

JANUARY 2017

SETTLEMENT - KING COUNTY

KYLA HOOPER v. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS)

Number: 15-2-25366-2SEA

Settlement Date: 11/21/16

Trial Date: 1/23/17 (scheduled)

Plff Atty: David P. Moody & Ian M. Bauer of Hagens Berman Sobol Shapiro (Seattle)

Def. Atty: Joseph Diaz & Kerri Ann Jorgensen, Office of the Attorney General (Tumwater)

Def. Med.: Richard Adler MD (Psychiatrist/Damages) Seattle

Def. Exp.: William Partin CPA (Economist/Damages) Bellevue

Mediator: Keith Kubik

STATE & DSHS NEGLIGENCE

PHYSICAL & SEXUAL ABUSE

Plff, female, currently age 20. Throughout Plff's childhood, Def. DSHS received numerous warnings of abuse and neglect regarding Plff's mother, Lisa Hooper, including specific warnings of Lisa's emotional instability, drug and alcohol abuse, repeated failure to protect her three daughters from abuse by others, and an incident in which she admitted causing "severe facial injuries" to her three-year-old daughter. Def. DSHS repeatedly ignored these warnings and allowed Plff and her sisters to remain in Lisa's care. In 2005, Def. DSHS received a report from a school counselor that Plff's oldest sister, Brittany (then 12), had disclosed physical abuse by Lisa. This report noted that Lisa (who weighed 300 pounds) had climbed on top of her 110-pound daughter and punched her in the face and head repeatedly. The report further alleged that Plff's biological father, Jasper Brooks, had come to the Hooper home in the aftermath of the assault and sexually propositioned and molested Brittany under the guise of comforting her. Based on these allegations, Brittany was removed emergently from Lisa's home and sent to live with relatives out of state. Plff and her other sister were left in Lisa's care. The Def.'s investigation of the 2005 referral of physical and sexual abuse was inadequate and biased. Def. DSHS insisted that Lisa obtain a protection order prohibiting contact between Brooks and her

JANUARY 2017

KYLA HOOPER v. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS) - SETTLEMENT - KING COUNTY - CONT'D

Facts Cont'd: daughters, but failed to follow up when the order expired a year later, failed to complete safety planning, and failed to look into strange and disturbing statements made by Brooks to investigators. After an investigation that lasted 15 calendar days, Def. DSHS found the 2005 referral to be "inconclusive" for sexual abuse by Brooks and physical abuse by Lisa. In 2006, the Def. received another warning that Lisa had left her daughters in the care of a former foster parent, that she had relapsed on alcohol and drugs, that she left her daughters with strange men in order to buy drugs, that she taught 12-year-old Brittany how to perform oral sex, and that she was beating her daughters and subjecting them to sexual initiations with boys. Def. DSHS elected to file a dependency petition as to both Plff and her older sister, Sarah. In the dependency case, Books requested placement of Plff in his home. At this time, Plff had known her father for just over two years, had never lived in his home, and had seen him on only a handful of occasions. Before the dependency court, Def. DSHS insisted that it was imperative that Brooks submit to a sexual deviancy evaluation, to address what it characterized to the Court as "the unaddressed allegation of sexual abuse" from 2005 and the "unacceptable risk" that Brooks posed to Plff. No such sexual deviancy evaluation was ever conducted. The Def. conducted a home study, which raised additional questions regarding "questionable parenting techniques" and "unconventional parenting methods that others may find inappropriate" employed by Brooks. The home study noted that Brooks "has not demonstrated a solid track record of parenting" and that "there are a number of serious considerations for the best interest of Kyla." It concluded that additional information and services would be necessary to determine what risk Brooks posed to Plff and ensure her safety in his home. In March of 2007, the dependency court ordered that Plff "shall remain in DCFS foster care pending trial." However, in June of 2007, in contravention of the court's order, without gathering any additional information regarding the risk to Plff or the sexual deviancy of Brooks, and without conducting required assessments or safety planning, Def. DSHS placed Plff with Brooks. After her placement with Brooks, the Def.'s social workers failed to conduct monthly health and safety visits, failed to establish required services in the home, failed to speak with Plff privately during the few health and safety visits that were conducted, and failed to

JANUARY 2017

KYLA HOOPER v. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS) - SETTLEMENT - KING COUNTY - CONT'D

Facts Cont'd: investigate additional allegations regarding Brooks' ability and willingness to parent Plff. Brooks began forcing Plff (age 10) to stand naked in front of him as "punishment" almost immediately after she was placed in his home. His sexually-motivated "punishment" escalated to forcing Plff to masturbate him and perform oral sex on him, then forcibly raping her. Over the course of four years, Brooks raped Plff more times than she could count. He physically abused her, controlled all of her activities, and threatened to kill her if she disclosed the abuse. At age 14, Plff gathered the strength to report what DSHS already knew - that Brooks was a sexual predator. The Def. claimed that Plff's placement with Brooks was pursuant to court order, and that Plff's claims were barred by various legal theories, including quasi-prosecutorial immunity and statutory immunity. Def. DSHS also retained damages experts to testify that Plff was remarkably "resilient" and was unharmed by the years of physical and sexual abuse that she suffered. DSHS did not have a liability expert.

Injuries: Physical and sexual abuse.

Result: PLAINTIFF SETTLEMENT for \$2,000,000.