

FILED

SEP - 4 2014

No. 324559

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

COURT OF APPEALS, DIVISION III
OF THE STATE OF WASHINGTON

SARAH EVERT and STEPHEN EVERT
Petitioners,

VS

DEPARTMENT OF SOCIAL AND HEALTH SERVICES,
Adult Protective Services,
Respondent.

REPLY BRIEF OF PETITIONERS

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Petitioners reply to respondent's response as follows:

Petitioners reassert their original brief.

Petitioners reply to appellants (pages 6 and 7 of response brief) regarding Sene's statements¹ and her interactions with her mother, Thomasene, while Thomasene was at the Evert's home noting both that Sene spoke with her mother more frequently while she was at the Evert's than she had previously (Tr. II p.22 lines 4-15). After August 27, 2012² visited Thomasene with Sene's daughter Abigail, new son-in-law, daughter Anna and Anna's baby all visited Thomasene at the Evert's with no apparent problems. Tr.II p.38-39. This certainly does not show isolation of

¹ The alleged sexual abuse arose because of Thomasene's fecal incontinence which stopped after she moved to the Evert's. See Tr. II p. 238. Ms. Evert speculated the incontinence was caused by anal sex and/or stress which is where the sexual abuse allegations arose. This was not investigated nor was testimony permitted regarding the problem. Further no one from the record actually discussed with Thomasene what the allegation of sexual abuse regarded. Of note, is Thomasene's fecal incontinence and back ache stopped after a month at the Evert's.

² The transcript does not include the exact date of the visits but it is after 9/2/12. Tr. II p.38 line 22-25.

Thomasene but the record clearly reflects the family dysfunction.

Petitioners reply to appellant's comments regarding Ms. Keith to note Ms. Keith had clearly stated in an e-mail from March 3, 2012 "I am done." I am totally behind Sarah." AR 194-195. Ms. Evert responded March 7, 2012, after Ms. Keith e-mailed about the added responsibility, with clear suggestions including Thomasene and Glenn divorcing. AR 200. The back and forth e-mails continue to demonstrate the dysfunction in this family.

Petitioners respond to appellants response (page 13 brief) regarding the investigation of the "abuse" of Thomasene there was no effort to investigate the abuse and neglect Thomasene had endured prior to being moved to the Everts, abuse and neglect at the hands of Glenn. No effort to investigate or review the numerous e-mails between family members regarding what to do about Thomasene and Glenn, only conversations with

Glenn, Phyllis and Glenna - the persons who believed they were being kept from communicating as they wished with Thomasene. This is not a fair and complete investigation. If anyone was abused in this case it was Glenn, Phyllis and Glenna. Thomasene who does meet the definition of a vulnerable adult was not isolated at the Evert's, she was, from reports, happy and glad to be at the Evert's. Thomasene had contact with numerous persons at the Everts, she spoke on the phone with all of her adult children except her step-son, she spoke with old friends, grandchildren, her younger sister, she had visitors. This is not isolations. Substantial evidence in the record does not support she was isolated, she was protected from badgering and coercion by Glenn, Phyllis and Glenna which is not inappropriate isolation³, it is protection.

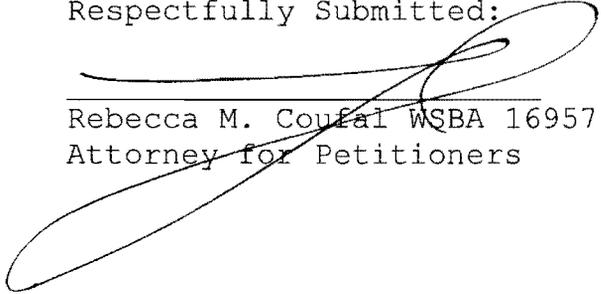
The petitioners reassert their request the founded findings in the October 14,2012 letters

³ Inappropriate is not defined in the statute, see initial brief page 17.

(AR 75-81) be vacated and this matter either dismissed or remanded for a full and fair investigation and to allow a hearing in which they can present the complete case.

Dated this 4th day of September 2014.

Respectfully Submitted:



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