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COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON

BY AP
DEPUTY

NO. 47987-7-II

COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON

BRANDON K. ROE and TERI L. ROE
Husband and wife;

Plaintiffs - Appellants,

v.

**STATE OF WASHINGTON and DEPARTMENT OF SOCIAL & HEALTH SERVICES,
STEPHANIE FROST and "JOHN DOE" FROST, individually and the marital community thereof,
ANITA TEEETER and "JOHN DOE" TEETER, individually and the marital community thereof,
DEBBIE MARKER and "JOHNE DOE" MARGER, individually and the marital community thereof,
VICKY PAYTON and "JOHN DOE" PAYTON, individually and the marital community thereof,
COWLITZ COUNTY, a Washington State County, and the COWLITZ COUNTY SHERIFF'S DEPT.,
PATRICIA SCHALLERT and "JOHN DOE" SCHALLERT,
individually and the marital community thereof,
MARC GILCHRIST and "JANE DOE" GILCHRIST, individually and the marital community thereof,
DEBORAH K. HALL, and "JOHN DOE" HALL, individually and the marital community thereof,
"JOHN DOE" SOCIAL WORKER, and "JANE DOE" SOCIAL WORKER,
individually and the marital community thereof,**

Defendants - Respondents,

AMENDED BRIEF OF APPELLANTS

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INTRODUCTION

On May 11, 2010, the Washington State Department of Social & Health Services (hereinafter the "Department") received the second of two referrals from the same individual, Helen Bonnell, alleging that Mr. & Mrs. Roe had physically abused N.R. In response to the second referral, the Department arrived at the Roe's residence with Deputies from the Cowlitz County Sheriff's office, and within a couple of months removed N.R. from the Roe's home and from that point forward, N.R. remained out of the Roe's home for the next twenty-two (22) months.

N.R. was out of the home for the next twenty-two months solely based on the allegations of Helen Bonnell, an individual who did not witness any acts of physical abuse. An individual who had tattooed on her arm, N.R.'s name with angel wings. An individual who had been told on May 10, 2010 by Ms. Roe that N.R. would no longer be spending time with her. An individual that the Defendants admitted had a strange obsession with N.R., had questionable motives, and had bad intentions in bringing the referrals. An individual who shortly after N.R. was removed from the Roe's home based solely on her referral, told people in the community in which the Roe's lived, that the Roe's had physically abused N.R. and N.R. was going to come to live with her. The Defendants relied on the unsubstantiated and self-interested statements of Ms. Bonnell while simultaneously disregarding statements from more reputable and neutral sources, including N.R. herself that provided statements that her injuries

were not the result of any actions by Mr. & Mrs. Roe, and proceeded to file criminal charges against Ms. Roe in Cowlitz County Superior Court.

Ms. Roe was acquitted at trial fourteen (14) months after N.R. was removed from the home, and N.R. would remain out of the home for another eight (8) months. At no time during the entire twenty-two months was N.R. found to be a dependent child in the dependency proceeding, and yet N.R. remained out of the home another eight months after Ms. Roe was acquitted. The Department was found in contempt by Judge Bashor of Cowlitz County Superior Court and yet N.R. remained out of the home, until the matter was dismissed by the Washington State Attorney General's Office.

The Roes filed suit against the Defendants alleging among other things, Negligent Investigation, Outrage, and Malicious Prosecution. The trial court dismissed the suit on motion for summary judgment (See Verbatim Report of Proceedings dated July 17, 2015, Page 39, Lines 16 – 24). Mr. & Mrs. Roe now appeal that dismissal.

II. ASSIGNMENT OF ERROR

The trial court erred by granting summary judgment of dismissal with respect to claims for negligent investigation, outrage, and malicious prosecution. (See Verbatim Report of Proceedings dated July 17, 2015, Page 39, Lines 16 – 24).

III. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

Are there genuine issues of material fact for trial, precluding summary judgment, regarding Mr. & Mrs. Roe's claims for negligent investigation, outrage,

and malicious prosecution against the Defendants? (Assignment of error 1.)

IV. STATEMENT OF THE CASE

A. Background Facts.

N.R. was born drug-affected to Mr. Roe's biological sister and shortly after her birth, Mr. and Mrs. Roe adopted N.R. and her older brother, Aden. Mr. and Mrs. Roe also have four older biological children and have temporary custody of one of their grandchildren and permanent custody of another. See Appendix, Preble Decl., Ex. 8, Ex. 9; CP 1129 – 1131, & CP 1133 - 1135.

On April 27, 2010, Heather Bonnell referred Mr. and Mrs. Roe to CPS, stating that the yard looked "like a tweeker's yard." See Appendix, Preble Decl., Ex. 12; CP 1157 - 1168.

On May 10, 2010, Mr. and Mrs. Roe's dog, Louie (also referred to as "Louie Louie" and "King Louie"), jumped onto N.R., knocked her over, and N.R. fell and hit her nose on a stair in the home. See Appendix, Preble Decl., Ex. 6, p. 1; CP 1119 On May 11, 2010, Mr. and Mrs. Roe's oldest son, Anthony, saw the dog knock N.R. down onto the stairs in the dining room, jump on her back, and Scratch her, See Appendix, Preble Decl., Ex. 6; CP 1119.

Also on May 10, 2010, Mrs. Roe informed Ms. Bonnell that she was going to start limiting her time with N.R., and contact between the two would be limited during the upcoming summer. See Appendix, Preble Decl., Ex. 3, p. 50 - 51; CP 1106. The Roes believed that restricting communication and time between N.R. and Ms. Bonnell was the impetus behind Ms. Bonnell's May 2010 referral. Id.

On May 11, 2010, the Washington State Department of Social Health and Human Services (“DSHS”) received a second referral from Ms. Bonnell alleging physical abuse by Mr. and Mrs. Roe against N.R. See Appendix, Preble Decl., Ex. 12, pp. 1–3; CP 1158 - 1160. Later that day, Defendant Frost accompanied Cowlitz County officers to the Roe residence. See Appendix, Preble Decl., Ex. 15, p. 3, CP 1195; Ex. 4, p. 4; CP 1109. Upon being shown the bruises on N.R., Mr. and Mrs. Roe stated that they did not know specifically how N.R. sustained her injuries but provided numerous plausible explanations, including their rambunctious new dog, which Mr. Roe saw jump on and knock over N.R. the previous day, N.R.'s recent fall onto the stairs; and N.R.'s history of clumsiness, which was documented by previous visits to the doctor to obtain testing on N.R.'s equilibrium, coordination, and propensity toward bruising easily. See Appendix, Preble Decl., Ex. 15, CP 1195. In fact, N.R.'s medical history of clumsiness dated back three years prior to her removal. See Appendix, Teri Roe Decl. Ex. A and B; CP 1222 - 1235. ([N.R.] is falling all the time - can't stand without wobbling.”). Mr. Roe also informed Defendants (Defendants Frost, Teeter, Marker, and Payton, when appropriate, will be referred to collectively as “Defendants”) that they had recently taught N.R. how to slide down the stairs on her bottom, which may have caused the bruising on her lower back.

N.R.'s statements throughout the dependency proceedings undermined Defendants' suspicion of Mrs. Roe and corroborated the explanations posited by Mr. and Mrs. Roe. On May 12, 2010, in response to Ms. Hoffman's dog jumping on N.R., N.R. exclaimed that “she had a dog who jumps on her and she hurt her

nose.” See Appendix, Preble Decl., Ex. 12, p. 21¹; CP 1164. On or about May 20, 2010, N.R. showed the bruise on her arm to Dr. Ayoub and told her that “my puppy did that to me.” See Appendix, Preble Decl., Ex.12, p. 40; CP 1168.

N.R.'s behavior during and after supervised visits with her family also corroborated her statements throughout the duration of the dependency proceedings², *i.e.*, that the dog caused her injuries and that she loved and missed her family. After the first supervised visit after being removed from the Roe's care “N.[R.] was crying and it took almost two hours to calm her down after the visits with parents ... N.[R.] was heartbroken . . . and kept saying that her daddy was crying.” See Appendix, Preble Decl., Ex 1, p. 34; CP 1094. N.R. was “thrilled” to go on her second supervised visit and kept telling her parents that it was going to be okay. Id., p. 53; CP 1097. This behavior continued throughout N.R.'s out-of-home placement. See, e.g., id. (Describing a visit in July 2010 during which N.R. cried and asked Mrs. Roe if she could come home).

At N.R.'s May 14, 2010 interview at the Children's Justice and Advocacy Center, of which Defendants were aware, N.R. made no disclosures regarding abuse and instead provided several explanations for the bruising. See Appendix, Preble Decl., Ex. 12, p. 20–21, 23, 25; CP 1163 - 1166. Detective Schallert

¹ References to page numbers in Appendix, Preble Decl Ex 1, and Preble Decl, Ex 12 refer to excerpted pages from a 116-page printout of DSHS notes, which are numbered at the bottom of the page in the form for example, “Page 21 of 116”.

² Although the “dependency proceedings” lasted 22 months—N.R. was never found to be dependent and the case never even went to a fact-finding—N.R. remained in shelter care for the duration

informed Defendant Frost that N.R. “Made no real disclosure.. - [and] lifted up the back of her shirt at one point and said puppy.” *Id.* at 25, CP 1165.

During the course of their investigation of Mr. and Mrs. Roe, Defendants relied—improperly and nearly entirely—upon statements made by M. Bonnell and disregarded the statements of more reputable sources. In fact, N.R.'s only alleged statement regarding abuse was relayed to CPS workers and Defendants by Ms. Bonnell. See Appendix, Preble Decl., Ex. 12, p. 1; CP 1158; and Attachment A thereto; Ex. 12; CP 1161. Defendants relied on Ms. Bonnell’s statements despite serious questions having been raised by Mr. and Mrs. Roe; Nichole Easterly; Defendant Frost; and Ms. Bonnell’s aunt, Julie Hoffman—the woman with whom N.R. resided during the dependency—regarding Ms. Bonnell’s motivation in referring Mr. and Mrs. Roe to CPS.

Shortly after placing N.R. with Ms. Hoffman, Ms. Hoffman informed Defendant Frost that Ms. Bonnell “stops by almost daily to see N.[R].” See Appendix, Preble Decl., Ex. 1, p. 28; CP 1092. Ms. Bonnell's obsession with N.R. included “call[ing] [Ms. Hoffman] over and over checking on [N.R.] and causing drama and say[ing] she wanted to visit with [N.R].” See Appendix, Preble Decl., Ex. 1, p. 21; CP 1091.

Defendants were also aware that Ms. Bonnell told several people that N.R. was coming to live with her. *Id.* at 73; CP 1098. Twice during the first week and a half Ms. Hoffman had placement of N.R., at least two individuals familiar with N.R. approached Ms. Hoffman and informed her that Ms. Bonnell told them that the Roes beat N.R. and N.R. was going to live with Ms. Bonnell. See Appendix,

Preble Decl., Ex. 1, pp. 73, 33; CP 1098, CP 1093. Ms. Bonnell's involvement became so concerning that Defendant Frost prohibited Ms. Bonnell from having contact with Ms. Hoffman and N.R. See Appendix, Preble Decl., Ex. 1, pp. 28, 33; CP 1092 & CP 1093. Defendant Frost even noted that she was "[c]oncerned [Ms. Bonnell] does have bad intentions but [there is] nothing to prove that, just concerns." See Appendix, Preble Decl., Ex. 1, p. 28; CP 1092. Defendants admitted that Ms. Bonnell had a "strange obsession with [N.R.]" and "the relationship between [Ms. Bonnell] and N.R.] does appear odd." See Appendix, Preble Decl., Ex. 1, p. 21; CP 1091. Despite Defendants' significant concerns about Ms. Bonnell's reliability and malevolent intentions, Defendants continued to rely on her as the only person who allegedly heard a disclosure from N.R. regarding abuse and the source of much of the basis for the investigation of Mrs. Roe.

Defendants also saw the tattoo on Ms. Bonnell's shoulder, which has N.R.'s first name with a halo above and wings on the side. See Appendix, Preble Decl., Ex. 10, CP 1144; Ex. 4, p. 54, CP 1113; Ex. 1, p. 55, CP 1156. The tattoo of N.R.'s name is just above the names of Ms. Bonnell's two biological children, but the names of her biological children do not have the angelic motif. Id.

Perhaps most revealing regarding Ms. Bonnell's intentions in referring Mr. and Mrs. Roe to CPS were Ms. Bonnell's statements in her interview with Detective Gilchrist. Detective Gilchrist's interview notes reads as follows:

I [Defendant Gilchrist] told [Ms. Bonnell] that one theory to explain [N.R.]'s injuries was because one possibility was and before I could finish my sentence [Ms. Bonnell] finished for me by saying 'that I staged all this

because I wanted her.” [Ms. Bonnell] said she hadn’t heard that theory from anybody but she had a feeling that some people might think it.

See Appendix, Preble Decl., Ex. 10, p. 2, CP 1138, and Attachment J, CP 1143, thereto.

Ms. Bonnell’s involvement in this matter and the motivation behind her referral were questioned not only by Mr. and Mrs. Roe, Ms. Hoffman; and Defendant Frost; but also by Nicole Easterly, who described Ms. Bonnell’s relationship with N.R. as “unhealthy and ... very clingy” and her role in the investigation as follows:

[I] hav[e] a feeling that [Ms. Bonnell] got really jealous... So I’m thinking she kind of did this on purpose, I’m thinking she put the scratch marks on [N.R.] . . .

[Ms. Bonnell was] [p]ossessive. Jealous. She would ask—it was getting to a point where she would come to take [N.R.] She would expect that [N.R.] was ready to go, ready to go to her house.

See Appendix, Preble Decl. Ex. 3, pp. 50-51, CP 1106.

[Ms. Bonnell] was clinging to [N.R.] She liked having a new baby. She had just went through a recent breakup with a new boyfriend. They went through a very drastic breakup. After that she got very attached to [N.R.]

[A]t first, you know, it was—she [N.R.] would go over every weekend. But then after John went away, her boyfriend, they broke up, , , , she would want [N.R.] for the week. She would want her for a week and a half. She just wanted her a little bit longer than normal, like she was lonely, filling that void.

Id. at 54, CP 1107,

[At the end Mrs. Roe] told me [Ms. Bonnell] called and asked [to take N.R.], ... and [Mrs. Roe] let me know that she got in an argument with [Ms. Bonnell] about how she can’t have [N.R.] any more because it got to a point where it was just a little unhealthy.

[N.R. was taken] [t]wo weeks after the argument.

Id. at 50–51, 54; CP 1106 - 1107.

Defendants relied on the unsubstantiated and self-interested statements of Ms. Bonnell while simultaneously disregarding statements from more reputable and neutral sources, such as N.R.'s doctor and Ms. Hoffman. Ms. Hoffman repeatedly communicated to Defendants that she was familiar with the Roes and “never had concerns and felt that they were a close knit family. N.R.'s primary care physician, Reinhild Ayoub, informed Defendants that she had seen N.R. on several occasions and had not seen any abnormal bruising. See Appendix, Preble Decl., Ex. 12, p. 49, CP 1168.

The other witness who corroborated Ms. Bonnell’s allegations, Nicole Easterly, refused to complete a CVSA (voice stress analysis) interview. In fact, when approached by Detective Schallert regarding a CVSA interview, Ms. Easterly called Mr. Roe “frantic because she didn't want to take a CVSA. . . [and] asking whether it could be used [against her]” See Appendix, Preble Decl., Ex. 4, p. 61, CP 1114. Further, Ms. Easterly had recently been arrested for domestic violence assault on Mrs. Roe. Id. at 60, CP 1113.

Despite Ms. Easterly's suspect motives, she nevertheless admitted that N.R. had issues with her equilibrium and maintaining her balance—explanations that Mr. and Mrs. Roe provided to Defendants at the investigation’s inception. See Appendix, Preble Decl., Ex. 3, p. 18–19, CP 1104. N.R.— as well as the older children — was regularly knocked over by both dogs, the golden retriever and the English mastiff which weighed about one hundred pounds. See Appendix, Preble Decl., Ex. 3, p. 51, CP 1106. “Multiple times [the dog would

dominate [N.R.] and get on top of her while ... she was on the ground and lick at her and...scratch her..." Id. at 52, CP 1106.

On July 14, 2010, Detective Schallert arrested Mrs. Roe for assault of a child in the third degree, and Mrs. Roe was booked into Cowlitz County Jail. See Appendix. Preble Decl., Ex. 15; CP1194. In September 2011, a jury acquitted Mrs. Roe of all charges stemming from the alleged abuse. See Appendix. Preble Decl., Ex. 6, CP 1121.

On November 11, 2011, the Honorable Judge Gary B. Bashor issued a letter ruling, which stated in part as follows:

6. A review of the photos, and the letters of opinion and the deposition excerpts of the doctor would indicate that there is concern for how and who caused the child's injuries. That concern appears to be based primarily on one Statement from an individual who seems to exhibit questionable reliability. The department indicates the bruises were "non-accidental," though there is nothing in the materials presented for this motion which would indicate that characterization by the professionals.

7. Little convincing evidence has been provided for this motion that the mother was the source of the child's injuries, either intentionally or accidentally.

8. There is some indication that this child is more "clumsy" than the average child of her age when placed.

11. No negative comments have been made regarding any visits for the mother, the father or the siblings.

12. The parents have multiple children in the home, including a younger child for which no concerns apparently exist.

13. The parents are willing to participate in some services if required and are willing to accommodate full access by the department and CASA to their home.

See Appendix, Preble Decl., Ex. 7, p. 2, CP 1126. Judge Bashor specifically stated that the order and the additional in-home visits supervised by Mr. Roe—without the Department's presence required—were to be “in effect immediately and not dependent on the entry of a written order with the court.” Id. at 3, para. 6, CP 1125. On November 22, 2011, both Mr. and Mrs. Roe emailed Defendant Payton regarding setting up visitation for the upcoming Thanksgiving holiday. See Appendix, Brandon Roe Decl., pp. 3-4, CP 1067 – 1068; Ex. A, CP 1072 – 1073; and B, CP 1075; See Appendix, Teri Roe Decl., p. 2, CP 1223. Mr. Roe had spoken with N.R.’s placement, who was in agreement with accommodating one of several visitation scenarios. Defendant Payton replied, “My supervisor has *adamantly said no Thanksgiving visit.* She wants the visits to be scheduled when the CASA and department are available...” See Appendix, Brandon Roe Decl., Ex. B (emphasis added), CP 1223. Such unwarranted (and adamant) opposition to the Roes' simple request for court-ordered visitation was characteristic of their interactions with DSHS during the nearly two years that the dependency lasted.”³ Less than three weeks later, Judge Bashor found the Department in contempt of the November 19 order. See Appendix, Brandon Roe Decl., Ex. C, CP 1077 - 1078.

On November 29, 2011, Mr. Roe emailed Defendant Payton and reiterated his request that, pursuant to Judge Bashor’s November 19, 2011 order, he be

³ See also Appendix, Preble Decl , Ex 22, CP 1221, (correspondence between Assistant Attorney General Cindy Gideon and Cowlitz County Prosecutor Katherine Gulmert, which states “I don't want to provide a copy [of Mr. Roe's attorney's Subpoena. That way there is no way he can say you were served.”); Preble Deci , Ex 21, CP 1220, (“I like how CASA seems to think they have input into your case, and that you have to answer to them. They complained to us also, but it fell on deaf ears.”).

notified of and permitted to transport N.R. to her counseling sessions. See Appendix, Brandon Roe Decl., Ex. D, CP 1080. Defendant Payton responded, “Yes.” Id. In January, Mr. Roe came to the realization that the Department was not notifying him of her counseling and emailed Defendant Payton regarding same. Id. Defendant Payton apologized for their second failure in less than six weeks to comply with Judge Bashor’s order. Id. CP 1080.

Assistant Attorney General Cindy Gideon dismissed N.R.'s dependency on May 16, 2012, without ever going to a fact-finding. See Appendix, Preble Decl., Ex. 16m CP 1206 - 1208. N.R. had been removed from Mr. and Mrs. Roe's care for nearly two years.

B. Summary Judgment.

On July 17, 2015, before the Honorable Judge Murphy of the Thurston County Superior Court, the motion for summary judgment brought by the Defendants was heard.

After argument by counsel for the Defendants and for Mr. & Mrs. Roe, Judge Murphy issued her ruling and granted the motion for summary judgment as follows beginning on Line 20, Page 37 of the Verbatim Report of Proceedings dated July 17, 2015 through Line 24, Page 39:

“The remaining claims are negligent investigation, outrage, and malicious prosecution. Then the Court analyzed each element of each of those claims in order to determine whether the record in this case meets the standard to preclude summary judgment. Once a moving party for summary judgment meets its initial burden, then the burden shifts to the non-moving party to present facts that provide a basis for issues of fact that preclude summary judgment. The Court is required at that point to view the facts in the light most favorable to the non-moving party, in this case the plaintiff. It is in that light that the Court reviewed the entire record that is before it on this particular case. It actually required the Court to

look at the whole file in the case. Although it is voluminous, I think it was very helpful for the Court to do that.

I do want to state at the outset some things that the Court found not particularly helpful in this very precise process of looking at the record and comparing it to each element of each claim remaining. One thing that I want to point out is that the Voluntary Placement Agreement -- I don't believe that that is significant in determining any claim that remains in this case. I don't believe that any of the defendants are entitled to any sort of presumption based upon that Voluntary Placement Agreement.

In addition, the post-acquittal actions in this case I believe are not highly significant in this case, although I have considered them, and I have considered them in the light that the plaintiff had asked me to, which is, does it reflect on the actions of the defendants earlier on in the case?

