country a protected, thriving life, with good and caring people, in the United States.

46. The practice of international adoption has nevertheless drawn scrutiny, in the late 20th and early 21st centuries, because of how international adoption permits cross-border transactions involving the buying and selling of children.

47. According to one commentator, himself an international adoptee: "International adoption is a system filled with documented and on-going patterns of baby stealing, child trafficking, adoption agency corruption, re-homing, coercion of natural parents into giving up their child and legal violations."⁴

48. The same commentator has written: "Corruption and abuse are so vast that, between 1995-2008, nearly half the 40 countries listed by the U.S. State Department as the top

³ See E.J. Graff, *The Problem with Saving the World's 'Orphans'*, BOSTON GLOBE (December 11, 2008), <https://www.brandeis.edu/investigate/adoption/docs/ejOPEDbostonglobe.pdf> ("[F]rom an adoption agency's standpoint...needy orphans are not very 'marketable.' So here's the bad news: to meet Western families' longings to adopt healthy babies, many adoption agencies pour disproportionately enormous sums into poor, corrupt countries—few questions asked—in search of healthy children ages three and four. Those sums can induce some locals to buy, coerce, defraud or kidnap children from their families, and families are deprived of their children.").

⁴ Peter F. Dodds, *The Parallels between International Adoption and Slavery*, SOCIOLOGY BETWEEN THE GAPS: FORGOTTEN AND NEGLECTED TOPICS: VOL. 1 (2015), <https://digitalcommons.providence.edu/cgi/viewcontent.cgi?article=1010&context=sbg#:~:text=%E2%80%9CInternational%20adoption%20has%20many%20parallels,a%20agencies%2C%E2%80%9D%20states%20Dr>.

sources for international adoption temporarily halted adoptions or were prevented from sending children to the United States (Graff 2008).”⁵

49. He added: “International adoption has many parallels to the Atlantic slave trade. Both are driven by insatiable consumer demand, utilize a system of pricing and dependent on intermediaries in the form of slave hunters and adoption agencies.”⁶

50. “Both systems exchange human beings for cash.”⁷

51. “Each system is an industry where human beings are extracted . . . from their native lands, commodified, put to market and sold.”⁸

52. Intercountry adoptions from China and other nations raise heightened concerns regarding slave trade practices because China’s policies gave rise to human trafficking practices in the years of Olivia’s adoption, in the province where she was born.⁹

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* See also David M. Smolin, *Intercountry Adoption as Child Trafficking*, 39 VAL. U. L. REV. 281, 287 (2004) (“The legal conception of trafficking appears to be a derivative of long-standing legal condemnations of slavery and ‘slavery-like’ practices. Logically, the link is obvious: normally the buying and selling of human beings implies a kind of ownership of human being equivalent to, or at least analogous to, slavery. Both buying and selling human beings, and enslaving them, reduces human beings to articles of commerce. Moreover, slavery has generally been associated with the ‘slave trade’, and hence efforts to abolish slavery have also focused on abolishing the ‘slave trade.’”); Jacqueline Bhaba, *Moving Babies: Globalization, Markets and Transnational Adoption*, 28 FLETCH. L. AND DIPL. FORUM ON WORLD AFF. 181, 181 (2004) (“The commercially-fueled movement of persons across borders dates back centuries to practices of slavery and indenture.”); *Id.* at 182 (“Babies have become big business, commodities openly exchanged in many marketplaces.”); *id.* (“Novelty, aside, the baby market shares several of the key features of trafficking in adults and children. It involves the non-consensual, globalized, and commercially-mediated transport of individuals accompanied by strangers across continents, typically from poor developing countries to rich, developed destinations.”).

⁹ See Daniel M. Smolin, *The Missing Girls of China: Population, Policy, Culture, Gender, Abortion, Abandonment and Adoption in East-Asian Perspective*, 41 CUMB. L. REV. 1, 59-60 (2011) (describing legal and market forces in China that gave rise to the selling of children to orphanages for the purpose of selling them again on the international adoption market for children).

53. Given these parallels, any actor in the area of international adoption, particularly any actor who makes it a profession to engage in this area, must ensure that a child is not a slave, and does not become a slave, by virtue of an international adoption to any family in the United States.¹⁰

54. Olivia's adoption carried manifest risks to her rights, particularly as a vulnerable child, by virtue of the nature of the circumstances of her birth, including those described above.

b. Wide Horizons, a proclaimed specialist and repeat actor in the international adoption market, with DHHS and DCYF, falsely attested to the fitness of the Atkocaitis family to adopt Olivia.

55. Olivia came to New Hampshire because of the actions of Thomas and Denise Atkocaitis, Wide Horizons, DHHS, DCYF, and its employees, agents, officers and contractors.

56. On or about November 21, 2002, Thomas and Denise Atkocaitis submitted their application for an international adoption to Wide Horizons.

57. They sought to adopt a Chinese girl of six months to one and one-half years of age.

58. At the time, Denise Atkocaitis was mother, and Thomas Atkocaitis was father, to three other minor children, Nick Atkocaitis, Kaleb Atkocaitis, and Christa-Rose Atkocaitis.

59. The ages of these children ranged from ten (10) years old to two (2) years old.

60. Wide Horizons is, and was, an organization that facilitates the international adoption of children by citizens of the United States.

61. It provides services to adoptive parents living in New Hampshire, seeking to adopt children from foreign nations like China.

¹⁰ See Smolin, *supra* note 9 at 290 (noting that the Supplementary Slavery Convention of 1956 requires "state parties to take necessary measures to abolish certain practices, 'whether or not they are covered by the definition of slavery contained in Article 1 of the Slavery Convention [of 1926].'" (footnotes omitted).

62. Indeed, according to Wide Horizons, “For almost 50 years, Wide Horizons has worked with orphaned children worldwide.”¹¹

63. DHHS and DCYF licensed Wide Horizons to perform these functions. It continues to do so.

64. DHHS and DCYF promoted and advertised the services of Wide Horizons to the public. It continues to do so.¹²

65. Wide Horizons claims to operate in the interest of orphaned children. It states that its “priority is to help build a nurturing family for them” by identifying “loving homes through adoption.”¹³

66. In a publication titled, “Our Approach,” Wide Horizons outlines a three-step approach to international adoption: 1) “intervene early,” 2) “help them survive and stabilize,” 3) “help them thrive.”¹⁴

67. Wide Horizons represents that its services facilitate the type of international adoption that will deliver to orphans, including Olivia, a good and decent childhood, as is expected and demanded for children delivered from China raised in the United States.

68. Wide Horizons, publicly, commits, in writing, and otherwise, to the continued involvement in the lives of children to ensure they are thriving and, among other things, that they are receiving nourishment and education in their adoptive families.

¹¹ Wide Horizons for Children, <https://whfc.org> (last visited Jan. 19, 2023).

¹² New Hampshire Department of Health and Human Services, <https://www.dhhs.nh.gov/programs-services/child-protection-juvenile-justice/adoption/adoption-through-private-agencies> (last visited Jan. 19, 2023).

¹³ Wide Horizons for Children, <https://whfc.org/our-story> (last visited Jan. 19, 2023).

¹⁴ *Id.*

69. Indeed, among other things, Wide Horizons claims to “continuously monitor and evaluate”¹⁵ its work to maximize its effect and to provide “skilled support once you are at home with a child.”¹⁶

70. Wide Horizons is licensed to facilitate international adoptions through DHHS and DCYF and operates in New Hampshire as a licensed entity.

71. Wide Horizons states that it follows policies and procedures that ensure a rigorous and careful evaluation of parents with which it matches orphans.

72. Custom, practice, and industry standards all require that Wide Horizons, its employees, agents, and contractors, implement and execute plans that ensure that children, like Olivia, adopted from China, find parents who are of good character, who are non-violent, and who will not threaten, endanger, enslave, or harm adopted children.¹⁷

73. Custom, practice, and industry standards with respect to international adoption, at least, incorporate, international legal standards prohibiting the perpetuation of international trafficking and slavery.

74. Wide Horizons, its employees, agents, and contractors, as well as DHHS, DCYF and its employees and officials, are subject, at least, to such standards.

75. Concern over the rights and interests of children, including adopted children, world-wide, caused the United Nations Convention on the Rights of the Child to adopt, in 1989, the

¹⁵ Wide Horizons for Children, <https://whfc.org/our-work> (last visited Jan. 19, 2023).

¹⁶ Wide Horizons for Children, <https://whfc.org/adoption/home-study> (last visited Jan. 19, 2023).

¹⁷ U.S. Department of State Bureau of Consumer Affairs, <https://travel.state.gov/content/travel/en/Intercountry-Adoption/Intercountry-Adoption-Country-Information/China.html> (last visited Jan. 19, 2023).

requirement that “all state parties ... take sufficient measures to protect children against abuse and neglect.”¹⁸

76. The same Convention required the protection of a right to an education and basic social benefits.¹⁹

77. The United States is a signatory to this convention.

78. The Hague Convention on the Protection of Children and Co-Operation in Respect of Intercountry Adoption, adopted in 1993, later recognized that “a child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.”²⁰

79. Under the same charter, an “adoption” may occur consistent with the Convention, if, among other things, competent authorities:

- a. “have determined that the prospective adoptive parents are eligible and suited to adopt”; and
- b. “have ensured that the prospective adoptive parents have been counselled as may be necessary”;

80. The United States is also a signatory to the Hague Convention.

¹⁸ Sara Dillion, *Making Legal Regimes for Intercountry Adoption Reflect Human Rights Principles: Transforming the United Nations Convention on the Rights of the Child with the Hauge Convention on Intercountry Adoption*, 21 BU INT’L L. J. 179, 205 (2003) (footnote omitted).

¹⁹ *Id.*

²⁰ Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption, 29 May, 1993, Hague XXXIII, available at <https://www.hcch.net/en/instruments/conventions/full-text/?cid=69>.

81. Wide Horizons was responsible for ensuring that Olivia would be adopted into a safe, stable, healthy, and happy home, at least consistent with these standards.²¹

82. Having intervened in her life as it did, Wide Horizons, its employees, agents, and contractors, as well as DHHS, DCYF and its employees, agents, contractors and officials, were required to implement policies to ensure compliance with these standards throughout Olivia's childhood.

83. "The consequences of an agency failure in this area can be quite severe for children who find themselves with unfit parents."²²

84. Wide Horizons, Brown, Delaney, Donovan, Farina, Schmidt, Pleisha, DHHS, and DCYF, its employees, officers and contractors, and others, were involved in the assessment of the fitness of the Atkocaitis family for the adoption of Olivia.

85. These actors were also responsible for preparing, formulating, and presenting their findings, orally, and in writing, in support of the adoption.

86. On or about February 13, 2003, and April 16, 2004, as part of a home study of adoption applicants Thomas and Denise Atkocaitis, Wide Horizons conducted home visits to 61 Helena Drive, New Boston, New Hampshire.

