

MARCH - APRIL 2020

SETTLEMENT - KING COUNTY

KRISTEN TANDBERG; RACHELE LUND; JOSEPH RUSHING; AND HOPE CHELSEA RUSHING v. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES AND DEPARTMENT OF CHILDREN YOUTH AND FAMILIES

Number: 19-2-25178-6SEA
Settlement Date: 2/12/20

Plff Atty: David Moody, Ian Bauer & Gordon Verhovek of Hagens Berman Sobol Shapiro (Seattle)
Def. Atty: Gregory Silvey, Allison Croft & Gauri Locker, Office of the Attorney General (Seattle)

STATE, DSHS & DCYF NEGLIGENCE

EMOTIONAL DISTRESS

Plffs Kristen Tandberg, Rachele Lund, Joseph Rushing and Hope Chelsea Rushing are currently ages 23, 20, 19, and 18 respectively. Plffs are the biological children of Sean Tandberg and Angela Perry. Between July 1997 and August 2006, Defs. State of Washington, Department of Social and Health Services and Department of Children, Youth and Families (DSHS/DCYF) received more than 45 formal Child Protective Services (CPS) referrals (and dozens of additional, informal warnings) regarding physical abuse, sexual abuse, and severe neglect of Plffs by their biological parents. As the agency entrusted with the State's protective services function, Def. DSHS/DCYF had a duty to protect the Tandberg/Perry children. Over the course of more than nine years, DSHS and DCYF were repeatedly warned - in graphic detail - of the horrifying situation facing these children. Yet DSHS/DCYF social workers and supervisors routinely accepted preposterous and conflicting explanations from the children's abusive parents at face value, and routinely dismissed pleas and reports of abuse from relatives, teachers, counselors and the children themselves. When DSHS/DCYF did screen CPS referrals in for investigation, social workers took the parents' explanations of their children's injuries at face value, failed to interview obvious collateral contacts, ignored repeated disclosures of abuse from the children themselves, and continued to offer the parents "chances" despite clear and obvious evidence of abuse. One of DSHS/DCYF's investigations lasted only eight days. In another, the investigator failed to observe the injuries to a four-year-old child, relying solely on the accounts of others instead. In several others, DSHS/DCYF's "investigation"

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Facts Cont'd: consisted solely of a letter informing the parents of the allegations. DSHS/DCYF failed to take protective action even though extended family and the children themselves reported that disclosure of the abuse often increased its frequency and severity. Investigations were closed while noting that the risk to the children "still remains." Other referrals were "screened out," resulting in no investigation at all. The CPS referrals received by DSHS/DCYF painted a disturbing picture. The referrals documented: (1) physical abuse of the children that caused "red marks all over," "a broken arm," "a burn," severe bruising, a "deep gouge/scratch," "grab marks," a "huge open wound," a "cut lip," "two to three bumps on the head;" "red rub marks around the neck," "a contusion and abrasion," a "laceration," "bite marks," and various "mysterious cuts and injuries;" (2) "domestic violence in the home," including Tandberg beating Perry "severely, in front of the children" and Tandberg beating Perry on multiple occasions while she was holding the children; (3) sexual abuse of a preschooler and a toddler by Tandberg, including urinating on a child in the shower and forcing a four-year-old to watch pornography; (4) severe drug and alcohol abuse, including warnings of "drug related volatility" and warnings of a six-year-old ingesting cocaine; (5) rape of a twelve-year-old babysitter by Tandberg; (6) unsecured firearms left within reach of small children; and (7) children under the age of 10 left alone and unsupervised for hours on end. As new referrals piled up, DSHS continued to take no meaningful action - despite consistently noting "chronic concerns," "chronic problems," numerous "prior referrals," "little improvement," a "[c]onsiderable history of domestic violence," "quite a history of neglect and abuse from both parents," Tandberg's "violent history," and "[e]xtensive CPS history with on-going concerns of abuse." DSHS/DCYF finally removed the children from Tandberg and Perry in August 2006, citing the family's "lengthy and concerning CPS history." After removing the children from their biological parents' care, DSHS/DCYF went on to place Rachele with abusive and neglectful foster parents. In one placement, Rachele was regularly beaten with a metal baton and kept locked in her room for periods of up to 11 hours at a time.

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Facts Cont'd: DSHS/DCYF placed Kristen back in the home of her mother, Perry, despite the Snohomish County Foster Care Review Board warning that "[a]ny plan to return these children to the care of the Mother would be negligent on the part of the department." While placed back in her mother's care, Kristen was given alcohol and drugs by both parents, and continued to experience the abuse, neglect and chaos that had marked her early childhood years.

Injuries: Emotional distress as a result of physical and sexual abuse and severe neglect.

Result: PLAINTIFF SETTLEMENT for \$8,800,000. (The claims of Plff Rachele Lund were resolved prior to filing the lawsuit.)