I am certain that the parties have had the same experience that this Court has. At the end of a case sometimes we are left scratching our heads saying why did this ever get to trial? And the reason for that, whether it be a criminal case or a civil case, is that things at trial often are very different than things in discovery or things at the beginning of a case, and so I look at this case in light of that. There are many, many reasons why evidence that comes out in trial may be different than that which comes out during the course of discovery or in preparation for a trial.

Based upon the Court's thorough review of the entire record in this case, the Court finds that it is appropriate to grant the motions for summary judgment on behalf of all of the defendants in this case. Again, my decision is reached based upon my review of the entire file, the specific documents that were filed on behalf of the parties with regard to this specific motion, as well as the pleadings in this case and in the federal case.”

VI. ARGUMENT

A. The trial court's rulings on summary judgment are subject to de novo review.

An order granting summary judgment is subject to review de novo, and the appellate court engages in the same inquiry as the trial. See Folsom v. Burger King, 135 Wn.2d 658, 663, 958 P.2d 301 (1998). Summary judgment is only

warranted when "there is no genuine issue as to any material fact" and "the moving party is entitled to judgment as a matter of law." CR 56(c). The burden is on the party seeking summary judgment to demonstrate the absence of a genuine issue of material fact. Folsom, 135 Wn.2d at 663. All of the facts and reasonable inferences must be viewed in the light most favorable to the nonmoving party. See Ruvalcaba v. Kwang Ho Baek, 175 Wn.2d 1, 6, 282 P.3d 1083 (2012). Even where the evidentiary facts are undisputed, if reasonable minds could draw different inferences from those facts, then summary judgment is not warranted. See Chelan County Deputy Sheriff's Ass'n v. Chelan County, 109 Wn.2d 282, 294-95, 745 P.2d 1 (1987). "A material fact" is a fact upon which the outcome of the litigation depends, in whole or in part." Morris v. McNicol, 83 Wn.2d 491, 494, 519 P.2d 7 (1974). Additionally,

The court must consider the facts submitted and all reasonable inferences from those facts in the light most favorable to the nonmoving party and the motion should be granted only if, from all the evidence, reasonable persons could reach but one conclusion.

Nationwide Mut. Fire Ins. Co. v. Watson, 120 Wn.2d 178, 6, 840 P.2d 851 (1992).

B. The trial court erred in granting of dismissal with respect to claims for negligent investigation, outrage, and malicious prosecution.

1. Negligent Investigation

- i. The facts of this case show that the Defendant's acted with gross negligence in their investigation of the allegations against Mr. & Mrs. Roe.**

Gross negligence is defined as "the failure to exercise slight care. . . .

[However, this] does not mean the total absence of care but care substantially less

than ordinary care.” Yousoufian v. Office of Ron Sims, 137 Wn.App 69, 79, 151 P.3d 243 (2007) (quoting WPI 10.07).

In their investigation, Defendants willfully, negligently, and nearly exclusively relied on the statements of Ms. Bonnell. Ms. Bonnell’s reliability and motives behind repeated referrals were questioned by nearly everyone involved in this case, including Defendant Frost. Mr. and Mrs. Roe questioned Ms. Bonnell’s motives from the beginning; and this was based on Ms. Bonnell’s increasingly unhealthy attachment to N.R. as well as on the argument that occurred just days before when Ms. Bonnell became upset that Mrs. Roe told her she could not take N.R. Defendant Frost was so concerned about Ms. Bonnell’s unhealthy behavior with respect to N.R. that she prohibited Ms. Bonnell from having contact with N.R. Ms. Bonnell’s own aunt, Julie Hoffman (who was also N.R.’s placement during the underlying dependency proceedings), and who notified social workers on several occasions of Ms. Bonnell’s “strange obsession” with N.R. Defendants also improperly disregarded the numerous plausible explanations provided by Mr. and Mrs. Roe—including N.R.’s documented medical history of clumsiness. *See* Teri Roe Decl., Ex. A; CP 1228 - 1235.

ii. Defendants controlled the flow of information to the court, and knowingly withheld material information from the court in obtaining placement orders, including several statements made by the child during her interview at CJAC that exonerated Mr. and Mrs. Roe.

The Defendants withheld and controlled the flow of information that led to the court’s issuance of placement orders. Tyner v. Dept. of Soc. & Health Services., 141 Wn.2d 68, 88-89, 1 P.3d 1148 (2000) applies a mere negligence standard, holding that if “reasonable minds could differ as to whether all material

information was presented to the court prior to the entering of its no-contact order,” the proximate-cause chain remained unbroken and in this case the Defendants would be held liable. *Id.*, at 88–89.

In the instant case, it is undeniable that material information was withheld from the court in obtaining placement orders, including several statements made by the child during her interview at CJAC that exonerated Mr. and Mrs. Roe; statements by N.R. to Ms. Hoffman regarding injuries she sustained when her dog jumped on her; and the concerns expressed by six people involved with the dependency proceedings, including Ms. Bonnell herself, Ms. Bonnell’s aunt, and social worker Stephanie Frost, regarding Ms. Bonnell’s improper motives and obsession with N.R. Had Defendants communicated these facts to the judge, a ruling like that of Judge Bashor’s would have come down much sooner. In failing to communicate this information to the judge, Defendants controlled the flow of information to the court.

iii. Mr. & Mrs. Roe satisfied the summary-judgment standard on the elements of a negligent-investigation claim in response to the Defendants’ Motion for Summary Judgment.

Generally a negligent-investigation claim requires proof of (1) a biased or faulty investigation, (2) harmful placement, and (3) proximate cause. *Roberson v. Perez*, 156 Wn.2d 33, 45, 123 P.3d 844 (2005); *M.W. v. DSHS*, 149 Wn.2d 589, 602, 70 P.3d 954 (2003); *Miles v. State*, 102 Wn.App. 142, 154–55, P.3d 112 (2000).

Mrs. Roe’s acquittal of all charges by a jury in September 2011 and the subsequent dismissal of the dependency—without going to fact-finding trial—

establish the element of a biased/faulty investigation by CPS, as a result of N.R. being improperly removed from a non-abusive home.

The position that CPS conducted a faulty investigation is corroborated by overwhelming evidence, Defendants relied nearly entirely on the statements of an individual who Defendants admit had a strange obsession with N.R. and had bad intentions in bringing the referral. Meanwhile, Defendants turned a blind eye to the explanations of the Roes, the Roe children, Ms. Easterly, and N.R. herself regarding the sources of her injuries. Defendants further disregarded the statements of N.R.'s primary care physician, who stated that she had not seen any concerning bruising in N.R.'s previous visits, and Ms. Hoffman, who stated that the Roes were a loving family and she had no concerns about abuse in the home.

The Defendants remained integrally involved in this matter, from the initiation of the criminal investigation and prosecution, until the dismissal of the dependency nearly two years later. Through the twenty-two (22) months that N.R. remained out of the home, the Defendants oversaw supervised visitation; took notes regarding the parents' interactions with the children & N.R.; coordinated medical appointments for N.R.; obtained and reviewed N.R.'s medical history; coordinated with Dr. Hall to review N.R.'s medical records and submit a report regarding her conclusions as to whether the bruises were indicative of abuse; continued to meet with the parents for interviews and questioning regarding the abuse allegations; visited the Roe residence; created safety plans for the other Roe children; and interviewed the other Roe children on

several occasions. Further, Defendants participated in the dependency proceedings until the State's dismissal in 2012.

The evidence shows that there is a dispute as to whether the Defendants negligent investigation were the proximate cause of the removal of N.R. from the home of Mr. & Mrs. Roe, especially in a case where the CPS investigation that relies on unsubstantiated and questionable source that spurs a criminal investigation. Defendant Frost was assigned to the case from its inception on May 10, 2010. Criminal charges were not filed until mid-July 2010, and the State's investigation proceeded contemporaneous with the criminal investigation. During the pendency of the State's investigation—and prior to Mrs. Roe being charged or incarcerated—N.R. was removed from the home and remained out of the home until 2012. Even after the criminal process had run its course and law enforcement was no longer involved in the case— N.R. remained out of the home for an additional eight months based on the decision of the Defendants after September 2011.

Though the Court in its decision granted the Defendants Motion for Summary Judgment, the Court's reasoning belies the dispute that exists regarding the material facts of this case. The Court in its decision questions, "At the end of a case sometimes we are left scratching our heads saying why did this ever get to trial?" Verbatim Report of Proceedings dated July 17, 2015 Page 39, Lines 5-7. Mr. & Mrs. Roe contend that given the standard that all reasonable inferences from the facts are to be viewed in the light most favorable to the nonmoving

party, summary judgment in favor of Defendants should be reversed as to the claim of negligent investigation.

2. Outrage.

i. Mr. & Mrs. Roe satisfied the summary-judgment standard on the elements of a claim of outrage in response to the Defendants' Motion for Summary Judgment.

Defendants' disregard for Mr. Roe, Mrs. Roe's, and N.R.'s siblings' explanations for N.R.'s injuries; corroborating statements by N.R.'s primary care physician and Ms. Hoffman; and N.R.'s exonerating statements in her CJAC interview and blind, unjustified reliance on the statements of Ms. Bonnell was outrageous. Further, it was outrageous for the out-of-home placement of N.R. to continue after Mrs. Roe's acquittal, especially given the fact there were no concerns about Mr. Roe. Finally, under the Keates factors, this claim must survive summary judgment and be submitted to a jury.

Mr. Roe, Mrs. Roe, and N.R.'s brother Anthony provided Defendants with several plausible and internally consistent explanations for N.R.'s injuries, including their two dogs, sliding down the stairs on her back and bottom, and her balance issues. During her CJAC interview, N.R. stated she had sustained her injuries when she fell off her bike and when the dog jumped on her. N.R. even voluntarily and without suggestion lifted up her shirt to show the bruising on her back, explaining that "Louie Louie did it." These explanations and Mr. and Mrs. Roes' innocence were consistent with observations and Statements by Ms. Hoffman and Dr. Ayoub that they had never seen abnormal bruising in the past and the Roes were loving parents. These individuals, unlike Ms. Bonnell, had

unquestioned reliability and familiarity with the family as a former day-care provider for the Roe children and N.R.'s primary care physician, respectively.

Instead Defendants relied on the statements of Ms. Bonnell, who Defendant Frost had stated was obsessed with N.R., had bad intentions, and had a strange relationship with N.R.

Defendants' disregard of reliable information combined with the support of each of the Keates factors give support for permitting the claim of outrage to be determined by a jury. The factors in determining whether an outrage claim goes to a jury are as follows:

- (a) the position occupied by the defendants; (b) whether plaintiff was peculiarly susceptible to emotional distress, and if defendant knew this fact; (c) whether defendant's conduct may have been privileged under the circumstances; (d) the degree of emotional distress caused by a party must be severe as opposed to constituting mere annoyance, inconvenience or the embarrassment which normally occur in a confrontation of the parties; and, (e) the actor must be aware that there is a high probability that his conduct will cause severe emotional distress and he must proceed in a conscious disregard of it.

Keates v. Vancouver, 73 Wn. App. 257, 263–64, 869 P.2d 88 (1994). Here, the position occupied by Defendants was one of authority and control over the Roe family. Defendants acted in collaboration with state attorneys general and local law enforcement to remove N.R. from the home and were investigating allegations of physical abuse and neglect against the Roes,

Defendants were also aware of the susceptibility of Mr. and Mrs. Roe to emotional distress, as evidenced by several visitation notes and case notes documenting emotional reactions by both parents relating to N.R.'s removal. See Appendix, e.g., Preble Decl., Ex. 1, pp. 34, CP 1094 ("N.[R.] was heartbroken per

[Ms. Hoffman) and kept saying that her daddy was crying.”). As identified supra pp. 8–9, Defendants are not shielded from liability. The degree of emotional distress experienced by the Roes was significant: their youngest daughter, for whom they fought several months and tens of thousands of dollars in the adoption process, was removed from their home for nearly two years, despite the Roes repeated requests to have her returned, the Department’s determination that Mr. Roe had done nothing wrong, and Mrs. Roe’s acquittal. Both Mr. and Mrs. Roe had emotional distress and cried openly during several supervised visitation sessions. Finally, Mrs. Roe had received medical treatment for depression and anxiety that began during the dependency and continues today.

These are the facts that are in dispute and were before the trial court on July 17, 2015, and Based on these disputed material facts, summary judgment in favor of Defendants should be reversed as to the claim of outrage.

3. Malicious Prosecution

i. Mr. & Mrs. Roe satisfied the summary-judgment standard on the elements of a claim of malicious prosecution in response to the Defendants’ Motion for Summary Judgment.

“A prima facie case of want of probable cause is established by proof that the criminal proceedings were dismissed or terminated in favor of the party bringing the malicious prosecution action... This rule... [is] firmly established in this state.” Peasley v. Puget Sound Tug & Barge Co., 13 Wn.2d 485, 498, 125 P.2d 681 (1942) (citations omitted); Rodriguez v. City of Moses Lake, 158 Wn. App. 724, 730, 243 P3d 552 (2010) (citations omitted) (“A prima facie case of lack of probable cause is established where criminal proceedings are dismissed or

terminated in a malicious prosecution in the plaintiff's favor.”). Here the parties agree that Mrs. Roe was acquitted of all criminal charges and the dependency was ultimately dismissed in May 2011 in Mrs. Roe's favor without ever having proceeded to a fact-finding. Thus, the element of want of probable cause is firmly established in both the criminal context and the analogous civil context of the dependency. See also Preble Decl., Ex. 6, CP 1119 - 1123.

To rebut this prima facie showing, Defendants must establish probable cause as a matter of law, which occurs when “unrefuted evidence shows that before instituting criminal proceedings, a full and fair disclosure was made of all known material facts, and the prosecutor thereupon filed a charge.” Bender v. City of Seattle, 99 Wash.2d 582, 593,664 P.2d 492 (1983).

A further explication of this standard holds as follows:

If it clearly appears that the defendant, before instituting criminal proceedings against the plaintiff, made to the prosecuting attorney a full and fair disclosure, in good faith, of all the material facts known to him, and that the prosecuting attorney thereupon preferred a criminal charge and caused the arrest of the accused, probable cause is thereby established as a matter of law and operates as a complete defense to a subsequent action by the accused,

A corollary to this rule is that if any issue of fact exists, under all the evidence, as to whether or not the prosecuting witness did fully and truthfully communicate to the prosecuting attorney, or to his own legal counsel, all the facts and circumstances within his knowledge, then such issue of fact must be submitted to the jury with proper instructions from the court as to what will constitute probable cause, and the existence or nonexistence of probable cause must then be determined by the jury.

Id. at 593–94 (emphasis omitted) (quoting Peasley, 13 Wn.2d at 499–500).

Here, Defendants failed to provide, in good faith, a full and fair disclosure of all the material facts known to them, including the statements of N.R.

exonerating Mr. and Mrs. Roe of any wrongdoing. Here, unrefuted evidence has not shown that “a full and fair disclosure was made of all known material facts” was made by Defendants prior to instituting either the criminal or the dependency proceedings. To the contrary, the limited evidence provided by Defendants has been refuted and contradicted and there was an incomplete and ill-motivated disclosure regarding material facts.

Finally, it is worth noting that “[a]lthough the existence of malice [is] not a necessary deduction from the mere finding of want of probable cause, it [is]...an inference which the jury [is] entitled to draw from the facts...” Peasley, 13 Wn.2d at 502. Given the prima facie establishment of lack of probable cause based upon Mrs. Roe's acquittal, Mr. and Mrs. Roe's claim for malicious prosecution is well established and summary judgment as to the claim of malicious prosecution should be reversed.

VII. CONCLUSION

Based on the foregoing argument and authority, Mr. & Mrs. Roe respectfully asks the Court to reverse the trial court, vacate the summary judgment orders, and remand this case for trial.

Submitted this 4th day of January, 2016.

A handwritten signature in black ink, appearing to read "Desmond Kolke", written over a horizontal line.

Desmond Kolke, WSBA # 23563
Attorney for Brandon & Teri Roe

CERTIFICATE OF SERVICE

I certify that on the 8th day of February, 2016, I caused a true and correct copy of the Appellant's Amended Brief with Appendix to be served on the following in the manner indicated below:

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Dated this 8th day of February, 2016, in Tacoma, Washington.



Desmond Kolke, WSBA# 23563
Attorney for Brandon & Teri Roe

APPENDIX

DECLARATION OF BRANDON ROE
IN OPPOSITION TO DEFENDANT’S MOTIONS
FOR SUMMARY JUDGMENT
dated July 6, 2015 CP 1065 – 1084

DECLARATION OF GARY A PREBLE
IN RESPONSE TO DEFENDANT’S STATE OF
WASHINGTON & COWLITZ COUNTY’S
MOTION FOR SUMMARY JUDGMENT
dated July 6, 2015 CP 1085 – 1221

DECLARATION OF TERI ROE
IN OPPOSITION TO DEFENDANT’S MOTIONS
FOR SUMMARY JUDGMENT
dated July 6, 2015 CP 1222 - 123

E-FILED
SUPERIOR COURT
THURSTON COUNTY, WA
Jul 6, 2015 4:55 PM
Linda Myhre Enlow
Thurston County Clerk

<input type="checkbox"/>	EXPEDITE
<input checked="" type="checkbox"/>	Hearing is set
<input type="checkbox"/>	No hearing is set
Date:	7/17/15
Time:	9:00 AM
Judge/Calendar:	HON. CAROL MURPHY

SUPERIOR COURT OF WASHINGTON
COUNTY OF THURSTON

BRANDON K. ROE and TERI L. ROE,
husband and wife,

Plaintiffs.

NO. 13-2-01483-9

vs.

STATE OF WASHINGTON and
DEPARTMENT OF SOCIAL & HEALTH
SERVICES, et al

Defendants.

DECLARATION OF BRANDON ROE
IN OPPOSITION TO DEFENDANTS'
MOTIONS FOR SUMMARY JUDGMENT

I, Brandon Roe, am one of the plaintiffs in this matter and I make this declaration in opposition to Defendants' Motions for Summary Judgment.

Background

My wife and I are the adoptive parents of N.R., who is also my biological niece. She is the second to the youngest of our five children who lived in the home in May 2010. In early May 2010, N.R. was three and one-half years of age. While returning home from a business trip, I received a text message from my wife that N.R. had fallen on the single step between our dining room and our front room. I subsequently learned that the injury was not as bad as initially thought. When I met my family at my son's track meet, the mark across the bridge of N.R.'s nose was obvious and there was some bruising as well. I never saw N.R. show any fear of my wife, Teri Roc, nor did N.R. indicate that her mother had harmed her. I have never seen my wife, Teri, abuse the kids. In fact, to my

1 knowledge she has only spanked one time, and that was one of our sons.

2 The next day, after I again returned home, I was sitting in the front room in the recliner and
3 fell asleep because of my long work days. I had been dozing for a while when I heard N.R. saying
4 in a distressed voice coming from about 15 feet behind me saying, "No, no, don't." It was obvious
5 that she was upset and that something was happening to her. I turned around in the chair to see what
6 the problem was. I observed our two-month-old golden retriever pup named King Louie (also called
7 "Louie, Louie"), who we had only had for two to three days, standing on his hind legs and pinning
8 N.R. to the door. N.R.'s chest was to the door and the puppy was on his hind legs jumping on her
9 with his front paws. Though he was still a puppy, he was close to N.R.'s height when he stood up
10 and about a third of her weight. In addition, he had very large paws and claws as a puppy. As I
11 observed him jumping on her, he was pushing hard enough against her back that, had the door been
12 open, he would have pushed her over. The puppy was not mean or vicious, but very rambunctious
13 and overly playful.

14 As I soon as I realized what was happening, I yelled, "Stop". At the same time, I saw my son,
15 Chandler, who was about 11 at the time, come running over to assist N.R. He pushed the dog out
16 of the way and lifted N.R. out of the situation. Chandler then brought her directly to me and I held
17 her for a while in the recliner as she whimpered. After 10 to 15 minutes, she felt better and then we
18 went to eat dinner. N.R. made no further comments about the incident. My wife was in the kitchen
19 at the time of this incident. She was probably about 50 feet away and would have been unable to see
20 or hear N.R. as the puppy was jumping on her. I later explained this incident to a deputy sheriff and
21 the CPS worker. We subsequently got rid of the dog.

22 When the CPS took N.R. from our care, they left our other four children in the home. Within
23 the year prior to N.R. being taken, I had started a new business buying and selling used restaurant
24
25
26

1 equipment. I was often on the road for long hours, but home every night. It was necessary for my
2 wife to take care of the other four children in the home. Though I was not accused of having abused
3 N.R., I was unable to have N.R. in the home with me because Teri was still in the home and taking
4 care of the other children. N.R. was therefore out of the home for 22 months—even though the
5 dependency case never went to a fact-finding. Thus, the circumstances of our family and the
6 dependency made it such that N.R. could not be in our home until the criminal case against Teri was
7 resolved. She was ultimately unanimously acquitted by a jury. Shortly thereafter, we were able to
8 begin the process of returning N.R. to our care and having the dependency dismissed.

