

MARCH - APRIL 2021

**SETTLEMENT - PIERCE COUNTY**

DUSTYN L. WILSON v. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND  
HEALTH SERVICES AND DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES

**Number:** 20-2-08337-8

**Settlement Date:** 1/19/21

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

**Def. Atty:** Allison Croft & Jeffrey A.O. Freimund of Freimund Tardif  
(Olympia)

**STATE, DSHS & DCYF NEGLIGENCE**

**EMOTIONAL DISTRESS**

Plff Dustyn is a 22-year-old man with significant developmental delays and autism, as well as numerous other physical and medical issues that have affected him since birth. Because of Dustyn's developmental, physical and medical issues, he has always been profoundly vulnerable and dependent on others for his care and safety. As a result of the negligence by Def. State of Washington, Department of Social and Health Services and Department of Children, Youth and Families (DSHS/DCYF), Dustyn suffered graphic and consistent abuse and neglect over the course of nearly his entire life at the hands of his biological mother and father, maternal grandmother, and step-mother. Although DSHS/DCYF had received warnings about Dustyn's safety since he was an infant, his severe abuse and neglect culminated in June 2018, when first responders found him (then age 20) in a near-death state, lying unresponsive in a feces-strewn bedroom and weighing only 70 pounds - less than half of his normal bodyweight. Kathryn Wilson and Robert Armbrecht are Dustyn's biological parents. Kathryn had sole custody of Dustyn from 1998 to 2002. During this time, DSHS/DCYF receive multiple referrals warning that Kathryn was abusing drugs, and that Dustyn was: (1) living in filthy conditions; (2) suffering from chronic head lice; (3) being physically abused by Kathryn, with "bruising all of his body;" (4) malnourished; and (5) suffering "chronic neglect." Despite these referrals, DSHS/DCYF took no meaningful action to protect Dustyn. In June 2002, after years of inaction on the part of DSHS/DCYF, Dustyn's maternal grandparents - Barbara and Robert Wilson - petitioned for third-party custody of Dustyn. The court-appointed GAL determined that Kathryn was unable to parent Dustyn due to her ongoing drug and alcohol addiction, lack of proper parenting skills, and inability to provide safe, secure and adequate housing. The GAL also determined that Robert was unable to parent Dustyn because of potential "drug and alcohol issues," as well as Robert's failure to provide Dustyn with any medical insurance or

DUSTYN L. WILSON v. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES AND DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES - SETTLEMENT - PIERCE COUNTY - CONT'D

**Facts Cont'd:** or even basic medical care. The Court found that neither Robert nor Rabecka, Dustyn's step-mother, was a suitable custodian for Dustyn, citing their "willful abandonment" of Dustyn and "substantial refusal to perform parenting functions." The Court awarded custody of Dustyn to his grandparents and entered a permanent, continuing restraining order against both Kathryn and Robert on July 25, 2003. In May 2003, Dustyn's mother gave birth to Dustyn's half-brother, D.H. DSHS/DCYF received multiple referrals regarding (1) Kathryn's inability to care for D.H., who was medically fragile at birth; and (2) Kathryn's plan to live with Barbara and Dustyn in the Wilson home. DSHS/DCYF promptly filed a formal dependency to protect D.H. DSHS/DCYF further determined that D.H. would not be safe in the Wilson home because (1) Barbara admitted that "she was not able to care for a medical intensive, high needs child or any child," and (2) "because Kathryn was living in the [Wilson] home[.]" Although DSHS/DCYF acted promptly to protect D.H., DSHS/DCYF left Dustyn (age 5) to fend for himself in the Wilson home. Tragically, Dustyn's abuse and neglect only intensified. DSHS/DCYF received numerous referrals indicating that Barbara was neglecting Dustyn, failing to meet his most basic needs, and forcing him to live in filth. DSHS/DCYF records illustrate that while in Barbara's care: (1) Dustyn suffered a broken back falling out of an unsecured window, after being left unsupervised by Barbara, (2) the Wilson home burned down, while Dustyn had been left unsupervised, (3) the Wilson home was "very unsanitary," and stuffed with garbage "from wall to wall and as high as the ceiling," and (4) Dustyn missed an alarming amount of school because of "severe" and "chronic" head lice that Barbara repeatedly failed to treat. In addition, DSHS/DCYF received warnings that Barbara: (1) was violating the continuing restraining order by allowing Kathryn to live in the Wilson home; and (2) allowing numerous other adults with disqualifying criminal records to live in the home with unsupervised access to Dustyn. DSHS/DCYF ignored this litany of warnings and took no action to protect Dustyn from further abuse and neglect in the Wilson home. In November 2009, DSHS/DCYF received a referral warning that Kathryn was pregnant again, and expressing concern for the unborn child's safety. After Dustyn's half-sister, B.A., was born, DSHS/DCYF immediately removed her from the Wilson home. For the second time in less than a decade, however, DSHS/DCYF determined that Dustyn (age 11) was not worthy of the same protection. DSHS/DCYF once again left Dustyn in the Wilson home to fend for himself. Less than a month later, in December 2009, DSHS/DCYF received yet another warning about Dustyn's safety in the Wilson home, and Kathryn's presence in violation of the Court's permanent restraining order. DSHS/DCYF

