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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY**

JACK WOODS as Limited Guardian Ad
Litem for J.W., a minor child,

NO. 14-2-01342-6 SEA

Plaintiff,

COMPLAINT FOR DAMAGES

vs.

STATE OF WASHINGTON,
DEPARTMENT OF SOCIAL AND
HEALTH SERVICES and CHILD
PROTECTIVE SERVICES,

Defendants.

COMES NOW Plaintiff, by and through his attorneys Allen M. Ressler and Timothy R. Tesh of RESSLER & TESH, PLLC and alleges as follows.

INTRODUCTION

Since at least 1985, Defendant DSHS was aware that Richard Jason Boothby was a serial sexual offender. Incomprehensibly, in 2009, despite this knowledge, DSHS placed then four-year-old J.W. in Boothby's care. Horrifically, but not surprisingly, J.W. was repeatedly raped by Boothby.

I. PLAINTIFF

1.1 J.W. is a minor child (d.o.b. 12-6-2004) currently residing in San Diego County, CA. On October 25, 2013, the Superior Court of King County, Washington State appointed

1 Jack Woods as Limited Guardian ad Litem for J.W. The minor's claim is brought through Jack
2 Woods.

3 **II. DEFENDANTS STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH**
4 **SERVICES AND CHILD PROTECTIVE SERVICES**

5 2.1 Defendant Department of Social & Health Services (Defendant DSHS) is an
6 agency of the State of Washington (hereinafter "State" or "DSHS") which was, at all times
7 material to this action, charged with the responsibility to appropriately assess, screen and reject
8 unsuitable foster and/or adoptive home applicants, determine if it was appropriate to renew
9 foster home licenses, provide competent case management services for its clients, respond to
10 and adequately investigate allegations of abuse, neglect, exploitation or abandonment, comply
11 with internal policies, administrative code provisions and legal standards, and otherwise ensure
12 the protection and safety of children who are the alleged victims of child abuse.

13 **III. VENUE AND JURISDICTION**

14 3.1 The negligent acts alleged herein occurred in various counties in Washington
15 State, including King County, Washington.

16 3.2 These claims are brought by Plaintiff and/or his legal representative under State
17 law.

18 3.4 Plaintiff has filed a standard tort claim with the Office of Financial Management,
19 pursuant to RCW 4.92. More than sixty (60) days have elapsed since the claim was filed. The
20 notice of claim provisions required by RCW 4.92 have been satisfied.
21

22 **IV. FACTS**

23 4.1 Richard Jason Boothby ("Boothby") was born on or about September 7, 1973.

24 4.2 On November 25, 1985, twelve-year-old Boothby admitted to DSHS employee,
25 Jack Willis, that he had sexually abused at least five children.
26

1 4.3 On January 24, 1986, Boothby pleaded guilty to two counts of Taking A Motor
2 Vehicle Without Permission in Clark County Juvenile Court Case No. 144487 – R040, R050.

3 4.4 On April 25, 1988, a then fourteen-year-old Boothby confessed to his
4 Washington State CPS caseworker, Gayle Fielding, that he had recently sexually abused an
5 eleven-year-old boy who was a past victim of his.

6 4.5 On April 26, 1988, CPS caseworker Gayle Fielding contacted Officer Deborah
7 Pack-Patton with the Vancouver, WA Police Department in regards to the April 18, 1988 sexual
8 assault committed by Boothby. As a result of the VPD investigation, Boothby was charged
9 with a violation of RCW 9A.44.100(1)(b) – Indecent Liberties.
10

11 4.6 On June 9, 1988, Boothby pleaded guilty to one count of Indecent Liberties in
12 the Clark County Juvenile Court and was ordered to serve 65 weeks in custody.

13 4.7 Boothby’s term of juvenile custody relating to the April 18, 1988 sexual assault
14 was served, in large part, at Echo Glen Children’s Center in Snoqualmie, Washington – a DSHS
15 institution.

16 4.8 J.W. was born on December 6, 2004.