10 Issues with DSHS During Dependency

11 The Honorable Judge Gary Bashor entered an order on November 19, 2011 indicating
12 that I was to transport to and from all counseling sessions for my daughter N.R. if I was available
13 to do so. *See* Preble Decl., Ex. 7, p. 3, para. 5 (“The father shall provide the transportation to and
14 from all counseling appointments if he is available to do so.”). The order also stated, “In addition
15 [to the supervised visitation already in place] there shall be one in-home visitation each week of
16 not less than 2 hours to be supervised by the father (line of sight supervision) and may
17 additionally be supervised by a department representative or a CASA volunteer as they are
18 available. The mother is not to be left alone with the child at any time.” *Id.* at para. 3 (emphasis
19 in original). The order, and the visits were to “be considered in effect immediately, and not
20 dependent on the entry of a written order with the court.” *Id.* at para. 6.

23 Thanksgiving Visitation

24
25 On November 22, 2011, I emailed social worker Vikki Payton requesting a visitation on
26 Thanksgiving and reiterated Judge Bashor’s order and its immediate effectiveness. Ex. A (Email

1 Correspondence Between Brandon Roe and Vikki Payton re: Thanksgiving Visitation). I spoke
2 with N.R.'s placement, Ms. Hoffman, the day before and we discussed several possible visitation
3 arrangements that were convenient with her. I inquired of Ms. Payton which arrangement would
4 be agreeable to the department and whether they would like to have a representative there. I also
5 offered to pay for any counseling costs ordered by Judge Bashor that the department was unable
6 to pay for. That same day, Ms. Payton replied to a similar email from my wife, stating "My
7 supervisor has adamantly said no Thanksgiving visit." Ex. B. (Email Correspondence between
8 Vikki Payton and Teri Roe re: Thanksgiving Visit). Ms. Payton continued, "[My supervisor]
9 wants the visits to be scheduled when the CASA and the department are available" *Id.* Ms.
10 Payton and her supervisor were insisting, contrary to Judge Bashor's order that they be present
11 for the in-home visitation and disregarding his emphatic statement that the order go into effect
12 immediately.
13
14

15 We filed a motion for contempt and, on December 9, 2011, Judge Bashor found the
16 department in contempt for violation of his November 19 order. In the contempt order he stated
17 that "[t]ime was of the essence of the order due, in part, to the Thanksgiving Holiday." Ex. C
18 (Contempt Order dated Dec. 9, 2011). He found the department in contempt for their refusal to
19 schedule a visit if they or the CASA were unavailable, which Judge Bashor clearly ruled as being
20 optional. *Id.* at ll. 26-28.
21

22
23 Counseling Transportation

24 The part of Judge Bashor's order regarding counseling transportation was entered because
25 N.R.'s counselor, Charolette Rosen, recommended in her report to the court that I transport for
26 all visits because N.R. was struggling with who she should go to when my wife and the

1 placement Julie Hoffman were with her at the same time. It was creating a lot of unnecessary
2 confusion for my daughter.

3
4 I notified Ms. Payton on November 29th, 2011, that per Judge Bashor's order I would be
5 transporting N.R. to and from counseling sessions. Exhibit D (Email Correspondence between
6 Brandon Roe and Vikki Payton re: Counseling Transportation). This not only allowed me to
7 spend more time with N.R. but also relieved any possibilities of any conflict in her mind because
8 the placement and my wife would not be with her at the same time. Ms. Payton simply replied
9 "Yes" to my request that we follow Judge Bashor's order regarding me transporting N.R. to
10 counseling sessions.

11
12 I was to be notified when the individual counseling sessions were to begin so I could
13 adjust my schedule accordingly. When I took N.R. to a family counseling session with my wife
14 in January, I learned that the individual counseling sessions had already begun and that the
15 placement Julie Hoffman had taken her to the appointments. Ex. E (Email Correspondence
16 between Brandon Roe and Vikki Payton re: Counseling Transportation). Although Ms. Payton
17 apologized, she had disregarded my previous request and was continuing to violate Judge
18 Bashor's order despite my attempts to facilitate counseling transportation with the department.

19
20 Ms. Payton and the department had no excuse for their failure to follow Judge Bashor's
21 orders. First off, it was the recommendation of the counselor for me to provide transportation to
22 and from all counseling sessions so it would not make sense that the counselor had directed the
23 placement to bring N.R. to the sessions. Since the placement had already been relieved of these
24 duties and had not been transporting N.R. to counseling then it is quite obvious that the only way
25 the placement would have been notified to bring N.R. to counseling is by department officials.
26

1 Ms. Payton actually tried to put the blame on the placement but as I stated there is really no way
2 Julie could have known about the visiting schedule unless notified by the department.

3
4 I contemplated filing a motion for contempt. The only reason I didn't is because we were
5 bound financially. Between my attorney drafting the documents and traveling back and forth
6 from Olympia to Kelso, It would have been easily over \$1,000.00. We were absorbing so many
7 costs at this time that we just could not afford to file the motion. Had we obtained a contempt
8 order, it would have been the department's second contempt in one month for failing to comply
9 with Judge Bashor's order.

10
11 It became quite obvious to me that the department did what it wanted when it wanted and
12 disregarded court orders they didn't like. It was more important for them to fight us at every
13 angle rather than look out what was best for N.R. Her emotions were being ignored at every turn
14 in this case.

15
16 I declare under penalty of perjury under the laws of the state of Washington that the
17 foregoing is true and correct. Signed this 6th day of July 2015 at Olympia, Washington.

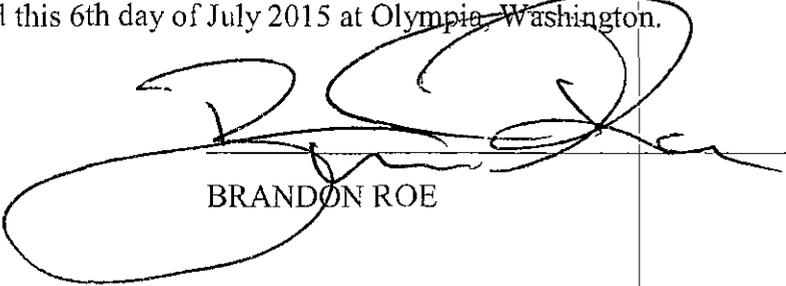
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BRANDON ROE

EXHIBIT A

0-000001071

~~Subject: Re: Home visits~~
~~From: Brandon Roe (roebrandon69@yahoo.com)~~
~~To: jwaller@familymatterspllc.com,~~
~~Date: Tuesday, November 22, 2011 2:22 PM~~

~~Thank you~~

~~Any word on whether or not we will have to file something in support of the judges order?~~

~~Thanks, Brandon~~

~~From: Jean Waller <jwaller@familymatterspllc.com>~~
~~To: Brandon Roe <roebrandon69@yahoo.com>~~
~~Cori ten roe <teniroe@yahoo.com>, Gary A. Preble <gary@preblelaw.com>~~
~~Sent: Tuesday, November 22, 2011 10:30 AM~~
~~Subject: RE: Home visits~~

~~Nicely put Brandon~~

From: Brandon Roe [mailto:roebrandon69@yahoo.com]
Sent: Tuesday, November 22, 2011 7:54 AM
To: Vikki Payton
Cc: gary@preblelaw.com; teri roe; Jean Waller
Subject: Home visits

Vikki,

I was on the road yesterday so did not get caught up on the new bouts until i got home last night. I figured after reading the judges order that there would be some sort of recoil. It just seems that the way it has gone from the beginning. I myself feel that the judge was fair to all sides. It was obvious that he was thorough in his review of material and made a decision sensible for all sides. It is very clear that the order is to take effect immediately.

In regards to home visits he made a specific determination that i am to supervise closely (line of sight) and that the Department and Casa may sit in if schedules permit. So relying on the Departments schedule should not in any way hinder this. All of the issues the judge brought up in regards to home visits have already been addressed. I am foreseeing that the judge may have even been taking into consideration the upcoming holiday and Nova's b-day which are big family functions. The order taking effect immediately would allow this to happen.

As i understand, the Department may not be willing to take on the burden of additional counseling cost as ordered by the judge. I do not think there would be any unrealistic expectations that the extra counseling would quicken Nova coming home. In respect to that, i am sure that the extended court appearances, placement costs, supervision costs, etc, etc, far out weigh a couple counseling sessions. So in turn

0-000001072

would be the less expensive way to go. I am under the impression that the Departments whole focus is the safety and emotional stability of Nova. The emotions need to be addressed so healing can take place. If you do not mind, we will make arrangements with Charolette to absorb any additional costs, relieving the department of the responsibility so healing can take place.

We understand that Julie has plans for Thanksgiving. She called me yesterday and presented options which are totally acceptable. We would love to have Nova for the whole day but will also be considerate to others. Please understand that we have not had this opportunity to celebrate a holiday as a whole family in a long time. As i understand it Nova was happy about it until a comment was made that Julie was going to be sad if she was not there. Comments like that can not continue to happen. Nova has and is going through way more than she should with the present conditions and does not need the extra negative influence.

Respectfully, Brandon

0-000001073

EXHIBIT B

0-000001074

Subject: Fw: visits
From: Brandon Roe (roebrandon69@yahoo.com)
To: gary@preblelaw.com;
Date: Tuesday, November 22, 2011 6:59 PM

----- Forwarded Message -----

From: teri roe <terilroe@yahoo.com>
To: "jwaller@FamilyMattersPLLC.com" <jwaller@FamilyMattersPLLC.com>; Gary A. <gary@preblelaw.com>; "roebrandon69@yahoo.com" <roebrandon69@yahoo.com>
Sent: Tuesday, November 22, 2011 6:58 PM
Subject: Fw: visits

TERI LEE ROE

The Will of God will never take you, where the Grace of God will not protect you!

----- Forwarded Message -----

From: "Payton, Vikki (DSHS/CA)" <PAVI300@dshs.wa.gov>
To: teri roe <terilroe@yahoo.com>
Sent: Tuesday, November 22, 2011 5:43 PM
Subject: RE: visits

My supervisor has adamantly said no Thanksgiving visit. She wants the visits to be scheduled when the CASA and the department are available to at least "pop in".
In-home visits will start Thursday, 12-01-11 from either 3:00 to 6:00 or 4:00 to 6:00 depending on what is the best for you.

From: teri roe [mailto:terilroe@yahoo.com]
Sent: Tuesday, November 22, 2011 3:40 PM
To: Payton, Vikki (DSHS/CA)
Cc: jwaller@FamilyMattersPLLC.com
Subject: visits

I am just checking in with you, I haven't heard anything on whether were going to get our visit this week? Your email from yesterday stated that you were going to contact me today. it is now 339pm and i haven't heard from you.

Could you please contact asap to update me on when we are going to get our weekly home visit for this week,

Teri

TERI LEE ROE

The Will of God will never take you, where the Grace of God will not protect you!

0-000001075

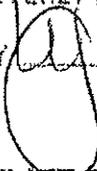
EXHIBIT C

0-000001076

FILED
SUPERIOR COURT

2011 DEC -9 P 5:00

COWLITZ COUNTY
BEVERLY R. LITTLE, CLERK

BY 

SUPERIOR COURT OF WASHINGTON FOR COWLITZ COUNTY

Juvenile Division

IN RE THE INTEREST OF

NOVALEIGH P. ROE,

Dob: 12/01/06

No. 10-7-00444-0

**Court's Order on Hearing from 9
December 2011**

This matter having come on for hearing before the undersigned Judge of the above court on the 9th of December 2011, and the Court having reviewed the file and pleadings herein, and having listened to the comments of counsel and CASA and otherwise being fully advised in the premises, the court makes the following findings:

This court entered a written letter ruling to all parties in this case on 19 November 2011 (a Saturday). The terms of the order were that it was to be in effect immediately, as the court would be unavailable for the parties to appear for the entry of an order in open court due to the Court's un-availability for a period of 2 weeks. Thanksgiving was the following week.

All parties acknowledge receiving the ruling no later than Monday the 21st of November, 2011. The terms of that order indicated it was to be in effect "immediately". Time was of the essence of the order due, in part, to the Thanksgiving Holiday.

The Department determined not to schedule an in home visit over the week of Thanksgiving based on their e-mail of November 22, 2011 in that no visit would be scheduled if the Department or CASA were available to "pop in". That requirement was specifically indicated in the order as optional.





1 The only asserted obstacle to the visits was the forgoing inability to observe. The only
2 arrangements that needed to be made would be to contact the caregiver to give approval for the
3 visit as the father was providing transportation.

4 The father was approved in the order to provide transportation and was available to do
5 so.

6 There was knowledge of the order, the ability to fulfill the requirements of the order, and
7 a written statement that the order would not be given effect the week of Thanksgiving for
8 reasons not approved by the Court.

9 The Court, having made the above findings, Now, Hereby ORDERS as follows:

10 The failure to follow the ruling issued on the 19th of November, 2011 was contempt of the
11 Court's order by the Department.

12 The contempt may be purged by one (1) make-up in home visit to be scheduled and no
13 further violations of the order for the next 60 days.

14 Dated this 9 day of December, 2011.

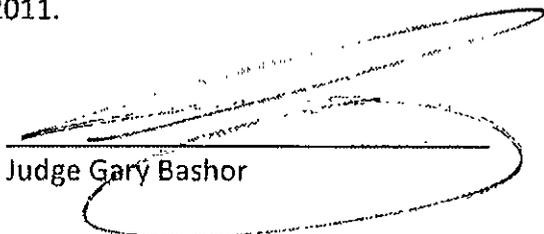
15
16
17 
18 Judge Gary Bashor
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EXHIBIT D

0-000001079

Subject: Re: Transporting for counseling
From: Brandon Roe (roebrandon69@yahoo.com)
To: PAVI300@dshs.wa.gov;
Date: Tuesday, November 29, 2011 3:04 PM

We will also made sure her tummy is full.

From: "Payton, Vikki (DSHS/CA)" <PAVI300@dshs.wa.gov>
To: Brandon Roe <roebrandon69@yahoo.com>
Sent: Tuesday, November 29, 2011 11:35 AM
Subject: RE: Transporting for counseling

Yes.

From: Brandon Roe [mailto:roebrandon69@yahoo.com]
Sent: Tuesday, November 29, 2011 10:53 AM
To: Payton, Vikki (DSHS/CA)
Cc: gary@preblelaw.com; jwaller@familymatterspllc.com
Subject: Transporting for counseling

Vikki,

Per the judges order i will be transporting Nova to and from Julies to counseling. There is a session scheduled for tonight at 6 pm. Since the judge has allowed in home visits with me supervising any contact with Nova and Teri, would it be okay for both Teri and i to pick up Nova as it would save us from having to take two vehicles? Since we now live in Vader it is a \$20.00 cost per vehicle for a round trip. My weekly fuel costs alone right now are over \$120.00 just for counseling and visits and that does not even cover snacks, activities, dinners, etc.

Please let me know asap.

Thanks, Brandon

0-000001080

EXHIBIT E

0-000001081

~~Subject: Re: New counseling sessions, violation of Judge Bashor's order~~

~~From: rnebrandon69@yahoo.com (rnebrandon69@yahoo.com)~~

~~To: gary@prebloelaw.com;~~

~~Date: Wednesday, January 4, 2012 9:51 AM~~

~~ASAP before the state tries to snitch out of it
Sent from my LG phone~~

~~"Gary A. Preble" <gary@prebloelaw.com> wrote:~~

~~So, Brandon, do you want me to file another motion for contempt?~~

~~Gary Preble~~

~~PS: Sheryl, I am sending this to you because I am not certain who the AAG is at this time.~~

On 1/3/2012 3:43 PM, Brandon Roe wrote:

Vikki,

I understand that Novaleigh was to begin the individual counseling sessions soon and have found out that they have already begun and that Julie took her there. I am a little perplexed with this as i was not contacted with the days and times for transportation. As per the last sentence of paragraph 5 of judge Bashor's order it clearly states that " the father shall provide the transportation to and from "all" counseling appointments if he is available to do so". It is concerning that there is yet another violation of Judge Bashor's order so soon, considering that he very recently made it very clear in court that the department was not to violate any additional conditions of the order for 60 days.

At this point i would like to know who it was that made the decision for Julie to transport Novaleigh to the counseling session. I would find it very disturbing to think that the department and it's officials are still putting Julie and her "placement" role in front of our parental role. The purpose of the counseling is the reunification back home not to strengthen the relationship with placement. How is Nova supposed to strengthen the family ties when everyone keeps putting Julie right in the middle?

I fully intend of transporting Novaleigh to and from all of her counseling sessions. This is something that we even talked about in the parking lot of the Juvenile Center where i told you specifically that, "i would do what i had to do".

Please forward me the new counseling schedule so that i may plan accordingly. I am assuming they are on Tuesday but will need to know the times.

0-000001082

Cc: "Payton, Vikki (DSHS/CA)" <PAVI300@dshs.wa.gov>; "jwaller@familymatterspllc.com" <jwaller@familymatterspllc.com>; Corie Dow <Corie@cowlitzcountycasa.org>; teri roe <terilroe@yahoo.com>
Sent: Thursday, January 5, 2012 9:25 AM
Subject: Re: Counseling

Brandon:

~~Your discussion of the pants raises a serious point. I did understand you correctly. Nova had taken back to Julie the pants she hid under the bed.~~

~~It seems we are dealing with two issues: communication between your houses and whether Julie is making inappropriate comments to Nova about your~~

~~Did you or Teri tell Julie that Nova wanted to leave some pants? If Julie was missing pants, did she ask you?~~

~~On the second issue, there is also the possibility that Nova's comment about he was her own. After all, she told people that Louie, Louie jumped on her back and Heather said Teri did it. Maybe the lies that Nora knows have been told about her have taught her that is how adults act.~~

~~Cory~~

On 1/5/2012 7:34 AM, Brandon Roe wrote:

Vikki,

Very, very, sorry to hear about your mother. I hope all is well and getting better.

If i was at all stern in my last email please understand the circumstances and be reminded of the length of time this has been going on.

I think with this current situation, you being out of the loop caring for your mother, and what has transpired, you may see more of our concerns. Julie is putting herself in a position of authority making decisions or implementing herself in areas that are not concerning of her. In the past she had called Charolette telling her that, her, Teri and Nova should do counseling sessions and activities together. Now Julie has told Teri that she had made the same request with Mary. Yes, Julie may be privy to this, which may even be something out of character for placement, but the issues at hand do not warrant strengthening Nova's out of home experience. I could only speculate how confusing this would be for Nova. Putting Nova in a position of who do i listen to, who do i go to, who do i, who do i, who do i, would only confuse her more and is not a position that i am comfortable putting her in. Julie seriously needs to take the back seat here. The transition back home should be warming for Nova, not filled with all of this pick and choose.

When Nova comes home we let her make her own decisions, which basically consist of what she wants to leave here, take with her, etc. Such as when Nova chose to leave her clothes here the one time and even went so far as to ask Teri to put them in her drawers for her. That is a statement that does not even require words. Julie had asked Nova to bring her pants back and Nova's response

0-000001083

when she got here was to go and hide them under her bed. So with good measure Teri and Nova took some time trying on some clothes that we had here which gave Nova the option to take back some jeans but leave the others here. Then out of the blue on the next visit Nova called Teri a liar because she was not sent back with the pair of pants. That is not even a statement that you would expect to hear from a 5 year old unless it was heard or portrayed. I could understand there being a issue if Nova was needing clothes but if Nova needs anything we make sure it happens. I had just went and bought Nova about \$150.00 worth of clothes a month or so before all of this and then we also got her more for her B-day. Is a pair of jeans really worth putting that thought pattern in her head?

So my next question. Has anyone thought about how much the effect of all of the delay's are having and going to have on Nova? I heard from Julie that the newest reasoning with Nova when she asks when she gets to come home is to tell her that it is up to the judge. I suppose ultimately the judge has the final say but its the position of the department that would expedite this. And as everyone knows a agreement would remedy this. So basically what i am seeing with this new position is that everyone wants to lie to Nova and put it all off on the judge instead of taking the responsibility for their position. I am not going to lie to her. All that i have expressed is that we need to be a little more patient. So what i ask is that when the situation does arise that everyone be honest with her. If the department is so strong with their position then it should have no problem being honest about it.

Answer: I have absolutely no idea of the individual visiting schedule. only that they seem to have been scheduled on Tuesday. I was waiting on notification from the department or contact from Mary Patterson to delegate the times and days.

I really hope that this situation gets the immediate attention that it needs. I will be right up front and let it be known that i asked Mr. Preble to file another contempt motion which is on hold as of receiving your email. But, since it is the departments responsibility to monitor these situations then it is the departments responsibility to ensure that things are done accordingly. In such, the department needs to immediately remedy this situation.

Thanks, Brandon

From: "Payton, Vikki (DSHS/CA)" <PAVI300@dshs.wa.gov>
To: Brandon Roe <roebrandon69@yahoo.com>; teri roe <terilroe@yahoo.com>
Cc: Gary A. Preble <gary@preblelaw.com>
Sent: Wednesday, January 4, 2012 1:16 PM
Subject: Counseling

Sorry about the mix up. I have been out of the office getting my mother into a rehab facility due to a stroke on New Year day so need to catch up.
Last week I had to resent some information to Mary Patterson to get the counseling started. I was not informed at that time when counseling would start. Due to court this morning I haven't made it through my emails to see if I have anything from her. I don't know if she contacted Julie or how things were scheduled. When is Nova's individual counseling? I will contact Julie today about this matter.

0-000001084

E-FILED
SUPERIOR COURT
THURSTON COUNTY, WA
Jul 6, 2015 4:55 PM
Linda Myhre Enlow
Thurston County Clerk

<input type="checkbox"/>	EXPEDITE
<input checked="" type="checkbox"/>	Hearing is set
<input type="checkbox"/>	No hearing is set
Date:	7/17/15
Time:	9:00 AM
Judge/Calendar:	MON. CAROL MURPHY

SUPERIOR COURT OF WASHINGTON
COUNTY OF THURSTON

BRANDON K. ROE and TERI L. ROE,
husband and wife,

Plaintiffs.

vs.

