

NO. 71317-5-I

COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON

DAN ALBERTSON, as Court Appointed Limited Guardian for L.O. and
T.J., and TERESA JOHNSON, individually,

Appellants,

v.

PIERCE COUNTY,

Respondent.

APPELLANT'S OPENING BRIEF

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I. INTRODUCTION

Appellants, L.O., T.J., and their mother, Teresa Johnson, submit this memorandum and request that the Court reverse the wrongful dismissal of their childhood sex abuse claims. The trial court erroneously dismissed these claims by wrongfully concluding, as a matter of law, that it was unforeseeable that negligently investigating the propensities of a suspected child molester, Emanuel Finch, would not possibly lead to the molestation of other children, such as L.O. and T.J. The evidence of record clearly establishes that Pierce County law enforcement received notice that Teresa Johnson and her sister were being molested by their natural father, Finch. In response, the assigned detective botched the investigation by failing to make contact with the child victims or even confronting and/or arresting the known abuser. As a result of Pierce County's negligence, and the corresponding failure to provide correct information as required by law under RCW 26.44.050, the DSHS files were never updated and Finch was later cleared to become the foster parent of L.O. and T.J. Upon placement in a home with Finch, tragedy inevitably struck again – these prepubescent girls, L.O. and T.J., were viciously molested over a period of years. If Pierce County had conducted a proper investigation and/or at least provided sufficient reporting to

DSHS that the investigation was inconclusive, Finch never would have been permitted to become a foster parent, and these horrific abuses would have been avoided. Based upon the facts and law set forth in this briefing, the trial court's ruling must be reversed and these claims reinstated.

II. ASSIGNMEMNTS OF ERROR

Issue 1: This Court should reverse the erroneous summary judgment dismissal of the claims of L.O. and T.J. because the trial Court's ruling is inconsistent with Washington law on the scope of duty owed and foreseeability of injury issues.

Issue 2: This Court should reverse the erroneous summary judgment dismissal of the claims of Teresa Johnson as the underlying reasoning on the statute of limitations issue is in direct conflict with codified law which holds Ms. Johnson's claim tolls with those of her minor children, L.O. and T.J.

III. STATEMENT OF FACTS

On or about June 19, 1996, Child Protective Services (CPS) sent a referral to the Pierce County Sheriff's Department pertaining to allegations of child rape perpetrated by Emanuel Finch against his children, Teresa and Veronica Johnson.¹ The source of the original report

¹ CP 62-80

was the girls' natural mother, Gwendolyn Johnson.² Ms. Johnson disclosed this information during a court proceeding and the Judge ordered that an investigation be undertaken.³

Internal investigatory records reflect that the investigation was assigned to Detective Loren A. Page on or about July 17, 1996.⁴ The report noted that the referring social workers had garnered an admission from one of the alleged child victims that she was in fact being sexually abused by Finch.⁵ It should be noted that Det. Page did not learn about the child's admission until two (2) months after the initial CPS referral.⁶ Det. Page evidently just sat on the file and did nothing for the first two months after it was assigned.⁷

Det. Page waited a few more days and then finally tried to contact the victims at home. Since nobody was available, Det. Page left a "BUSINESS CARD WITH A REQUEST TO CALL MY OFFICE..."⁸ A few days passed, and Det. Page followed up with "A LETTER" inviting the child sex abuse victims and/or their mother to give her a call.⁹ After a

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

couple of weeks, on or about October 9, 1996, Det. Page noted the following: "THERE HAS BEEN NO CONTACT WHAT?? FROM THE VICTIM'S PARENT OR THE ALLEGED VICTIM AND MY LETTER HAS NOT BEEN RETURNED BY THE POST OFFICE...THIS CASE IS BEING PLACED IN AN INACTIVE FILE PENDING CONTACT OR FURTHER EVIDENCE."¹⁰

Several years passed with no additional investigatory efforts on the part of the Pierce County Sheriff's Department to investigate or to prosecute Finch despite having (1) an identified child rapist at large, (2) two identified child rape victims at risk, and (3) ready access to information that would have led to a criminal conviction.¹¹ Moreover, the Pierce County Sheriff's Department failed to coordinate efforts with DSHS/CPS and to indicate that the investigation was simply dropped versus unsubstantiated.¹²

