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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

RICHARD L. MATHIEU, as Litigation
Guardian ad Litem for M.J. and A.J.,
minors,

Plaintiffs,

vs.

STATE OF WASHINGTON,
DEPARTMENT OF CHILDREN,
YOUTH, AND FAMILIES, and
YAKIMA VALLEY COUNCIL ON
ALCOHOLISM, PBC, aka TRIUMPH
TREATMENT SERVICES,

Defendants.

NO.: 19-2-01275-34

COMPLAINT FOR DAMAGES

Plaintiff alleges as follows:

I. PARTIES, JURISDICTION, VENUE

1.1 Plaintiff Richard L. Mathieu is the duly appointed Litigation Guardian ad Litem for AJ and MJ, who are both minor children. AJ and MJ are pseudonyms used to protect the privacy of these minor children, due to the sensitive nature of the allegations in this lawsuit.

1 1.2 Defendant State of Washington, Department of Children, Youth, and Families
2 (DCYF) is a cabinet-level state governmental agency focused on the well-being of children.
3 In 2017, the State of Washington created the new agency, Defendant DCYF. Previously,
4 Defendant DCYF offered social services through the Washington State Department of Social
5 and Health Services (DSHS). The former Children Protective Services (CPS), which was under
6 DSHS, is now overseen by Defendant DCYF.
7

8 1.3 Defendant Yakima Valley Council on Alcoholism, PBC, aka Triumph
9 Treatment Services (hereinafter referred to as “Triumph” or “Triumph Treatment”), is a for-
10 profit, public benefit corporation, incorporated and doing business in the State of Washington,
11 Yakima County.
12

13 1.4 At all times relevant, Defendant Triumph contracted with Defendant DCYF in
14 the Parent-Child Assistance Program (P-CAP), a research/intervention program that provides
15 intensive case management, and advocacy for high-risk women and their families over a period
16 of three years. The goal of P-CAP is to provide support and to connect clients with necessary
17 services.
18

19 1.5 Additionally, at all times relevant, Defendant Triumph Treatment provided a
20 transitional housing program with services to individuals and families who are recovering from
21 alcoholism and drug addiction.
22

23 1.6 This Court has jurisdiction over the parties and subject matter of this lawsuit.

24 1.7 Venue is proper in Thurston County Superior Court because Defendant DCYF
25 is located and does business in Thurston County.
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1 2.9 AJ and MJ were born premature and small for their gestational age because their
2 mother, Kai Martinez, used tobacco products and illegal drugs, such as methamphetamines,
3 during pregnancy. At birth, AJ and MJ were transferred to the Neonatal Intensive Care Unit
4 (NICU) of the hospital.

5 2.10 On June 15, 2006, because AJ and MJ were born drug-affected, hospital officials
6 made a referral to Defendant DCYF's Child Protective Services (CPS), asking that CPS
7 intervene before the twins were discharged from NICU.

8 2.11 In response to this referral, the Defendant DCYF opened dependency files on
9 the twin girls, AJ and MJ.
10

11 2.12 Upon their discharge from the hospital, Defendant DCYF placed the twin girls
12 AJ and MJ with their maternal grandmother, Mia McCloud.
13

14 2.13 Defendant DCYF placed the twins with Ms. McCloud despite the fact that the
15 twins' older half sibling, A'mia Jacobs (age 1), died in Ms. McCloud's home on May 28, 2006,
16 two weeks before the twins' birth.
17

18 2.14 Shortly after placing the twins in Ms. McCloud's home, law enforcement
19 notified CPS that A'mia Jacobs had died of a methadone overdose in Ms. McCloud's home.

20 2.14.1 Ms. McCloud, a methadone user, had left methadone strewn about her
21 home, allowing A'mia to ingest the drug and suffer a fatal overdose.
22

23 2.15 On June 23, 2006, Defendant DCYF removed AJ and MJ from Ms. McCloud's
24 home.

25 2.16 On June 26, 2006, after unsuccessful attempts to place the twins with a tribal
26 home or relative, Defendant DCYF placed the twins into foster care with licensed foster parents
27 Eusebio ("Sonny") and Christina Ozuna.
28

1 2.17 AJ and MJ remained in the Ozuna home for seven (7) years, where they were
2 safe, healthy, loved, nurtured, and well-cared for.

3 2.18 After AJ and MJ were placed with the Ozunas, their mother, Ms. Martinez,
4 began supervised visits with them. However, by the time a fact-finding hearing was held at the
5 Yakama Nation Tribal Court in March 27, 2007, Ms. Martinez had a drug relapse and was no
6 longer in contact with the twin girls.
7

8 2.19 At the Yakama Nation Tribal Court fact-finding hearing, Ms. Martinez reported
9 ambivalence about her role as a parent and asked the court if she could relinquish her parental
10 rights. However, the Tribal judge denied her request.
11

12 2.20 The Yakama Nation Tribal Court approved a case plan that awarded custody and
13 supervision of the twin girls to Defendant DCYF. However, the Court allowed Ms. Martinez
14 visitation with her twin girls under the supervision of Defendant DCYF and as long as she was
15 not under the influence of drugs or alcohol. The Court also ordered Ms. Martinez to complete
16 a substance abuse evaluation and treatment, participate in parenting classes, undergo mental
17 health services, engage in educational or vocational training or employment, and maintain safe
18 and stable housing.
19

20 2.21 The Yakama Nation Tribal Court conducted another fact-finding hearing on
21 September 25, 2007. It approved a case plan that continued the twins' custody and supervision
22 with Defendant DCYF. It denied any visitation with Ms. Martinez. Further, the Court ordered
23 Ms. Martinez to complete a substance abuse evaluation and treatment, participate in parenting
24 classes, undergo mental health services, engage in educational or vocational training or
25 employment, and maintain safe and stable housing.
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1 2.22 From 2007 through 2009, the twin girls AJ and MJ remained in the Ozuna home,
2 safe and healthy, while Ms. Martinez maintained sporadic contact with Defendant DCYF and
3 made little progress towards completing her service and treatment plan.

4 2.23 Sometime between 2007 and 2009, Ms. Martinez was diagnosed as dependent
5 on opiates, alcohol, and methamphetamines, and attempted substance abuse treatment multiple
6 times, but failed to maintain sobriety.

7
8 2.24 From 2007 through 2009, Ms. Martinez was incarcerated on at least one
9 occasion.

10 2.25 From 2007 through 2009, Ms. Martinez admitted to Defendant DCYF social
11 workers that she was using illegal drugs and distributing them.

12
13 2.26 From 2007 through 2009, Ms. Martinez was homeless on several occasions.

14 2.27 From 2007 through 2009, Ms. Martinez failed to appear at multiple scheduled
15 supervised visitations with the twins leading to suspension of her supervised visitations.