STATE OF WASHINGTON and
DEPARTMENT OF SOCIAL & HEALTH
SERVICES, et al

Defendants.

NO. 13-2-01483-9

DECLARATION OF GARY A. PREBLE
IN RESPONSE TO DEFENDANTS
STATE OF WASHINGTON & COWLITZ
COUNTY'S MOTION FOR SUMMARY
JUDGMENT

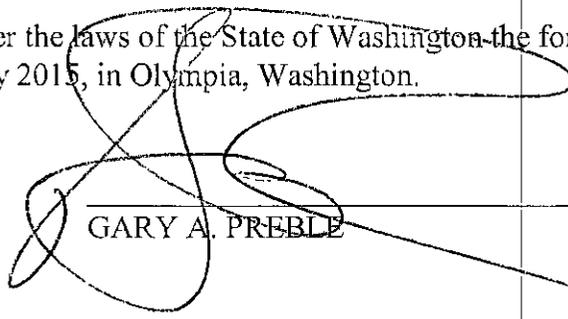
I, Gary A. Preble, declare as follows:

I am the attorney of record for the Plaintiffs and have knowledge of the facts and circumstances of this case and am therefore qualified to give testimony in the above-referenced matter. The 19 attached Exhibits are as follows:

- Exhibit 1: Selected social worker narrative reports, dated between 5/19/10-6/22/10.
- Exhibit 2: Supplemental narrative incident #A10-5670.
- Exhibit 3: Deposition Excerpts of Nicole Easterly, dated 10/18/10.
- Exhibit 4: Deposition Excerpts of Pat Schallert dated 10/18/10.
- Exhibit 5: Deposition Excerpts of Raymond Hamm, dated 10/18/10.
- Exhibit 6: Declaration of Teri Roe, dated 10/18/11.

- 1 Exhibit 7: Letter from Judge Gary Bashor, dated 11/19/11.
2 Exhibit 8: Non-Parental Custody Decree, dated 9/17/1322/10.
3 Exhibit 9: Findings of Facts and Conclusions of Law, dated 9/17/13.
4 Exhibit 10: Declaration of Gary Preble, dated 11/17/11.
5 Exhibit 11: Photo of Ms. Bonnell's right arm date unknown.
6 Exhibit 12: Statements of Child, dated 11/16/11.
7 Exhibit 13: Observations of Dr. Gail Stygall, undated.
8 Exhibit 14: Interview of N.R. by investigator Mendez, undated.
9 Exhibit 15: Individual Safety and Service Plan, dated 9/9/11.
10 Exhibit 16: Order Dismissing Dependency, dated 5/16/12.
11 Exhibit 17: Motion To Dismiss Dependency Petition, dated 11/1/11.
12 Exhibit 18: Motion for Change of Placement, received 2/21/12.
13 Exhibit 19: Teri Roe Interrogatory Answer, Page 6, dated 10/3/14.
14 Exhibit 20: DSHS Progress Report, dated February 28, 2012.
15 Exhibit 21: Email from AAG Cindy Gideon to Cowlitz County Prosecutor Katherine
16 Gulmert re: CASA complaints, dated May 19, 2011.
17 Exhibit 22: Email from AAG Cindy Gideon to Cowlitz County Prosecutor Katherine
18 Gulmert re: obstructing issuance of subpoena, dated December 2, 2011.

19 I declare under penalty of perjury under the laws of the State of Washington the foregoing
20 is true and correct. Signed this 6th day of July 2015, in Olympia, Washington.
21
22

23
24 
25
26
GARY A. PREBLE

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2015, I electronically filed the foregoing with the persons listed below by using the Court online E-filing system, and have sent notification of such filing to the following via email and ABC Legal Messenger Service:

Defendants State of Washington

josephd@atg.wa.gov

seand@atg.wa.gov

lindaf1@atg.wa.gov

lisao@atg.wa.gov

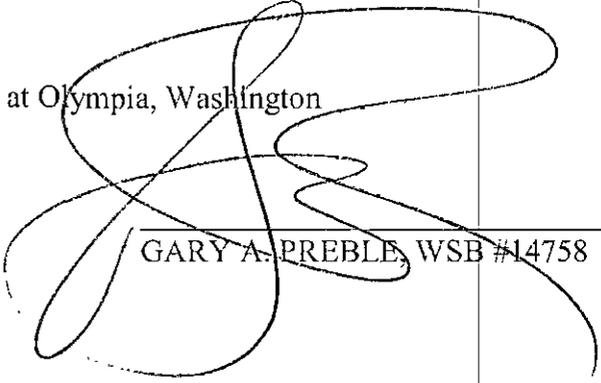
jodiet@atg.wa.gov

Defendant Cowlitz County

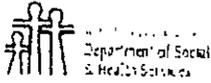
gbogdanovich@llkbb.com

marry@lldkb.com

DATED this 6th day of July 2015, signed at Olympia, Washington



GARY A. PREBLE, WSB #14758



DIVISION OF CHILD CARE AND EARLY LEARNING
CHILDCARE INJURY/INCIDENT REPORT

PROVIDER NAME(S) <i>Julie Hoffman</i>			
NAME OF CHILD <i>nr</i>	DATE OF INCIDENT <i>5/12/2010</i>	TIME OF INCIDENT <i>7:30</i>	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
DESCRIBE OR SUMMARIZE INCIDENT			

LOCATION OF INJURY/INCIDENT

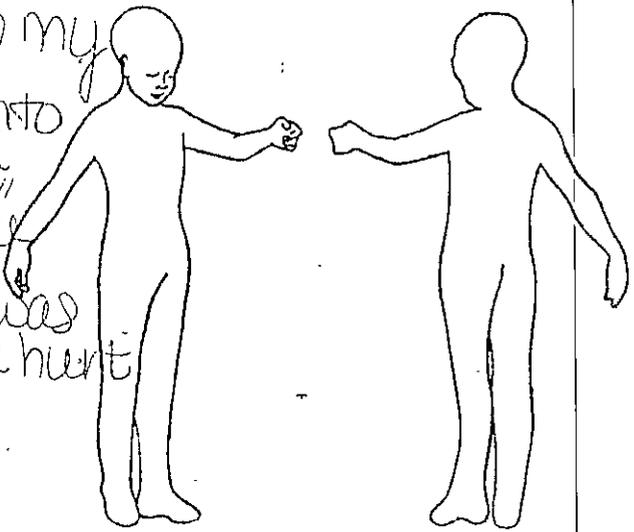
PLAY EQUIPMENT OR OTHER ITEMS INVOLVED

FIRST AID GIVEN	OTHER TREATMENT GIVEN
-----------------	-----------------------

Were there witnesses?	<input type="checkbox"/> YES <input type="checkbox"/> NO	If yes, give name:
Was physician contacted?	<input type="checkbox"/> YES <input type="checkbox"/> NO	If yes, give name: AND time of contact.
Was parent contacted?	<input type="checkbox"/> YES <input type="checkbox"/> NO	If yes, give time:
Was licensor contacted?	<input type="checkbox"/> YES <input type="checkbox"/> NO	If yes, give time:
Any other contacts?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	If yes, give name: AND time of contact: <i>Stephanie Frost</i>

Mark and describe area of injury:

I was sitting on my lap when Bella our Chihuahua jumped onto the chair. I said "my new puppy jumps." I said he does, on the furniture? She said "No, on me when I was playing outside, he hurt my nose."



PARENT/GUARDIAN COMMENTS

PARENT/GUARDIAN SIGNATURE	DATE	PROVIDER SIGNATURE	DATE
		<i>Julie Hoffman</i>	<i>5/12/2010</i>

D5HS 10-243 (08/1998) (AC 05/2001)

COPIES TO: Parent; Licensor, Provider

Case Note Category: CPS	Case Note Type: Investigation
Date Occurred: 05/11/2010	Time Occurred: 02:30 PM
Date Entered: 05/19/2010 08:06 AM	Note Entered by: FROST, STEPHANIE
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE N	Related Intakes: 05/11/2010 2:13 PM 2245181

ACTIVITIES

Activity: Child - Initial Face to Face with Child Participant:
Location: Children's Administration Office Time: 02:30 PM TCM: No

CONTACTS

NARRATIVE

Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 05/19/2010 Time Entered : 08:06 AM

SW Frost made initial face to face with N R at Kelso DCFS.

N was brought in with referent to have a report made.

N appeared skiddish and shy and was kind of whimpering and wouldn't talk much. During the time N was in the office (waiting for intake report to be made and LE to show up) SW heard her say two words that SW understood, "puppy and cops."

N appears verbal but hard to understand.

N was clean and appropriate.

N did have significant bruising her her face (bridge of her nose and nose which ran down the sides a little bit off of her nose and to the bottom of her nose.)

There was a scratch under her left eye about a 1/2 inch in length. The bruising was purplish red.

N also had rashy bruise type mark on the back of her right arm near her elbow.

N had a bruise on the top of her right ear that was red.

N had bruising on her back that was started halfway down her back and went to her pants line.

The bruising was red/purple, as well as a few older looking bruises that wer greenish/blue.

The bruising was splotchy and no distinct pattern or shape. It appeared to be several round various marks. It did appear that there were broken blood vessels that were over the the bruises.

SW DID PHOTOGRAPH ALL BRUISES - COPY IN CASE FILE.

Child not interviewed as this is a protocol case and LE was on their way.

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34328788	Note Finalized <input checked="" type="checkbox"/>
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was back. In the mean time SW did put in a call to LE to run their names and staffed it with AA Teeter. Placement approved

615 - SW met with Julie in Longview and exchanged N . SW had Julie review the Relative Contract and sign it and she agreed to keep N safe and in her care and allow no-contact with parents. Julie was appropriate. N instantly knew Julie and was excited to see her. Julie did share with SW that Heather Bonnell is her niece and Heather does have somewhat of a weird obsession with l but nothing specific to share she just wanted SW to know that! Julie said she will remain neutral in this case and keep N safe until this is figured out.

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34344536	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Investigation	
Date Occurred: 05/11/2010		Time Occurred: 06:00 PM	
Date Entered: 06/07/2010 09:24 AM		Note Entered by: FROST, STEPHANIE	
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE		Related Intakes: 05/11/2010 2:13 PM 2245181	

ACTIVITIES

Activity: Contact - Health Contact	Participant: N	R	Location:	Time:
06:00 PM	TCM: No			
Activity: Contact - Collateral	Participant: BRANDON K. ROE		Location:	Time: 06:00 PM
	TCM: No			
Activity: Contact - Collateral	Participant: TERI L. ROE		Location:	Time: 06:00 PM
	TCM: No			

CONTACTS

NARRATIVE

Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 06/07/2010 Time Entered : 09:24 AM

tct: St. John Hospital SW Luchman. SW explained to SW the situation and that Julie Hoffman was bringng n to be assessed. SW asked for a full skeletal if doctor agrees to order it and blood testing regarding clotting and bruises as well as a liver enzyme test.

627 tcf: NCIC - No hits, no record on Julie Hoffman and Eric Kindvall. (SW had contacted CCSO last night after NCIC staff said it would be over an hour before SW had an answer back. Criminal checks were ran and came back clear).

858 - tcf: Megan, SW at St. John who left a message asking what labs and diagnostics SW wants?

912 - tcf: Julie Hoffman who left a message and stated N had a full box x ray and if it's good they're discharged and she can go home.

schedule and coordinate.
 SW stated SW will need them to fill out BCCU forms. Julie stated she has a licensed day care and her boyfriend, Erik Kindvall works for the state. SW stated SW to check but may still need them.
 Julie stated today she was combing N's hair and Julie's dog jumped up and N told Julie that she has dog who jumps on her outside and hurts her nose. Julie state she documented it.
 Julie stated she received some clothes from Heather, her niece.
 SW let her know that father called SW but SW called back and it was the wrong number father left SW. SW let Julie now she can coordinate with parents to get ; stuff.
 Julie stated mother and father have not called which she feels is good as SW said no contact.
 Julie stated that Heather has called over and over checking on her and causing drama and said she wants to visit her.
 Julie feels that Heather does have a strange obsession with

501 - tcl: Julie 270-4071
 Julie will pick up BCCU forms tonight to take home and fill out for she and Eric

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34252687	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Investigation	
Date Occurred: 05/12/2010		Time Occurred: 06:22 PM	
Date Entered: 05/12/2010 06:23 PM		Note Entered by: FROST, STEPHANIE	
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE N R		Related Intakes: 05/11/2010 2:13 PM 2245181	
ACTIVITIES			
Activity: Contact - Collateral Participant		Location:	Time: 06:22 PM
TCM: No			
CONTACTS			
NARRATIVE			
Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 05/12/2010 Time Entered : 06:23 PM			
SW Frost gave placement BCCU forms to fill out and letter that explains the fingerprint process.			

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34259395	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Investigation	
Date Occurred: 05/13/2010		Time Occurred: 12:00 AM	
Date Entered: 05/14/2010 08:44 AM		Note Entered by: FROST, STEPHANIE	

NARRATIVE

Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 05/18/2010 Time Entered : 05:24 PM

tcf: Placement, Julie Hoffman who left a message and requested a call back at 270-4071

1146 - tcf: Julie who left a message.

459 - tcf: Julie who left a message.

5/18 1254 - tct: Julie 270-4071
SW Frost left a message and requested a call back.

tct: Julie 274-8977
Julie was wondering if visits were here at Kelso? SW confirmed that they are.
Julie wanted to give a head's up concern that Heather Bonnell (referent) stops by almost daily to see N. they're quick visits. (Heather is Julie's niece)
Heather brought a friend, some guy and another little girl there and N. went out to play and day care was closed and Heather was taking pictures of N. outside and it may have been nothing but N. was playing on toys that were not set up right which was a safety issue and Julie addressed but is not sure why Heather was taking pictures.
According to Julie, Heather stated she talked to CASA and they told Heather she can have visits and have her
Visits 24 hours a week, have over night stay when pick up and drop off.
N. is not going out of Julie's sight. SW stated this is not a CASA case and SW makes those decisions. N. is not to go with Heather at this time.
Tell of FTDM at 3 on Thursday.
Concerned referent does have bad intentions but nothing to prove that, just concerns.
Julie talked to nurse practitioner at Castle Rock Peace Health and they're not sure what blood tests she needs and talked of referring her to Peace Health. SW asked that she wait until 5/25 when Dr. Ayoub is back and we talk to Dr. Ayoub who may know what she needs and if not doctor can refer her out.

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34279290	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Investigation	
Date Occurred: 05/17/2010		Time Occurred: 08:57 AM	
Date Entered: 05/19/2010 01:40 PM		Note Entered by: FROST, STEPHANIE	
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE N. R		Related Intakes: 05/11/2010 2:13 PM 2245181	

ACTIVITIES

Activity: Contact - Collateral Participant: N	R	Location:	Time: 08:57
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5/19 850 tct: Heather, 749-9646
 Phone is disconnected.

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34275633	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Investigation	
Date Occurred: 05/18/2010		Time Occurred: 03:42 PM	
Date Entered: 05/19/2010 08:08 AM		Note Entered by: FROST, STEPHANIE	
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE N P. R		Related Intakes: 05/11/2010 2:13 PM 2245181	

ACTIVITIES

Activity: Contact - Care Provider or Facility Provider Participant: N R
 Location: By Phone Time: 03:42 PM TCM: No

CONTACTS

NARRATIVE

Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 05/19/2010 Time Entered : 08:08 AM
 tct: Julie Hoffman who left a message and stated she has a major concern and requested a call back at 270-4071

5/19 807 - tct: Julie at 270-4071
 SW Frost left a message and requested a call back.

tct: Julie 274-8977
 Julie is trying to figure out what she should do if she hears or sees something.
 Julie talked with Heather yesterday (referent and Julie's niece).
 Julie took N with her to get Julie's daughter's hair cut and the hair dresser noticed N and said, "I know her."
 Hair dresser said I saw her with pictures of her bruises on "Lon's" phone, he's a friend of so in so who is a friend of Heather.
 The woman said "did they find out if mom and/or dad beat her yet?"
 Julie was so taken back and said nobody knows anything and CPS was investigating and it was not to be talked about.
 The woman started to say, "well, Heather said..." Julie stopped her and ended the conversation.
 Julie is concerned about this.
 SW asked that Heather not have contact with N and SW to call Heather and let her know.
 N had a visit yesterday and was so upset and this also something going on for N right now and she doesn't need to see Heather on top of it and have her seeing N and then leaving N

N was crying and it took almost two hours to calm her down after the visits with parents yesterday. N was heart broken per Julie and kept saying that her daddy was crying N has been talking more and more at Julie's and using her words and yesterday she told Julie's mom, "she's my placement."
 Julie said father did help her out financially yesterday and gave her 50.00 for gas.
 SW let Julie know she can apply for the non needy relative grant and explained this to her.
 SW also checking into paying Julie for day care as N is in Julie's in home licensed child care.

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34284992	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Visitation	
Date Occurred: 05/18/2010		Time Occurred: 04:00 PM	
Date Entered: 05/20/2010 03:54 PM		Note Entered by: BRUNER, KAREN	
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE		Related Intakes:	
ACTIVITIES			
Activity: Visit - Supervised Participant: TERI L. ROE Location: Children's Administration Office Time: 04:00 PM TCM: No			
Activity: Visit - Supervised Participant: BRANDON K. ROE Location: Children's Administration Office Time: 04:00 PM TCM: No			
Activity: Visit - With Siblings Participant: Location: Children's Administration Office Time: 04:00 PM TCM: No			
Activity: Visit - With Siblings Participant: Location: Children's Administration Office Time: 04:00 PM TCM: No			
Activity: Visit - With Siblings Participant: Location: Children's Administration Office Time: 04:00 PM TCM: No			
Activity: Visit - With Siblings Participant: Location: Children's Administration Office Time: 04:00 PM TCM: No			
Activity: Visit - With Siblings Participant: Location: Children's Administration Office Time: 04:00 PM TCM: No			
Activity: Visit - With Siblings Participant: Location: Children's Administration Office Time: 04:00 PM TCM: No			
CONTACTS			
NARRATIVE			
Case Note 1 of 1 Entered By : KAREN BRUNER Date Entered : 05/20/2010 Time Entered : 03:54 PM WORKER: Stephanie Frost PRESENT: Brandon and Teri (parents),			

ACTIVITIES	
Activity: Parent - Bio/Adopt or Guardian Contact (Includes face to face) Participant: BRANDON K. ROE Location: By Phone Time: 04:41 PM TCM: No	
CONTACTS	
NARRATIVE	
Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 06/02/2010 Time Entered : 05:06 PM Tct: Father Brandon Roe, SW let him know if FTDM and he said he and mother would be present.	

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34281502	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Investigation	
Date Occurred: 05/19/2010		Time Occurred: 05:36 PM	
Date Entered: 05/20/2010 08:12 AM		Note Entered by: FROST, STEPHANIE	
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE		Related Intakes: 05/11/2010 2:13 PM 2245181	

ACTIVITIES	
Activity: Contact - Care Provider or Facility Provider Participant Location: Time: 05:36 PM TCM: No	
CONTACTS	
NARRATIVE	
Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 05/20/2010 Time Entered : 08:12 AM tct: Julie Hoffman who left a message and stated that the doctor told hre blood tests results should be back tomorrow. Julie asked if SW needs her to pick them up and bring them to SW or does SW get them? Julie is at 274-8977 or 270-4071 5/20 810 tct: Julie SW let her know SW will obtain records. Julie stated the doctor cannot test anything for equilibrium but did have run down the hall and things and didn't find anything. Julie mentioned the doctor said something about testing her eyes. SW let her know she can take her in but make sure medical coupon covers it and we need to talk to parents too about this and this can be done at the FTDM later today.	

said again, doggy hurt her nose.
 showed doctor a bruise on her arm yesterday and she told the doctor my puppy did that to me. Julie is not sure how she received the bruise.

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34298117	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Investigation	
Date Occurred: 05/20/2010		Time Occurred: 12:00 AM	
Date Entered: 05/25/2010 09:20 AM		Note Entered by: FROST, STEPHANIE	
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE		Related Intakes: 05/11/2010 2:13 PM 2245181	
ACTIVITIES			
Activity: Contact - Health Contact		Participant: 1	Location: Time:
12:00 AM TCM: No			
CONTACTS			
NARRATIVE			
Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 05/25/2010 Time Entered : 09:20 AM			
Nova's medical records from Castle Rock Peace Health received. Copy in case file.			