Years later, Teresa Johnson became the mother of L.O. and T.J.¹³ As a result of an abusive childhood, Mr. Johnson lost custody of L.O. and T.J. and the girls were placed into the foster care system.¹⁴ After a number of failed placements, in 2007, DSHS elected to put L.O. and T.J.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ CP 57-61

¹⁴ *Id.*

in foster care with no other than Emanuel Finch.¹⁵ As of that time, the Pierce County Sheriff's Department had still failed to complete the investigation or to inform DSHS/CPS of the inconclusive disposition.¹⁶ For over three (3) years thereafter, Finch regularly raped and molested L.O. and T.J. until he was finally convicted and sentenced to 50 years in prison based upon Pierce County's own subsequent investigation and prosecution.¹⁷

IV. LEGAL DUTY: RCW 26.44.050

"It is well established that a statute which creates a governmental duty to protect particular individuals can be the basis for a negligence action where the statute is violated and the injured party was one of the persons designed to be protected." *Donaldson v. City of Seattle*, 64 Wash. App. 661, 667, 831 P.2d 1098 (1992). "If the legislation evidences a clear intent to identify a particular and circumscribed class of persons, such person may bring an action in tort for violation of the statute." *Id.* The law in Washington is very clear: "RCW 26.44.050 creates a duty to **all** children who may be abused or neglected, regardless of the relationship between the child and his or her alleged abuser." *Lewis v. Whatcom County*, 136 Wash. App. 450, 452, 149 P.3d 686 (2006) (emphasis added);

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

see also Yonker v. Department of Social & Health Services, 85 Wash. App. 71, 930 P.2d 958 (1997).

The law and facts of *Lewis* are instructive. In *Lewis*, the duty owed to the plaintiff was triggered when the “Whatcom County Sheriff’s Department found out that Lewis was likely being molested in December 1991 while it was investigating another girl’s sexual abuse allegations against Goldsbury.” *Id.* at 452. “Despite these allegations, the sheriff’s department did not investigate. Lewis continued to go to Goldsbury’s house almost every day, where he allegedly continued to molest her...” *Id.* On these facts, the Court held that a duty was owed and breached by the County Sheriff under RCW 26.44.050. *Id.*

Lewis illustrates that the duty is not limited to only the particular child that is the subject of the originating investigation. *Id.* Instead, the duty is owed to the “class” of individuals that the statute is intended to protect. *Id.* The *Lewis* Court noted that “the legislature intended to extend the statute’s protections to children who are abused outside the home by people other than their parents.” *Id.* at 455. The individuals owed a duty under RCW 26.44.050 include “all children who may be abused or neglected” as a result of a breach, and not just the particular children identified in a police report. *Id.* at 452. Any other interpretation would

defy common sense and would also run counter to the intent of the statutory scheme. *Id.*

The case law pre-dating *Lewis* makes clear that the “class” of victims protected under RCW 26.44.050 is broad, and that the duty extends to all potential victims of a badly botched investigation and/or a failed mandated reporting. *Yonker*, 85 Wash. App. at 79-80. Both the *Lewis* and *Yonker* Courts heavily referenced the Legislative intent in RCW 26.44.010 in determining the class of individuals that the law was designated to protect. In that regard, under the declaration of purpose codified as RCW 26.44.010, the Legislature stated as follows: “It is the intent of the legislature that, as a result of such reports, protective services shall be made available in an effort **to prevent further abuses, and to safeguard the general welfare of such children.**” *Id.* (emphasis added). This declaration of purpose makes it clear that the duties owed are broad and extend to all children that are injured as a result of failure to carry out the duties set forth in RCW 26.44.050. The law does not draw arbitrary distinctions about the date that a child was born, or whether or not that specific child was formally reported to the police as being the target of abuse. *Id.* The law is intended to prevent future and preventable acts of child abuse to any child by a predator whose identity and conduct is ascertainable by appropriate authorities. *Id.*

Moreover, these claims are grounded upon the express duty under RCW 26.44.050 that requires the law enforcement agency involved in child abuse investigations to provide a report to Child Protective Services about the status of its investigation. The clear and obvious purpose of this law is to ensure that Child Protective Services and DSHS do not put foster children in homes with suspected child molesters. *See M.W. v. Department of Social & Health Services*, 149 Wash.2d 589, 70 P.3d 954 (2003). According to *M.W.*, the duty owed expressly extends to children placed into dangerous homes as a result of negligent investigations. *Id.* Accordingly, under *M.W.*, Pierce County clearly owed L.O. and T.J. a duty as they were placed in a dangerous home as a result of a negligent investigation. *Id.* *M.W.* makes it clear that the “class” protected by the statute includes those children placed into dangerous foster homes as a result of a negligent child abuse investigation. *Id.*