87. At the February 13, 2003, home visit, Wide Horizons interviewed the Atkocaitis children.

²¹ See Jessica Alexander, *Why the United States Should Define Illegal Adoption Practices as Human Trafficking*, 36 HOUST. J. OF INT'L L. 715, 726 (2014) ("An important role of adoption agencies in the United States is to perform background checks on prospective parents and to report their findings to the Department of State.") (citing 42 U.S.C. §§ 14902, 14911 (2006)).

²² *Id.*

88. The Atkocaitis children informed the assigned Wide Horizons social worker, Maureen K. Brown, of incidents in which their father Thomas Atkocaitis had struck them, brutally, with a belt.

89. On or about February 25, 2003, Wide Horizons informed DCYF of the belt-hitting incidents.

90. DCYF, DHHS, and its employees, officials and contractors, did not investigate these incidents, or initiate any legal process in response to them, to determine whether any of the children in the Atkocaitis household had been victimized by child abuse and neglect, including from abuse beyond what children disclosed.

91. Wide Horizons, its employees, agents, and contractors, did not insist that such an investigation, or such process, occur.

92. On or about November 21, 2003, Wide Horizons instead made a written request to DCYF pursuant to RSA 140-E:4 to do a Central Registry search in relation to Thomas and Denise Atkocaitis to search for any founded reports of child abuse or neglect.

93. On or about December 11, 2003, DCYF responded to Wide Horizons stating: “No Finding Within Past 7 Years.”

94. On or about March 22, 2003, DCYF approved the placement of Olivia with Thomas and Denise Atkocaitis for adoption despite the belt-hitting report.

95. On or about May 21, 2004, Olivia was physically removed from her native home China by Denise Atkocaitis, and transported to the United States.

96. Olivia was then placed into the custody of Thomas and Denise Atkocaitis at their home at 61 Helena Drive, New Boston, New Hampshire.

97. On or about June 14, 2004, and November 8, 2004, Wide Horizons conducted a post placement home visit with the Atkocaitis family at 61 Helena Drive, New Boston, New Hampshire.

98. On or about December 2, 2004, Thomas and Denise Atkocaitis' adoption of Olivia became official and final.

99. On or about May 2, 2005, after contact with the Atkocaitises on April 15, 2005, Wide Horizons issued its last post placement report concerning the placement of Olivia with Thomas and Denise Atkocaitis.

100. Wide Horizons, its employees, agents and contractors, then ceased all interaction with Olivia.

101. Wide Horizons, its employees, agents, and contractors, withheld from its reporting and assessment of the Atkocaitis family, any and all abusive events in the official home studies and reports it generated.

102. They instead described Denise and Thomas Atkocaitis as "devoted to their children, and they are raising them in a loving, Christian home, where each child is thriving."

103. Indeed, Wide Horizons concluded that "The Atkocaitis' are a delightful, friendly, intelligent, loving couple, who will provide an excellent home for a child."

104. Wide Horizons, its employees, agents and contractors, communicated to DHHS, DCYF, and New Hampshire courts, that it had no concerns that children are being physically abused, leading to DCYF's conclusion that it had "no concerns that the adopted child will be harmed, etc."

105. DHHS, DCYF, and its employees, officials and agents, accepted this characterization without any further investigation.

106. Olivia’s adoption took place, and was facilitated by, DHHS and DCYF, their employees, officers, agents and contractors, working in conjunction with Wide Horizons, their employees, officers, agents and contractors, and by Thomas and Denise Atkocaitis.

107. DHHS and DCYF state that: “The State is continually recruiting for families who are ready and able to commit to a child or youth waiting for adoption.”²³

108. DHHS and DCYF are responsible for and have custody and control over the adoption process, and over any child who is adopted in New Hampshire.²⁴

109. DHHS and DCYF are mandated participants in the adoption process in New Hampshire. *See* RSA 170-B:18.

110. The Commissioner of DHHS, DHHS, and DCYF, all play a more directive role with regard to the international adoption process than in the domestic adoption process. *See* RSA 170-B:28.

111. The Commissioner of DHHS must approve an international adoption under state law. *See id.*

112. DHHS, DCYF, its officers, employees and contractors, determine who may be a parent through adoption, generally, and they exercise power to prevent a person from becoming a parent, under state law. *See* RSA 170-B:18.

113. DHHS, DCYF, its officers, employees and contractors, promote and pursue policies that exercise control over the lives of adopted children in New Hampshire.²⁵

²³ New Hampshire Department of Health and Human Services, <https://www.dhhs.nh.gov/programs-services/child-protection-jvenile-justice/adoption> (last visited Jan. 19, 2023).

²⁴ AdoptNH, <https://www.adoptnh.org/adopt-through-dcyf> (last visited Jan. 19, 2023).

²⁵ AdoptNH, <https://www.adoptnh.org/adopt-through-dcyf> (last visited Jan. 19, 2023).

114. Internationally adopted children are a special class of children in New Hampshire. They are a class of children with respect to whom DHHS and DCYF, by law, are required to exercise special protection, oversight, and responsibility.

c. DCYF, DHHS and NB Police placed Olivia in, and returned Olivia to, nightmarish subjugation, debasement and servitude at the hands of the Atkocaitis family, throughout her childhood.

i. The general nature of Olivia's childhood.

115. Instead of ensuring that Olivia was safe with a family in the United States, Wide Horizons, DCYF and DHHS cut ties with Olivia, failing to keep track of her as she developed from adopted infant, to child, to adolescent and then to adulthood.

116. These actors left Olivia in an isolated, rural community, with adult parents who had a documented history of violence against children.

117. Wide Horizons, DCYF, and DHHS even suppressed this history in the course of pushing Olivia's adoption forward.

118. By 2006, when Olivia was only three (3) years of age, Thomas and Denise Atkocaitis were already physically and mentally abusing Olivia.

119. They made it a practice to tie her to a metal column with a dog leash.

120. They subjected her to demeaning racial epithets including, but not limited to, serially calling her a "pig-nose chink."

121. As Olivia grew, Thomas and Denise Atkocaitis then constructed a lockable basement dungeon room in which they imprisoned Olivia.

122. Over the ensuing nearly fourteen (14) years, Olivia, suffered ongoing physical and psychological abuse at the hands of her adoptive parents, was regularly confined to this squalid basement dungeon room, was prevented from attending public school, was deprived of food, was

abused with food, was forced to work for her parents, or be on-call to work for them, every hour of every day, was largely isolated and deprived of meaningful contact outside the household, was told she was trash, was the object of racist slurs, was threatened with extradition and told her US citizenship and legal personhood was insecure, and so was rendered a slave.

ii. Olivia’s childhood suffering as described by CASA.

123. Court Appointed Special Advocates of New Hampshire (“CASA”), is a contractor with the judicial branch assigned to perform volunteer services to protect children, including those victimized by child abuse and neglect.²⁶

124. In [REDACTED] CASA NH [REDACTED]



125. The most recent representative of CASA assigned to Olivia’s matter, reported that during the fourteen years that Olivia lived in the Atkocaitis family, Olivia was subjected to continual abuse and neglect of the most extreme nature.

²⁶ Court Appointed Special Advocates of New Hampshire, <https://www.casanh.org> (last visited Jan. 19, 2023).

126. This included being locked in a small, 8' by 8' room in a basement dungeon room with a vinyl twin mattress, and sometimes without a mattress or sheets, with no heat, no ventilation, no running water, and with the only window covered with chicken wire.

127. This included being forced to defecate in a bucket in this dungeon basement room.

128. This included being left out in harsh weather as discipline.

129. This included being threatened with deportation by ICE if she did not behave.

130. This included being told that she had been left in a trash can by her birth mother and that her birth mother did not love her.

131. This included being forced to be on-call to perform massage on her mother, every hour of the day massage, whenever her parents asked, on pain of physical and psychological punishment if she did not perform the services to her parents' standards.²⁷

132. This included being force-fed food at times, and having food withheld at other times, as punishment.

133. This included being handcuffed for long periods of time in the basement dungeon her parents constructed to house her.

134. This included being isolated from other children, neighbors, the community, and from the prospect of an education.

135. This included, on at least one occasion, being forced to stand in a bathtub while her parents poured hot sauce down her throat, and then to eat her own vomit afterwards.

²⁷ Being forced to perform massage services is a hallmark indicator of slavery and involuntary servitude, particularly as directed against people brought to the US from the content of Asia. See Nicholas Kulish, Frances Robles, and Patricia Mazzie, *Behind Illicit Massage Parlors Lie a Vast Crime Network of Identured Servitude*, NY TIMES (Mar. 2, 2019), <https://www.nytimes.com/2019/03/02/us/massage-parlors-human-trafficking.html>.

136. Moreover, during her childhood, Thomas and Denise Atkocaitis failed to take steps to certify Olivia's United States of America citizenship, rendering her vulnerable to their ongoing repeated threats that they would deport her back to China.

137. Indeed, throughout Olivia's childhood. Thomas and Denise Atkocaitis, as her adoptive parents, not only failed to obtain certification of her citizenship, but they also failed to obtain a social security card in her name, thereby making it impossible for her to potentially obtain a driver's license or a lawful employment outside the Atkocaitis household.

iii. Olivia's childhood suffering as described by a sibling.

138. According to at least one Atkocaitis sibling, Denise Atkocaitis viewed Olivia as garbage, hated her, acted hatefully toward her, and conditioned other children in the household to hate Olivia.

139. That sibling reported that Denise would become so enraged at the household children that she would urinate when yelling at them and begin foaming at the mouth.

140. That sibling reported that Denise's behavior toward Olivia was significantly more violent, degrading, demeaning and hateful.

141. That sibling reported that Denise would handcuff Olivia to a basement pole, or tie her with a dog leash to a basement pole, as punishment for failing to engage in forced labor in the Atkocaitis home, as a matter of practice, beginning when Olivia was a young child.

142. That sibling reported that he, and another sibling, were forced to enter Olivia's basement dungeon room, while the room and the entire basement smelled of Olivia's human waste, to clean her basement dungeon room.

143. While they did so, the sibling reported that he and his sibling wore military clothing, including gas masks, which the sibling believed contributed to and exacerbated Olivia's terror.

144. He also reported that Denise and Thomas Atkocaitis withheld traditional medical care from Olivia out of concern that Olivia would make statements that would implicate the Atkocaitis family.

iv. Olivia's childhood suffering as documented by police reports.

145. Shockingly, state and municipal officials were aware of, and perpetuated Olivia's suffering.

146. This record is documented by numerous police reports produced by NB Police in response to Olivia's public record requests.

147. These reports indicate that DHHS, DCYF, and NB Police, and all of their employees, officers, contractors, and agents, failed prior to September 6, 2018, to take steps to secure Olivia's safety against her adoptive parents ongoing threats, abuse, neglect, and imprisonment, and, indeed, perpetuated and exacerbated Olivia's suffering.

148. These police reports indicate the following:

149. In 2007, the NB Police reported that Thomas and Denise's marriage was coming to an end, and that Denise Atkocaitis committed acts of violence in the household, including arson, in the household, and was exhibiting general, violent and out-of-control behavior.

150. During this 2007 investigation, NB Police nevertheless took no steps to check on or determine the welfare of any of the minor children in the household, including Olivia.