16 2.28 From 2007 through 2009, on multiple separate occasions Ms. Martinez
17 discussed with Defendant DCYF terminating her parental rights of AJ and MJ and consenting
18 to the twin girls' adoption by their foster parents, the Ozunas.

19
20 2.29 In April 22, 2008, the Yakama Tribal Court held that it was not in the best
21 interest of the twin girls to return home to their mother, Ms. Martinez. Instead, the Court
22 ordered that the twin girls still be held under the custody of Defendant DCYF and granted
23 supervised visitation with Ms. Martinez. Additionally, the Court ordered that Ms. Martinez
24 complete a substance abuse evaluation and treatment, participate in parenting classes, undergo
25 mental health services, engage in educational or vocational training or employment, obtain safe
26 and stable housing, and maintain contact with Defendant DCYF's social worker.
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1 2.30 In October 2008, Defendant DCYF noted in its records that Ms. Martinez needed
2 to complete mental health services, drug abuse services, parent assessment, safe and stable
3 housing, and remain clean and sober.

4 2.31 In October 2008 and December 2008, Defendant DCYF recommended
5 removing Ms. Martinez from the service plan.
6

7 2.32 On December 9, 2008, Defendant DCYF removed Ms. Martinez from the
8 service plan.

9 2.33 In April of 2009, the Yakima County Superior Court issued an arrest warrant for
10 Ms. Martinez in part because she violated the terms of her probation. According to her
11 probation officer, who shared this information with Defendant DCYF, Ms. Martinez was using
12 drugs heavily and failed to comply with the terms of her probation. Ms. Martinez was arrested
13 on April 23, 2009.
14

15 2.34 On April 16, 2009, the Yakama Tribal Court found that it was not in the best
16 interest of the twin girls to return home to their birth parents. Additionally, the Court found
17 that Ms. Martinez had unresolved substance abuse issues. The Court ordered that AJ's and
18 MJ's parents be vacated from the DSHS service and safety plan, and further visitations rights
19 were not permitted.
20

21 2.35 On October 13, 2009, Children's Administration recommended a primary plan
22 for the twin girls that consisted of long-term foster care and dependency guardianship with their
23 foster parents, the Ozunas.
24

25 2.36 By October 2009, AJ and MJ continued to thrive socially and developmentally
26 in the Ozuna home, without the need for services from Defendant DCYF, and the Ozunas
27 expressed interest to Defendant DCYF in adopting the twins.
28

1 2.37 In an April 2010 individual service and safety plan, Defendant DCYF reported
2 that the Ozunas continued to provide a “loving, safe, nurturing and stable home” for the twin
3 girls. Defendant DCYF also reported how the Ozunas were “very active in making sure [the
4 children’s] needs [were] being met to include providing regular contact with the Department,
5 attending medical appointments, staffings and continuing to work with the providers to address
6 child’s needs.”
7

8 2.38 Defendant DCYF’s April 2010 individual service and safety plan also
9 acknowledged that “reuniting child and parent at this time will disturb child’s emotional
10 wellbeing and development and jeopardize the child’s safety and place child at risk of harm.”
11

12 2.39 On April 19, 2010, the Yakama Tribal Court found that it was not in the best
13 interest of the twin girls to return home to their birth parents. The Court ordered that AJ and
14 MJ remain under custody of Defendant DCYF in foster care. Visitations rights with their
15 biological parents were not permitted. The Court ordered that the children be referred to the
16 Health, Education and Wellness (HEW) Committee for consideration of guardianship.
17

18 2.40 In September of 2010, during a well-child visit with a doctor, the doctor
19 expressed concern as AJ was showing the effects of a drug-affected baby/child such as
20 uncontrollable behaviors. She was referred to a behavioral clinic for evaluation.
21

22 2.41 Between 2010 to 2011, Ms. Martinez was incarcerated on at least one occasion.
23

24 2.42 In December 2011, Defendant DCYF noted that the twin girls were thriving in
25 the Ozuna foster home and recognized that permanent placement for the girls was long overdue.
26

27 2.43 On September 7, 2012, pregnant with her fourth child, Ms. Martinez enrolled in
28 the Parent-Child Assistance Program (P-CAP) through Defendant Triumph Treatment Services.

1 Around this time, Ms. Martinez was participating in a methadone program due to a heroin
2 addiction.

3 2.44 On September 20, 2012, Ms. Martinez disclosed to P-CAP advocate Andrea
4 Ross that she wanted to relinquish her parental rights to her twin daughters, AJ and MJ.

5 2.44.1 Ms. Martinez told Andrea Ross that her counselor would help her
6 with the termination process.
7

8 2.44.2 Andrea Ross responded that she would also help her with this
9 process.

10 2.45 On November 1, 2012, Mr. Martinez disclosed to Andrea Ross that she was still
11 working with her counselor on relinquishing her parental rights to AJ and MJ.
12

13 2.46 On December 4, 2012, Ms. Martinez disclosed to Andrea Ross that she was
14 having problems with her boyfriend, such as arguing. Ms. Martinez disclosed that she was
15 having mixed emotions about her past that she is trying to deal with and that she was
16 experiencing high anxiety. Lastly, she revealed that she was still working with a Methadone
17 counselor.
18

19 2.47 On March 7, 2013, Ms. Martinez gave birth to AJ and MJ's half-brother, Xavier.

20 2.47.1 Around this time, Ms. Martinez communicated to Defendant
21 DCYF that she wanted to parent her new baby, Xavier, and felt it was best
22 for the twins to remain with their foster parents, the Ozunas.
23

24 2.48 In May of 2013, Defendant DCYF requested a review hearing in the Yakama
25 Nation Tribal Court to discuss the placement of the twin girls.

26 2.48.1 This hearing took place on May 2, 2013.
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1 2.48.2 At this hearing, Ms. Martinez told the Yakama Nation Tribal
2 Court that she wanted AJ and MJ to be adopted by their foster family, the
3 Ozunas.

4 2.48.3 Against her express wishes, Ms. Martinez was placed back on the
5 case plan and directed to participate in services that were originally
6 identified in a 2006 order, including regular supervised visits with AJ and
7 MJ.

8 2.48.4 The Tribal Court directed Defendant DCYF to pursue “relative
9 placement” and initiate visits between the twin girls and their prospective
10 relative caregivers.

11 2.49 On May 3, 2013, P-CAP advocate Andrea Ross learned that Ms. Martinez would
12 soon begin visitation with AJ and MJ.

13 2.50 On or around July 22, 2013, DCYF referred AJ and MJ for mental health
14 counseling to support them through the proposed transition and supervised visitations with Ms.
15 Martinez.

16 2.51 On June 26, 2013, prior to the visitation with AJ and MJ, Ms. Martinez expressed
17 to P-CAP advocate Andrea Ross that she felt overwhelmed.

18 2.52 On July 10, 2013, P-CAP advocate Andrea Ross met with Ms. Martinez at
19 Defendant DCYF’s office for her first visit with the twin girls AJ and MJ.