Contrary to Pierce County’s contention before the trial court, the duty owed under RCW 26.44.050 is not limited to those children that are “*suspected of being abused*” at some particular or arbitrary point in time. There is no case law in the State of Washington that holds this to be true, and none of the cases cited by the defense stand for this proposition. For example, the opinion previously cited by the defense as *Blackwell v. State*, 131 Wash. App. 372, 127 P.3d 752 (2006) stands solely for the

proposition that no statutory duty is owed to foster parents for negligent child abuse investigations. The opinion previously cited by the defense as *Tyner v. State*, 141 Wash.2d 68, 1 P.3d 1148 (2000) held that the duties under RCW 26.44.050 actually extend to the parents of the abused children. In this case, *Tyner* supports the existence of a duty being owed to Teresa Johnson, a named plaintiff in this lawsuit and mother of L.O. and T.J. Yet Pierce County's arguments originally ignored the fact that Ms. Johnson, one of the children "suspected" of being abused in 1996, is a party to this lawsuit.

It should be noted that the Washington Supreme Court has rejected similar arguments to those advanced by Pierce County with regard to the arbitrary distinction between protecting children that are "suspected" of being abused versus others against whom abuse could have been prevented. *See Schooley v. Pinch's Market, Inc.*, 134 Wash.2d 468, 951 P.2d 749 (1998). In *Schooley*, a store owner sold alcohol to a minor in violation of the law. *Id.* at 476. After a different child was injured as a result of abusing the alcohol that was purchased, the store owner tried to escape liability by arguing that the duty was limited to the "minor purchaser" of the alcohol. *Id.* The Court rejected this argument explaining that "To conclude that the commercial vendor's duty extends to third person whom the minor purchaser injures but not minors with whom

the alcohol is shared would be an arbitrary distinction not supported by the recognized purpose of the statute.” *Id.* The breadth of the duty under RCW 26.44.050 should be interpreted just as broadly in order to effectuate the clear Legislative purpose of the law: protecting children. *Id.*

The case law applying these duties illustrates that the idea is not to just protect children that have already been abused, but to also protect children at risk of being abused. *In re Welfare of Ian Garth Frederiksen*, 25 Wash. App. 726, 610 P.2d 371 (1980). When applying the statutory scheme set forth under RCW Chapter 26.44, the Court of Appeals explained that “[n]othing in the statute suggests that the Department of Social and Health Services must stay its hand until actual damage to the endangered child has resulted. Indeed, the expressed intent of the legislature is directly to the contrary.” *Id.* at 733. The common sense purpose of the statute to prevent child abuse dictates that there is “no need to allow” a child to be placed in danger “until actual damage to the child has occurred.” *Id.*

Other cases have recognized that the purpose of the statutory scheme is to ensure that children are protected. *See Rodriguez v. Perez*, 99 Wash. App. 439, 994 P.2d 874 (2000). In *Rodriguez*, the Court noted that the “agency receiving the report must investigate and notify DSHS of all reports received and the disposition of them.” *Id.* at 449 fn3. The Court

also noted that “[b]ecause there is no limit placed on the duty to investigate and there is a particular class of persons whom the duty is owed, breach of that duty gives rise to a cause of action in negligence.” *Id.* at 449. According to the Court, “such a standard will encourage careful, thorough investigations, which support the public policy of protecting children from child abuse while at the same time preventing unwarranted interference in [the] parent-child relationship.” *Id.*

Simply stated, the purpose of RCW Chapter 26.44 is to protect children from being abused. All of the cases that analyze the scope of the “class” that is intended to be protected interpret the duty broadly when it comes to child victims. There is no case law limiting the duty owed to children that are already being abused. The only way to effectuate the purpose of the statute is to interpret the law as providing for the protection of L.O. and T.J. Failing these protections, the children were placed into foster care with Finch because Pierce County failed to complete its investigation, thereby allowing Finch to pass a DSHS background check and to become a foster parent. Moreover, the mandated reporting between investigative agencies to prevent the child abuse L.O. and T.J. suffered was absent.

