

FILED
SUPREME COURT
STATE OF WASHINGTON
4/5/2021 10:08 AM
BY SUSAN L. CARLSON
CLERK

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

KYLE P. KEELY, individually
and as the natural father and
guardian of MICHAEL G.
KEELY, a minor,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

No. 98940-1

PETITIONER'S
STATEMENT
OF ADDITIONAL
AUTHORITIES

Petitioner submits the following additional authorities to the Court under RAP 10.8 in support of his petition for review:

1. On the issue of whether a jury may reasonably find that the violent tendencies of an unsupervised child are in the general field of danger to a younger child that should be foreseen when a parent goes on a drug binge and leaves all the children without adult supervision:

- *Meyers v. Ferndale Sch. Dist.*, __ Wn.2d __, 481 P.3d 1084, 1089, 1091 (Wash. 2021) (holding that a genuine fact question on causation for a jury trial was presented where a third party's intervening act was "within a general field of danger that should have been anticipated").
- *Rikstad v. Holmberg*, 76 Wn.2d 265, 269, 456 P.2d 355 (1969) ("Whether foreseeability is being considered from the standpoint of negligence or proximate cause ... the question is whether the actual harm fell within a general field of danger which should have been anticipated.").

Statement of Additional Authorities in Support
of Petition for Review - 1

Talmadge/Fitzpatrick
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2. On the issue of whether the Department of Children, Youth, and Families (“DCYF”) has a duty of care under RCW 26.44.050 or the common law to all children in a home, including an unborn child whose birth is later reported to DCYF, when DCYF knows that a parent has abused or neglected at least one child:

- *K.C. & L.M. v. State*, 10 Wn. App. 2d 1038, 2019 WL 4942457 (2019), *as amended on reconsideration* (Mar. 17, 2010) (holding under the circumstances that a report of the abuse/neglect of one child “triggered DSHS’ duty to investigate” as to other children too).

DATED this 5th day of April, 2021.

/s/ Gary W. Manca

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Attorneys for Respondent
Kyle P. Keely

DECLARATION OF SERVICE

On said day below, I electronically served a true and accurate copy of the *Statement of Additional Authorities* in Supreme Court Case No. 98940-1 to the following parties:

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Original E-filed with:
Supreme Court
Clerk's Office

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED, April 5, 2021 at Seattle, Washington.

/s/ Frankie Wylde, Legal Assistant
Frankie Wylde, Legal Assistant
Talmadge/Fitzpatrick

TALMADGE/FITZPATRICK

April 05, 2021 - 10:08 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 98940-1
Appellate Court Case Title: Kyle P. Keely v. State of Washington
Superior Court Case Number: 16-2-05028-5

The following documents have been uploaded:

- 989401_Briefs_20210405100227SC598627_8954.pdf
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Comments:

Petitioner's Statement of Additional Authorities

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