20 2.52.1 Ms. Martinez had not seen AJ and MJ since they were two years
21 old.

22 2.52.2 The twin girls had no memory of Ms. Martinez.

1 2.53 On July 19, 2013, P-CAP advocate Andrea Ross met Ms. Martinez for her
2 second supervised visit with AJ and MJ. During this visit, the twins were having a hard time
3 with Ms. Martinez.

4 2.54 Ms. Martinez had supervised visits with twin girls AJ and MJ on or around the
5 following dates: July 24, 2013, and July 26, 2013, July 31, 2013, and October 3, 2013. An
6 advocate from P-CAP was present for at least one of these visits.
7

8 2.55 During these supervised visitations with Ms. Martinez, Defendant DCYF social
9 worker noted that AJ and MJ would look for their foster parents, who waited out in the lobby
10 of the visitation room. The social worker commented that the Ozunas were the twin girls'
11 "security blanket" during these visits with Ms. Martinez.
12

13 2.56 As ordered by the Yakama Nation Tribal Court, Defendant DCYF found and
14 contacted several of the twin girls' relatives for potential placements. However, despite
15 expressing interest, relatives recommended to Defendant DCYF that the twin girls remain in
16 their current placement, the Ozuna foster home, and establish this as their permanent placement.
17

18 2.57 The Ozunas reported to Defendant DCYF that AJ and MJ were often angry,
19 frustrated, aggressive and confused after visits with Ms. Martinez.

20 2.58 Defendant DCYF then referred Ms. Martinez to counseling to address her
21 feelings toward her daughters.

22 2.58.1 Ms. Martinez failed to pursue this counseling.

23 2.58.2 Defendant DCYF failed to follow-up to see if Ms. Martinez
24 sought counseling.
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1 2.59 On August 8, 2013, Defendant DCYF social worker, Antoinette Razote, noted
2 in AJ's and MJ's file that the prior DCYF social worker, Rita Garcia, failed to follow-up with
3 the Yakama Nation Tribal Court regarding case planning and placement of the twin girls.

4 2.60 On September 4, 2013, Defendant DCYF social worker Michelle Betts received
5 a call from foster parent Christina Ozuna who disclosed that AJ was injured during a visit with
6 Ms. Martinez. AJ's counselor also reported this incident to Ms. Betts.

8 2.60.1 AJ revealed that Ms. Martinez had squeezed her hand tightly and
9 made her fingers hurt.

10 2.60.2 AJ's counselor also reported this incident to Ms. Betts.

11 2.60.3 Upon questioning Ms. Martinez about the incident, Ms. Martinez
12 denied any injury to AJ and stated that they were doing beadwork
13 and AJ's hand had "scrunched up."
14

15 2.61 On September 6, 2013, Defendant DCYF intake worker Jim Moser screened an
16 intake/CPS report from Ms. Ozuna, regarding AJ's allegations against Ms. Martinez.

17 2.62 Despite the allegations, Defendant DCYF took no action to determine if Ms.
18 Martinez should be allowed to continue visits and ultimately have full custody of AJ and MJ,
19 nor to verify if the allegations were founded.
20

21 2.63 On or about September 2013, the Ozunas continued to express interest to
22 Defendant DCYF in keeping AJ and MJ in their home and expressed concerns regarding
23 returning the twin girls to their mother, Ms. Martinez.
24

25 2.64 On or about September 2013, school officials expressed to Defendant DCYF
26 concerns regarding the twin girls moving and changing schools.
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1 2.65 In October of 2013, Defendant DCYF requested psychological evaluations of
2 AJ and MJ to assess their level of attachment to their foster parents, the Ozunas. AJ and MJ
3 had lived with the Ozunas since birth. They were now 7 years old.

4 2.65.1 The evaluating provider, Roland Dougherty, Ph.D., a licensed
5 clinical psychologist, expressed concern on the potential separation of the
6 twin girls from their foster parents and the likely result of stress, anger,
7 confusion, grief, insecurity, depression and anxiety.

8 2.65.2 Dr. Dougherty warned that if a child is uprooted from a stable
9 and loving home, “the loss is similar to that of an experience of the death of
10 a very important loved one.”

11 2.65.3 Dr. Dougherty opined that the twin girls were “securely bonded”
12 with their foster parents, the Ozunas, and considered them to be their parents.
13 The foster parents were a source of “security and nurturance.”

14 2.65.4 Dr. Dougherty expressed concern for the serious potential and
15 probable effects, and great psychological risk on the twin girls if they were
16 removed from their foster parents.

17 2.65.5 Dr. Dougherty recommended counseling if the twin girls were to
18 be separated from their foster family.

19 2.66 Despite the cautionary words of the psychological evaluation and others,
20 Defendant DCYF social worker recommended at an October of 2013 Dependency Review
21 Hearing that the twins remain in foster care until Ms. Martinez completed the services that were
22 identified in the initial court order from 2007. The Defendant DCYF social worker also
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1 enrollable with the tribe and had not been part of the tribal community for any period of their
2 lives.

3 2.71 The plan developed at the FTDM Meeting stated that the twin girls would be
4 placed with Ms. Martinez on December 20, 2013 and that they were to receive the following
5 services: (1) Family Preservation Services (FPS); (2) continued participation in a methadone
6 program; (3) clean and sober housing; and (4) continued therapy for the twin girls to facilitate
7 reunification.
8

9 2.72 On or around November of 2013, Ms. Martinez and her boyfriend, Robert
10 Valladares, began residing in Defendant Triumph Treatment's Transitional Housing Program
11 located at 302 S. Elm St. in Toppenish, Washington. It was a three-bedroom apartment.
12

13 2.73 Ms. Martinez signed a rental agreement with Defendant Triumph Treatment to
14 live in a halfway house which was owned, operated, maintained, and controlled by Triumph
15 Treatment.
16

17 2.74 Triumph Housing Supervisor Sophia Sanabria and Triumph Case Manager
18 Karla McDonald were responsible for conducting bi-weekly checks on the residents of the
19 apartment complex, which included Ms. Martinez and Mr. Valladares.
20

21 2.75 Shortly after Ms. Martinez moved to Triumph Treatment's housing in November
22 2013, social worker, Michelle Betts, employed by Defendant DCYF recommended that the twin
23 girls be returned with Ms. Martinez.

24 2.76 On November 27, 2013, P-CAP advocate Andrea Ross called Ms. Martinez's
25 social worker, Michelle Betts, requesting that Ms. Martinez receive counseling for bonding and
26 attachment issues.
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1 2.77 On November 27, 2013, Defendant DCYF submitted a request for a hearing with
2 the Yakama Nation Tribal Court to change the plan from transition to relative placement with
3 mother due to Ms. Martinez recently obtaining suitable housing.