V. LEGAL DUTY: UNBORN CHILDREN

Nearly thirty (30) years ago, the Washington State Supreme Court determined that a duty can be owed to unborn children. *See Harbeson v. Parke-Davis, Inc.*, 98 Wn.2d 460 (1983) (“We now hold that a duty may extend to persons not yet conceived at the time of a negligent act or omission.) In such a case, the negligent actor “will be liable to only those persons foreseeably endangered by his conduct.” *Id.* at 479. The case law applying the duties under RCW 26.44.050 illustrates that the idea is not to just protect children that have already been born, but it is also to protect unborn children *at risk* of being abused in the future. *In re Welfare of Ian Garth Frederiksen*, 25 Wash. App. 726, 610 P.2d 371 (1980) (DSHS allowed to remove children immediately at birth to prevent future harm). When applying the statutory scheme set forth under RCW Chapter 26.44, the Court of Appeals explained that “[n]othing in the statute suggests that the Department of Social and Health Services must stay its hand until actual damage to the endangered child has resulted. Indeed, the expressed intent of the legislature is directly to the contrary.” *Id.* at 733. The common sense purpose of the statute of preventing child abuse dictates that there is “no need to allow” a child to be placed in danger “until actual damage to the child has occurred.” *Id.*

VI. CAUSATION & FORESEEABILITY

“Negligence and proximate cause are ordinarily factual issues, precluding summary judgment.” Tegland and Ende, 15A Washington Practice: Washington Handbook on Civil Procedure Section 69:20, at 581 (2012 ed.). Proximate cause is an essential element of any negligence theory; it consists of two elements: (1) factual or “but for” causation and (2) legal causation. *Baughn v. Honda Motor Corp.*, 107 Wash.2d at 142, 727 P.2d 655; *Hartley v. State*, 103 Wash.2d 768, 777, 698 P.2d 77 (1985). Factual causation is established between a defendant's act and a subsequent injury only where it can be said the injury would not have occurred “but for” the defendant's act. W. Keeton, D. Dobbs, R. Keeton, and D. Owen, *Torts* § 42, at 273 **1184 (5th ed. 1984). As noted in *Baughn*, 107 Wash.2d at 142, 727 P.2d 655: “Cause in fact refers to the ... physical connection between an act and an injury.” The existence of factual causation is generally a question of fact for the jury. *Baughn*, at 142, 727 P.2d 655 (1986).

According to a landmark case from the Washington Supreme Court, “[w]hether foreseeability is being considered from the standpoint of negligence or proximate cause, the pertinent inquiry is not whether the actual harm was of the particular kind which was expectable. Rather, the question is whether the actual harm fell within the general field of danger

which should have been anticipated.” *Rickstad v. Holmberg*, 76 Wash.2d 265, 269, 456 P.2d 355 (1969); *see also Shepard v. Mielke*, 75 Wash. App. 201, 877 P.2d 220 (1994) (duty owed to those that cannot protect themselves); *Hansen v. Friend*, 118 Wash.2d 476, 824 P.2d 483 (1992); *McLeod v. Grant School District*, 42 Wash.2d 316, 255 P.2d 360 (1953) (children being assaulted in unsupervised room foreseeable). “The sequence of events need not be foreseeable. The manner in which the risk culminates in harm may be unusual, improbable and highly unexpected, from the point of view of the actor at the time of his conduct. And yet, if the harm suffered falls within the general danger area, there may be liability, provided other requisites of legal causation are met.” *Rickstad*, at 269.¹⁸

Here, the prospect of Finch molesting other children including his own grandchildren L.O. and T.J., whose mother he had abused, was clearly within the “general field of danger” that should have been anticipated. *Id.* With an actual investigation and Child Protective Services being properly updated and notified of Finch and his predation, the “general field of danger” he posed to children would have precluded

¹⁸ On the issue of causation, the defense previously relied heavily upon *Osborn v. Mason County*, 157 Wn.2d 18, 134 P.3d 197 (2006). The *Osborn* case does not stand for the premise cited by the defense. *Osborn* held that there is not a generalized duty owed to the general public under certain sex offender notification statutes.

his becoming a foster parent. According to Sue Peters, appellants' law enforcement expert, Pierce County's failure to properly investigate and to send a report to Child Protective Services was the cause of Ms. Johnson, L.O., and T.J.'s preventable molestation:

Even if Finch was not prosecuted, a report should have been conveyed to Child Protective Services indicating that the allegations were "founded" and/or that child abuse had occurred. As law enforcement officers, we are trained that the purpose of these status reports is to update Child Protective Services about the potential dangers posed by the identified perpetrator. We are also trained as investigators to understand that these reports are critical for entry into the Child Protective Services database to red flag people that should not be allowed near children or become foster parents. Based upon the information contained in the 1996 report, and the information that was accessible at the time to the investigator, any report back to Child Protective Services should have indicated that the allegations were "founded" and/or legitimate.