151. In 2009, the NB Police received a report that another minor child in the Atkocaitis household was involved in an assault on a school bus with a fellow student using a brass-knuckles-like bracelet.

152. During this investigation, NB Police took no steps to check on, or to determine the welfare of any of the minor children in the household, including Olivia.

153. Also in 2009, the NB Police received a call from the NH Bureau of Elderly and Adult Services reporting concerns of elder abuse in the Atkocaitis' home involving a patient in a catatonic state.

154. On information and belief, Denise Atkocaitis was licensed by a DHHS contractor to engage in elder care in the Atkocaitis home.

155. Although DHHS, and its employees, agents, or contractors, were obligated to inspect the household and investigate Denise for such elder care licensing, they either did not perform this function, did not perform this function competently, or they failed to disclose the existence of Olivia's basement dungeon to DCYF, though obliged to do so as a reporter.

156. NB Police and DHHS instead closed the elder abuse case with little to no follow-up.

157. Despite the elder abuse report, NB Police, again, took no steps to check on or determine the welfare of any of the children in the household, including Olivia.

158. This custom, policy and practice remained true despite all of the gathering evidence of the dangers to Olivia arising from the manifest, violent and dangerous acts and profile of the Atkocaitis family.

159. In 2011, NB Police learned from a teenage sibling of Olivia that Olivia was in grave danger and was being subjected to ongoing child abuse, neglect, and degrading treatment.

160. The report was initiated by that child to a public-school counselor who then reported the matter to NB Police.

161. Olivia was approximately eight (8) years-old at the time.

162. As reported in 2011 by her sibling to NB Police and DCYF, Olivia had been locked in a dungeon basement room for weeks at a time.

163. There, she was forced to use a bucket as a bathroom, causing the room to have a foul smell.

164. As reported in 2011 by the same sibling to NB Police and DCYF, Olivia was subjected to physical abuse that began soon after she was first adopted by Thomas and Denise Atkocaitis.

165. Her older sibling reported that she had been whipped, pushed down the stairs, and starved.

166. NB Police investigated this 2011 disclosure.

167. In the process, NB Police even photographed Olivia's basement dungeon cell after it was staged by Thomas and Denise Atkocaitis, who otherwise confirmed for the police its existence and function, its size, and that they locked Olivia within it:



168. NB Police then notified DCYF. DCYF assigned a lone official, Anstey, to investigate.

169. Despite what their investigation uncovered, NB Police, DCYF, and their employees, agents and contractors, left Olivia in the custody of her abusive, adoptive parents.

170. They failed to pursue efforts to protect Olivia.

171. They failed to seek involvement of the courts in abuse, neglect or criminal proceedings.

172. They dropped the matter.

173. Inexplicably, with respect to the reporting sibling, a Caucasian, white male, and a minor like Olivia, the NB Police simultaneously delivered him to another family, facilitating his permanent emancipation.

174. It did not offer the same protections to Olivia, a younger child, a girl, a racial and ethnic minority, even after Thomas and Denise Atkocaitis admitted to police that they had locked her in a basement dungeon.

175. A CASA representative [REDACTED]

[REDACTED]

[REDACTED]

176. The most recent representative from CASA assigned to work on Olivia's case has reported that no one listened to the pleas from Olivia's sibling begging that officials protect Olivia from the Atkocaitis family.

177. Instead, NB Police closed its investigation without fully interviewing Olivia or conducting follow-up investigations.

178. NB Police and DCYF, their employees, contractors, officers and agents, returned Olivia to the Atkocaitis household.

179. NB Police then engaged in no follow up welfare checks on Olivia.

180. DCYF took no steps to follow up to check on Olivia's wellbeing, as related to her sibling's reports about her living situation in 2011.

181. As a result, Olivia remained a prisoner in the Atkocaitis household, subjected to frequent imprisonment in a basement room, for an additional seven years.

d. The Atkocaitises withheld an education from Olivia and instead subjected her to manual labor and involuntary servitude.

182. During this imprisonment, Olivia was continued in indentured servitude, slavery and forced labor within the Atkocaitis household.

183. One CASA representative reported that in 2018, after Olivia escaped from slavery, Olivia's hands had become deformed by virtue of the work she had performed in that capacity.

184. Olivia, even as a small child, was also required to perform heavy, manual labor on the farm, to attend to large animals, and was forced, as a punishment, to muck animal manure from barn stalls in her bare feet.

185. Olivia, unlike her siblings, was withheld from public schooling and denied a public education while she was forced to perform this labor.

186. The limited records provided by SAU 19 in response to record requests propounded by undersigned counsel on Olivia's behalf, indicate that SAU 19 and its representatives ignored Olivia's existence, even after representatives were put on notice of child abuse and neglect in 2011.

187. Except for a single day of attendance, Olivia did not receive any public education from SAU 19, the Town of New Boston, or the State of New Hampshire.

188. Olivia was therefore isolated and left to attempt to escape to freedom as a child with no support from entities obliged, as a matter of law, to ensure her safety and education.

e. Olivia escaped slavery, but only after having been returned to it, or sustained in it, repeatedly, including by local police.

189. Over the course of her childhood, Olivia sought to escape her enslavement on numerous occasions.

190. On or about June 14, 2015, in the afternoon, NB Police received a report from Thomas Atkocaitis that Olivia, then age twelve (12) had been missing for two hours. Thomas reported that Olivia had jumped out of a second-story window at the Atkocaitis home.

191. NB Police captured her and dutifully returned her to the Atkocaitis household.

192. NB Police then failed to report this incident to DCYF and failed to take further steps to check on Olivia's wellbeing.

193. NB Police failed to initiate any judicial process with respect to Olivia.

194. Instead, NB Police reprimanded Olivia for attempting to escape to freedom.

195. In 2017, NB Police arrested Denise Atkocaitis for an assault upon an older sibling of Olivia still living in the household, a Caucasian child.

196. The NB Police investigation indicated that Denise had become violently angry at the other child after that child posted a message on social media indicating that Denise was a bad parent.

197. The NB Police investigation indicated that Denise attempted to coerce or manipulate the siblings and Olivia into lying to the NB Police about what happened.

198. It indicated that Denise had assaulted her husband at the home.

199. It indicated that Denise threatened to lock Olivia's sibling in another room in the Atkocaitis household.

200. It indicated that Denise had guns in the home.

201. NB Police reported the matter to DCYF and DHHS, but DCYF and DHHS deemed the reports of abuse and neglect unfounded.

202. In doing so, NB Police, DCYF, and DHHS took no steps to meaningfully assess the status of Olivia as a result of the 2017 incident.

203. Public reports demonstrate that the NB Police has a troubling history of sexism within its department.

204. Public reports demonstrate that NB Police have pursued a policy and practice of sexism toward female officers and female members of the public.

205. Olivia was one victim of this sexism, which devalued the lives of women and girls, like Olivia, in need of, and entitled to, a range of public services.

206. On September 5, 2018, Thomas Atkocaitis once again reported that Olivia, then fifteen (15) years old, attempted to escape the Atkocaitis home.

207. This time, Olivia managed to escape through the wall of her basement dungeon prison.

208. She dug through this wall and ran into the adjoining New Hampshire woodlands.

209. The NB Police used dogs to track her upon learning of her escape.

210. On the next day, a private citizen came upon her with scratches on her face, covered in dirt, wearing sandals, and her feet covered with dirt and debris from the woods.

211. [REDACTED]

212. [REDACTED]

213. After years of perpetuating Olivia's slavery, the NB Police investigated and finally arrested Denise and Thomas Atkocaitis and initiated criminal prosecutions of them for felony level offenses.

214. The Hillsborough County Attorney's Office represented the state in these prosecutions.

215. The Hillsborough County Attorney's Office relies on NB Police for investigative services, as art of its effort to prosecute criminal cases.

216. The Hillsborough County Attorney's Office is an understaffed county prosecution agency that has been subject to discipline for the quality and competency of its performance, including during the periods covered by this lawsuit.

217. The Hillsborough County Attorney's Office failed to make any referral of this matter to the New Hampshire Department of Justice, or to the United States Department of Justice.

218. On April 27, 2021, Denise Atkocaitis was allowed to plead guilty to a single felony charge of criminal restraint of Olivia and did not serve time in jail or prison.

219. That same day Thomas Atkocaitis was allowed to plead guilty to a related misdemeanor charge of endangering the welfare of a child and served very minimal time in jail or prison.

220. Two of the case workers, assigned by DCYF in 2018 to represent DCYF and DHHS, Stephanie Dickey and Michelle Hebert, spoke to representatives from CASA about DCYF's conduct and performance toward Olivia prior to 2018.

221. In repeated conversations, Dickey and Hebert described DCYF's failure to remove Olivia from the Atkocaitis household at multiple, earlier time periods, as terrible, and not in any way understandable or justifiable against any standard of practice or the law.

222. Dickey and Hebert characterized the performance of NB Police and state and local education officials in the same manner.

223. The same views are held by representatives of CASA assigned to Olivia's matter.

f. Olivia was the victim of a documented policy, practice and custom pursued by DCYF, DHHS, its supervisors and employees, and coordinate public officials, to harm New Hampshire's most vulnerable children.

224. For decades, DHHS and DCYF practices have been systematically defective in protecting vulnerable children from child abuse and neglect.

225. All parties, including Wide Horizons, its employees, officers, agents, and contractors, have been on notice of these defects since prior to Olivia's adoption, and throughout her childhood.²⁸

226. DHHS, DCYF, and their leaders, including Weaver, Ribsam, their supervisors, subordinates, and predecessors, have a documented, *de facto*, policy and practice of perpetuating child abuse and neglect, violence against children, and childhood slavery in New Hampshire, including through the years of Olivia's enslavement.

227. These destructive and criminal policies are manifest.

228. The Sununu Youth Detention Center ("YDC"), for instance, has existed for decades as a location where vulnerable children in need of state services were confined to state custody.

229. There, hundreds of children suffered physical, psychological, and sexual violence at the hands of state officials, as a matter of state policy.

²⁸ See, e.g., *Appeal of Booker*, 139 N.H. 337, 338 (1995) ("In the summer of 1991, DCYS was under considerable public scrutiny following the release of a University of Southern Maine study of eight cases in which children died or were seriously injured after contact with DCYS."); see also See Amy Wallace, *Report: DCYF Failed Toddler*, SEACOASTONLINE (Jan. 10, 2002), <https://www.seacoastonline.com/story/news/2002/01/10/report-dcyf-failed-toddler/51295912007> ("A children's advocate said this week that under-funding, a lack of staff and ignoring procedure at the state Division of Children, Youth and Families all may have contributed to the death of 21-month-old Cassidy Bortner.").

230. New Hampshire has admitted to state-imposed, and facilitated child abuse, by creating a victim's fund which permits childhood victims of state violence to obtain relief through a streamlined claims process.