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34283835	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Investigation	
Date Occurred: 05/20/2010		Time Occurred: 12:15 AM	
Date Entered: 05/20/2010 12:29 PM		Note Entered by: FROST, STEPHANIE	
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE		Related Intakes: 05/11/2010 2:13 PM 2245181	
ACTIVITIES			
Activity: Contact - Collateral		Participant: TERI L. ROE	Location: Time: 12:15 AM
TCM: No			
CONTACTS			
NARRATIVE			
Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 05/20/2010 Time			

on a mattress on the floor. She has a place for clothes and toys, etc and it is appropriate. SW discussed mileage forms with Julie and what she can/can't claim. Julie stated things are going well. Julie stated _____ is doing well and appears very comfortable with she and Erik. SW asked about _____ before and after her visits? Julie stated she has only had two and she thinks parents have missed two. Julie said _____ was very excited to do to the first visit and father was so emotional and Nova was so emotional after the visit and it took Julie 1 1/2 hours to calm her down and she cried and cried and continued to say "my daddy cry." Julie said the second visit went fine, she was thrilled to go and kept saying at the end, "it's gonna be ok." Julie said it's more familiar to her now. _____ engaged well with her siblings in the lobby per Julie. Julie let SW know that he has seen that _____ appears to have a scary connection with men and she'll instantly engage with them, hug them, cling to them, etc, even strangers. Julie is aware of CHET screen that needs to be done and they're playing phone tag. Julie said there have been no new strange bruises and _____ does play hard, play at the day care and outside. Julie can continue to be placement. SW let her know of home study request that would be done. Placement paper work completed with Julie. Heather has had no contact since SW asked her not too but there may be a family BBQ this weekend which SW approves but asked that case and parents not be discussed. Julie has to go to Vancouver today to deal with some family things after a relative passed. _____ a. to miss visit (coordinated with visit coordinator and parents) and time will be made up. SW asked Julie if _____ lays in bed waiting for someone to get her up or if she is up on her own? Julie said she is up and out of the room on her own and she'll let you know she is up. Julie has not seen her scared to get out of bed and has not seen her throw fits. _____ has not fear and Julie has never seen her tremble because of anything.

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34314818	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Contact	
Date Occurred: 05/27/2010		Time Occurred: 01:53 PM	
Date Entered: 05/27/2010 02:55 PM		Note Entered by: FROST, STEPHANIE	
Related Participants and Collaterals: TERI L. ROE		Related Intakes: 05/11/2010 2:13 PM 2245181	
ACTIVITIES			
Activity: Contact - Collateral Participant: PM TCM: No		ROE	Location: Time: 01:53
CONTACTS			
NARRATIVE			
Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 05/27/2010 Time Entered : 02:55 PM tcf: CHET Screener Robin Shannafelt who left a message and stated she's had a hard time getting ahold of _____ placement Julie and she has left a messages. Robin is hoping to see _____ on _____			

tcf: Julie Hoffman

Julie stated that she has a concern she would like to talk to SW about.

Julie stated she also talked with mom and it would work for Thursday for the visit to be supervised outside the office and Julie can supervise it if it's ok with SW. The parties were thinking on nice days visit to be at Lake Sacajawea in Longview and on rainy days at Spltz bowling alley...can it start this Thursday and it will be Spltz rain or shine?

150 - tct: Julie

Julie wanted SW to know that she went to pay her mom's rent for her and the landlord works at a beauty parlor. Julie went in there and the lady said, "oh you are baby sitting today?" and Julie said no and the lady said, "well Heather said that her parents b-e-a-t her and that she is going to live with Heather?" Julie said no an left it at that.

Julie is not sure why Heather is saying these things. SW let her know that Heather is not really a party to the investigation anymore so it doesn't matter but anytime that is to see Heather than Julie and/or Eric really need to be in ear shot and supervised. Julie said that Heather hasn't really had contact with except not too long ago at a mutual family member's graduation party. Julie said Heather doesn't come to her home.

Julie said she did call last week and ask how she was and Julie told her she was doing fine. SW to confirm the Thursday visit with Julie after SW double checks with SV.

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34406525	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Investigation	
Date Occurred: 06/22/2010		Time Occurred: 12:00 AM	
Date Entered: 06/22/2010 04:37 PM		Note Entered by: FROST, STEPHANIE	
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE		Related Intakes: 05/11/2010 2:13 PM 2245181	
ACTIVITIES			
Activity: Contact - Collateral Participant: TERI L. ROE Location: Time: 12:00 AM TCM: No			
CONTACTS			
NARRATIVE			
Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 06/22/2010 Time Entered : 04:37 PM tcf: Amy Hunt Amy is following up for Sue Baur and PA, Katheryn Gulmert. Sue and Katheryn are at training this week. Case is being sent to PA's office for review of charges as to mother but that decision has not yet been made. Amy let SW know that CASA Tina is calling. SW let her know that CASA Tina Trigg is not a CASA assigned to this case and not a party and			

SW would like her to share no information with CASA from a CPS stand point. CASA told Amy that there has been no movement on the case in 60 days (60 day VPA does not expire until 7/13/2010)

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34401705	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Investigation	
Date Occurred: 06/22/2010		Time Occurred: 09:27 AM	
Date Entered: 06/22/2010 09:30 AM		Note Entered by: FROST, STEPHANIE	
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE N:		Related Intakes: 05/11/2010 2:13 PM 2245181	

ACTIVITIES

Activity: Contact - Collateral Participant: N Location: Time: 09:27 AM TCM: No
 Activity: Contact - Health Contact Participant: NOVALEIGH P. ROE Location: Time: 09:27 AM TCM: No

CONTACTS

NARRATIVE

Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 06/22/2010 Time Entered : 09:30 AM
 tcf: Detective Schallert who left a message asking about Med Con report and if it's done?
 tct: Dr. Hall - SW asking status of report and her findings after reviewing information? Dr. Hall stated she was out last week and is technically off today but came in to work on a pressing court case. Dr. Hall stated she should be able to verbalize something to SW tomorrow and get something in writing to SW Frost by Thursday.

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34424410	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Visitation	
Date Occurred: 06/22/2010		Time Occurred: 04:00 PM	
Date Entered: 06/28/2010 12:04 PM		Note Entered by: BRUNER, KAREN	
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE		Related Intakes:	

ACTIVITIES

EXHIBIT #2

0-000001100

hum" at several different times.

When Interviewer Mendez asked Nova her age, stated, "Three." When asked how many that was, she held up four fingers.

was very interested in her monkey and was concerned about a string she saw on it. Interviewer Mendez asked what color the monkey was; she stated he was the same (as her clothes, which he was). Again Interviewer Mendez asked the color, stated, "Him have tail." correctly identified the monkey's ears, eyes, and lips. She also correctly identified toes and arm. When asked what her band-aid was on, she stated, "Scratch", then identified her leg.

Interviewer Mendez asked who she lives with; her response was indistinguishable. Interviewer Mendez asked who lives in her house, Nova responded, "JuJu." told Interviewer Mendez something about JuJu, but it was indistinguishable. Interviewer Mendez asked if she had a brother or a sister; responded by saying "um hum" and shaking her head back and forth, meaning negative.

Interviewer Mendez again asked who she lives with. responded, "JuJu have baby." Then added, "Him name's Aden." When asked, said Aden was a big baby.

Interviewer Mendez asked who else she knew. stated, "Linda." added, "Linda has a house. Interviewer Mendez asked if she ever went to Linda's house. stated, "JuJu has a puppy." When asked the puppy's name, responded, "He walks." then stated JuJu has two house." She then held up two fingers.

Interviewer Mendez stated to that she showed her (Interviewer Mendez) her owie. again showed Interviewer Mendez her scratch. Interviewer Mendez asked what other owies she had, stated, "Two." then showed Interviewer Mendez another scratch near the other scratch. Interviewer Mendez asked how she got the scratch. did not respond to the question but reached up and showed Interviewer Mendez a ribbon in her hair.

Interviewer Mendez told a she another owie on s knee. told Interviewer Mendez it was a scratch and demonstrated that it was from her fingernails.

Interviewer Mendez told she saw another owie and demonstrated it was on her nose. touched the bridge of her nose. When Interviewer Mendez asked how she got that, turned slightly and partially pulled up her shirt and jacket. told Interviewer Mendez that she had marks on her back. When Interviewer Mendez asked what happened, stated that it was the new puppy. She added something that was indistinguishable.

Interviewer Mendez attempted a few more questions of but did not clearly answer. then stated that she wanted Eric. repeated that a few times, then told Interviewer Mendez what sounded like, "Don't hit my back."

appeared to be getting very nervous and/or uncomfortable. She was sitting on the edge of her chair.

At ~0923 Interviewer Mendez told a she was going to step out for a minute and asked Nova to wait. a stayed in the chair, still kicking her feet against the.

EXHIBIT #3

0-000001102

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
 2 IN AND FOR THE COUNTY OF COMALTE
 3 JUVENILE COURT
 4
 5 Dependency of:)
)
 6)
) No. 10-7-00444-0
 7 Minor Child.)
)
 8
 9 DEPOSITION UPON ORAL EXAMINATION
 10 OF
 11 NICOLE EASTERLY
 12
 13
 14 DATE: October 18, 2010
 15 TIME: 3:05 p.m.
 16 PLACE: 1801 First Avenue, Suite 1-A
 17 Longview, Washington
 18
 19
 20
 21
 22
 23
 24
 25
 Tami Kern
 Archer Associates, Inc.
 P.O. Box 1092
 Longview, Washington 98632
 (360) 423-2195

1 NICOLE EASTERLY,
 2 having been called as a witness,
 3 after having been duly sworn, on
 4 oath, was examined and testified
 5 as follows:
 6
 7 EXAMINATION BY MR. PREBLE:
 8 Q Could you please state your name?
 9 A Nicole Easterly.
 10 Q Easterly?
 11 A Yes.
 12 Q And could you spell both your names?
 13 A N--I--C--O--L--E. E--A--S--T--E--R--L--Y.
 14 Q And how old are you, Nicole?
 15 A Eighteen.
 16 Q And your mother is Teri Roe; correct?
 17 A Biologically, yes.
 18 Q Do you call her your mother?
 19 A Yes.
 20 Q And you were adopted by her parents, however; correct?
 21 A Correct.
 22 Q So legally she's your sister?
 23 A Yes. Legally, yes, she's my sister.
 24 Q What do you do for a living, Nicole?
 25 A I work for Cutco. I'm a sales representative for fine
 cutlery.
 Q How are your sales doing?
 A They're okay. They're not as high as I wish they are,
 Nicole Easterly 3

1 BE IT REMEMBERED that pursuant to notice, the
 2 deposition of NICOLE EASTERLY, a witness, was taken on the
 3 18th day of October, 2010, commencing at the hour of 3:05
 4 p.m., at 1801 First Avenue, Suite 1-A, Longview, Washington,
 5 before Tami Kern, a Notary Public for the State of
 6 Washington, residing at Longview.
 7 APPEARANCES:
 8 GARY A. PREBLE of Attorneys for Father
 Preble Law Firm
 9 2120 State Avenue Northeast, Suite 101
 Olympia, Washington 98506
 10
 11 JO VERNON of Attorneys for Mother
 Office of Public Defense
 12 1801 First Avenue, Suite 1-A
 Longview, Washington 98632
 13
 14 EUGENE GRAFF of Attorneys for Department
 Assistant Attorney General
 15 1220 Main Street, Suite 510
 Vancouver, Washington 98660
 16
 17 Also Present: Brandon Roe
 Vicki Payton
 18
 19
 20
 21
 22
 23
 24
 25
 Nicole Easterly

1 but they're doing good.
 2 Q Well, when you sell a top of the line product, you got to
 3 --
 4 A You got to know the top of the line people with a lot of
 5 money.
 6 Q Well, I wish you the best in that.
 7 A Thank you.
 8 MR. GRAFF: Off the record.
 9 (A discussion was had off the record.)
 10 Q Nicole, have you ever been deposed before?
 11 A No.
 12 Q Have you ever testified in court before?
 13 A I don't believe so.
 14 Q There was a couple what Mr. Graff referred to as ground
 15 rules that will assist us. One of them is if you -- we tend
 16 in normal conversation to grunt or nod our heads or shake our
 17 head to mean "yes" or "no".
 18 A M-hm.
 19 Q Uh-huh?
 20 A Yes.
 21 Q But if you can actually say "yes" or "no", it'll make it
 22 easier for the court reporter.
 23 A I'll try to remember that.
 24 Q Don't worry. I will almost always remind you if you
 25 don't. But I don't mean any offense.
 Nicole Easterly 0-000001103

1 Q But apart from that, you didn't think that the other kids
2 were disciplined?
3 A They're disciplined. But not disciplined out of
4 question. You know, they get grounded and they get sent to
5 their room.
6 Q What do you mean, "not disciplined out of question"?
7 A Well, they're not -- you know, all the other children
8 aren't slapped around or yanked around and pushed around.
9 They're treated quite decently.
10 Q Do you remember when . . . started walking?
11 A No, I don't.
12 Q Was she walking when you moved in in January of '08?
13 A Yes. Yes.
14 Q And how well was she walking?
15 A Quite well. She -- just normal, like, little girl. She
16 walks around, gets up. Doesn't do anything out of the
17 ordinary. When she wakes up, she's shaky. So, you know, in
18 the morning when she would wake up, she would -- I'd get her
19 jammies off and put her into a new outfit, and she would
20 shake.
21 Q Shake how?
22 A Like she lost her balance. Like she hasn't -- her
23 equilibrium hasn't really set in correctly. Just shake.
24 Q Did that seem somewhat unusual to you?
25 A Very unusual. None of the other children shook when they

Nicole Easterly

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1 get her normal clothes for the day, cause she would be in her
2 jammies, and she would start shaking and get off the couch and
3 she would start up the stairs to go to her room, which is also
4 my mother's room, and she would very clumsily go up the
5 stairs.
6 Q And you said that if somebody would bump her during that
7 period of time, she would fall immediately?
8 A M-hm. Like, if you walked by, just if you went into the
9 kitchen and she was accidentally right next to you and you
10 slightly touched her with your leg, she'd fall.
11 Q Did -- how often do you remember seeing her fall?
12 A A lot. On occasion day to day, probably five to ten
13 times just randomly fall for no reason.
14 Q Did you notice -- now, Aiden is younger than she;
15 correct?
16 A Yes.
17 Q How old is Aiden right now?
18 A Two and a half.
19 Q Did Aiden have that same problem?
20 A No.
21 Q Aiden and she are full siblings, correct? They have the
22 same father and mother?
23 A I don't think they have the same father. But that's what
24 they say. So I don't know. I think they only have the same
25 mom.

Nicole Easterly

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1 were children.
2 Q Were there other times during the day when she would
3 shake or exhibit equilibrium difficulties?
4 A Yes. After almost every nap when she woke up. Every
5 time she woke up, she would shake. And it would take a while
6 for her to get her boundaries back, to get her equalness to
7 her body back. She would be a little shaky for about an hour
8 after she woke up.
9 Q So during the hour after a nap, say, would she be moving
10 around the house?
11 A Yes. But if you went around her and you accidentally
12 bumped into her, she would instantly fall, cause she was still
13 catching herself.
14 Q When you say she was still kind of catching herself, what
15 do you mean?
16 A She was still shaky. Next hour you'd have to be careful
17 not to bump into her and push her, because she would just
18 fall.
19 Q Was everybody aware of that in the household?
20 A I know for a fact me and my mom were, because we talked
21 about it all the time. The other children, no, not really,
22 cause it's none of their concern.
23 Q Well, give me an example of how you would have to be
24 careful not to bump her when she was in this equilibrium mode.
25 A I'd wake her up off the couch and I would tell her to go

Nicole Easterly

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1 MS. VERNON: Could I ask one?
2 MR. PREBLE: Sure.
3 MS. VERNON: You're saying she would fall five to
4 ten times a day?
5 THE WITNESS: Yes. Just accidentally bumping into
6 her or the children running around, the dog running around off
7 the leash, bumping her off.
8 MS. VERNON: And when you say "the dog", who do you
9 mean?
10 THE WITNESS: Both dogs. We had a big dog named
11 Layla and we had a tiny dog named Louie.
12 MS. VERNON: Was Louie the golden retriever puppy?
13 THE WITNESS: Yes.
14 MS. VERNON: And so do you recall seeing times when
15 Layla would knock her over by bumping her?
16 THE WITNESS: Yes. Layla slept in the house from
17 time to time, and she would bump all of us. She was a big
18 dog. I believe she was an English bull mastiff, and she's
19 huge.
20 MS. VERNON: Would Louie bump her also?
21 THE WITNESS: Yes.
22 MS. VERNON: Off the record.
23 (A discussion was had off the record.)
24 Q And did you ever hear about her falling on the -- did you
25 ever -- did you see the picture of her nose, the bridge of her

Nicole Easterly 0-000001104

1 by CPS.
 2 Q Do you know if the -- prior to ; 1 being taken, if
 3 there had been any other calls to the Child Protective
 4 Services?
 5 A To CPS?
 6 Q Yes.
 7 A I wouldn't know. No.
 8 Q Anthony -- did he have other friends besides Chandler
 9 that he played with?
 10 A Yeah.
 11 Q Friends from school?
 12 A M-hm.
 13 Q Yes?
 14 A Yes.
 15 Q Would they come over to the house?
 16 A All the time. They were over every other day, just like
 17 normal little thirteen-year-old boys.
 18 Q And what were some of their names that you recall?
 19 A Oh, God. Okay. Now, Anthony and Chandler had the same
 20 friends, so both of their friends would be -- I remember one
 21 of them is Connor. I don't know the last name, but I remember
 22 one is Connor. Gosh That's really it. I never really
 23 conversed with them, cause they were so little and obnoxious.
 24 Q And boys?
 25 A Yeah. And little boys. That's why they're little and

Nicole Easterly

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1 infected. And she didn't like that response. She's like,
 2 "Well, are you sure it can't be your mom?" Very emotional.
 3 It was very difficult to talk to Pat.
 4 Q Can you give me another example of how she was emotional
 5 and attached or gung ho?
 6 A I can't remember certain questions, but she was very deep
 7 into the questions she would ask. But that's really the only
 8 example I can give. She would set me up for questions that
 9 kind of just had a bad outcome. She didn't really want to
 10 hear the good stuff about my parents at all or what it could
 11 have been. Just more of, well, this has probably happened.
 12 Q Could you explain that? What it could have been? What
 13 do you mean by that?
 14 A Like, the scratch marks or the bruise on 1 face
 15 from here to here. It could have been a step.
 16 Q Excuse me When you say "from here to here"?
 17 A From your right eye to your left eye. All the way from
 18 your right eye to your left eye across the nose. It could
 19 have been her falling onto a step. She could have just fell
 20 onto a step and it could have been a bruise. And it doesn't
 21 even look like my mom hit her that way, cause it looks like a
 22 big old square mark on her face. I don't think a fist or a
 23 slapped hand could do that to her. And she was very
 24 frustrated when I gave her that answer, because it's not what
 25 she wanted. It sounded and looked like she wanted to get my

Nicole Easterly

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1 obnoxious. But yeah. I don't remember many of Anthony's or
 2 Chandler's friends. We never really talked. I was too busy
 3 with my own stuff.
 4 Q And have you spoken to the police at all since h
 5 was taken?
 6 A Yeah. I spoke to one detective. Her name was Pat.
 7 Q And what -- do you recall what you had to say to her?
 8 A We basically went through the run through from start to
 9 beginning when we first got h all the way up to when
 10 she actually got taken by CPS. Pat was very difficult.
 11 Q Why?
 12 A She was very attached. She was -- I don't know. She was
 13 very emotional to the case. She was very gung ho on your
 14 parents are wrong, they're bad, let's get them in jail. And I
 15 didn't like that attitude. Pat was very emotional to the
 16 case.
 17 Q Can you give me an example of that?
 18 A When she would ask me a question and I could tell that
 19 she wanted me to -- I don't know. She asked, "Well, do you
 20 think the scratch marks could have come from the dog or Teri?"
 21 I would respond, "They probably came from the dog," because I
 22 know how my mom scratches She's got short, stubby, dirty
 23 fingernails that leave, like, brown and green gashes. I've
 24 had them from my mom. She doesn't leave clean, nice, little
 25 scratch marks on anybody. They're dirty and they get

Nicole Easterly

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1 parents in trouble, not -- it could have been this.
 2 Q Apart from her attitude or her manner, did she actually
 3 use words to indicate that your parents or one of your parents
 4 had done -- that she knew they had done something or something
 5 to that effect? Do you understand my question?
 6 A Not really.
 7 Q Okay. Well, did she actually use words to say, "I know
 8 your parents did this" or "I know your mother did this"?
 9 A No. No.
 10 Q Did you feel pressure from her?
 11 A Yeah. I was very frustrated. If you listen to the tape,
 12 a lot of times I would just stop and go (witness sighed). And
 13 she would ask the same question over and over and over at
 14 least five to six times. She was very frustrating.
 15 Q Would you say she'd ask you questions every way from
 16 Sunday?
 17 A Yeah. Any way possible, form, shape or way you could ask
 18 a certain question, it would be asked
 19 Q And you earlier -- I'm not sure it picked up on the
 20 record, and that's why I ask these kinds of questions. You
 21 say you would stop and you would go --
 22 A Yes. Exhale very loudly, frustrated.
 23 Q So that be an exhaling type sigh, frustrated?
 24 A Yes.
 25 Q And this was -- this was a -- did you see her today?

Nicole Easterly 0-000001105

1 A Yes. That's actually -- we didn't even speak in high
2 school. It's when he went into the Navy is when we got
3 together. Kind of weird.
4 MR. PREBLE: I have no questions at this point.
5 Ms. Vernon or Mr. Graff may have some questions.
6 MS. VERNON: Can I ask you to clarify a point for
7 me?
8 MR. PREBLE: Sure.
9 MS. VERNON: I don't have any questions.
10 EXAMINATION BY MR. GRAFF:
11 Q I just have one clarification question for Nicole. You
12 said that there were two dogs in the home, Layla and Louie?
13 A Yes.
14 Q And that was during the time that you were in and out of
15 the home from January '08 through November of '09; right?
16 A Yes.
17 Q Okay.
18 A And Layla's huge.
19 Q Is Layla still in the home?
20 A I have no clue. I have not the slightest clue now.
21 Q Thank you. If I have any follow-up questions, would it
22 be all right if I get in touch with you?
23 A M-hm.
24 Q Can I have your phone number, please?
25 A 360-270-6025.