I have also been asked to review the background check information attached as Exhibit 3. This background check information is the type regularly encountered by law enforcement. The attached background check information documents that L.O. and T.J.'s DSHS caseworker conducted a background check of Emanuel Finch in order to clear him as a foster parent. The background check queries not only for criminal convictions, but also DSHS's own internal information. Unfortunately, the background check came back clear. If the proper reports were conveyed to DSHS about Finch in 1996, he never would have been cleared to become a foster parent. If Finch never cleared a background check, he would not have become L.O. and T.J.'s foster parent and the years of

*tortuous sexual assaults could have been avoided.*¹⁹

“In general, an affidavit containing admissible expert opinion on an ultimate issue of fact is sufficient to create a genuine issue of fact, precluding summary judgment.” *J.N. v. Bellingham School District*, 74 Wn. App. 49, 61, 871 P.2d P.2d 1106 (1994) (reversing trial court for ignoring expert testimony under analogous circumstances). Ms. Peter’s declaration establishes that Pierce County failed to prevent, *i.e.* caused, the avoidable molestations. Based upon this uncontroverted evidence alone, the motion for summary judgment was improperly granted.

With regard to the passage of time, the Restatement of Tort Section 433 Comment f delineates: “**where it is evident that the influence of the actor's negligence is still a substantial factor, mere lapse of time, no matter how long, is not sufficient to prevent it from being the legal cause of the other's harm.**” By contrast, according to Ms. Johnson’s declaration, she was pregnant with her first daughter, Nyasia, in 1996 during the timeframe that Pierce County failed to properly investigate.²⁰ If Finch had molested Nyasia after she was born in 1996, the defense would never attempt to argue that no duty was owed or that foreseeability was lacking. The reason being is that it would sound absurd under those

¹⁹ CP 62-80

²⁰ CP 57-61

facts to contend that Pierce County did not owe Ms. Johnson and her baby daughter Nyasia a duty under RCW 26.44.050. Pierce County's argument is heavily reliant upon the mere passage of time, and not upon principles of logic. The fact that some years pass before L.O. and T.J. are abused did not make it any less likely that Finch would molest them too. Pierce County cited no law nor provided any evidence to the trial court to support the conclusion that it was unforeseeable as a matter of law and outside the "general field of danger" that Finch would not molest more children.

Under RCW Chapter 26.44, Pierce County had a duty to conduct a diligent investigation and to update Child Protective Services about its findings. The clear Legislative intent of this mandated collaborative effort between agencies includes ensuring that suspected child molesters do not become foster parents: "It is the intent of the legislature that as a result of such reports, protective services shall be made available in an effort to prevent further abuses..." RCW 26.44.010. The Legislature specifically contemplated that the statutory scheme would prevent the creation of environments wherein children would be abused. Without a doubt, that duty encompassed the prevention of placing foster children in homes with child molesters as a result of negligent child abuse investigations. In sum, the statutory duties were never discharged nor extinguished by Pierce

County. Moreover, the duty did not abate or dissolve with the passage of time.

VII. TRIAL COURT ERROR: PURPORTED LACK OF FORESEEABILITY AS A MATTER OF LAW

The trial court erred in ruling as a matter of law that “*this court cannot conclude that it was reasonably foreseeable that as a result of an unfiled 1996 police report that the children born in 1999 and 2000 would go through several failed foster care placements and be eventually placed with the same grandfather who molested their mother and who would then inflict second generation abuse on them.*”²¹ In so ruling, the trial court misapplied the well established legal standard and decided what should be a jury question. *Rickstad, supra.* As illustrated in *McLeod v. Grant School District* and *Rickstad v. Holmberg*, the proper inquiry does not turn upon the foreseeability of the particularized harm, but, instead, whether or not Pierce County’s actions perpetuated the “general field of danger” which was predator Finch interacting and caring for children. *See also N.K. v. Corporation of Presiding Bishop of Church of Jesus Christ of Latter-Day Saints*, 175 Wash. App. 517, 307 P.3d 730 (2013). “Foreseeability is a question for the jury unless the circumstances of the injury are ‘so highly extraordinary or improbable as to be wholly beyond