17 4.9 On November 9, 2007, J.W.’s biological mother’s parental rights were
18 terminated. J.W.’s biological father’s parental rights had already been terminated by that point.
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20 4.10 Upon Information and belief, the Boothby home was licensed as a foster home
21 on June 6, 2008 by DSHS employee Lori Markovich. During the licensing process, Boothby
22 disclosed that he had been the victim of sexual abuse and incest. Upon information and belief,
23 DSHS did nothing to investigate the ramifications of this disclosure.

24 4.11 In May of 2009, four-year-old J.W. was placed in the Boothby home as a foster
25 placement.
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1 4.12 Less than one month after J.W. was placed in the Boothby home, a referral was
2 made (#2056877) to Child Protective Services (“CPS”) alleging that Boothby was seeking
3 “alone time” with an eleven-year-old former foster daughter of Boothby’s by leaving multiple
4 phone messages for her and peeking in the windows of her home while she was at school.

5 4.13 During its investigation of referral no. 2056877, DSHS interviewed Boothby on
6 July 9, 2009 who did not deny the factual allegations, stating that he “was hoping that he could
7 spend some time with just (the eleven-year-old).” CPS failed to interview either the referring
8 mother or the eleven-year-old girl. The case was closed as “not valid for Character” and no
9 safety plan was put in place.

10 4.14 On or about January 4, 2010, DSHS employees created an intake (#2170628)
11 when a social worker, bringing J.W. home from a family visit, found the Boothby home
12 unlocked with Boothby nowhere to be found. Boothby was located in the back yard.

13 4.15 In CPS referral no. 2170628, it was noted that Boothby suffered a stroke in 2008
14 which caused hearing loss, cognitive problems, and resulted in Boothby taking medications.
15 The Stroke left Boothby unable to work and thus, he stayed home and was the primary care
16 giver for all of the foster children placed in the Boothby home.

17 4.16 In March of 2010, a referral was made to CPS (# 2208716) when J.W. was seen
18 holding a doll in a sexually suggestive manner during a car ride. J.W. was placing the doll with
19 its face on J.W.’s crotch. When asked what the figurine was doing, J.W. told Dan Hernon that
20 the figurine was “cleaning him.”

21 4.17 Intake #2208716 was screened out due to “no alleged WAC violations.”

22 4.18 Also in March, 2010, a referral was made to CPS (# 2209716) when Boothby
23 was claimed to be seen hugging and kissing a nine-year-old foster daughter in an inappropriate
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1 manner. This intake was screened out because the allegation was made by five-year-old J.W.
2 and was thus deemed “sketchy” by DSHS employees.

3 4.19 On April 12, 2010, an intake was made when J.W. was heard joking during a
4 family visit about touching the testicles of a dinosaur toy. Later that day, while being
5 transported, J.W. was seen by the visitation provider to be sucking the tail of the dinosaur. This
6 intake (#2230466) was screened out due to no alleged WAC violations.

7 4.20 During the time J.W. resided with the Boothbys, he was repeatedly sexually
8 molested by Jason Boothby from the ages of 4 to 5. He was orally sodomized by Boothby and
9 made to orally sodomize Boothby on multiple occasions. J.W. was manually sodomized by
10 Boothby and Boothby ejaculated upon J.W. on at least one occasion.

11 4.21 In May of 2010, after approximately one year in the Boothby home, J.W. was
12 placed with relatives in California.

13 4.22 On or about November 29, 2010, J.W. disclosed to his uncle that Boothby had
14 sexually abused him on multiple occasions.

15 4.23 On June 15, 2011, Boothby pleaded guilty of two counts of Rape of a Child in
16 the First Degree. In his Statement on Plea of Guilty, Boothby admitted to sexual intercourse
17 with J.W. on two separate and distinct occasions.
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20 **V. FIRST CAUSE OF ACTION – NEGLIGENCE**

21 5.1 Plaintiff incorporates the preceding allegations by reference herein.

22 5.2 Defendants granted the Boothby home a foster license in the face of
23 overwhelming information that should have prevented Boothby from ever being allowed to care
24 for children, much less in the privacy of his own home.
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