231. DCYF and DHHS also have repeatedly lost children under their care outside of YDC.²⁹

232. Children have been killed, maimed, beaten, abused, and neglected, while in DCYF custody, care or control.

233. Even in the weeks immediately surrounding the filing of this complaint, news reports reinforce the state's continued failure to protect children, and, indeed, the states's direct involvement in violence toward children.

234. One report indicated that DCYF's failure to train and supervise employees resulted in the death of a New Hampshire child.³⁰

235. One report indicated that the Governor has had to intervene with DCYF with respect to the serious injuries a child suffered at the hands of a manifestly dangerous parent.³¹

²⁹ Jennifer Crompton, *Report Gives Details on 19 Child Deaths in New Hampshire Over 11 Months, 14 Deaths Were Children with History with DCYF*, WMUR (Jan. 11, 2022), <https://www.wmur.com/article/report-gives-details-on-19-child-deaths-in-new-hampshire-over-2-years/38728689>.

³⁰ See Kevin Landrigan, *Mom sues DCYF over son's homicide in 2019*, N.H. UNION LEADER (Dec. 10, 2022) ("The suit against the State Division of Children, Youth and Families seeks unspecified damages for wrongful death and charges that DCYF's failure to supervise and train employees resulted in abuse and emotional distress for Dennis Jr. and the other children in the Connor home."), https://www.unionleader.com/news/crime/mom-sues-dcyf-over-sons-homicide-in-2019/article_cc843f97-a55b-588f-ac0e-ef580adce656.html.

³¹ See Tim Callery, *Governor's office in touch with DCYF over case of 7-year-old in hospital with serious injuries. Boy's mother says state agency could have done more to protect child*, WMUR.com (Jan. 23, 2022), <https://www.wmur.com/article/dcyf-7-year-old-boy-hospital-manchester-12323/42626795>.

236. That child has now died and the injuries to that child, left to the care of a brutal parent, manifest obvious risks to which the DCYF and DHHS failed to respond.³²

237. Still another report indicated the state's policy of permitting and covering up child abuse perpetuated by its own employees against children it caged at the Sununu Youth Services Center over the past half-century.³³

238. These are only a few recent examples of the many instances in which children have suffered violence and death in New Hampshire as a result of the state's continued failure to protect them from violence, as a matter of policy and practice.

239. DCYF, DHHS, its employees, officers, and contractors, have pursued degrading and illegal policies and practices toward children like Olivia, even in the face of law imposing mandatory response procedures upon them, that permit no discretion in performance of duties.

240. RSA 169-C:2 provides that: "*Each child* coming within the provisions of this chapter *shall* receive, preferably in his own home, the *care, emotional security, guidance and control that will promote the child's best interest.*" (Emphasis added).

241. To facilitate this goal, RSA 169-C demands that New Hampshire citizens report child abuse and neglect to state authorities as part of a legal infrastructure that requires New

³² See Paul Feely and Roberta Baker, *Manchester boy found badly burned and beaten has died, AG says*, N.H. UNION LEADER (Jan. 25, 2023) ("Doctors at Mass General found numerous other injuries..."), https://www.unionleader.com/news/crime/manchester-boy-found-badly-burned-and-beaten-has-died-ag-says/article_0fdd1a4d-7e19-5c56-8531-8b1160df8bce.html?block_id=1120512.

³³ Mark Hayward, *Manchester sports icon accused of abusing kids at YDC*, N.H. UNION LEADER (Jan. 21, 2023), https://www.unionleader.com/news/courts/manchester-sports-icon-accused-of-abusing-kids-at-ydc/article_28053c3e-eb3c-5d3d-87a2-f98b01a3cf0c.html. ("Authorities have said children were abused at the facility from the 1960s to the late 2010s.").

Hampshire to protect children.³⁴ See RSA 169-C:29 (“Any . . . person having reason to suspect that a child has been abused or neglected shall report the same in accordance with this chapter.”).

242. It also demands that state and local police participate in, support, and protect children, including by removing them from dangerous home settings, and requires a police officer to inform a court of law upon coming into physical, protective custody of a child.. RSA 169-C:6.

243. RSA 169-C further demands that DHHS and DCYF, and the public bodies responsible for receiving these reports, respond with haste and dispatch to them. See RSA 169-C:34.

244. In all cases, DHHS must “promptly” perform a child protective investigation, which includes rendering a determination “whether there is probably cause to believe that any child in the family or household is abused or neglected, including a determination of harm or threatened harm to each child, the nature and extent of present or prior injuries, abuse or neglect, and evidence thereof” RSA 169-C:34, II.

245. DCYF, DHHS, NB Police, and its employees, officers, agents, contractors, and supervisors, did not, and do not, comply with the law regarding child abuse and neglect response, as a matter of policy and practice.

246. The current Governor of New Hampshire has admitted that when he took office, there was a “DCYF crisis” and that DCYF was a “disaster” during the period of time Olivia required its protection.³⁵

³⁴ See Department of Children, Youth, and Families, *Stop Abuse or Neglect*, <https://www.dhhs.nh.gov/dcyf/cps/stop.html> (last visited Nov. 16, 2018). (“By NH law **any person who** suspects that a child under age 18 has been abused or neglected **must report** that suspicion **immediately** to DCYF: (emphasis in the original) (last visited Jan. 19, 2023).

³⁵ See Dave Solomon, *Dave Solomon’s State House Dome: A Social Worker’s Lament*, N.H. UNION LEADER (Dec. 22, 2018), https://www.unionleader.com/news/politics/dave-solomons-state-house-dome-a-social-workers-lament/article_dae27c8b-7703-5e65-ae91-c62f15ec374b.html.

247. He fired DCYF Director Lorraine Bartlett in March 2017 on the ground that she had prematurely closed 1,520 investigations of child abuse or neglect over a two-day period.³⁶

248. Then-DHHS Commissioner Jeffrey Meyers placed then-Director Bartlett on administrative leave and stated: “The closure of these cases was not undertaken consistent with best practices or in accordance with established DCYF policies and procedures.”³⁷

249. Prior to this discipline, Bartlett, herself, had long been on record regarding the state’s failure to fund baseline services necessary to protect children from abuse and neglect.³⁸

250. Indeed, DHHS’s overall manifest illegality, caused government officials to solicit an outside audit of the state’s systems in the fall of 2015.

251. In December 2016, DHHS sought and received the results of an audit of its child protective services agencies.

252. The audit, provided by The Center for the Support of Families, a Division of SLI Global Solutions LLC (“CSF”), resulted in a report titled “Quality Assurance Review of the Division of Children, Youth and Families,” published on December 19, 2016 (“CSF Audit Report”).

253. The decision to obtain the CSF Audit Report “stemmed, in part, from the deaths of two children known to DCYF in the months preceding the request for proposals from the State to conduct the review.”

³⁶ Mark Hayward, *DCYF Chief Ousted for Tossed Reports*, N.H. UNION LEADER (Mar. 13, 2017), https://www.unionleader.com/news/politics/state/dcyf-chief-ousted-for-tossed-reports/article_21ef09e1-48e5-5412-b65a-83ac0527cf95.html.

³⁷ *Id.*

³⁸ See Dave Solomon, *DCYF Chief Laments ‘Perfect Storm,’ Explosion of NH Cases*, N.H. UNION LEADER (Jan. 29, 2018), https://www.unionleader.com/news/safety/dcyf-chief-laments-perfect-storm-explosion-of-nh-cases/article_b8771aab-946c-55a6-b692-d21947412414.html.

254. The CSF Audit Report reviewed incidents of alleged mistreatment known to DCYF during 2015.

255. The CSF Audit Report determined that DCYF was not responding, effectively, to the cases of abuse and neglect known to New Hampshire.

256. Among other things, the CSF Audit Report found that DCYF is understaffed, its staff is undertrained or mis-trained, the state's statutes are restrictive, DCYF has interpreted statutes in a restrictive manner, and New Hampshire has failed to fund services sufficient to meet the needs of New Hampshire children and their families.

257. The CSF Audit Report determined that DCYF was not adequately assessing risk to children based upon forensic survey results.

258. The CSF Audit Report determined "inconsistency in seeing all parents and non-victim children in the household as part of the assessment."

259. The CSF Audit Report indicated that DCYF staff did not rely upon safety protocols in assessing the safety of children.

260. The CSF Audit Report indicated that "[e]ven when the allegations appeared true and the alleged incidents occurred, assessments were most often determined unfounded."

261. The CSF Audit Report indicated: "We are not confident families in unfounded reports received the services they need."

262. The CSF Audit Report indicated that a "major reason for [a] 'no' response [regarding screening for an abuse and neglect determination] was inadequate ongoing assessment of safety and risk."

263. In effect, the CSF Audit Report found that DCYF was understaffed and that its staff was poorly trained and failed to follow standards and protocols.

264. The CSF Audit Report indicated the following regarding the initiation of an investigation: “Policy indicates that all assessments are to be initiated within 72 hours of the referral from intake, including weekends. Initiating an assessment is defined as ‘beginning to work the assessment,’ including reviewing history, making phone calls to schedule home visits, or contacting law enforcement. Per policy, assessments are to be completed within 60 days.”

265. The CFS Report found that only approximately 20% of sampled cases were completed within the 60-day timeframe.

266. New Hampshire officials responded to these public reports, in part, by calling for the establishment of the Office of the Child Advocate as a “watchdog agency created . . . to reform the state’s . . . child protection system” according to press reports.

267. The Office of the Child Advocate (“OCA”) was created in response to the deaths of two toddlers under the supervision of DCYF in 2014 and 2015, according to news reports.

268. The OCA is granted the authority to “review and investigate any aspect of [DCYF’s] child protection policies or practice.” RSA 21-V:2.

269. The OCA is granted the authority to investigate and issue findings in regard to complaints filed with it. RSA 21-V:5, V; RSA 21-V:8.

270. The OCA has the power to issue public statements about DHHS’s response to abuse and neglect cases.

271. The OCA issued a public release finding that, in March 2018, DCYF was at fault for failing to address substantial safety concerns surrounding the murder of a child by his father.³⁹

³⁹ Holly Ramer, *Child Advocate: Support Services Might Have Saved New Hampshire Boy’s Life* (Mar. 1, 2018), <https://www.boston.com/news/policy/2018/03/01/child-advocate-support-services-might-have-saved-new-hampshire-boys-life>

272. The public release provided by the OCA concluded that the failure of DCYF to implement effective policies and procedures prevented DCYF from saving the life of a young child.

273. Nearly a year after the OCA was established, including through the final year of Olivia’s enslavement, on March 11, 2018, officials reported that “[c]aseloads are too high, morale is low, turnover remains a problem, and [DCYF] is unable to be proactive in the protection of New Hampshire children.”⁴⁰

274. As of that date, DCYF had nearly “2000 open assessments of child abuse reports that are overdue for resolution; turnover among social workers went from 25 percent of staff per year in 2016 to 30 percent of staff in 2017.”⁴¹

275. DCYF and DHHS continued not to respond with policies sufficient to protect children.

276. DCYF and DHHS screened out complaints at a high percentage and found abuse in neglect at rates that were fifty-percent lower than national averages.⁴²

277. In a July 26, 2018 report, the United States Department of Health and Human Services found DCYF and DHHS to have failed to meet minimal thresholds required to comply with their legal obligations to protect children.⁴³

⁴⁰ Dave Solomon, *DCYF Leaders Say Caseloads Still High, Turnover Still a Problem*, N.H. UNION LEADER (Mar. 11, 2018), https://www.unionleader.com/news/safety/dcyf-leaders-say-caseloads-still-high-turnover-still-a-problem/article_4ff82842-f56b-52e0-877a-cea9c3ad3be6.html.