²¹ CP 135

the range of expectability.” *Id.* at 530. “A sexual assault is not legally unforeseeable ‘as long as the possibility of sexual assaults...was within the general field of danger which should have been anticipated.’” *Id.* Based upon the evidence of record, and most particularly the law enforcement declaration of Sue Peters, a jury could, and most likely would, find that by not properly investigating Finch, other children, such as L.O. and T.J., were placed at risk and within the “general field of danger” of future harms by Finch. On this erroneous ruling, the trial court must be reversed.

VIII. TERESA JOHNSON’S NEGLIGENT INVESTIGATION CLAIM

In accord with *Tyner*, Pierce County cannot dispute that it owed Ms. Johnson a duty being one of the children noted in the original report. *See* 141 Wash.2d 68. As illustrated in Ms. Johnson’s declaration, she and her children continued to be molested based upon the bungled investigation by Pierce County. Under the law as pled in the Complaint, Pierce County had a duty to Ms. Johnson that included preventing harm to her children:

A mother or father, or both, who has regularly contributed to the support of his or her minor child, and the mother or father, or both, of a child on whom either, or both, are dependent for support may maintain or join as a party an action as plaintiff for the injury or death of the child.

RCW 4.24.010; *see also* RCW 4.24.020 (parent may maintain an action for seduction to child). In accord with *Tyner* and RCW 4.24.010 and 020, since the Pierce County Sheriff's Department admittedly owed a duty to Ms. Johnson, this claim for the injury to her minor children, L.O. and T.J., is also proper. Even if L.O. and T.J.'s mother, Ms. Johnson, was not a party to this litigation, Pierce County still owed a duty to L.O. and T.J. under RCW 26.44.050 and as illustrated in *Lewis, supra*.

The Court also erroneously dismissed Ms. Johnson's claim premised upon the statute of limitations: "*Any individual claim would be legally barred by the statute of limitations.*"²² This legal conclusion is patently erroneous and was never even briefed, raised or argued before the trial court. Ms. Johnson's individual claim against Pierce County is preserved under the childhood sex abuse tolling statute: RCW 4.16.340. Ms. Johnson's claim for the injury to her children is preserved under well established Washington law: a parent's claim runs at the same time of their children under the statute of limitations for civil claims based upon childhood sexual abuse. *C.J.C. v. Corporation of Catholic Bishop of Yakima*, 138 Wash.2d 699, 985 P.2d 262 (1999). In accord with *Cloud v. Summers*, 98 Wash. App. 724, 991 P.2d 1169 (1999) which holds that the claims of child victims are tolled until the age of 18, neither L.O. and/or

²² CP 135

T.J.'s claim has expired and therefore Ms. Johnson's right to pursue this claim cannot be extinguished either. Based upon this well established law, the trial court committed clear error in dismissing Ms. Johnson's claim for the injuries to her children.

IX. CONCLUSION

For the reasons set forth herein, the trial court's summary dismissal of L.O., T.J., and Teresa Johnson's claims must be reversed and remanded for trial.

Respectfully submitted this 11th day of April, 2014.

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COURT OF APPEALS, DIVISION I
STATE OF WASHINGTON

DAN ALBERTSON, as Court Appointed
Limited Guardian for L.O. and T.J. and
TERESA JOHNSON, individually,

Appellants,

v.

PIERCE COUNTY,

Respondent.

No. 71317-5-1

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the state of Washington, that she is now, and at all times materials hereto, a citizen of the United States, a resident of the state of Washington, over the age of 18 years, not a party to, nor interested in the above entitled action, and competent to be a witness herein.

I caused to be served this date the following:

- Appellant's Opening Brief

in the manner indicated to the parties listed below:

Michelle Luna-Green
Daniel Ray Hamilton
Pierce County Prosecutor/Civil.
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STATE OF WASHINGTON
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Attorney for Respondent (Pierce County)
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DATED this 14th day of April, 2014.

Vickie Shirer

Vickie Shirer
Paralegal to Lincoln C. Beauregard