4 2.78 On December 11, 2013, social worker, Michelle Betts, employed by Defendant
5 DCYF noted in a visit to the Ozuna foster home that the foster home appeared “neat and clean,
6 free of observable safety hazards.” The social worker also noted that the twin girls appeared
7 “happy, healthy, and clean.”
8

9 2.79 On December 16, 2013, Defendant DCYF authorized the placement of AJ and
10 MJ in the home of their biological mother, Mr. Martinez, on a “Trial Return Basis.”
11

12 2.79.1 At the time AJ and MJ were placed with Ms. Martinez, Ms.
13 Martinez had the following criminal and drug history: Possession of a Stolen
14 Vehicle; two separate convictions of the Violation of the Uniform Controlled
15 Substance Act (VUCSA); Possession of a Controlled Substance - Heroin;
16 Assault (Third Degree); Making a False Statement; Driving Under the
17 Influence (DUI); Theft (Third Degree); Defrauding an Innkeeper;
18 Possession of Drug Paraphernalia; Driving with License Suspended (Third
19 Degree); and Refusing to Comply with a Police Officer.
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21 2.80 On December 17, 2013, P-CAP advocate Andrea Ross went to Ms. Martinez’s
22 home for a home visit and learned that Ms. Martinez had started working with Family
23 Preservation Services (FPS) and was receiving counseling from Catholic Family Services.
24

25 2.80.1 On this date, the twin girls’ counselor Esteban Cabrera, stated
26 that AJ was having a hard time and being “very aggressive towards [MJ]”
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1 and that AJ said that the twins did not want to live with Ms. Martinez and
2 wanted to stay with the foster parents, the Ozunas.

3 2.80.2 Around this time, Ms. Martinez confirmed Esteban Cabrera's
4 observations to Defendant DCYF that AJ was "defiant and aggressive."

5 2.81 On December 20, 2013, AJ and MJ were placed with Ms. Martinez. Ms.
6 Martinez's partner, Roberto Valladares, and their infant son, Xavier, were also residing in the
7 same home at this time.
8

9 2.82 At the time of placement on December 20, 2013, there was no documentation
10 indicating that the change in placement from the Ozunas to Ms. Martinez was done by specific
11 court order.
12

13 2.82.1 There is no indication that Defendant DCYF requested or even
14 suggested obtaining a court order, which would have enabled DCYF to more
15 easily hold Ms. Martinez accountable for the services that had been ordered
16 and requested.
17

18 2.82.2 Instead of obtaining a court order, the change of placement was
19 done through submission of an affidavit.

20 2.83 On December 20, 2013, P-CAP advocate Andrea Ross gave Ms. Martinez
21 information on parenting classes.
22

23 2.84 On December 23, 2013, Ms. Martinez went to the office of P-CAP advocate
24 Andrea Ross and disclosed that she had been feeling depressed.

25 2.84.1 Ms. Martinez also said she had been having mixed emotions with
26 all of the changes happening in her life and that she had not been able to
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1 spend as much time with her son since her twin daughters AJ and MJ had
2 been placed at her home.

3 2.85 On January 23, 2014, Ms. Martinez disclosed to P-CAP advocate Andrea Ross
4 that she was having anxiety.

5 2.86 On February 25, 2014, Defendant DCYF cancelled Family Preservation
6 Services (FPS) due to Ms. Martinez's lack of participation in the program and failure to follow-
7 up on the offered services.
8

9 2.86.1 The FPS provider noted upon closing the file that Ms. Martinez
10 had cancelled six appointments and failed to appear for one other
11 appointment.
12

13 2.86.2 The FPS provider noted that Ms. Martinez met once with AJ and
14 MJ's therapist from New Directions after the twin girls' return to Ms.
15 Martinez's home.

16 2.86.3 During the one visit with FPS, Ms. Martinez disclosed to the
17 therapist that she was frustrated with AJ's and MJ's behavior and did not
18 want to continue services.
19

20 2.86.4 The therapist recommended that Ms. Martinez continue family
21 counseling and seek support from the twin girls' school.
22

23 2.87 On February 28, 2014, P-CAP advocate Andrea Ross met with Ms. Martinez.
24 Ms. Martinez stated that she was having issues with her sister, the twins were doing well and
25 liking school, and she was waiting to hear back from a counselor regarding a DUI assessment.
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1 2.87.1 The DUI assessment stemmed from a 2010 incident in which Ms.
2 Martinez was charged with possession of a stolen vehicle and driving while
3 under the influence.

4 2.87.2 There is no indication in Defendant DCYF's file that Ms.
5 Martinez completed the DUI assessment or completed any drug rehab
6 programs that would have been recommended after such an assessment.
7

8 2.88 On April 8, 2014, P-CAP advocate Andrea Ross met with Ms. Martinez at Ms.
9 Ross' office. During this visit, Ms. Martinez disclosed that she was going to go to Court to
10 get her CPS (dependency) case closed.

11 2.89 On April 30, 2014, school officials contacted Defendant DCYF to advise that
12 neither Ms. Martinez nor her boyfriend Mr. Valladares showed up to pick up the twin girls
13 from school. School officials were unable to contact Ms. Martinez nor Mr. Valladares by
14 phone.
15

16 2.89.1 When a DCYF social worker picked up the twins from school,
17 she dropped them off at Ms. Martinez's residence. The social worker met
18 Ms. Martinez outside their home.
19

20 2.90 On May 20, 2014, the Yakama Nation Children's Tribal Court dismissed the
21 dependency case regarding AJ and MJ.

22 2.90.1 Defendant DCYF social workers continued to see the twin girls
23 through June of 2014.
24

25 2.91 From April 14, 2014, through June 20, 2014, P-CAP advocate Andrea Ross
26 noted in her file that she "spent a lot of time trying to meet with [Ms. Martinez]" and that while
27
28

1 she had “some phone contact” with Ms. Martinez, Ms. Martinez cancelled several
2 appointments or was a no-show for other scheduled appointments.

3 2.92 On June 2, 2014, the former foster parents, the Ozunas, contacted Defendant
4 DCYF to give the twin girls birthday presents they purchased for them. Defendant DCYF did
5 not allow the Ozunas to give the twin girls their birthday presents.
6

7 2.93 In June of 2014, Defendant DCYF decided to close the case pertaining to AJ and
8 MJ.

9 2.93.1 Defendant DCYF decided to close the case despite the fact that
10 Ms. Martinez had failed to comply with most, if not all, of the
11 recommendations of multiple therapists, social workers, and members of
12 Family Preservation Services (FPS).
13

14 2.93.2 Furthermore, by this time Ms. Martinez had failed to demonstrate
15 an ability or a desire to properly care for AJ and MJ.

16 2.93.3 Additionally, Defendant DCYF social worker noted in the twin
17 girls’ file that Ms. Martinez was “familiar” with the community resources
18 and how to access services “if she needs to in the future.”
19

20 2.94 On June 23, 2014, P-CAP advocate Andrea Ross met Ms. Martinez at a local
21 park, not at Ms. Martinez’s home.