⁴¹ *Id.*

⁴² Kevin Landrigan, *Parents Speak Up for Bill Criminalizing Knowingly False Abuse Complaints*, N.H. UNION LEADER (Jan. 8, 2023), https://www.unionleader.com/news/politics/state/bill-would-make-it-a-crime-to-knowingly-file-false-abuse-complaints/article_63d5d4c0-cb1f-5e6a-bac1-e665ecba055f.html (“The national average for ‘founded’ complaints is 16%. In 2019, the most recent year for which data are available, New Hampshire’s rate was 8%. In 2019, 45 % of complaints brought to DCYF were ‘screened out’ and deemed not worthy of closer review.”).

⁴³ Jerry Milner, Letter to Joseph Ribsam, Jr., available at <https://www.dhhs.nh.gov/sites/g/files/ehbemt476/files/documents/2021-11/dcyf-cfsr-2018-report.pdf>.

278. The United States Department of Health and Human Services found that DCYF and DHHS remained insufficiently staffed and failed to apply appropriate standards in responding to reported incidents of child abuse and neglect.

279. Children in New Hampshire continued to die, or to be injured or neglected, under DHHS and DCYF care in the intervening years, as a matter of a state policy and practice of harming children in acute need of help.

280. In early 2019, the year following Olivia's escape, the Office of Child Advocate issued its 2018 annual report describing a forensic study of the state's child abuse and neglect response system.

281. This report was the product of an assessment process in which the "OCA staff traveled approximately 4,500 miles around the state and engaged in nearly 300 activities and events locally, regionally and nationally" as well as interviews, site tours, field assessments, and other assessment related projects.

282. It states: "Finally, the time has come to stop waiting for children to appear bruised and battered before we step in to help."

283. It states: "Intakes and assessments of reports of suspected abuse and neglect have persistently been identified as an area for improvement in DCYF reviews."

284. It states: "The intake and assessment of allegations of abuse and neglect are arguably the most impactful roles of DCYF. Decisions made at these points can save lives or tear families apart."

285. It states: "The overdue assessment backlog remains at 2,000 cases. As the opioid epidemic impacts unintended high-risk pregnancies and births, the burden on assessment workers intensifies."

286. It states: “The capacity for the DCYF system has been exhaustively reviewed in the past two years. The shortcomings of the agency’s capacity are clear: insufficient workforce, insufficient training and expertise, and insufficient resources to purchase services that actively, actually help children heal.”

287. It states: “If DCYF workers are going to intervene effectively for children, they must have manageable workloads, support from experts like nurses and substance use counselors, and an array of services to offer families.”

288. It states: “at the height of workload crisis, DCYF assessment workers carried over 90 cases on their load. By September 2018, the workload had dropped to 44 cases on average. Although much improved, the DCYF workload does not meet the recommended standard of adequate, safe assessment work of 12 cases.”

289. DCYF and DHHS have settled numerous claims brought by or on behalf of numerous children who have alleged that DCYF and DHHS have failed to protect them from grievous injury as a result of the manifestly illegal state in which they operated, during the period of time Olivia lived in the Atkocaitis home.

290. In the process, DCYF and DHHS have acknowledged state liability for DCYF negligence as a matter of policy and practice.

291. Yet DCYF and DHHS have also suppressed information, and interfered with lawful efforts to provide these failed agencies with oversight.

292. A news report indicated that the outgoing head of the Office of Child Advocate disclosed that then-Commissioner of DHHS obstructed or refused to provide information and

assistance to the Office of Child Advocate and so interfered with and obstructed that office from performing its legally mandated duties and obligations.⁴⁴

293. One appointed CASA volunteer reported that DCYF and DHHS continued a policy of cover-up and suppression, even with respect to Olivia's case.

294. Starting in 2018 and 2019, Hebert and Dickey, the DCYF and DHHS representatives from the state on Olivia's case, stated to a CASA volunteer, that DCYF, DHHS, and the leaders of these organizations, were aware of the state's failures, acknowledged those failures, acknowledged potential legal liability for those failures, and issued instructions to assigned DCYF and DHHS personnel to act accordingly.

295. In no instance did any representatives from any of the named defendants in this case defend or justify their performance with respect to Olivia.

296. Indeed, DHHS and DCYF have sought to enlist Olivia in its programming, even as she suffered trauma on its watch.

297. Even as she has sought to assist state actors from these agencies who perpetuated her slavery, DHHS and DCYF have continue to retraumatize her.

298. They have done so by refusing to supply Olivia with records regarding her interactions with DHHS and DCYF, and despite her repeated requests for records.

299. The failure to supply records indicates to Olivia either that DHHS and DCYF are willfully suppressing information about her to cover up misconduct, or that DHHS and DCYF

⁴⁴ Ryan Lessard, *Former NH Child Advocate, Governor and health commissioner didn't support the office*, MANCHESTER INK LINK (Apr. 25, 2022), <https://manchesterinklink.com/former-nh-child-advocate-governor-and-health-commissioner-didnt-support-the-office/> ("Moirá O'Neill, the state's first ever Child Advocate, who stepped down from the role earlier this month after four years, said her efforts were hindered by a contentious relationship with Gov. Chris Sununu and two consecutive commissioners of the Department of Health and Human Services.").

have failed to record information about her in a manner that recognizes her value as a person, and the need to document her history for the purpose of protecting her from further abuse.

300. As demonstrated through the case of Harmony Montgomery, DCYF and DHHS have adopted policies and practices that erase the existence of children, or treat them as justifiably invisible, by virtue of a disorganized recordkeeping process that place the lives of children at risk.

301. As a result of DHHS and DCYF record keeping and production practices, Olivia has thus been frustrated in her efforts to obtain information about her own life, and the suffering that the defendants cause.

302. The failure of these entities to perform their legally mandated roles have thus has had a catastrophic impact on Olivia, her freedom, and her life, including through the filing of this complaint.

303. This civil action seeks relief against the defendants for their direct acts, or as agents, or as principals for the harms and actions of agents, or as coconspirators.

COUNT I
SLAVERY AND INVOLUNTARY SERVITUDE
Thirteenth Amendment, US Constitution,
42 U.S.C. § 1983; 42 U.S.C. § 1985; 18 U.S.C. §§ 1581, 1582, 1583, 1584, 1585, 1589, 1590,
1593A, 1595
(All Defendants)

304. Olivia incorporates and reasserts all of the facts set forth above as a basis for this Count above and below.

305. Section 1 of the Thirteenth Amendment to the United States Constitution states, “Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”

306. “In its bearing on the Constitution and the Civil War amendments, the anti-slavery movement must be viewed, first, as a great historic experience in the national life of the United States.”⁴⁵

307. “The Thirteenth Amendment nationalized the right to freedom.”⁴⁶

308. Through it, slavery and involuntary servitude are proscribed as a matter of private and public practice, even by decisions roundly criticized for failing to properly give effect to the expansive scope to the Thirteenth Amendment. *See The Civil Rights Cases*, 109 U.S. 3, 20 (1883) (“The Thirteenth Amendment is not a mere prohibition of State laws establishing or upholding slavery, but an absolute declaration that slavery or involuntary servitude shall not exist in any part of the United States.”).⁴⁷

309. The Thirteenth Amendment is “self-executing without any ancillary legislation, so far as its terms are applicable to any existing state of circumstances.” *Civil Rights Cases*, 109 U.S. at 20.

310. Its prohibitions are clear and long-standing.

⁴⁵ See Jacobus tenBroek, *Thirteenth Amendment to the Constitution of the United States, Consummation to Abolition and Key to the Fourteenth Amendment*, 39 CAL. L. REV. 171, 202 (1951).

⁴⁶ *Id.*

⁴⁷ See Eric Foner, *THE SECOND FOUNDING: HOW THE CIVIL WAR AND RECONSTRUCTION REMADE THE CONSTITUTION* 154 (2019) (“Of all the Supreme Court decisions related to Reconstruction, the *Civil Rights Cases* inspired the most comment among newspaper editors and the general public.”); *id.* at 154-57 (describing negative critiques leveled on behalf of anti-slavery advocates); Marianne L. Engelman Lado, *A Question of Justice: African-American Legal Perspectives of the 1883 Civil Rights Cases*, 70 CHI.-KEN. L. REV. 1123, 1123 (1995) (“For the majority of African-American political leaders, religious figures, and editors, whose thoughts have been preserved in printed form, the Court’s opinion was a profound disappointment, the probable end of an era in which some hope had remained that the federal government would provide legal protection of the rights of citizenship.”); see also Orville Vernon Burton, Armand Derfner, *JUSTICE DEFERRED: RACE AND THE SUPREME COURT* 82 (2021) (describing the *Civil Rights Cases* as paving the way to the establishment of racial segregation as a matter of legal mandate among the southern states); Douglas Blackmon, *SLAVERY BY ANOTHER NAME: THE RE-ENSLAVEMENT OF BLACK AMERICANS FROM THE CIVIL WAR TO WORLD WAR II* 8-9 (2009 ed.) (in the aftermath of these cases, domestic corporations in the early 20th century re-enslaved citizens in the American south through a network of unregulated private and public structures that facilitated indentured servitude).

311. Where a state actor becomes aware of slavery within the state’s jurisdiction, the state actor is under a duty to extinguish it for any person subject to it.⁴⁸

312. Slavery is, at least, the subjugation of one person to the will of another and includes the holding of a person in bondage, including through actual physical imprisonment and physical abuse.⁴⁹

313. One element of slavery includes insecurity surrounding legal citizenship, including for emancipated former slaves and their descendants.⁵⁰

314. One element of slavery and indentured servitude is the withholding from a child of education available to other similarly situated children.⁵¹

⁴⁸ See Akhil Amar and Daniel Widawsky, *Child Abuse as Slavery: A Thirteenth Amendment Response to Deshaney*, 105 HARV. L. REV. 1359, 1381 (1992).

⁴⁹ *State v. Marshall*, 2022 WL 17959157, slip op. at ¶ 65 (Ohio Ct. App., Dec. 27, 2022) (“The modern definition of slavery includes ‘submissiveness to a dominating influence.’ Merriam-Webster Unabridged Dict. (2020). Trafficking in persons, human trafficking, and modern slavery are used as umbrella terms to refer to both sex trafficking and compelled labor.”); *Hodges v. U.S.*, 203 U.S. 1, 8-9 (1906), *overruled* to the extent inconsistent with *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409, 441 n. 78 (1968) (overruled on the ground that *Hodges* failed to recognize the vast power of Congress to remedy the badges and incidents of slavery); Akhil Reed Amar, *Remember the Thirteenth*, 43 CONSTITUTIONAL COMM. 404, 405 (1993) (“At its core, slavery is a system of domination, degradation and subordination, in which some people are allowed in effect to treat other persons—other human beings with God-given rights—as property rather than persons.”); see Villa, *supra* n. 9 at 1 (“The definition accepted by the best experts is that a slave is someone who is forced to work, through fraud or threat of violence, for no pay beyond subsistence.”).