Nicole Easterly

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1 Q How do you know your mom said that?
2 A Cause she told me. She told me Heather called and asked,
3 and what was the call about, and she let me know that she got
4 in an argument with her about how she can't have any
5 more because it got to a point where it was just a little
6 unhealthy.
7 Q So at what -- how soon after that was it taken?
8 A Gosh. Like, two weeks, if that.
9 Q Okay.
10 MR. GRAFF: Two weeks after spring break?
11 THE WITNESS: Two weeks after the argument. After
12 the argument on the phone went down.
13 MR. GRAFF: When did your mom tell you about that
14 argument?
15 THE WITNESS: The day it happened
16 Q So you think that Heather put the scratch marks on her?
17 A Yes.
18 Q On the back?
19 A Yes. That's where they were.
20 Q Now, and I think you said earlier it could have been one
21 of the dogs?
22 A King Louie was a brand new fresh puppy. He had very long
23 claws. He would scratch me. He would scratch Aiden. He
24 would scratch all the kids
25 Q You got scratched yourself?

Nicole Easterly

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1 EXAMINATION BY MR. PREBLE.
2 Q I did want to ask a few more questions. On Heather, do
3 you see her much?
4 A No. I haven't seen her at all.
5 Q How do you think she fits into all this?
6 A I don't know. I'm having a feeling that she got really
7 jealous cause she wasn't allowed to see it at the end,
8 so I'm thinking that she kind of did this on purpose. I'm
9 thinking that she put the scratch marks or it, because
10 I know for a fact that my mom leaves dirty scratch marks and
11 her fingernails are very short and stubby. So it just doesn't
12 play in -- it doesn't match my mom. My mom, if she was going
13 to leave bruises, she would be pretty smart about it. She
14 wouldn't just leave them all over her face. She's not that
15 stupid. I got to give my mom more credit than that.
16 Q Well, you said that at the end Heather was -- did you say
17 jealous?
18 A Yeah. Possessive. Jealous. She would ask -- it was
19 getting to a point where she would come to take
20 She would expect that it was ready to go, ready to go
21 to her house. And my mom caught on to that, and in the end my
22 mom told her, "No, you can't have her," for a certain break.
23 She was asking for, like, a summer or winter break. I can't
24 recall exactly, but it was a few weeks. And my mom said, "No,
25 you can't have her that long."

Nicole Easterly

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1 A Yes. Personally. I was knocked over by Layla, the big
2 dog. I was knocked over by her all the time. She was like a
3 hundred pounds.
4 Q But so, did you -- where did you have scratches from
5 Louie?
6 A My arms, cause I was very tall and I could push him away
7 and he would come up and grab me.
8 Q As you were doing that, you were -- it looked like you
9 were moving your -- as if you were a puppy or a dog, your
10 forepaws? Is that the motion you just did?
11 A Yeah. He would just reach up and kind of hop onto you.
12 He would just reach up and scratch you. Kind of crawl up your
13 leg as if he was a cat.
14 Q Did you ever see -- you saw him do that to Aiden, too?
15 A Yes.
16 Q Did you see him do that to it?
17 A Yes.
18 Q Describe how he did that to it, you saw it.
19 A He'd come up by coming up and just first sniffing her and
20 then overall just hop up on his hind legs and start going at
21 her. Just getting her attention like he would all of us. She
22 would push him away, but her equilibrium would be off and she
23 would instantly fall down. And multiple times he would
24 dominate her and get on top of her while he was she was on the
25 ground and lick at her and kind of scratch at her, not

Nicole Easterly 0-000001106

1 purposely hurting her, but just being a puppy.
 2 Q And when you -- earlier again you were using as if, I'll
 3 say, forepaws. You were using your hands to demonstrate
 4 scratching?
 5 A Yes. Swiping at us and scratching us.
 6 Q And were you ever around when your -- either of your
 7 parents were -- when either of your parents noticed this
 8 action by -- you called him King Louie?
 9 A King Louie. That's his name.
 10 Q Okay.
 11 A The parents were around all the time. We'd just pick up
 12 the dog and push him off of her or tell him "no" or whack his
 13 butt, tell him "no". That's it.
 14 Q And did you said that your mom had -- I guess this is my
 15 word -- limited contact with Heather at one point? Did you
 16 understand that she was cutting it off or just that she was
 17 cutting it down?
 18 A That's what I understood is that she completely cut all
 19 contact with Heather and off, that it was done.
 20 You're no longer the babysitter. We're done.
 21 Q Did you yourself -- did you use the term "unhealthy"
 22 earlier?
 23 A Yes.
 24 Q Did you yourself -- excuse me. Is the word "unhealthy"
 25 something that your mother expressed to you?

Nicole Easterly

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1 A Yes. That's my own thought that she would have been
 2 lonely.
 3 MS. VERNON: Was John the father of her children?
 4 THE WITNESS: No. He was just a boyfriend. No. He
 5 was just a boyfriend.
 6 MS. VERNON: Do you know why they broke up, her and
 7 John?
 8 THE WITNESS: No, I don't. John was a really good
 9 guy. He was a really, really nice guy. He took care of
 10 Heather. Constantly paid all her bills and everything. I
 11 don't know why they broke up.
 12 MS. VERNON: But you saw changes in her clinginess
 13 after she broke up with John?
 14 THE WITNESS: Yes.
 15 MS. VERNON: Clinginess towards
 16 THE WITNESS: Yes. It got worse. She really wanted
 17 around a lot after that. I don't understand why,
 18 cause she was a bartender. So I don't know where she was at
 19 nighttime.
 20 MS. VERNON: Where who was?
 21 THE WITNESS: Heather, when she would babysit
 22 She would have her, but she still had an hourly
 23 job. So I don't know who was watching at the time
 24 besides her youngest daughter and other daughter. And I don't
 25 know what ages they are. But I know for a fact that they were

Nicole Easterly

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1 A No. Just what I've determined.
 2 Q Okay. So that's your own --
 3 A Yes.
 4 Q -- feeling about Heather's relationship with
 5 A Yes. That's my own feeling of what it was like, because
 6 it was unhealthy and she was very clingy.
 7 Q Who was clingy?
 8 A Heather are was clinging to She liked having
 9 a new baby. She had just went through a recent breakup with a
 10 new boyfriend, a very close boyfriend. They went through a
 11 very drastic breakup. After that she got very attached to
 12
 13 Q The breakup -- did that occur before you moved into your
 14 parents' house in January of '08?
 15 A No. I think it happened the time I was living in the
 16 house. I can't remember how long ago they split up
 17 Q What's the relationship between that drastic breakup and
 18 her attitude towards
 19 A She just got more clingy. She -- at first, you know, it
 20 was -- she would come over every weekend. But then after John
 21 went away, her boyfriend, they broke up, you know, she would
 22 want the week. She would want her for a week
 23 and a half. She just wanted her a little bit longer than
 24 normal, like she was lonely, filling that void
 25 Q That's your own thought?

Nicole Easterly

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1 left at the house multitude of times alone, because Heather
 2 had a job and she would have the time
 3 MS. VERNON: Do you know if Heather thought of
 4 herself as mother or if she ever said anything
 5 about that?
 6 THE WITNESS: No. No. But she acted like her mom,
 7 because she got so upset when she wasn't allowed to see her
 8 any more. It was no longer the baby that you babysat. It
 9 was, why aren't you giving me, you know. It
 10 became more of just the babysitter. She was very attached.
 11 And I think it happened a little bit before my mom realized
 12 it. That's why it went down so bad. And I think the story
 13 was that my mom told her that she couldn't have her for
 14 whatever break she wanted her: for, that long period of time
 15 She says, "No. You can't have her." But for some reason my
 16 mom gave her to her anyways. And I think it was only supposed
 17 to be, like, a two-day stay, and she never came back.
 18 MR. GRAFF: This was after she cut her off?
 19 THE WITNESS: Yes. This was after she cut her off.
 20 She gave her to her one last time, and never came
 21 back. That's when she went to CPS.
 22 MS. VERNON: When you learned about the tattoo, how
 23 did the tattoo of 's name -- how did that make you feel in
 24 terms of the unhealthiness that you've just expressed?
 25 THE WITNESS: It irritated me, because it just added

Nicole Easterly

0-000001107

EXHIBIT # 4

0-000001108

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
 2 IN AND FOR THE COUNTY OF COWLITZ
 3 JUVENILE COURT
 4
 5 Dependency of:)
)
 6 E, DOB 12/01/2006,)
) No. 10-7-00444-0
 7 Minor Child.)
)
 8
 9 DEPOSITION UPON ORAL EXAMINATION
 10 OF
 11 PAT SCHALLERT
 12
 13
 14 DATE: October 18, 2010
 15 TIME: 9:00 a.m.
 16 PLACE: 1801 First Avenue, Suite 1-A
 17 Longview, Washington
 18
 19
 20
 21
 22
 23
 24
 25
 Tami Kern
 Archer Associates, Inc
 P.O. Box 1092
 Longview, Washington 98632
 (360) 423-2195

1 PAT SCHALLERT,
 2 having been called as a witness,
 3 after having been duly sworn, on
 4 oath, was examined and testified
 5 as follows:
 6
 7 EXAMINATION BY MR. PREBLE:
 8 Q Would you please state your name for the record.
 9 A Pat Schallert.
 10 Q And spell your last name.
 11 A S--C--H--A--L--L--E--R--T.
 12 Q And you are a detective; is that correct?
 13 A That's correct.
 14 Q And what's the -- what agency are you with?
 15 A Cowlitz County Sheriff's Office.
 16 Q And how long have you been a detective?
 17 A Nearly five years.
 18 Q Do you have a particular specialty or, that is, a
 19 particular type of cases that you work on?
 20 A Our department is short enough on staff that detectives
 21 work on all cases that are referred to detectives. All
 22 detectives work on cases that come to detectives.
 23 Q And you at some point became aware of the
 24 case; is that correct?
 25 A Correct.
 Q And how is it that that came to your attention?
 A The case was assigned to me for further investigation by
 my sergeant.
 Pat Schallert 3

1 BE IT REMEMBERED that pursuant to notice, the
 2 deposition of PAT SCHALLERT, a witness, was taken on the 18th
 3 day of October, 2010, commencing at the hour of 9:00 a.m., at
 4 1801 First Avenue, Suite 1-A, Longview, Washington, before
 5 Tami Kern, a Notary Public for the State of Washington,
 6 residing at Longview.
 7 APPEARANCES:
 8 GARY A. PREBLE of Attorneys for Father
 9 Preble Law Firm
 10 2120 State Avenue Northeast, Suite 101
 11 Olympia, Washington 98506
 12
 13 JO VERNON of Attorneys for Mother
 14 Office of Public Defense
 15 1801 First Avenue, Suite 1-A
 16 Longview, Washington 98632
 17
 18 EUGENE GRAFF of Attorneys for Department
 19 Assistant Attorney General
 20 1220 Main Street, Suite 510
 21 Vancouver, Washington 98660
 22
 23 KATHERINE GULMERT of Attorneys for Deponent
 24 Deputy Prosecuting Attorney
 25 312 Southwest First Avenue
 Kelso, Washington 98626
 Also Present: Brandon Roe
 Vicki Payton
 Pat Schallert

1 Q What had already occurred as far as the sheriff's office
 2 is concerned at the time that you received it?
 3 A What had already occurred?
 4 Q M-hm
 5 A Deputy had responded to the Roe residence, and
 6 Roe -- actually, he'd responded to CPS and then to the Roe
 7 residence. But: had been taken and put into
 8 protective custody. I don't know if that's a proper term.
 9 She was removed from the home because she had visible
 10 injuries.
 11 Q And did you become involved as soon as she was removed?
 12 A That particular day? Not that day.
 13 Q Okay. And the officer who took the child -- what was his
 14 name?
 15 A I think that was Officer Stumph Deputy, actually.
 16 Q Deputy Stumph?
 17 A Yes
 18 Q And there was an additional deputy; isn't that correct?
 19 A I would believe there was. I would have to look at the
 20 report. I think it was Sergeant Cruser, but I'll have to
 21 double-check to be certain that's who it is. I will tell you
 22 in one moment. Make that longer than one moment, but I can
 23 tell you soon. Let me refer to my --
 24 Q That's okay, actually. What did you receive as part of
 25 the file when it came to you?
 Pat Schallert 0-000001109

1 A The original report I received
 2 Q That would be Deputy Stumpf's report?
 3 A That's correct.
 4 Q Dated 5-12 of '10?
 5 A That's correct. Yes. You said that was okay. I'm just
 6 still looking. If you want to continue, that's --
 7 Q I'll withdraw that question.
 8 A Okay.
 9 Q What was the first thing that you did when you got
 10 involved?
 11 A The first thing that I did was reviewed the case. That
 12 would be the first thing that I would do.
 13 Q And what did you have to review at that point?
 14 A I reviewed all the paperwork that I received on the case.
 15 Q Right And what was that at that time?
 16 A I received the face sheets, a copy of the face sheets. I
 17 received a copy of evidence sheets. I received Deputy
 18 Stumpf's report. I received a copy of Sergeant Cruser's
 19 report. And Deputy LaFontaine also completed a report.
 20 Actually, Deputy LaFontaine's was an older report. Right.
 21 That was from 2008, but that was included in the original
 22 report, that copy. Also a supplement from Deputy LaFontaine
 23 from December of '08 And then a supplement from Deputy
 24 Stumpf. A written statement from Heather Bonnell. A copy of
 25 a protective custody, temporary custody notification transfer

Pat Schallert

1 A Okay.
 2 Q Where would be number 1 and 2?
 3 A Number 1 and 2 would be -- this is supplement, meaning
 4 how many supplements were entered into the Spillman system.
 5 This is my first supplement. So whoever else entered a
 6 supplement into the system would be supplement number and
 7 supplement -- so if you refer back --
 8 Q Cruser?
 9 A Well, I can look back and tell you which one rather than
 10 try to guess which one. And also which, depending on how you
 11 print them out in your Spillman system, some of them will
 12 reflect the information and some won't. But it's whoever else
 13 entered a supplement on this particular case, and I believe
 14 Cruser is one of them. Here's supplements. And if it printed
 15 out, if he had used this form of printing out, it would have
 16 reelected a number on there. But this is my first supplement.
 17 Schallert supplement number 1.
 18 Q Right. I see that. And then you -- did you see
 19 I
 20 A I saw [redacted] the day she was interviewed by our
 21 forensic interviewer. That was the first time I saw
 22
 23 Q And the name of the forensic interviewer was?
 24 A And still is. Kristin Mendez.
 25 Q Is she a -- she has something to do with a justice --

Pat Schallert

1 of custody and copies of photographs that were taken the day
 2 that [redacted] was taken into custody, I guess. And
 3 information from CPS involvements
 4 Q And that would be eleven pages there and then nine pages?
 5 A There's eleven and then there's nine. Yes.
 6 Q I noted that Detective Stumpf had been told by the CPS
 7 worker, male CPS worker, Biakewell, that there had been five
 8 prior referrals Did you look into those prior referrals on
 9 the Roe family combined between the parents?
 10 A I looked at the paperwork. Yes. Did I look into them?
 11 I don't know about that terminology. I looked at the reports.
 12 Q Did you happen to count them for accuracy as to whether
 13 there were five?
 14 A I don't recall counting them.
 15 Q Okay. Then what did you do in your investigation?
 16 A Well, my supplements break down pretty much each detail
 17 that I did from the initiation of when the case was assigned
 18 to me If you would like to refer to that, starting at the
 19 very beginning, it breaks down when it was assigned to me.
 20 It's a brief synopsis on what the information I received.
 21 Detective Marc Gilchrist also worked with me on this case, and
 22 he ran a Triple I for criminal history check on both Brandon
 23 and Tern.
 24 Q And I had a question here There's a number 3,
 25 supplement number 3 at the top of the page you're looking at.

Pat Schallert

1 A Children's Justice and Advocacy Center Say that three
 2 times real fast. We call it CJAC.
 3 Q And is that similar to the one they have in Vancouver?
 4 A I'm assuming that it is.
 5 Q And is it similar to the one they have in Portland?
 6 A Again, I would have to assume that it is.
 7 Q Do you do video interviews behind a two-way mirror?
 8 A Yes, we do
 9 Q And in fact, you did one of [redacted], correct?
 10 A That's correct.
 11 Q Or that is, Ms Mendez did?
 12 A Yes.
 13 Q And you were present?
 14 A I observed the interview through --
 15 Q Excuse me. That's what I meant. And was Ms Gulumert?
 16 MS. GULMERT: I don't think I was there. Was I?
 17 MR. PREBLE: You observed the interview.
 18 MS. GULMERT: Yes, I did All right. I was
 19 MS. VERNON: I'm sorry. Off the record.
 20 (A discussion was had off the record.
 21 MS VERNON: Mrs Roe prefers not to be in here.
 22 Q And which is your report that -- your supplement that
 23 deals with that interview? Do you recall?
 24 A Well, I can tell you. It would it would be my supplement
 25 number 2 Victim interview.

Pat Schallert

1 Q What did you -- how would you describe the victim
 2 interview?
 3 A What do you mean, how would I describe it?
 4 Q Well, was it, I guess, useful from your -- let me, I
 5 guess, state some things preliminarily. I have assumed that
 6 you have experience in testifying.
 7 A That's correct.
 8 Q And so I haven't gone through my normal little spiel at
 9 the beginning of a deposition. But I want to clarify that
 10 this is a dependency case that I'm taking this deposition for.
 11 Were you aware of that?
 12 A I believe I was, yes
 13 Q And you're aware that I represent Brandon Roe in the
 14 dependency case?
 15 A I am aware of that.
 16 Q And that Jo Vernon represents Mrs. Roe?
 17 A I do now. Yes
 18 MS. VERNON: You do now
 19 Q And of course, Mr. Graff represents the state, and his
 20 client is with him?
 21 A Yes.
 22 Q So my question was: How would you -- was it a useful
 23 interview for your purposes?
 24 A Well, that's an interesting question, because useful
 25 could be, you know, it would be -- I guess it would be: What

Pat Schallert 9

1 A There was a time in the interview room when she was --
 2 yes. Yes.
 3 Q And about how much time elapsed before Ms. Mendez began
 4 asking questions? Do you recall?
 5 A She starts talking with her immediately.
 6 Q M-hm.
 7 A And it isn't a matter of just asking questions when a
 8 child is interviewed. A lot of it is trying to get to relax
 9 the child by talking with them about, you know, toys. In this
 10 case I believe ok in a stuffed animal with her. A
 11 lot of it is getting a child to relax and talk openly about
 12 anything is just to be friendly and converse with them. It's
 13 not necessarily, "Sit down, I want to ask you questions."
 14 Q And did it appear that she did warm up l or
 15 relax?
 16 A In a way. In a way, not. She wanted to go back out and
 17 see the gentleman who had brought her. I can't even recall
 18 what his name is. See Eric. She wanted to go back out to see
 19 him.
 20 Q Did she -- would you say -- did she appear comfortable or
 21 relaxed with Ms. Mendez?
 22 A Yes.
 23 Q Did she appear to have any difficulty in responding to
 24 her as far as her willingness to respond?
 25 A I don't know if it was willingness or ability. You know,

Pat Schallert 11

1 is my objective? My objective is to learn what has happened
 2 to this child. So was it useful learning what happened to the
 3 child? Not terribly, because she was very hard to understand
 4 She was not very talkative. And so in that regard, the answer
 5 would be "no". Useful in the sense, did it give me an idea of
 6 her overall demeanor and her -- the way she communicated? It
 7 was useful in that regard. I guess it depends on how you mean
 8 the question.
 9 Q And I apologize. That was kind of a general question.
 10 How long did it last?
 11 A I would have to refer to the notes. It was not a
 12 terribly lengthy interview. Start -- let's see. It ended at
 13 9:52 hours and it began at --
 14 Q 8:55?
 15 A Well, you spotted it before I did.
 16 Q Second paragraph?
 17 A So that answers your question then
 18 Q So --
 19 A No. She arrived at 8:55.
 20 Q Okay. 9:23? Or 9:12?
 21 A Escorted At 9:12 escorted . So if you want to
 22 consider the actual interview from the moment she escorted the
 23 child into the interview room, then that would be the time.
 24 Q Was there a period of time wher rew things or
 25 scribbled things with crayons or such?

Pat Schallert 10

1 I can't really judge the child. It's the first time I've ever
 2 seen the child. She didn't give very clear answers. She
 3 didn't speak clearly. She didn't necessarily, what would be
 4 considered an appropriate response, give an appropriate
 5 response to a question that was asked.
 6 Q For example, I'm looking at the second page. And you
 7 said, "His name's Aiden." And this is in the fourth
 8 paragraph.
 9 A Okay.
 10 Q Possibly fifth Did she say that clearly, "His name's
 11 Aiden"?
 12 A Well, if I've quoted it. Actually, she didn't say "his".
 13 She said, "Him name's Aiden". But if I quoted it, that's what
 14 was. "Him name's Aiden "
 15 Q When you quote what she said, was it clear or was it
 16 still hard to understand? Do you understand my question?
 17 A That's an interesting question. Do I understand your
 18 question of whether I understood what she said? Is that what
 19 you're saying?
 20 Q Well, you said she was hard to understand
 21 A She was hard to understand.
 22 Q And so when you say, "Him name's Aiden", is that --
 23 A Oh. Did I guess what she said? No I understand that's
 24 what she said.
 25 Q You understood her actually when she said that?