22 2.94.1 A visit at Ms. Martinez’s resident would have allowed Ms. Ross
23 to check on the living conditions, health, and safety of the twin girls AJ and
24 MJ, and other children.
25

26 2.94.2 During this visit Ms. Martinez had her youngest son with her.
27 She stated that she had been sick and recovering from pneumonia.
28

1 2.94.3 Ms. Martinez noted that she now had all four of her children
2 placed with her and that she was having “a lot of mixed emotions with her
3 twin daughters [AJ and MJ] being with her.”

4 2.94.4 Ms. Ross encouraged Ms. Martinez to follow through with
5 counseling and to get her daughters into counseling.
6

7 2.94.5 However, there is no indication in the file that Ms. Ross
8 followed-up to ensure that Ms. Martinez sought counseling for this issue.

9 2.95 On August 7, 2014, a Defendant DCYF employee Neal Cotner conducted a
10 supervisor review of the twin girls’ living condition.

11 2.95.1 In his review, Mr. Cotner noted that Ms. Martinez “does not have
12 a bond with her children.”
13

14 2.95.2 He also noted that she had just recently started supervised visits
15 and that she had not visited her children since they were two years old.

16 2.95.3 Mr. Cotner opined that it is in the twin girls’ best interest that
17 they continue in their current placement with the foster parents, the Ozunas,
18 and provide permanency with the placement.
19

20 2.95.4 He believed that the twin girls should still have contact with Ms.
21 Martinez.

22 2.95.5 Mr. Cotner also noted that Ms. Martinez “has her hands full” and
23 “does not want to relapse.”
24

25 2.95.6 Mr. Cotner recommended that the Tribal Court change the plan
26 to Guardianship.
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1 2.96 On August 15, 2014, Ms. Martinez disclosed to P-CAP advocate Andrea Ross
2 that she was struggling to bond with her twin daughters, AJ and MJ.

3 2.96.1 Ms. Martinez said she was struggling with one more than the
4 other.

5 2.96.2 Ms. Ross encouraged her to follow through with counseling for
6 bonding and attachment issues.

7 2.96.3 Ms. Martinez stated that it was her goal to start counseling after
8 the twin girls started school in a couple weeks.

9
10 2.97 From September 5, 2014 through November 5, 2014, Ms. Martinez avoided
11 contact with P-CAP advocate Andrea Ross.

12 2.97.1 Ms. Ross failed to notify Defendant DCYF of her multiple failed
13 attempts to contact Ms. Martinez.

14
15 2.98 On October 1, 2014, Ms. Martinez and Mr. Valladares moved into Defendant
16 Triumph's Yakima Housing Program. Ms. Martinez signed a rental agreement with Defendant
17 Triumph Treatment to live in a halfway house which was owned, operated, maintained, and
18 controlled by Triumph Treatment.

19 2.98.1 The housing was an apartment complex located at 313 N. 9th
20 Street in Yakima, Washington.

21
22 2.99 On November 5, 2014, P-CAP advocate Andrea Ross saw Ms. Martinez in the
23 lobby of Triumph Treatment. Ms. Martinez disclosed that she was depressed and not wanting
24 to meet with anyone.

25 2.99.1 Ms. Ross suggested that Ms. Martinez talk to someone about her
26 depression and encouraged her to follow through with counseling services.
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1 2.99.2 However, Ms. Ross never followed-up with Ms. Martinez to
2 ensure that she sought and received such counseling.

3 2.99.3 Moreover, Ms. Ross never took steps to ensure that AJ and MJ
4 were healthy and safe.

5 2.100 From November 5, 2014 through December 5, 2014, Ms. Martinez repeatedly
6 avoided contact with P-CAP advocate Andrea Ross.

7 2.100.1 Ms. Ross had multiple failed attempts to contact Ms. Martinez
8 during this time frame.

9 2.101 On December 5, 2014, P-CAP advocate Andrea Ross reached Ms. Martinez by
10 phone. Ms. Martinez disclosed during this call that she was “very depressed.”
11

12 2.101.1 Ms. Ross gave Ms. Martinez the name and contact information
13 for a local counseling agency and also gave her contact information to a
14 local doctor’s office.
15

16 2.101.2 However, Ms. Ross never followed-up with Ms. Martinez to
17 ensure that she sought and received such counseling.
18

19 2.101.3 Nor did Ms. Ross take steps to determine if AJ and MJ were
20 healthy and safe.

21 2.102 On December 8, 2014, P-CAP advocate Andrea Ross went to Ms. Martinez’s
22 residence where Ms. Martinez met Ms. Ross outside her apartment.

23 2.102.1 Ms. Martinez asked if Ms. Ross would buy her a coffee. Ms.
24 Ross and Ms. Martinez went for coffee and drove around. Ms. Martinez
25 disclosed that she was struggling with depression and knew she should
26

1 get help and take care of herself but wasn't getting treatment and didn't
2 know why.

3 2.102.2 Ms. Ross encouraged Ms. Martinez to follow through.

4 2.102.3 However, Ms. Ross never followed-up with Ms. Martinez to
5 ensure that she sought and received such counseling.

6 2.102.4 Nor did Ms. Ross take steps to determine if AJ and MJ were
7 healthy and safe.

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9 2.103 On December 15, 2014, Triumph Treatment signed up Ms. Martinez's
10 boyfriend, Mr. Valladares, for the Employment and Housing Navigator Research Program,
11 which is a state social program that helps individuals obtain jobs and secure housing.

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13 2.104 From December 24, 2014 through February 6, 2014, P-CAP advocate Andrea
14 Ross "spent a lot of time trying to contact [Ms. Martinez] with failed attempts."

15 2.105 On January 15, 2015, Triumph Treatment case manager, Sophia Sanabria,
16 received a call from a case manager at People for People because Mr. Valladares failed to start
17 the process with the Employment and Housing Navigator Research Program.

18
19 2.105.1 Ms. Sanabria went to Ms. Martinez's and Mr. Valladares'
20 residence to relay the message to Mr. Martinez to contact People for People.
21 Mr. Valladares indicated he would do so.

22 2.105.2 Ms. Sanabria did not indicate that she checked on the well-being
23 of the twin girls, AJ and MJ.

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25 2.106 On January 24, 2015, Defendant Triumph Treatment Housing Supervisor Sophia
26 Sanabria claims that she was called for a "lock-out" at the laundry room.

1 2.106.1 As she went to deal with the “lock-out,” she saw Mr. Valladares
2 and Ms. Martinez in their apartment.

3 2.106.2 Ms. Sanabria spoke with Mr. Valladares who informed her that
4 he made arrangements to enroll in the Employment and Housing Navigator
5 Research Program.

6 2.106.3 Ms. Sanabria did not indicate that she checked on the well-being
7 of the twin girls, AJ and MJ.