⁵⁰ *Cf. Dred Scott v. Sandford*, 60 U.S. 393, 403 (1857) (“The only matter in issue before the court . . . is whether the descendants of such slaves, when shall be emancipated, or who are born of parents who had become free before their birth, are citizens of a State, in the sense in which the word citizen is used in the Constitution of the United States.”), *superseded by Constitutional Amendment*.

⁵¹ See *In re Turner*, 24 F. Cas. 337, 339 (1867) (Chase, J.) (“The petitioner, under this indenture, is not entitled to any education; a white apprentice must be taught reading, writing, and arithmetic.”).

315. One element of slavery and indentured servitude includes the use of state and municipal authorities to enforce the master-servant dynamic, including through public services that returned escaped slaves to slavery.⁵²

316. Slavery in the United States was not, and is not, confined to any one race or ethnicity,⁵³ and has included the enslavement of imported Chinese workers by United States slaveholders and slavers, prior to the passage of the Thirteenth Amendment.⁵⁴

317. Slavery was even thought, by slave holders and proponents of slavery, to be a domestic institution justified, as a matter of policy, upon claims by slavers that slavery benefited people who were enslaved.⁵⁵

318. Slavery thus is and was an institution of domestic servitude that was patriated within the households of American citizens and was supported by many American women who presided over these households.⁵⁶

⁵² See Connie Hassett-Walker, *How You Start is How you Finish? The Slave Patrol and Jim Crow Origins of Policing*, ABA HUMAN RIGHTS MAGAZINE (Jan. 2021), https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/civil-rights-reimagining-policing/how-you-start-is-how-you-finish/; Jill Lepore, *The Invention of the Police*, THE NEW YORKER (July 2020), <https://www.newyorker.com/magazine/2020/07/20/the-invention-of-the-police> (“The government of slavery was not a rule of law. It was a rule of police.”); Olivia B. Waxman, *How the U.S. Got its Police Force*, TIME (May 2017), <https://time.com/4779112/police-history-origins/> (“In the South...the economics that drove the creation of police forces were centered . . . on the preservation of the slavery system. Some of the primary policing institutions there were the slave patrols tasked with chasing down runaways and preventing slave revolts.”).

⁵³ See 2017 Global Estimates, Alliance 8.7, <https://www.alliance87.org/2017ge/modernslavery.html#!section=0> (“Slavery isn’t merely a historical relic. In 2016, around 40.3 million men, women and children from every party of the globe were victims of modern slavery.”).

⁵⁴ See *Act to Prohibit the Coolie Trade*, IMMIGRATION HISTORY (Sept. 2005), <https://immigrationhistory.org/item/act-to-prohibit-the-coolie-trade-2/>; *Forgotten Workers*, NATIONAL MUSEUM OF AMERICAN HISTORY, <https://americanhistory.si.edu/american-enterprise/new-perspectives/forgotten-workers>.

⁵⁵ 27f. *The Southern Argument for Slavery*, U.S.HISTORY.ORG, <https://www.ushistory.org/us/27f.asp>.

⁵⁶ See Stephanie E. Jones-Rogers, *THEY WERE HER PROPERTY, WHITE WOMEN AS SLAVE OWNERS IN THE AMERICAN SOUTH* 82 (2019) (“the slave market pervaded the household and in many instances the two were one and the same. And women took full advantage of the convergence.”).

319. Slavery denies people personhood as it relates to their right to appear as litigants in courts of law.⁵⁷

320. Slavery includes children born to slavery and indentured servitude.⁵⁸

321. Childhood slavery is a recognized world-wide phenomenon.⁵⁹

322. Slavery continues in practice throughout the world, despite the passage of the Thirteenth Amendment.⁶⁰

323. United States law acknowledges that slavery exists in the United States, today, in the 21st century, long after the passage of the Thirteenth Amendment.

324. Slavery targets women and children from foreign nations and imports them to the United States, far away from families and communities, and leaves them defenseless here.⁶¹

325. Victims of slavery are often forced through physical and psychological violence and coercion to perform slavery-like labor, often in rural, isolated areas.⁶²

⁵⁷ See Peter Canellos, *The Great Dissenter, The Story of John Marshall Harlan, American's Judicial Hero* 103-04 (2021) (describing the *Dred Scott* decision and its holding that slaves are not citizens entitled to relief from courts of law).

⁵⁸ See Frederick Douglass, *Narrative of the Life of Frederick Douglass* 9 (1845, 2018 ed) (“I spent two years of childhood on this plantation in my old master’s family.”).

⁵⁹ *40 Million in Modern Slavery and 152 Million in Child Labour Around the World*, INTERNATIONAL LABOUR ORGANIZATION (Sept. 2017), https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_574717/lang--en/index.htm (“The new estimates . . . show that women and girls are disproportionately affected by modern slavery, accounting almost 29 million, or 71 percent of the overall total. . . . The research reveals that among the 40 million victims of modern slavery, about 25 million were in forced labour. . .”).

⁶⁰ See Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7101(b) (“Findings.—Congress finds that: (1) As the 21st century begins, the degrading institution of slavery continues throughout the world.”) available at <https://www.govinfo.gov/content/pkg/PLAW-106publ386/pdf/PLAW-106publ386.pdf>.

⁶¹ *Id.* at (5).

⁶² *Id.* at (6); see also *Myths and Facts*, NATIONAL HUMAN TRAFFICKING HOTLINE, <https://humantraffickinghotline.org/en/human-trafficking/myths-facts> (“Reality: . . . More often, however, people in trafficking situations stay for reasons that are more complicated. Some lack the basic necessities to physically get out – such as transportation or a safe place to live. Some are afraid for their safety. Some have been so effectively manipulated that they do not identify at that point as being under the control of another person.”).

326. No party can perpetuate slavery within any jurisdiction of the United States, whether that party is a state or private actor.

327. The Thirteenth Amendment renders all slavery illegal.

328. The Thirteenth Amendment renders all slavery and slavery policies pursued and perpetuated by state and local governments illegal.

329. The Thirteenth Amendment empowered Congress to enforce its provisions through appropriate remedial statutes under Section 2 of the Thirteenth Amendment.

330. Congress has done so by enacting numerous provisions granting private parties private rights of action to ensure the abolition of slavery and involuntary servitude. *See, e.g.*, 42 U.S.C. § 1983 (supplying private right of action against “every person” under “color of any statute, ordinance, regulation, custom, or usage, of any State.”).

331. Congress has done so through the passage of reinforcing, overlapping laws, that emphasize the intent of Congress to eradicate all forms of slavery and involuntary servitude and to place the power of assisting in this progress in private individuals seeking relief through private lawsuits.

332. Under one provision, two or more parties are prohibited from conspiring together to deprive any person, or class of persons, the equal protection of the laws or the privileges and immunities of the law. *See* 42 U.S.C. § 1985 (“If two or more persons in any State conspire . . . for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the law . . . the party so injured or deprived may have any action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.”).

333. Under another provision, no person in the United States may hold or return any person to peonage or arrest any person with the intent of placing him in or returning him to a condition of peonage. 18 U.S.C. § 1581.

334. Under a third provision, no person in the United States may transport or traffic another person in the United States into a condition of slavery. 18 U.S.C. §§ 1582, 1584, 1585, 1590.

335. Under a fourth provision, no person in the United States may kidnap, carry away, entice or persuade another person to be brought to the United States for the purpose of being held here in involuntary servitude. 18 U.S.C. §§ 1583, 1584.

336. Under a fifth provision, no person may obtain the labor of a person by means of force, threat of force, physical restraint, threats of harm, threats of legal process, or by a scheme, plan, or pattern intended to cause a belief in such threats or harms. 18 U.S.C. § 1589.⁶³

337. Under a sixth provision, no person may benefit financially, or receive anything of value, from participating in slavery or peonage or threats to reduce a person to slavery or peonage. 18 U.S.C. § 1593A.

338. The defendants in this case violated each of these provisions with regard to Olivia.

339. The defendants, individually, and together, specifically, conspired to subject Olivia to slavery, and involuntary servitude, in violation of the Thirteenth Amendment, and federal and state law, prohibiting the practices of slavery and involuntary servitude in the United States by any actor, individual, municipality, state agency or division, whatsoever.

⁶³ See *Shulka v. Sharma*, No. 07-CV-2972, 2012 WL 481796, *11 (E.D.N.Y. Feb. 14, 2021) (affirming jury verdict for trafficking under 18 U.S.C. § 1589 and noting that “trafficking and forced labor are often described as ‘modern slavery’” citing “United States Dep’t of State, *What is Modern Slavery*, <http://www.state.gov/g/tip/what/index.htm> (last visited January 22, 2012).”)

340. Wide Horizons, DCYF, DHHS, their employees, contractors, supervisors, agents and co-conspirators, and the Atkocaitises, together, identified Olivia as part of a market of children for sale in China, as an infant.

341. They transported Olivia from China to the United States at the request of Caucasian adults, Denise and Thomas Atkocaitis, to the United States.

342. They made manifestly false statements about the Atkocaitis family to facilitate the transportation of Olivia.

343. They placed Olivia in bondage, together, held her in a basement prison, beaten, whipped, bound, forced her into labor, refused an education, refused the freedom to socialize, dehumanized and demeaned.

344. The defendants, collectively, not only delivered Olivia into slavery but permitted her to live in a state of slavery and involuntary servitude despite multiple, obvious chances to intervene to free her.

345. All of the badges and incidents of slavery and involuntary servitude are present in Olivia's case – even the mode and manner of Olivia's escape.

346. All of the defendants violated Olivia's rights in her case, as well as part of a pattern and practice with regard to similarly situated, abused and neglected children in New Hampshire.

347. Their conduct, together, and separately, caused Olivia to live as a slave until she escaped from slavery and involuntary servitude.

348. Their conduct, together, and separately, shocks the conscience.

349. Their conduct, together, and separately, are part of a series of policies and practice pursued with respect to the Atkocaitis family, the community in general, and by DCYF and DHHS.

350. Their conduct, together, and separately, violates the provisions of federal statutory and constitutional law set forth in the caption, immediately above.

351. Their conduct, together, and separately, triggers liability through this private right of action.

352. Olivia suffered life-long injuries and is entitled to all available remedies, statutory or otherwise, against all of the defendants.

COUNT II
DENIAL OF PRIVILEGES AND IMMUNITIES OF A CITIZEN
42 U.S.C. § 1983
(State and Municipal Defendants)

353. Olivia incorporates and reasserts all of the facts set forth above as a basis for this Count above and below.

354. The Fourteenth Amendment to the United States Constitution states that “[a]ll persons” born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.”