**MARCH - APRIL 2021**

DUSTYN L. WILSON v. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES AND DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES - SETTLEMENT - PIERCE COUNTY - CONT'D

**Facts Cont'd:** founded this referral, but took no action to protect Dustyn. In April 2010, DSHS/DCYF proposed - and Barbara agreed - to Dustyn's "voluntary" removal from the Wilson home. Dustyn was placed in foster care, where he was reported to be "doing well" overall. Recognizing Dustyn's developmental delays and other physical limitations, Dustyn's foster parents and his DSHS/DCYF case manager recommended that Dustyn be placed in a home experienced with caring for children with developmental disabilities. DSHS/DCYF ignored these recommendations. Instead, DSHS/DCYF began working to place Dustyn with his biological father Robert Armbrecht, who had recently "stepped forward." DSHS/DCYF fast-tracked Dustyn's placement with Robert and his wife, Rabecka Armbrecht, ignoring numerous red flags about the risks to Dustyn in their care, including: (1) the permanent restraining order against Robert; (2) Robert and Rabecka's significant CPS referral history; (3) Dustyn repeatedly telling DSHS/DCYF social workers that he was unequivocally terrified of Robert; (4) Rabecka's documented unwillingness to have placed Dustyn in the home; and (5) DSHS/DCYF's own March 2011 determination that "Dustyn would be at grave risk of abuse or neglect" if placed in the Armbrecht home. DSHS/DCYF's own determination that Dustyn "would be at grave risk of abuse or neglect" in the Armbrecht home proved prescient. After DSHS/DCYF placed Dustyn in the Armbrecht home, DSHS/DCYF received multiple referrals alleging Dustyn was suffering from physical and medical neglect. However, DSHS/DCYF did not take any meaningful action to protect Dustyn. DSHS' Developmental Disabilities Administration also conducted numerous assessments of Dustyn after his placement in the Armbrecht home, documenting the abuse, neglect and exploitation he was enduring, as well as the severe deterioration of his condition. However, DSHS did not intervene to protect Dustyn. Instead, DSHS hired Rabecka to be Dustyn's in-home caregiver at significant taxpayer expense, with no oversight. When Rabecka subsequently failed to take Dustyn to a necessary medical appointment in 2017, DSHS summarily terminated Dustyn's services without taking any steps to ensure his health, safety or wellbeing, or otherwise protect him from further abuse and neglect. After terminating Dustyn's benefits, DSHS had no contact whatsoever with Dustyn (or his family) until after his June 2018 rescue. After being rescued, Dustyn was admitted to the intensive care unit in critical condition, where he spent weeks fighting for his life.

**Injuries:** Emotional distress stemming from abuse and neglect.

**Result:** PLAINTIFF SETTLEMENT for \$6,850,000.