8
9 2.107 Ms. Martinez’s sister, Simona Long, became concerned with how Ms. Martinez
10 was not allowing anyone in the family to see the twin girls AJ and MJ.

11 2.107.1 Simona Long was shocked that Ms. Martinez got AJ and MJ
12 back so easily.

13 2.107.2 The family had not seen the AJ and MJ in over six months.

14 2.107.3 Ms. Martinez would always find an excuse not to allow family
15 members to see AJ and MJ and would even physically stop them from
16 entering the twin girls’ room.

17
18 2.108 On February 5, 2015, at around midnight Simona Long went with her twin sister,
19 Ewieona Long, to Ms. Martinez’s residence at the Triumph Treatment housing located on 313
20 N. 9th Street, in Yakima to check on the children.

21 2.108.1 When they arrived, neither Ms. Martinez nor her boyfriend
22 Roberto Valladares were at the apartment. Ms. Martinez’s twelve-year-old
23 son and two-year-old son were at the apartment.
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1 2.108.2 Ewieona Long tended to the boys while Simona Long searched
2 for the twin girls, AJ and MJ. Simona Long found AJ and MJ in a dark room
3 huddled in a corner hugging each other.

4 2.108.3 The twin girls appeared frightened and were “unrecognizable.”

5 2.108.4 When the room’s light was turned on, it hurt the twin girls’ eyes.

6 2.108.5 AJ and MJ told Simona Long, “We’re hungry. We need
7 something to eat, Auntie Mona.”

8 2.108.6 The room, which was AJ’s and MJ’s room, had such a strong
9 odor of urine that the smell emanated into the hallway. According to
10 multiple witnesses, everything in the room smelled of urine.

11 2.108.7 AJ and MJ were in extremely poor health, very malnourished,
12 emaciated, skeletal, frail, and pale.

13 2.108.8 Simona Long later expressed to Yakima Police Department
14 (YPD) officers that Ms. Martinez lived in a Clean and Sober Housing where
15 the lease agreement allowed weekly "house checks" of every room. She did
16 not know how the workers who conducted such “house checks” did not
17 notice the striking smell of urine or see the malnourished twin girls in their
18 room.

19 2.108.9 Simona Long and Ewieona Long briefly left Ms. Martinez’s
20 residence and returned with their mother, Elise Merrell. They removed the
21 twin girls from Ms. Martinez’s residence and took them to Elise Merrell’s
22 house. Upon arriving at Ms. Merrell’s house, they called the 911.
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1 2.109 On February 6, 2015, at approximately 1:05 a.m. YPD Officer G.T. Garza was
2 dispatched to Elise Merrell's home.

3 2.110 Upon arrival to Ms. Merrell's apartment, Officer Garza found the twin girls AJ
4 and MJ extremely malnourished and in need of immediate medical care.

5 2.110.1 Officer Garza noted that the girls were extremely skinny with
6 their arms no wider than an inch and he could see the majority of their
7 skeletal structure.

8 2.110.2 The twin girls AJ and MJ told Officer Garza that the food they
9 were eating at the moment was the first meal they were given for a while.

10 2.110.3 The twin girls AJ and MJ told Officer Garza that they had not
11 gone to school for a while.

12 2.111 The twin girls AJ and MJ were transported to a local hospital for emergency
13 care. Shortly after, they were transported to Seattle Children's Hospital due their dire health
14 from severe starvation and malnourishment.

15 2.112 Officer Garza along with YPD Sgt. Ritchie Fowler went to Ms. Martinez's
16 residence for a welfare check on the remaining children.

17 2.112.1 After repeated knocks and announcements at Ms. Martinez's
18 residence with no answer, officers made a forced entry by kicking down the
19 front door.

20 2.112.2 Upon entry, Officer Garza found Ms. Martinez hiding in a closet.
21 The other children were also located.

1 2.112.3 Officer Garza noted that Ms. Martinez’s residence was “very
2 filthy” with dirty clothes, dirty dishes and food crumbs scattered throughout
3 the apartment.

4 2.112.4 Officer Garza noted that the twin girls’ room had a strong odor
5 of urine.

6 2.112.5 Ms. Martinez admitted to YPD officers that she knew the girls
7 were in bad health and that she failed to take care of them.

8 2.112.6 Ms. Martinez admitted to YPD officers that she never formed a
9 bond with her twin girls, never felt a connection, never loved them, did not
10 know how to care for them, and was struggling with depression.

11 2.112.7 Ms. Martinez’s other children were taken into protective custody
12 by YPD officers and released to Defendant DCYF social services.

13 2.113 YPD Detectives Michael Durbin and Ileana Salinas went to the local hospital
14 to meet with the twin girls AJ and MJ.

15 2.113.1 Detective Durbin was shocked at the physical condition of the
16 twin girls.

17 2.113.2 Detective Durbin noted that in the 13 years of law enforcement
18 experience he had never observed children as severely malnourished as
19 the twin girls AJ and MJ.

20 2.113.3 Detective Salinas noted the twin girls were frail, pale and very
21 thin. She also noted an excessive amount of hair on the hospital blankets
22 from both girls.

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1 2.113.4 Detective Salinas noted the twin girls' arms were so thin that their
2 skeletal structure carried very little muscle tissue.

3 2.113.5 Detective Salinas was told by a hospital nurse that the twin girls
4 were eating too fast and were throwing up most of the food they consumed.

5 2.113.6 Detective Salinas observed a bump on AJ's forehead. AJ
6 revealed that her mother hit her in the head when she was unable to go to the
7 bathroom causing her to fall off the toilet and hit her head again.