355. Olivia is a naturalized United States citizen.

356. She is and, at all times, has been, entitled to all of the freedoms available to any similarly situated citizen of the United States or of New Hampshire.

357. Olivia was denied the privileges and immunities of a free childhood, free from bondage and slavery, free from violence, debasement, and terror, and entitled, as a privilege, to be educated and raised as a free citizen of the United States.

358. Olivia was also denied the privileges and immunities conferred by state law, including the privileges conferred upon her by law under New Hampshire statutes requiring that she be protected by state and private actors from child abuse and neglect. *See* RSA 169-C.

359. All of the defendants violated Olivia's rights in her case, as well as part of a pattern and practice with regard to similarly situated, abused and neglected children in New Hampshire.

360. Their conduct, together, and separately, shocks the conscience. It is also part of a pattern, practice and custom.

361. Olivia suffered life-long injuries and is entitled to all available remedies, statutory or otherwise, against all of the defendants.

COUNT III
DENIAL OF PROCEDURAL DUE PROCESS
42 U.S.C. § 1983
(State and Municipal Defendants)

362. Olivia incorporates and reasserts all of the facts set forth above and below.

363. The Fourteenth Amendment to the United States Constitution states that "No State shall . . . deprive any person of life, liberty or property, without due process of law. . . ."

364. RSA 169-C sets forth a set of clear procedures state actors must follow, as a matter of law, in order to protect victims of child abuse and neglect.

365. In Olivia's case, state and municipal agencies and officials did not follow RSA 169-C and so did not confer upon Olivia the legal procedures that comprise her basic due process rights under New Hampshire law.

366. Until 2018, for instance, state actors deprived Olivia of her procedural right to a legally mandated investigation, assessment and hearing to determine whether she was subject to child abuse and neglect.

367. Due process required that she receive these protections, at least.

368. Until 2018, no party assessed her legal status in response to mandatory reports of child abuse and neglect, and no party initiated legally mandated process to respond to what state officials now acknowledge was manifest child abuse and neglect, in violation of the law.

369. The New Hampshire Supreme Court has ruled that due process requires that state actors provide a student athlete with a hearing in which facts are presented and resolved, and standards applied, in the case of a dispute over a student's eligibility to compete in interscholastic sports. *See Duffley v. New Hampshire Interscholastic Athletic Ass'n, Inc.*, 122 N.H. 484, 491 (1982).

370. If this level of procedure is required in the case of a student's eligibility to compete in interscholastic sports, even more procedure is required where the stakes include the injuries sustained by Olivia.

371. Had Olivia received procedural due process from the State and Municipal Defendants, she would have been protected from the repeated injuries and violations of rights, that she suffered.

372. Olivia obtained no process from the defendants.

373. Olivia was denied the protections of mandated judicial oversight over matter, for years, suffering for years within the Atkocaitis household, while having been taken and returned from that household, repeatedly, by the State and Municipal Defendants.

374. In New Hampshire, during the period in question, the documented pattern, practice, and policy of state officials was not standardized, or was inconsistent, and was illegal.

375. Indeed, the "standards," whether published or otherwise established, were never promulgated, consistent with the Administrative Procedures Act, RSA 541-A.

376. As such, any such standards, if applied to Olivia's case, violated her due process rights through the application of illegal rules that failed to comply with and protect her substantive and procedural rights, as set forth under RSA 169-C.

377. RSA 193, moreover, sets forth a series of additional procedural and substantive rights to an education. State and municipal defendants, acting together, failed to protect any of these rights, including those protecting Olivia's rights to be a pupil and to receive an education in New Hampshire under RSA 193:28.

378. Generally speaking, officials followed this arbitrary and capricious policy in affording Olivia procedural due process.

379. Their conduct shocks the conscience.

380. Olivia suffered life-long injuries and is entitled to all available remedies, statutory or otherwise, against all of the defendants.

COUNT IV
DENIAL OF SUBSTANTIVE DUE PROCESS
42 U.S.C. § 1983
(State and Municipal Defendants)

381. Olivia incorporates and reasserts all of the facts set forth above and below.

382. The Fourteenth Amendment to the United States Constitution states that "No State shall . . . deprive any person of life, liberty or property, without due process of law. . . ."

383. Olivia is entitled to the care and protection of state actors who deprived her of this right over a 14-year period, as a matter of substantive due process.

384. Defendants deprived Olivia of this right, as they have many other children in New Hampshire.

385. Defendants did so as a pattern, policy, and practice.

386. Defendants did so after creating dangers for Olivia, through the mechanism of adoption, and by placing Olivia, repeatedly, within the control of dangerous child abusers.

387. They did so in a manner that shocks the conscience.

388. They did so while Olivia was in state custody, or, through agreements among and between state actors and private actors, was delivered to parties the state sponsored for the purpose of delivering constitutionally mandated care to her.

389. Olivia did not receive constitutionally mandated protections consistent with substantive due process.

390. Olivia's life, wellbeing, education, and safety was and is enormously valuable.

391. Given this, and given what she suffered, Olivia was also, at least, the victim of irrational, arbitrary and capricious acts by state and municipal government as part of a pattern, practice and custom of such practices.

392. Olivia suffered life-long injuries and is entitled to all available remedies, statutory or otherwise, against all of the defendants.

COUNT V
DENIAL OF EQUAL PROTECTION OF THE LAWS
42 U.S.C. § 1983
(State and Municipal Defendants)

393. Olivia incorporates and reasserts all of the facts set forth above and below.

394. The Fourteenth Amendment to the United States Constitution states that "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws."

395. Olivia was entitled to the equal protection of the laws of the State of New Hampshire, including against discrimination on the basis of race, sex, and national origin.

396. The state and municipal defendants in this case failed to provide Olivia with sufficient protection because she was a girl and a naturalized citizen born in China.

397. Caucasian children within the same family as Olivia received more attention and greater protection from state and municipal officials than Olivia.

398. To these same officials, Olivia was a lesser being whose rights and interests did not merit obvious care and concern.

399. Olivia suffered life-long injuries and is entitled to all available remedies, statutory or otherwise, against all of the defendants.

COUNT VI
DISCRIMINATION ON THE BASIS OF SEX, RACE, AND NATIONAL ORIGIN
42 U.S.C. § 2000d; 22 U.S.C. § 1681(a)
(State and Municipal Defendants)

400. Olivia incorporates and reasserts all of the facts set forth above and below.

401. 42 U.S.C. § 2000d provides: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

402. 22 U.S.C. § 1681(a) provides: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

403. The State and Municipal Defendants are either entities, or administrators of entities, that receive federal financial assistance for the purpose of providing education in New Hampshire to New Hampshire students.

404. The State and Municipal Defendants deprived Olivia of this education, excluded her from participation in it, denied her the benefits of it, and subjected her to discrimination on the basis of her race, national origin and sex.

405. Olivia suffered life-long injuries and is entitled to all available remedies, statutory or otherwise, against all of the defendants.

COUNT VII
DENIAL OF
RIGHT TO CHILDHOOD
RIGHT TO BE PROTECTED FROM THE COMMUNITY AS A CHILD
RIGHT TO FREEDOM FROM SLAVERY
RIGHT TO EQUAL PROTECTION OF THE LAWS
RIGHT TO SUBSTANTIVE AND PROCEDURAL DUE PROCESS
RIGHT TO A JUST, LEGAL AND ACCOUNTABLE GOVERNMENT
RIGHT TO A REMEDY
NEW HAMPSHIRE CONSTITUTION
(All Defendants)

406. Olivia repeats and incorporates all of the facts set forth above and below.

407. The New Hampshire Constitution protects the procedural and substantive right of children to be protected from injuries Olivia suffered.

408. The New Hampshire Constitution is more protective of the rights of citizens than the United States Constitution.

409. The New Hampshire Constitution includes and protects the rights of citizens in specific ways, through specific provisions.

410. The provisions ensure the rights:

- a. To freedom, including freedom from slavery;
- b. To a government organized for the general good;
- c. The right to enjoy life and liberty, the right to live in a society that ensure the protection of its children;
- d. The right to equal protection of the laws;
- e. The right to an open, accountable and legal government;
- f. The right to a remedy;
- g. The right to substantive and due process of the law;
- h. The right to live in a just, virtuous and enlightened society;

- i. The right to live according to wholesome and reasonable laws, and the right to the advantages of an education.

See N.H. Const. Pt. I, Arts. 1-3, 6, 8, 10, 12, 14, 15, 38, Part II, Art. 5 and 83.

411. Slavery, indentured servitude, child abuse, child neglect, and violence against children are, in every way, a violation of the New Hampshire Constitution and these provisions of it.⁶⁴

412. The New Hampshire Constitution imposes affirmative duties of protection on all of the Defendants in relation to Olivia.

413. The New Hampshire Constitution specifically protects “[e]very member of the community” in its “right to be protected by it, in the enjoyment of his life, liberty and property.”

414. The same provision binds every member of the community to “yield his personal service when necessary.” *See* N.H. Const. Pt 1. Art. 12.

415. The specific duty imposed by state officials charged with responsibility toward children as matter of law, is long-standing and inherent to our laws. *See Weldy v. Town of Kingston*, 128 N.H. 325, 331 (1986) (“Moreover, we believe that, regardless of any statutory duty, action in accordance with the town’s policy was a violation of the common law duty of care...Police are obligated to protect the general public....”).

416. The defendants, individually and acting together, conspired, agreed, or facilitated, as agents or principals, the violation of Olivia’s rights under the New Hampshire Constitution.

417. These rights are both procedural and substantive.

418. Olivia’s life, wellbeing, education, and safety was and is enormously valuable.

⁶⁴ The law of New Hampshire has a special, historical status in terms of its stated antipathy to slavery. *See* Alice L. Baumgartner, *SOUTH TO FREEDOM: RUNAWAY SLAVES TO MEXICO AND THE ROAD TO THE CIVIL WAR* 15 (2020) (describing New Hampshire, along with Vermont, and Massachusetts as the first states to abolish slavery outright).

419. Given this, and given what she suffered, Olivia was the victim of irrational, arbitrary and capricious acts by government as part of a pattern, practice, and custom of such practices.

420. New Hampshire purports, in multiple ways, to claim the highest possible governmental interest in protecting children and childhood, including Olivia's childhood.

421. The policies, practices, conduct and customs of DHHS, DCYF, New Boston, NB Police, and their contractors, agents, employees, and co-conspirators, toward Olivia constituted irrational and arbitrary government action in violation of the New Hampshire Constitution.

422. Olivia suffered life-long injuries and is entitled to all available remedies, statutory or otherwise, against all of the defendants.

COUNT VIII
FAILURE TO PROVIDE MANDATORY AND ADEQUATE EDUCATION

423. Olivia repeats and incorporates all of the facts set forth above and below.

424. The clearly established law in New Hampshire, the clear mandates flowing from the Constitution of the State of New Hampshire, require and command the state to provide education to its citizens, not only as a substantive right, but as a "cornerstone" of the state's system. *See* NH Const. Pt. 2, Art. 83; *Claremont Sch. Dist. v. Governor*, 138 N.H. 183 (1993).