Pat Schallert 0-000001111

1 A If I quoted it, yes.
 2 Q Okay.
 3 A Could she talk? Yes. Did she speak clearly. No. Was
 4 she easy to understand? No.
 5 Q Did she understand the concepts that, say, of right and
 6 wrong or truth and lie?
 7 A I don't recall that she did. No. I would have to review
 8 that, but I don't recall that she understood the concepts.
 9 Q And who's Juju?
 10 A Well, I guess I would have to tell me that, but
 11 I'm thinking it's Julie.
 12 Q Did she appear to be -- did she appear to have any
 13 trouble answering questions of Ms. Mendez regarding her owies?
 14 A She talked about the band-aid on her leg. She was kind
 15 of focused on that band-aid. That was pretty exciting. She
 16 didn't really address any other owies a great deal. She did
 17 pull up her shirt, if I'm not mistaken. She pulled up her
 18 shirt.
 19 Q And your fourth paragraph from the bottom on the second
 20 page -- how did that exactly happen when she pulled up her
 21 shirt?
 22 A The fourth paragraph from the bottom?
 23 Q M-hm.
 24 A Have you had an opportunity to look at the video?
 25 Q I haven't yet.

Pat Schallert 13

1 did the marks on her back? Is that what you're saying?
 2 Q Yes.
 3 A I didn't really attribute her saying that to anything
 4 specific. She did pull up her shirt and she said something
 5 about the new puppy. But --
 6 Q So, and the point at which she did that was when the
 7 interviewer, Mendez, asked her about the marks on her back;
 8 correct?
 9 A I told the interviewer that she had marks on her back.
 10 Asked what happened. I stated that it was the new
 11 puppy. That is the time frame. Yes.
 12 Q And at one point she said it said something like, "Don't
 13 hit my back"?
 14 A Yes.
 15 Q And was she telling -- she was telling that to the
 16 interviewer; correct?
 17 A That's how -- that's how it came across. Yes. It
 18 sounded like "Don't hit my back." And again I put "sounded
 19 like". Granted, I quoted it, but that's what it sounded like.
 20 Q And when you say, "She appeared to be getting very
 21 nervous and uncomfortable", what did you see that led you to
 22 say that?
 23 A Well, cause she was fidgeting around and she just seemed
 24 to be nervous and uncomfortable
 25 Q But when she showed her back, she did that openly and

Pat Schallert 15

1 A Just as I stated, she slightly pulled up her shirt and
 2 jacket
 3 Q And then Ms. Mendez asked me what happened?
 4 A M-hm.
 5 Q And she said that it was the new puppy?
 6 A M-hm. Correct. Right.
 7 Q And I notice that you don't have anything in quotes when
 8 you said that she said it was the new puppy. Is there a
 9 reason you didn't put that in quotes?
 10 A Because there weren't specific words that I quoted. I
 11 didn't -- this was not a near verbatim transcription of that
 12 interview. And you will see throughout that I quote some
 13 things and don't quote others. If it's very clear to me, "His
 14 name's Aiden," then I'll quote it. "Linda has a house"
 15 obviously was clear. I quoted it. "He walks." I quoted it.
 16 Q But she did use the word "puppy"?
 17 A I believe she used the word "puppy". Yes.
 18 Q She must have used the word "puppy"?
 19 A Yes.
 20 Q Do you know where she got the idea that the puppy had --
 21 well, let me ask this. Was it your understanding that the
 22 marks on her back, she was saying was from the new puppy? Is
 23 that what you took her words and actions to mean at that
 24 point?
 25 A Was it my understanding that she was saying the new puppy

Pat Schallert 14

1 voluntarily, without hesitation? Is that correct?
 2 A I have no idea if it was without hesitation. She did it.
 3 Q It didn't appear -- she didn't appear to hesitate? He
 4 appeared to --
 5 A Well, she's a three-year-old child. I guess I don't
 6 understand. If you watch the video and you saw her demeanor,
 7 then I guess even the thought of hesitation doesn't even come
 8 into the whole being of .
 9 MS. VERNON: There's a video of this interview?
 10 THE WITNESS: Yes, there is. It would probably be
 11 to your advantage to watch the video.
 12 Q You've convinced me already. Did you -- at the point
 13 that she came in with Eric, how long had she been out of the
 14 home at that point?
 15 A Well, I believe it was a Tuesday that she was taken out
 16 of the home, if I'm not mistaken. Was it a Tuesday? It was a
 17 Tuesday?
 18 MR ROE: Yes. The 11th. May 11th
 19 A And the interview's on the 14th
 20 Q So do you know if Eric or Julie -- first of all, you
 21 understood Julie to be Eric's wife?
 22 A I didn't know if they're husband and wife. I know that
 23 they live together.
 24 Q Okay. Do you know if Eric and Julie had spoken to
 25 Novaleigh about the marks that were on her body?

Pat Schallert 0-000001112

1 Q Okay. Thank you. So did -- you said that Anthony seemed
 2 nervous. Do you recall saying that?
 3 A Look at my report
 4 Q Your 10. Excuse me. Your --
 5 A 7.
 6 Q Right.
 7 A Okay. Yeah.
 8 Q Could you describe that nervousness further?
 9 A Can I describe his nervousness? He appeared
 10 uncomfortable. A little uncomfortable.
 11 Q And what did you observe with your eyes that led you to
 12 conclude that he appeared uncomfortable?
 13 A Just didn't seem relaxed.
 14 Q It's your understanding that the bruise on the nose
 15 occurred the day she was taken; correct?
 16 A No.
 17 Q When did you -- how much before the day she was taken did
 18 the bruise on the nose occur?
 19 A I didn't take the child from the Roc family.
 20 Q Okay.
 21 A There are text messages where she sent a text to Heather
 22 Bonnell regarding the bruise on her nose, which was -- I'd
 23 have to look at the date on that.
 24 Q M-hm.
 25 A But it was not the date that she was taken.

Pat Schallert

1 have the name of someone else's child on my body? No. But
 2 then again, I don't have tattoos. You know, I can't judge
 3 someone for their tattoos or what they have. Have I
 4 encountered it before? No.
 5 Q You are aware that the Roc's believe that Heather Bonnell
 6 was actually trying to take . . . from them, correct?
 7 A I believe they believe that. Yes.
 8 Q And certainly the tattoo on Heather Bonnell's shoulder,
 9 or I think it was on her shoulder -- do you know where it was?
 10 A I think it's on her arm.
 11 Q Certainly the name, the tattoo with name on it on
 12 her body, would indicate that she had a particular interest in
 13 ; wouldn't you say that?
 14 A You know, that's -- could be. Usually if people have
 15 tattoos of names on them, there's some significance.
 16 Q When you do investigations, motive is an interesting or
 17 an important part, isn't it?
 18 A Yes, it is.
 19 Q And why is that?
 20 A Because without a reason to do things, people don't do
 21 things
 22 Q In fact, without a motive, it's difficult at times to
 23 solve a crime from your perspective; isn't that correct?
 24 A That's true.
 25 Q So while you do not judge, you're in the business of

Pat Schallert

1 Q Did you -- you spoke with Heather Bonnell?
 2 A I did.
 3 Q Did you see her tattoo?
 4 A I did.
 5 Q The one that says ' ' on it?
 6 A I don't think it says ' I think it just says
 7 '
 8 Q } Did you ask her about that?
 9 A Detective Gilchrist asked her about that. I didn't.
 10 Q Do you find that unusual?
 11 A You know --
 12 Q About the tattoo, not about Detective Gilchrist. Excuse
 13 me.
 14 A I guess, you know, who am I to judge someone as far as
 15 their tattoos? Many people have tattoos, and I guess it's not
 16 fair of me to judge.
 17 Q Do you know if she was asked why she had a tattoo of
 18 someone else's child, the name of somebody else's child
 19 tattooed on her body?
 20 A I think again you need to refer to Detective Gilchrist's
 21 report, because he had that discussion with her, if I'm not
 22 mistaken.
 23 Q Would you say that's out of the norm for somebody to have
 24 the name of another person's child tattooed on their body?
 25 A Again, you know, who am I to judge? I don't know. Do I

Pat Schallert

1 inquiring as to why people do things or would do things;
 2 correct?
 3 A That's true.
 4 Q So what inquiry have you pursued as you have thought
 5 about 's name being tattooed on Heather Bonnell's body in
 6 light of the concern of the parents that Heather was trying to
 7 take away from them?
 8 A That is why I referred you to Detective Gilchrist's
 9 report, because we requested Heather Bonnell take a CVSA,
 10 computer voice stress analysis.
 11 Q Do you know offhand what supplement number that is?
 12 A You'll have to look for Detective Gilchrist's reports,
 13 and we'll look at those. That is -- it's supplement number
 14 20. I don't know what supplement of his it is, but it's
 15 supplement number 20
 16 Q So the aspect of motive for Heather is not something that
 17 you dealt with in the investigation? Is that correct?
 18 A The aspect of motive for Heather? Motive for which part
 19 of this are we talking about?
 20 Q Well, looking at the end of Detective Gilchrist's
 21 supplemental number 20 is where it discusses that. And in
 22 fact, Heather came out with the idea herself when she was
 23 talking with Gilchrist that someone might accuse her of
 24 staging the matter.
 25 A Okay.

Pat Schallert

1 from Brandon that said he had talked -- Nicole had called him
 2 and was frantic because she didn't want to take a CVSA or
 3 something about asking an attorney whether it could be used or
 4 whatever, but Brandon wanted to assure me that he was not
 5 trying to sway her one way or another.
 6 Q So did she take the test?
 7 A No She didn't want to.
 8 Q And did she tell you that she had spoken to her parents'
 9 attorney?
 10 A She did.
 11 Q Did you know who their attorney was at that time?
 12 A No.
 13 Q Did you ask Brandon who that was?
 14 A No.
 15 Q Do you know if they even had an attorney at that time?
 16 A No.
 17 Q Would that be useful information to you if you learned
 18 that in fact they didn't have an attorney at the time that
 19 Nicole had said that she had spoken to her parents' attorney?
 20 A She's not required to take a CVSA. I can't force her to
 21 take a CVSA.
 22 Q But if she said that she spoke to the parents' attorney
 23 and they didn't have an attorney at that time, would that
 24 suggest to you some lack of honesty on her part?
 25 A Oh, it would.

Pat Schallert 61

1 for examples.
 2 Q Were you aware that -- of the age difference between Ray
 3 and Nicole?
 4 A Ray is older than Nicole. Yes.
 5 Q Were you aware of the age difference between them?
 6 MS. VERNON: Excuse me. I'm going to go -- be right
 7 back. You can continue.
 8 A I'm sure I looked at their birth dates. Did anything
 9 crash in my brain about an age difference? She's of age at
 10 this point in time. She's over sixteen, if I'm not mistaken.
 11 She's nineteen, I think.
 12 Q Were you aware that there had been sexual activity
 13 between them prior to her sixteenth birthday?
 14 A No. I don't recall that. No.
 15 Q Do you -- are you familiar with a book, "A Child Called
 16 It"?
 17 A You know, I am not. But Nicole referred to that.
 18 Q Do you have Nicole's statement?
 19 A Her written statement, or are we talking about her
 20 written statement?
 21 Q Yes. Or -- well, or the interview.
 22 A 8 B is her written statement, so we can look right there.
 23 Okay. I've got her written statement here in front of me.
 24 Q Did you ask her -- did you ask her, Nicole, about her
 25 statement, about her written statement?

Pat Schallert 63

1 Q And were you aware that Nicole had been kicked out of her
 2 parents' home on several occasions?
 3 A I don't know about several occasion. I know Brandon
 4 spoke of not getting along well. Nicole not following house
 5 rules. Brendon didn't get along with -- I think it was he
 6 didn't get along with Ray. That they had lived together. Ray
 7 and Nicole had lived with them for six months or three months
 8 or some period of time.
 9 Q And what did he tell you about Ray?
 10 A What did he tell me about Ray?
 11 Q Yes
 12 A He didn't get along with Ray.
 13 Q Did he indicate to you his --
 14 MS VERNON Heather's here.
 15 Q Yes. Did he indicate to you why he or what he felt about
 16 Mr. Hamm's truthfulness?
 17 A He did. And that was the day he was sharing that
 18 information the day -- so I can't remember exactly what he
 19 said, but he did say something about his truthfulness. Yes.
 20 Q That he was a liar?
 21 A M-hm
 22 Q Yes?
 23 A Yes.
 24 Q And did ask you him for examples of why he felt that?
 25 A I think he shared examples. I don't know if I asked him

Pat Schallert 62

1 A I interviewed Nicole. After I interviewed Nicole, she
 2 wrote her statement while I was interviewing Ray. I read her
 3 statement. Asked her about it. Are you talking about
 4 something specific?
 5 Q No. Did you go back and ask her about what she had
 6 written after she had --
 7 A I read it. I guess I --
 8 Q Well, for example, was Novaleigh the only one doing
 9 chores in the house? Did you inquire regarding that?
 10 A During the interview -- have you listened to the recorded
 11 interview of Nicole?
 12 Q No, I haven't.
 13 A Okay. The recorded interview, she discusses that topic.
 14 See, I guess just to look at her written statement without
 15 having had the opportunity to listen to her recorded
 16 interview, you know, she's going to write down whatever comes
 17 to her mind, you know, as far as what she recalls, but it may
 18 not have as much detail as the interview did.
 19 Q So my question is: Did any of the other children say
 20 that s the only one who did chores in the home?
 21 A No.
 22 Q But Nicole said that, didn't she?
 23 A She said that. Yes
 24 Q Did you inquire of the older children whether they did
 25 chores in the home?

Pat Schallert 0-000001114

Exhibit # 5

0-000001115

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF COWLITZ
JUVENILE COURT

Dependency of:)
)
N)
) No 10-1-06-044-0
Minor Child)
)

DEPOSITION UPON ORAL EXAMINATION
OF
RAYMOND HAMM

DATE October 18, 2010
TIME 4:30 p.m.
PLACE 1801 First Avenue, Suite 1-A
Longview, Washington

1 RAYMOND HAMM,
2 having been called as a witness,
3 after having been duly sworn, on
4 oath, was examined and testified
5 as follows.
6 EXAMINATION BY MR. PREBLE:
7 Q Would you please state your name.
8 A Raymond LaRue Hamm.
9 Q And how do you spell your last name?
10 A H--A--M--M.
11 Q How do you spell LaRue?
12 A L--A capital R--U--E. Capital R--U--E.
13 Q What is your address?
14 A 357 Oregon Way, Apartment C. Longview, Washington 98632.
15 Q And you live with Nicole Easterly; is that correct?
16 A Yes, sir.
17 Q What do you do for a living?
18 A Currently unemployed, sir.
19 Q And how long have you been unemployed?
20 A Eighteen months.
21 Q What did you do prior to that 18 months?
22 A I was enlisted in the Navy.
23 Q And where were you stationed?
24 A I was stationed currently -- right prior to that, I was
25 stationed in Norfolk, Virginia.
Q And how long were you in the Navy?
A Eighteen months.

1 BE IT REMEMBERED that pursuant to notice, the
2 deposition of RAYMOND HAMM, a witness, was taken on the 18th
3 day of October, 2010, commencing at the hour of 4:30 p.m., at
4 1801 First Avenue, Suite 1-A, Longview, Washington, before
5 Tami Kern, a Notary Public for the State of Washington,
6 residing at Longview
7 APPEARANCES.
8 GARY A. PREBLE of Attorneys for Father
9 Preble Law Firm
10 2120 State Avenue Northeast, Suite 101
11 Olympia, Washington 98506
12 JD VERNON of Attorneys for Mother
13 Office of Public Defense
14 1801 First Avenue, Suite 1-A
15 Longview, Washington 98632
16 EUGENE GRAFF of Attorneys for Department
17 Assistant Attorney General
18 1230 Main Street, Suite 510
19 Vancouver, Washington 98660
20 Also Present: Brandon Roe
21 Vicki Payton
22
23
24
25

1 Q What did you do in the Navy?
2 A I was an electronics technician. I worked on radar and
3 communication systems. I also took care of a precommission
4 department down there in Norfolk, Virginia.
5 Q Did you enjoy the Navy?
6 A Yes, I did.
7 Q Why did you leave?
8 A I was separated due to medical reasons in my left leg.
9 Q What happened exactly?
10 A My -- my leg's broke. I have a constitutional luxity in
11 my knee.
12 Q Where did you grow up?
13 A Clatskanie, Oregon.
14 Q Whereabouts is that?
15 A Just over the bridge, 25 minutes drive from here in
16 Oregon. Near Kinppa. The Wauna mill. I lived right across
17 from the Wauna mill. I don't know exactly how to do it more
18 than that.
19 Q And your family's still there?
20 A No. Actually, my family has moved to Vadar, Washington.
21 My mother and stepfather have moved to Vadar now. May I ask
22 how this is relevant to what we're talking about?
23 Q Just these are -- actually, I didn't have any more in
24 this direction.
25 A I was just curious.

16:45:54 1 A Well, at first we just didn't talk too much. We -- when
 16:46:02 2 he was at work and -- we just didn't really talk too much
 16:46:06 3 And then after Nicole and I both moved out, we haven't spoke
 16:46:10 4 since.
 16:46:12 5 Q And when -- and you and Nicole moved out in, you say,
 16:46:16 6 September?
 16:46:16 7 A Somewhere around there. I'm not exactly sure.
 16:46:20 8 Q And that would have been '09?
 16:46:22 9 A Yes.
 16:46:22 10 Q Have you and Nicole lived together in the same place
 16:46:26 11 since that time?
 16:46:26 12 A Yes.
 16:46:44 13 Q How would you know -- how did the detective strike you?
 16:46:52 14 A She honestly struck me as kind of harsh. She seemed
 16:46:58 15 real -- she seemed more angry. Any time we seen her, she was
 16:47:06 16 very uptight, and she seemed to be even down our own throats,
 16:47:10 17 even though we were the ones who made a statement against. I
 16:47:14 18 don't know. She seemed to be very uptight to me.
 16:47:16 19 Q Do you know how Nicole felt about her?
 16:47:19 20 A She also stated to me that she seemed kind of uptight.
 16:47:22 21 That's it. That's all she ever said to me.
 16:47:34 22 Q What contact did you have with [redacted] when you lived
 16:47:36 23 in the home?
 16:47:38 24 A Very little. She was another one of the children running
 16:47:38 25 around. I didn't take care of the children really.

16:48:10 1 being truthful with you regarding anything you might have
 16:48:14 2 talked about?
 16:48:14 3 A No.
 16:48:16 4 Q Did you ever notice the interaction of the other
 16:48:20 5 children, that is, the children in the household?
 16:48:22 6 A Did I notice any other interaction what?
 16:48:26 7 Q Well, that was a bad question. How would you
 16:48:28 8 characterize the interaction of the children in the household?
 16:48:30 9 A They all seemed to interact with each other,
 16:48:34 10 other than -- only thing from what I had seen [redacted] was --
 16:48:40 11 sometimes [redacted] would come out and they wouldn't play with her.
 16:48:44 12 They would play around her. That's the only -- and everybody,
 16:48:48 13 they all seemed to get along well with each other. They
 16:48:50 14 played with each other.
 16:48:52 15 Q Including [redacted]?
 16:48:52 16 A Yeah. Including [redacted] was allowed to play around.
 16:48:56 17 She wasn't as called upon.
 16:48:58 18 Q Would you say that she was quiet and played with herself?
 16:49:02 19 A Yes. Or to herself. Yes. She would sit down and play
 16:49:06 20 by herself in the living room with her toys. She was kind of
 16:49:10 21 calm and collected at times.
 16:49:12 22 Q Did that appear to bother her that she was playing by
 16:49:14 23 herself?
 16:49:16 24 A Not that I realized. I never really looked into the
 16:49:16 25 children that much.