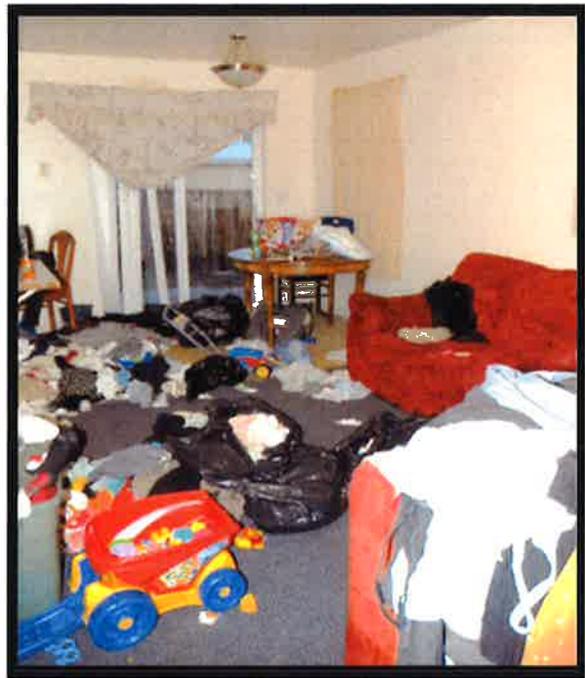
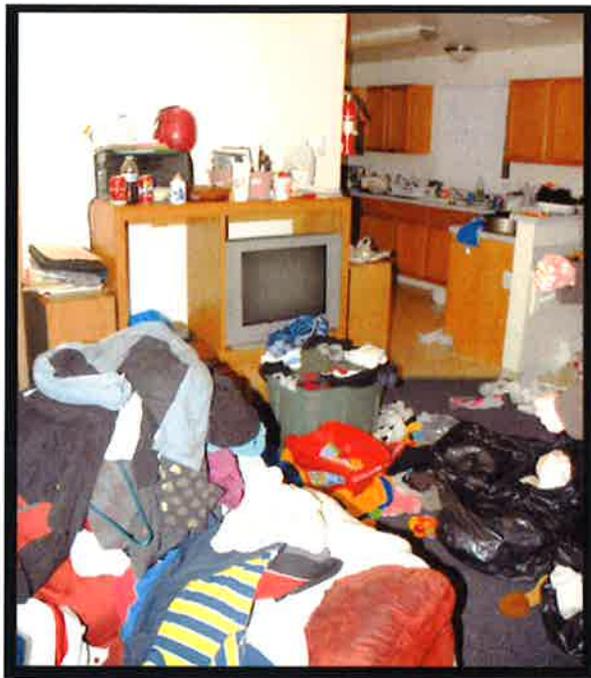
8 2.113.7 Detective Salinas took multiple photos of the emaciated bodies
9 of AJ and MJ.
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11 2.113.8 Attending Emergency Room physician, Rachel Hampton, M.D.,
12 noted that the twin girls weighed less than 44 pounds when they should have
13 weighed at least double that amount.
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15 2.113.9 On February 6, 2014, P-CAP advocate Andrea Ross learned that
16 Ms. Martinez was in jail for "criminal mistreatment" of the twin girls, AJ
17 and MJ.
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19 2.113.10 On February 6, 2014, YPD investigators took multiple photos of
20 Ms. Martinez's residence where the twin girls AJ and MJ lived, including
21 the following photos:
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2.114 On February 6, 2015, AJ and MJ were transported to Children's Hospital in Seattle for evaluation and treatment.

1 2.115 Physicians at Children’s Hospital made the following observations and
2 diagnoses regarding AJ and MJ:

3 2.115.1 They were severely starved, malnourished and very weak.

4 2.115.2 They were able to walk a bit to use the bathroom but
5 intermittently required the assistance of a wheelchair.

6 2.115.3 They frequently asked for and about food while being evaluated
7 and interviewed.

8 2.115.4 They gave histories of physical abuse by their biological mother,
9 Ms. Martinez, food restrictions and isolation.

10 2.115.5 They had very weak and hard to hear voices.

11 2.115.6 They could not remember the last time they had anything to eat.

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14 2.116 Physicians assessed that the constellation of historical and physical findings is
15 evidence of child abuse consisting of child torture, including:

16 2.116.1 Multiple physical assaults;

17 2.116.2 Multiple episodes of psychological maltreatment, including
18 threats of death, terrorizing, degradation and humiliation.

19 2.116.3 Restricted from simplest necessities of life including restricted
20 access to toileting, restriction from outside or inside play of any kind,
21 restriction from normal personal hygiene such as showers, bathing, tooth
22 brushing.

23 2.116.4 Isolation from normal childhood life including school and
24 activities and friends or even activities within their own family.

1 2.116.5 The most elemental necessity of life which was severely
2 restricted was nourishment resulting in the most profound and dangerous
3 deprivation.

4 2.116.6 Isolation was part of torture where the children were isolated not
5 only from school and community, but also from extended family members
6 and those within their home.

7 2.116.7 They were forced into isolation from any contact whatsoever,
8 forced to live and eat in their room, and have no activities whatsoever.

9 2.116.8 Severe neglect such as lack of well-child care including
10 immunizations, dental visits and other care and medical neglect of the
11 children's injuries inflicted within the home.

12 2.116.9 This pattern of chronicity and escalation of abusive, neglectful
13 and cruel treatment is common in torture.

14 2.116.10 A physician also noted, "it is my opinion that all of these acts
15 were intentional and done in order to physically and psychologically harm,
16 humiliate and dehumanize, if not kill, these children."

17 2.116.11 One physician noted, "It is highly of concern that these children
18 were placed back to a high-risk home situation with apparently little or no
19 follow-up or monitoring. It is very concerning that these children have been
20 isolated without oversight."

21 2.116.12 A physician also noted, "This pattern of torture resulted in severe
22 physical suffering and disfigurement, as well as prolonged emotional
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1 distress. These children could easily have died in this environment had there
2 been another extenuating event such as hypothermia [...], illness or infection.

3 2.116.13 Physicians noted that the twin girls were at risk of refeeding
4 syndrome putting them at risk for serious and potentially lethal cardiac and
5 pulmonary complications.

6
7 2.116.14 One physician noted, “The risks to [the twin girls] in the future
8 are serious in that they have had a significant insult to their growth and
9 development given this severe starvation. The most serious risks, however,
10 are the risk for posttraumatic stress disorder as well as other serious lifelong
11 [sic] psychological, psychiatric, developmental and educational problems.”

12
13 2.116.15 The twin girls were so severely malnourished that they were very
14 near death.

15 2.116.16 The twin girls suffered from lanugo, which is a symptom of
16 starvation or severe malnutrition.

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18 2.116.17 The twin girls’ teeth and oral health was in terrible condition that
19 required caps for all their teeth.

20 2.117 In the YPD investigation, the twin girls AJ and MJ revealed the following
21 experiences of the horrific abuses they encountered while in their mother’s custody:

22 2.117.1 The food in the house was for their mother, their stepdad and their
23 stepbrothers, but not for the twin girls because “there wasn’t enough money
24 for them.”

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26 2.117.2 The twin girls were not allowed in the kitchen.
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1 2.117.3 The twin girls were only allowed to stay in their room. In their
2 room, they had no books to read or TV to watch. They would only lay in
3 bed.

4 2.117.4 When they were fed they had to eat in their room by themselves.
5 When guests came to the apartment they had to stay in their room.
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7 2.117.5 They were not allowed to go to the bathroom, so they had to hold
8 it in all day.

9 2.118 The twin girls could not remember the last time they were outside.

10 2.119 The twin girls described how their biological mother, Kai Martinez, and her
11 boyfriend Robert Valladares would hurt them.
12

13 2.119.1 Mr. Valladares would throw them around and pull their hair.

14 2.119.2 Ms. Martinez would throw them around, hit their heads and call
15 them a “retard.”

16 2.119.3 Ms. Martinez would tell the twin girls that she “hopes they would
17 die.”
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19 2.119.4 Ms. Martinez would turn on the water in the sink and put both of
20 the twin girls’ heads under the water, and the twin girls feared they would
21 die.
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23 2.119.5 Ms. Martinez would choke them and put a pillow over their faces,
24 so they were unable to breathe.