425. RSA 193-E:1, I establishes that it is the "policy of the State of New Hampshire" that public education shall provide students with the "opportunity to acquire knowledge and skills to prepare them for successful participation" in society. "[A]n education that is consistent with the minimum standards for public school approval, the state-established academic standards, and school district school curriculum."

426. In order to facilitate the delivery of an adequate public education to all children, it shall be through “an integrated system of shared responsibility between state and local government.” *See* RSA 193-E:1, II.

427. RSA 193 requires that “any child at least 6 years of age and under 18 years of age” shall attend the public school to which the child is assigned unless certain exemptions or exceptions are present, including an excuse from the “relevant school district superintendent.” *See* RSA 193:1, I; 193:5.

428. RSA 193:28 provides that a child that has been placed into any “home for children” or is placed by way of DHHS, that child shall be entitled to attend New Hampshire public schools.

429. The Department of Education, in order to maintain that children in the state are attending school (among other reasons), is mandated to “implement and maintain a unique pupil identification system on a statewide basis” *See* RSA 193-E:5.

430. RSA 193-A:1, et seq., establishes that the State Board of Education has rulemaking and oversight responsibility on the administration of “home education.”

431. Further, RSA 193-A:4(II), places onus on the Department of Education and the “resident district superintendent” to work with parents in meeting any “home education” requirements.

432. Olivia did not receive anything resembling an adequate education (or any education) from either the State or her parents.

433. The State and Municipal defendants, and their employees, contractors and agents, knew of her existence and yet either actively refused or failed to ensure that she was attending the local public school.

434. Olivia attended one day of public school, but no one ever followed-up on her to determine why she never returned.

435. Olivia was entitled to, and the State and Municipal Defendants owed a duty to provide her with, an adequate education.

436. The Defendants' breach of their duty was done so grossly that it shocks the conscience.

437. Olivia suffered damage as a result of these violations.

COUNT IX
BREACH OF FIDUCIARY DUTY
(All Defendants)

438. Olivia repeats and incorporates all of the facts set forth above and below.

439. The defendants, separately and individually, had a special, confidential, fiduciary obligation to protect Olivia from the harms she suffered, by virtue of their relationship to her, as a child. Each violated that duty.

440. In addition to the other legal obligations set forth above, New Hampshire law also recognizes heightened duties of care toward vulnerable people, including children like Olivia. *See, e.g. Geraldine W. Webber Revocable Living Trust*, 318-2013-EQ-00694 (N.H. Trust. Dock. 7th Cir. Aug. 20, 2015) (shift in burden regarding undue influence where police officer became beneficiary of impaired, elderly woman).

441. As a result of these violations, the defendants were the actual and proximate cause of injuries to Olivia.

442. Olivia suffered life-long injuries and is entitled to all available remedies against all of the defendants for these violations.

COUNT X
FALSE IMPRISONMENT
(All Defendants)

443. Olivia repeats and incorporates all of the facts set forth above and below.

444. The defendants together and separately consciously engaged in and facilitated the unlawful restraint and confinement of Olivia's personal freedom.

445. Olivia suffered injuries arising from this false imprisonment. Those injuries were actually and proximately caused by the defendants.

COUNT XI
NEGLIGENCE
(All Defendants)

446. Olivia repeats and incorporates all of the facts set forth above and below.

447. Each of the defendants owed Olivia a duty of care. Each of the defendants voluntarily assumed a duty of care to her.

448. Defendants given their respective relationships with Olivia, who was then a child, had a duty to exercise reasonable care in their interactions with Olivia during her childhood, their care of her, their custody of her, and their delivery or placement of her and their redelivery and ongoing placement of her in an abusive and unsafe Atkocaitis household.

449. It was reasonably foreseeable to Defendants that their conduct would result in injury to Olivia.

450. Despite said duties, defendants acted and failed to act in a careless, negligent, unsafe, unreasonable, and imprudent and reckless manner, including in a manner more particularly described below.

451. Defendants knew, or should have known, that Olivia was vulnerable to, and subjected to ongoing child abuse, neglect and the incidents of slavery.

452. Defendants failed to timely act to remove her from the physical custody of her adoptive parents and provide her an opportunity for safety and well-being in her childhood.

453. Defendants, also volunteering to intervene in Olivia's life, assumed a duty of care to intervene reasonably and violated that duty.

454. Defendants instead acted to maintain her status in isolated, dangerous, and racist conditions that stole her childhood from her.

455. As a direct and proximate result of Defendants' carelessness, negligence, recklessness and the violation of their common law, statutory and constitutional duties, Defendants caused Olivia to suffer ongoing physical, bodily, and mental injuries, damages, and loss.

456. Olivia suffered physical injuries to her stomach, legs, and other parts of her body of a temporary and/or permanent nature, to aggravate any preexisting condition, to experience pain and suffering past, present, and future, severe emotional distress and mental anguish, loss of earnings, loss of future earnings capacity, and loss of enjoyment past, present and future, as a result.

457. Defendants' negligent acts and omissions also proximately caused Olivia to suffer emotional distress and injury.

458. The emotional distress manifested itself through physical symptoms, including but not limited to bruises, sleeplessness, nausea, and weight loss.

459. As a result, Olivia has, and will incur, hospital, doctor, therapy and other medical and mental health related expenses and damages.

460. The failures set forth by all of the parties in this complaint were reckless, wanton and malicious and give rise to enhanced compensatory damages.

461. Olivia did as a direct and proximate result incur substantial economic loss and damages.

462. Olivia by reason of the foregoing, is entitled to damages and seeks monetary damages in an amount to be determined within the minimum and maximum jurisdictional limits of this Court, together with costs, interest and attorney fees as allowed by law.

COUNT XII
CONSUMER PROTECTION ACT—RSA 358-A
(Defendant Wide Horizons)

463. Olivia repeats and incorporates all of the facts set forth above and below.

464. Wide Horizons promoted and marketed itself as complying with a series of duties and standards.

465. Wide Horizons failed to comply with these standards.

466. Wide Horizons did not comply with these advertised standards with regard to Olivia.

467. Wide Horizons conduct caused Olivia injuries.

COUNT XIII
MISREPRESENTATION
(Defendants Wide Horizons, Thomas and Denise Atkocaitis)

468. Olivia repeats and incorporates all of the facts set forth above and below.

469. Wide Horizons misrepresented material facts regarding Thomas and Denise Atkocaitis to New Hampshire courts and other authorities regarding their fitness to adopt Olivia.

470. Specifically, Wide Horizons stated that Thomas and Denise Atkocaitis were a fit family for the adoption of Olivia and that there were no concerns about their adoption of Olivia.

471. Wide Horizons made these statements knowing that they were false, inducing those responsible for Olivia to rely upon them to facilitate the adoption of Olivia, an event that occurred.

472. Thomas and Denise Atkocaitis misrepresented that they were a loving family and that they would love and care for Olivia as a member of their family.

473. Thomas and Denise Atkocaitis made these statements knowing that they were false for the purpose of facilitating the adoption of Olivia.

474. They did so with the intent to enslave Olivia.

475. Each instance of this fraud was the proximate and actual cause of harm to Olivia. Which caused her injury.

476. In each case, Wide Horizons and Thomas and Denise Atkocaitis acted while in a special relationship of trust and confidence that Olivia relied upon in order to protect her wellbeing, triggering heightened obligations to her and heightened liability arising from each instance of misrepresentation.

COUNT XIV
ASSAULT AND BATTERY
(Defendants Thomas and Denise Atkocaitis)

477. Olivia repeats and incorporates all of the facts set forth above and below.

478. Thomas and Denise Atkocaitis each, repeatedly, hit, beat, or pushed Olivia with the intent to injure her and put her in imminent apprehension of harm.

479. Thomas and Denise Atkocaitis, each, repeatedly, threatened to hit, beat, or push Olivia with the intent to injure her and put her in imminent apprehension of harm.

480. This conduct was the actual and proximate cause of injuries to Olivia to which she is entitled to relief.

COUNT XV
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Defendants Thomas and Denise Atkocaitis)

481. Olivia repeats and incorporates all of the facts set forth above and below.

482. Thomas and Denise Atkocaitis each individually, and acting in concert with one another, intentionally and recklessly committed extreme and outrageous acts directed toward Olivia during her childhood.

483. These acts included both physical and psychological abuse of Olivia. These acts proximately caused Olivia to suffer severe emotional distress for which she is entitled to relief.

COUNT XVI
DECLARATORY RELIEF
(State and Municipal Defendants)

484. Olivia repeats and incorporates all of the facts set forth above and below.

485. For the avoidance of all doubt, Olivia seeks declaratory relief with respect to each and every claim she has alleged.

486. For avoidance of doubt, Olivia seeks declaratory relief in the form of an order finding that DCYF, DHHS, its officers, employees, contractors, agents, partners, and affiliates, violated her rights under RSA 169-C.

487. For the avoidance of all doubt, Olivia seeks declaratory relief in the form of an order finding that DCYF, DHHS, its officers, employees, contractors, agents, partners, and affiliates that DCYF, DHHS, its officers, employees, contractors, agents, partners, and affiliates, violated her rights to a legal, accountable and responsive government under Part I, Article 8 of the New Hampshire Constitution.

488. For the avoidance of all doubt, Olivia seeks declaratory relief in the form of an order finding that DCYF, DHHS, its officers, employees, contractors, agents, partners, and affiliates that DCYF, DHHS, its officers, employees, contractors, agents, partners, and affiliates,

violated her rights to be protected by her community under Part I, Article 12 of the New Hampshire Constitution.

489. For the avoidance of all doubt, Olivia seeks declaratory relief in the form of an order finding that DCYF, DHHS, its officers, employees, contractors, agents, partners, and affiliates that DCYF, DHHS, its officers, employees, contractors, agents, partners, and affiliates, violated her rights to a full and complete remedy under Part I, Article 14 of the New Hampshire Constitution.

490. For the avoidance of all doubt, Olivia seeks declaratory relief in the form of an order finding that DCYF, DHHS, its officers, employees, contractors, agents, partners, and affiliates that DCYF, DHHS, its officers, employees, contractors, agents, partners, and affiliates, violated her rights to due process of the law under Part I, Article 15 of the New Hampshire Constitution.

PRAYER FOR RELIEF

WHEREFORE, Olivia prays for judgment as follows:

- a. Judgment according to the laws of New Hampshire;
- b. Trial by jury;
- c. Declaratory relief, including a declaration that any and all claims of immunity from liability are waived, abrogated, or superseded by law, including by Part I, Article 8, 12 and 14 of the New Hampshire Constitution;
- d. Money damages for any and all cognizable losses Plaintiff has suffered, arising from this matter, including;
- e. Attorneys' fees and costs;

- f. Statutory damages, including double and treble damages, where authorized by statute;
- g. Enhanced damages;
- h. Permanent injunctive relief; and
- i. Any such other and further relief as the Court may deem equitable, necessary, or just.

Respectfully submitted,

OLIVIA ATKOCAITIS

By her Attorneys

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