25 2.119.6 Ms. Martinez would take their pillows and blankets away and
26 force them to sleep with the window open when it was cold.
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1 2.119.7 Ms. Martinez threatened to hang one of the twin girls by a belt in
2 the closet and crack her neck.

3 2.119.8 On occasion for special events, Ms. Martinez would cook a nice
4 meal and feed everyone except for the twin girls.

5 2.119.9 The twin girls did not get bathed or showered often. They could
6 not recall the last time they bathed or showered.

7 2.119.10 The twin girls could not recall the last time they had a toothbrush
8 or brushed their teeth.

9 2.119.11 Both of the twin girls had scars on their foreheads and their faces
10 from Ms. Martinez hitting them. On at least one occasion, one of the twins
11 felt sick after getting hit in the head that she vomited and experienced a
12 headache. She was not taken to a doctor.

13 2.120 On February 6, 2015, Kai Martinez was charged with two counts of first-degree
14 criminal mistreatment (domestic violence).

15 2.121 On February 23, 2015, Kai Martinez was charged with three counts of second-
16 degree assault of a child (domestic violence), and two counts of first-degree criminal
17 mistreatment (domestic violence).

18 2.122 On April 8, 2015, Ms. Martinez pleaded guilty to two counts of third-degree
19 assault of a child (domestic violence), and two counts of first degree criminal mistreatment
20 (domestic violence). She was sentenced to 10 years in prison.

21 2.123 Defendants should never have placed the twin girls AJ and MJ in the home of
22 Ms. Martinez. Ms. Martinez never demonstrated an ability nor even a desire to care for them,
23 24

1 had shown signs of depression, anxiety, erratic behavior, and repeatedly failed to comply with
2 counseling and treatment recommendations of mental health professionals.

3 2.124 Once placing the twin girls AJ and MJ with Ms. Martinez, Defendant DCYF
4 was required to check on their health and safety but failed to do so.

5 2.125 Once Ms. Martinez entered the P-CAP program, P-CAP advocates were
6 required to check on Ms. Martinez's progress (or lack thereof), as well as, check on her home
7 and children on a regular basis. P-CAP advocates failed to perform these checks.

8 2.126 P-CAP advocates are mandatory reporters under Washington law and therefore
9 had a duty to make referrals to CPS regarding Ms. Martinez's erratic, concerning behavior when
10 she had physical custody of the twin girls AJ and MJ, including multiple no-show
11 appointments, disclosures to P-CAP advocates that she did not want to parent her daughters and
12 was showing signs that she was incapable of safely caring for AJ and MJ.
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15 **III. CAUSES OF ACTION AGAINST**
16 **DEFENDANT DCYF**

17 3.1 Defendant DCYF had common law and statutory duties, pursuant to RCW 26.44
18 et. seq., as follows:

19 3.1.1 To investigate the safety and suitability of the Martinez home before
20 placing AJ and MJ in said home;

21 3.1.2 To advocate for AJ and MJ in all state and tribal court proceedings to
22 ensure the appropriateness any placement recommended by said courts;

23 3.1.3 To provide services to Ms. Martinez and ensure that Ms. Martinez
24 followed-up on all recommendations of prior civil and criminal proceedings before placing AJ
25 and MJ in her home;
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1 3.1.4 To keep its file open regarding AJ, MJ, and Ms. Martinez, to ensure that
2 that Ms. Martinez's home was a safe placement for AJ and MJ.

3 3.1.5 To follow up with Ms. Martinez via home visits and health and safety
4 checks to ensure the safety of AJ and MJ while they were in the custody of Ms. Martinez, a
5 mother who had consistently communicated a desire to relinquish her parental rights prior to
6 DCYF placing them in her home, and who had never demonstrated an ability or even a
7 willingness to follow through on counseling needed to be a safe and nurturing care provider.
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9 3.1.6 To follow up with AJ and MJ's school to determine if the girls were
10 attending school and were not showing signs of abuse or neglect.
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12 3.1.7 To reasonably and properly investigate reports of alleged abuse and
13 mistreatment.

14 3.1.8 To reasonably and properly monitor the care of AJ and MJ in Ms.
15 Martinez's home.

16 3.1.9 To hold court hearings every six months regarding the care and well-
17 being of AJ and MJ.
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19 3.2 Defendant DCYF, through its agents and employees, breached the
20 aforementioned duties, proximately causing injuries, harms, losses, and damages to AJ and MJ
21 in an amount to be proven at trial.
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23 **IV. CAUSES OF ACTION AGAINST**
24 **DEFENDANT TRIUMPH TREATMENT**

25 4.1 Defendant Triumph Treatment had common law and statutory duties, pursuant
26 to RCW 26.44 et. seq., as follows:

27 4.1.1 To reasonably and properly provide services and supervision to Ms.
28 Martinez within the P-CAP program.

1 4.1.2 To report suspected child abuse and/or neglect of twin girls AJ and MJ,
2 as a mandatory reporter.

3 4.1.3 To conduct home visits to determine if AJ and MJ were safe and being
4 properly cared for in Ms. Martinez's home, which she rented from Defendant Triumph
5 Treatment.

6 4.1.4 To report Ms. Martinez to Defendant DCYF as a mandatory reporter
7 upon learning of information indicating that AJ and MJ were being abused or neglected.
8

9 4.1.5 To follow-up with Ms. Martinez via home visits and health and safety
10 checks to ensure the safety of AJ and MJ while they were in the custody of Ms. Martinez, a
11 mother who had consistently communicated a desire to relinquish her parental rights prior to
12 DCYF placing them in her home, and who had never demonstrated an ability or even a
13 willingness to follow through on counseling needed to be a safe and nurturing care provider.
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15 4.1.6 To follow-up with AJ and MJ's school to determine if the girls were
16 attending school and were not showing signs of abuse or neglect.
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18 4.1.7 To reasonably and properly monitor the care of twin girls AJ and MJ in
19 Ms. Martinez's home.

20 4.2 Defendant Triumph Treatment, through its agents and employees, breached the
21 aforementioned duties, proximately causing injuries, harms, losses, and damages to AJ and MJ
22 in an amount to be proven at trial.
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24 4.3 At all times relevant the Defendant Triumph Treatment's agents and employees
25 mentioned herein were agents and/or apparent agents of the State of Washington, pursuant to a
26 state-funded contract with the State of Washington. Therefore, the State of Washington is
27 vicariously liable for all negligent acts and omissions of said agents and employees.
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V. PRAYER FOR RELIEF

WHEREFORE, the Plaintiff requests the following relief:

1. Judgement against Defendants, jointly and severally, for damages in an amount to be proven at trial;
2. Statutory costs and attorneys' fees;
3. Applicable interest on the judgment; and
4. Further relief as the Court deems just and equitable under the circumstances of this case.

DATED this 11th day of March 2019.

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