16:47:46 1 Q Did the -- you say "the children running around." What
 16:47:50 2 children are you talking about?
 16:47:52 3 A I'm talking just all the children there in the house.
 16:47:54 4 [redacted] I just kind
 16:48:00 5 of -- I guess I lived in the house. I didn't take care of the
 16:48:04 6 children or anything. So she was -- I didn't have contact
 16:48:06 7 with her. I didn't have much contact with her.
 16:48:10 8 Q Did you have any contact with
 16:48:14 9 A I had a little bit more contact with him. I talked with
 16:48:16 10 him a lot more. I played with him.
 16:48:20 11 Q How would you describe him?
 16:48:24 12 A Good-natured little boy. He's kind of rambunctious. But
 16:48:28 13 a thirteen-year-old child should be. He seems like a five
 16:48:32 14 young boy.
 16:48:34 15 Q Did you ever have any concerns about him at all?
 16:48:38 16 A Concerns?
 16:48:38 17 Q M-hm.
 16:48:38 18 A No. None of the children I really had concerns with.
 16:48:44 19 Q How would you characterize what interaction you did have
 16:48:46 20 with
 16:48:46 21 A I remember we'd play baseball together. We had a Frisbee
 16:48:54 22 thing that I played with him. Just some kind of toys. We'd
 16:49:00 23 sit and talk about his school day. Stuff like that. Young
 16:49:06 24 kid
 16:49:06 25 Q Did you have any concerns about his -- whether he was

16:50:22 1 Q Did the children -- did you see any meanness on the part
 16:50:26 2 of the children toward
 16:50:28 3 A No. Not anything that would -- that's out of the loop --
 16:50:36 4 out of -- I'm trying to think of the word.
 16:50:40 5 Q You mean beyond normal siblings?
 16:50:44 6 A Yes. Beyond what would be normal for siblings to mess
 16:50:46 7 around with each other. But no.
 16:50:48 8 Q Did it appear that the other children considered her as
 16:50:50 9 part of the family?
 16:50:52 10 A Yes.
 16:50:54 11 Q How about chores? Did [redacted] have any chores?
 16:50:56 12 A Yes. I believe -- I believe all the children had chores.
 16:51:02 13 They had something to do for the day. Yes. Other than, of
 16:51:06 14 course [redacted]. He's two.
 16:51:10 15 Q And --
 16:51:12 16 A And at the time one
 16:51:14 17 Q Pardon?
 16:51:16 18 A Last year, I believe one. Young.
 16:51:20 19 Q Do you know if the children did their chores?
 16:51:22 20 A Yes, they did. But sometimes it was kind of a push to
 16:51:24 21 get them to do them.
 16:51:28 22 Q And do you know what chore [redacted] had?
 16:51:30 23 A She normally had to clean up the -- clean up the living
 16:51:34 24 room and clean up her bedroom or her area.
 16:51:34 25 Q And what -- how about

Exhibit # 6

0-000001118

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COPY

STATE OF WASHINGTON
COWLITZ COUNTY JUVENILE COURT
JUVENILE DIVISION

In re :

NO. 10-7-00444-0

DECLARATION OF TERI ROE

DOB

My name is Teri Lee Roe. I have been married to my husband for 15 years and am the mother to six children, Nikole, age 19,

On May 8th of 2010 my family and I got a new puppy for mother's day. The day we got the new eight week old puppy that we named Louie, jumped up onto back and scratched her. On May 10th, on our way to a track meet, the puppy tripped/knocked over and she fell, hitting her nose. On May 11th, before my children went to school, my son saw the puppy knock down onto the stairs near our dining room, jumping onto her back and scratching at her back. A family friend who was my babysitter/house cleaner at one time, said she wanted to spend the night with her and her girls. I informed her what had happened to and said that I would be watching over her very carefully and see how she

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0-000001119

1 felt the next day. She came to my home to see [redacted] and take her for an overnight
2 stay. That same day being May 11th, 2010, CPS and two Cowlitz County sheriffs
3 showed up at my house to ask about the bruises on [redacted] back and nose I have
4 been involved with CPS since May 11th of 2010, due to a referent taking [redacted] into
5 the CPS office for some bruising that was on her nose and back.

6 We have always cooperated with the CPA agency and the detectives that were
7 working the case. I was eventually arrested and charged with third degree assault of a
8 child. During the time before I was charged, we kept in contact with [redacted] with
9 visits at the CPS office and then eventually moving to supervised outside the office with
10 the foster mom. They were great visits, we went to the park, went swimming, bowling,
11 etc. We tried to keep the family bonded as much as we were allowed to do. After I was
12 charged, a no-contact order was issued on me against [redacted] so I was not allowed
13 to see or talk to her. That was the worst part of the whole year not being able to hold her
14 or kiss her or tell her I loved her. My husband and kids continued to visit regularly and
15 keep the bond going. During this time [redacted] was really having a hard time not
16 knowing where I was or when she could see me. She would break down crying at most
17 visits, she wanted her mommy! As well I wanted my daughter back.

18 [redacted] was adopted by our family because we wanted to adopt her, not that
19 we had to adopt her. It was a decision that changed our lives and made it better. I still
20 remember the day Brandon and I got the call from his Aunt Margaret stating that my
21 sister-in-law had had another baby and that CPS had taken the baby from the hospital
22 due to being born addicted. She gave us the case workers number and Brandon called
23 at seven that morning and said we wanted to see her. We were on the road at 8am that
24 day and got to the CPS office at around one pm that afternoon. We walked through the
25 door and this little bald, brown eyed little girl turned and looked at me and smiled. From
26 that second on I knew she was mine! I held her and knew in my heart that I could love
27 this girl as my own and raise her just as if I have given birth to her myself. When it was
28

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1 time to leave _____ and return home I cried so hard that we had to leave her there.
2 When we got home that night we sat our three children,
3 and together as a family we decided that we were going to adopt _____. The
4 following day I bought a crib, a changing table and started buying clothes and diapers. I
5 was completely set up for _____ within a few days. We worked very hard to Adopt
6 _____ and never once took any help from the state. The CPS office offered gas
7 vouchers, help paying for motels every weekend and we turned them down. We only
8 wanted our daughter and asked them to give the money to another family that could use
9 the help. We also turned down a grant for _____ once we got her home with us.
10 We didn't take her for money, we adopted her cause we loved her!

11 My trial finally began on Sept 19th 2011 and ended on September 23rd 2011 with a
12 not-guilty verdict, the no-contact order was taken off and I immediately went to the CPS
13 office and meet with my case worker Vikki Payton. I talked with Vikki Payton to set up a
14 visitation schedule with _____ and I was allowed to see her September 26, 2011.

15 I have learned a lot in this time that she has been placed out of the home, in a
16 voluntary placement which Brandon my husband and I both agreed to and signed. I
17 have learned a lot of useful tips and how to communicate better with my kids, and new
18 ways to deal with behavior problems should they arise. I attended a parenting class
19 called LOVE & LOGIC, that was recommended to my husband and I, by Stephanie
20 Frost, the case worker at the time. Both my husband Brandon and I attended these
21 classes, and enjoyed them very much. The things we learned in the class have helped
22 us become even better parents to all our children. I am under a doctor's care for
23 depression and anxiety, since being on my medication for over a year now I am a very
24 content person and have learned how to deal with daily stress. Another thing I have
25 learned from this experience is how precious, and just how much my children mean to
26 me. My family is my life.

27
28

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0-000001121

1 At the time of [redacted] going into out of home shelter care we were living in
2 Kelso, WA Cowlitz County. The house that we were living in was unsafe due to extreme
3 water issues. We have since moved to Winlock ,WA Lewis County into a home that we
4 fully remodeled. My children all have their own rooms and they are decorated
5 appropriately. There are six acres for my kids to run and play. We have no safety issues
6 in or around the home. My family and I attend church every Sunday and we have regular
7 bible studies in our home. My whole congregation supports our getting
8 into the home and moving forward to reunite our family as a whole. My husband and I
9 have a lot of family members who live close by and we spend lots of family time together
10 and attend family activities. All my children are very bright and good in school, they are
11 student of the month, they are students of the year, they win spelling bees, they are
12 active in sports, and very supportive of getting [redacted] home where she belongs.

13 I don't feel that [redacted] needs to be a dependent of the state, Brandon my
14 husband and I are very willing to continue with voluntary services to insure that she has
15 a safe and loving environment to come home to. This event in our life has brought us
16 closer together and reunited us as a whole. I have learned to cherish each and every
17 moment I have on this life. I feel I can meet any and all of [redacted]'s needs. I am
18 very fortunate to be able to be a stay at home mom. I enjoy the extra time with my
19 children. I do a lot of crafts and a lot of sewing, etc. Since [redacted] has been in
20 placement with our day care provider Julie Hoffman, she is attending pre-school and
21 takes dance classes. We are making arraignments to continue the pre-school, and the
22 dance classes which I look forward to be able to going to with her. Her younger brother
23 Aden may go to the pre-school as well. We want [redacted] to be happy and healthy
24 and safe. We have a very close family. We are missing a big part of our lives with
25 [redacted] not being here. My children's safety and happiness is very important to me. We
26 have gotten rid of the puppy that hurt N [redacted] L [redacted] after I was also injured by the puppy.
27 That is the one thing I wish I could go back in time and change, is getting this puppy that
28

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0-000001122

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injurec We still have a dog and two cats, a bird, fish and three rabbits. But I don't see any safety issues with them. During the time tha has been out of the home, has been the hardest year and a half of my life. I can't even recall how many times I cried myself to sleep, I couldn't even look at her pictures without feeling like someone had ripped my heart in two. Not only was it emotionally draining, it's been physically, and spiritually draining. It has affected my entire family. We all love and miss and don't know how to move on till, we have her home with us and can be a whole family again.

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

Signed at Longview, Washington this 18th day of October, 2011



Teri Roe

Jean Waller
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Longview WA 98630
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0-000001123

Exhibit # 7

0-000001124



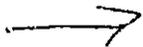
From the Desk of Judge Gary B. Bashor
Superior Court - Hall of Justice - 312 S First W - Kelso - WA - 98626

11/19/2011

Matter Ruling - 10-7-00444-0

After having reviewed back through the case file from the original shelter care forward, listening to the comments of counsel, Casa and having reviewed the motions, declarations and exhibits presented for this motion, the court makes the following findings:

1. This case had shelter care established by agreement (though the father did not stipulate to paragraphs 2.6, 2.7 or 2.8 of the order) based upon the petition and, at least in part, the existence of a no contact criminal order against the mother. It is not known what specific information was given to the court at the time of the shelter care order.
2. The mother was acquitted in the criminal matter in September 2011 and the no contact order was dissolved. That is clearly a change of circumstances warranting review of shelter care out of home placement.
3. The parents by way of their motion are not further stipulating to the ongoing out of home placement.
4. The father and the siblings have continued to visit the child throughout these proceedings and no allegations regarding the quality of those visits has been provided to the court.
5. The only allegation against the father is his alleged failure to protect the child from the mother. His stipulation was to out of home placement, but not to the paragraphs indicated in #1 above.
6. A review of the photos, and the letters of opinion and the deposition excerpts of the doctor would indicate that there is concern for how and who caused the child's injuries. That concern appears to be based primarily on one statement from an individual who seems to exhibit questionable reliability. The department indicates the bruises were "non-accidental", though there is nothing in the materials presented for this motion which would indicate that characterization by the professionals.



0-000001125



7. Little convincing evidence has been provided for this motion that the mother was the source of the child's injuries, either intentionally or accidentally.
8. There is some indication that this child is more "clumsy" than the average child of her age when placed.
9. The parents have maintained that the injuries were incurred either due to clumsiness or due to actions of a puppy, the latter of which is no longer in the home.
10. The child is will be 5 years of age in about a week, significantly older and presumably more verbal than when originally placed.
11. No negative comments have been made regarding any visits for the mother, the father or the siblings.
12. The parents have multiple children in the home, including a younger child for which no concerns apparently exist.
13. The parents are willing to participate in some services if required and are willing to accommodate full access by the department and CASA to their home.
14. Counselor Rosen has indicated a need to work on the bonding between the child and the mother, but further indicates that current services being offered or authorized are insufficient to accomplish that goal. There is no indication from any of the materials that there is any lack of bond between the child and the father or the other siblings.
15. RCW 13.34.065 speaks of whether a child can be immediately and safely returned home while the case is pending, and further that the paramount consideration is the health, welfare and safety of the child.
16. Based on the information presented by each side, the court cannot make a clear finding of either the existence of, or lack of existence of, circumstances which would create a danger of health, welfare or safety of the child.

Given the above findings, the following will be ordered:

1. The court denies the motion to dismiss the dependency petition for the reasons previously stated in open court.
2. The case shall be set for a contested shelter care hearing within the next three weeks dependent on the availability of the parties/counsel.

3. Pending that hearing, visitation shall continue as currently ordered, supervised at the department REC center. In addition there shall be one in-home visitation each week of not less than 2 hours to be supervised by the father (line of sight supervision) and may additionally be supervised by a department representative or a CASA volunteer as are available. The mother is not to be left alone with the child at any time.
4. The child shall not be exposed to any domestic or other animals (cats, dogs, birds, etc.) during any visitation.
5. The department is further ordered to provide counseling at the level recommended by Ms Rosen to address the issues raised in Ms Rosen's opinion letter of 14 November 2011. It is assumed this cannot be arranged any sooner than the week after Thanksgiving. The father shall provide the transportation to and from all counseling appointments if he is available to do so.
6. This order shall be considered in effect immediately, and not dependent on the entry of a written order with the court.

I will sign off on an appropriate order containing the above as soon as it can be provided and approved by all parties.

I apologize this was not out to everyone on Friday. Circumstances beyond my control intervened. I will not be in the office on Monday, so wanted to assure this was out to the parties as soon as possible.

Sincerely;

// Sent Electronically to avoid delay //

Gary B. Bashor
Superior Court Judge

0-000001127

Exhibit # 8

0-000001128

SEP 17 2013

Kathy A. Brack
Lewis County Clerk

SUPERIOR COURT OF WASHINGTON
COUNTY OF LEWIS

In re the Custody of:

NO. 13-3-00238-0

Child,

BRANDON ROE and TERI ROE,
husband and wife,

NONPARENTAL CUSTODY DECREE
(DCC)

Petitioners,

and

Clerk's action required

NIKOLE M. EASTERLY
WARREN KEMERY,

Law Enforcement Notification, ¶ 3.5

Respondents.

I. JUDGMENT/ORDER SUMMARIES

1.1 Restraining Order Summary

Does not apply.

1.2 Money Judgment Summary

Does not apply.

II. BASIS

The findings of fact and conclusions of law have been entered in this case, and neither the Indian Child Welfare Act, 25 U.S.C. Sec. 1901 *et seq.*, nor chapter 13.38 RCW applies to this proceeding, because the child is not an Indian child. The federal servicemembers civil relief act of 2004, 50 U.S.C. Sec. 501 *et seq.*, does not apply to this proceeding because neither respondent is a service member nor dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.

III. DECREE

It is Decreed:

3.1 **Jurisdiction Over the Child:** The court has jurisdiction over the child as set forth in the Findings of Fact and Conclusions of Law.

1 **3.2 Custody**

2 The petition is granted. The petitioners, BRANDON ROE and TERI ROE, are granted
3 custody of

4 **3.3 Visitation**

5 The mother and father shall have visitation as agreed between each of them and the
6 petitioners.

7 **3.4 Child Support**

8 Child support shall be paid in accordance with the Washington State child support
9 statutes. The petitioners shall be awarded support from both parents based on current
10 financial information by separate order.

11 **3.5 Continuing Restraining Order** Does not apply.

12 **3.6 Attorneys Fees, Other Professional Fees and Costs**

13 Each of the parties shall pay his or her own respective attorney fees, professional fees and
14 costs.

15 **3.7 Other**

16 3.7.1 Either or both parents shall be required to maintain or provide health insurance
17 coverage, consistent with RCW 26.10.060, if (1) health insurance that can be
18 extended to cover the child is available to that parent through an employer or
19 other organization; and (2) the employer or other organization offering health
20 insurance will contribute all or part of the premium for coverage of the child.

21 3.7.2 The petitioners shall be entitled to claim the child as a federal tax exemption.

22 **3.8 Summary of RCW 26.09.430-.480, Regarding Relocation of a Child**

23 This is a summary only. For the full text, please see RCW 26.09.430 through 26.09.480. If the
24 person with whom the child resides the majority of the time plans to move, that person shall give
25 notice to every person entitled to court ordered time with the child. If the move is outside the
26 child's school district, the relocating person must give notice by personal service or by mail
requiring return receipt. This notice must be at least 60 days before the intended move. If the
relocating person could not have known about the move in time to give 60 days' notice, that
person must give notice within five days after learning of the move. The notice must containing
the information in RCW 26.09.440. See also form DRPSCU 07.0500, (Notice of Intended
Relocation of a Child).

1 If the move is within the same school district, the relocating person must provide actual notice by
2 any reasonable means. A person entitled to time with the child may not object to the move but
may ask for modification under RCW 26.09.260.

3 Notice may be delayed for 21 days if the relocating person is entering a domestic violence shelter
4 or is moving to avoid a clear, immediate and unreasonable risk to health and safety. If information
5 is protected under a court order or the address confidentiality program, it may be withheld from
the notice. A relocating person may ask the court to waive any notice requirements that may put
the health and safety of a person or child at risk.

6 Failure to give the required notice may be grounds for sanctions, including contempt. If no
7 objection is filed within 30 days after service of the notice of intended relocation, the relocation
8 will be permitted and the proposed revised residential schedule may be confirmed. A person
9 entitled to time with the child under a court order can file an objection to the child's relocation
whether or not he or she received proper notice. An objection may be filed by using the
10 mandatory pattern form WPF DRPSCU 07.0700, (Objection to Relocation/Petition for
Modification of Custody Decree/Parenting Plan/Residential Schedule). The objection must be
served on all persons entitled to time with the child.

11 The relocating person shall not move the child during the time for objection unless: (a) the
12 delayed notice provisions apply; or (b) court order allows move. If the objecting person schedules
13 a hearing for a date within 15 days of timely service of the objection, the relocating person shall
14 not move the child before the hearing unless there is a clear, immediate and unreasonable risk to
the health or safety of a person or a child.

15 **Warning:** Violation of residential provisions of this order with actual knowledge of its terms is
16 punishable by contempt of court and may be a criminal offense under RCW 9A.40.060(2) or
RCW 9A.40.070(2). Violation of this order may be subject as a violator to arrest.

17 Dated: _____

TRACY LOJACONO MITCHELL

JUDGE/COMMISSIONER

19 Presented by:

Notice for presentation waived:

20 
21 _____
KIMBERLY C. SHOFFNER, WSBA #45227
22 Attorney for Petitioners

Signed joinder

NIKOLE M. EASTERLY, Mother

24 Notice for presentation waived:

25 Signed joinder

WARREN KEMERY, Father

Exhibit # 9

0-000001132

Rec'd & Filed
Lewis County Superior Court

SEP 17 2013

Kathy A. Brack
Lewis County Clerk

SUPERIOR COURT OF WASHINGTON
COUNTY OF LEWIS

In re the Custody of:

NO. 13-3-00238-0

Child,
BRANDON ROE and TERI ROE,
husband and wife,
Petitioners,
and
NIKOLE M. EASTERLY
WARREN KEMERY,
Respondents.

FINDINGS OF FACT AND CONCLUSIONS
OF LAW (NONPARENTAL CUSTODY)
(FNFCL)

I. Basis for Findings

The findings are based on agreement.

II. Findings of Fact

Upon the basis of the court record, the court *finds*:

2.1 Child for Whom Custody Is Sought

The petitioners are seeking custody of the following child

2.2 County Where Child Resides

The child named in paragraph 2.1 permanently resides in this county or can be found in this county.

2.3 Indian Child Welfare Act

Child's Indian status: The petitioner has made a good faith effort to determine whether the child is an Indian Child.

1 The child is not an Indian child as defined in Laws of 2011, ch. 309, §4, and the
2 federal and Washington State Indian Child Welfare Acts do not apply to these
3 proceedings. Both parents deny the child is an Indian child.

4 **2.4 Basis of Jurisdiction**

5 This state is the home state of the child because the child lived in Washington with a
6 parent or a person acting as a parent for at least six consecutive months immediately
7 preceding the commencement of this proceeding and no other state has jurisdiction.

8 **2.5 Background Records Check**

9 The court has consulted the judicial information system, if available, to determine the
10 existence of any information and proceedings that are relevant to the placement of the
11 child. The court has also directed the Department of Social and Health Services to
12 release information as provided under RCW 13.50.100; and has required the petitioners
13 to provide the results of an examination of state criminal identification data provided by
14 the Washington State Patrol criminal identification system as described in chapter 43.43
15 RCW for the petitioners and adult members of the petitioners' household.

16 **2.6 Standing**

17 At the beginning of the case, the child had not been in the physical custody of either
18 parent since December 2012. Neither parent was a suitable custodian at the beginning of
19 the case.

20 **2.7 Best Interest of the Child**

21 It is in the best interest of the child to be placed in the custody of the petitioners, and at
22 this time the child has not been in the physical custody of either parent since December
23 2012, because the parents have agreed to give petitioners, Brandon Roe and Teri Roe,
24 nonparental custody of their child

25 Neither parent is a suitable custodian for the child, because neither parent is able to
26 provide a stable home environment.

2.8 Adequate Cause

Adequate cause for this proceeding is agreed as evidenced by the joinders signed by the
mother and father on the last page of the Nonparental Custody Petition.

2.9 Limitations on Visitation Does not apply.

2.10 Child Support To be determined by further order of the court.

1 **2.11 Continuing Restraining Order** Does not apply.

2 **2.12 Attorney Fees, Other Professions Fees and Costs**

3 Each of the parties shall pay his or her own respective attorney fees, professional fees and
4 costs.

5 **2.13 Other** Does not apply.

6 **III. Conclusions of Law**

7 The court makes the following conclusions of law from the foregoing findings of fact:

8 **3.1 Jurisdiction** The court has jurisdiction over the child.

9 **3.2 Disposition** It is in the best interest of the child to reside with petitioners,
10 Brandon Roe and Teri Roe.

11 **3.3 Child Support** Child support for the dependent children should be set pursuant to
12 the Washington State child support statutes, by further order of the
13 court.

14 **3.4 Visitation** Visitation shall be as agreed between each parent and custodians.

15 **3.5 Continuing Restraining Order** Does not apply.

16 **3.6 Attorney Fees, Other Professional Fees and Costs**

17 Each of the parties shall pay his or her own respective attorney fees, professional fees and
18 costs.

19 **3.7 Other**

TRACY LOIACONO MITCHELL

20 Dated: _____

21 Presented by:

Judge/Commissioner

Approved by:

Notice of presentation waived:

22
23 
24 _____
25 KIMBERLY C. SHOFFNER, WSB# 45227
26 Attorney for Petitioners

Signed Joinder

NIKOLE M. EASTERLY, Respondent

Signed Joinder

WARREN KEMERY, Respondent

Exhibit # 10

0-000001136

1
2 SENT ON 11/17/2011 VIA FAX
3 FOR FILING WITH COWLITZ
4 COUNTY JUVENILE COURT
5
6

7 SUPERIOR COURT OF WASHINGTON
8 COUNTY OF COWLITZ
9 JUVENILE COURT

10 In re the Dependency of:

NO. 10-7-00444-0

11
12 Minor Child.

DECLARATION OF GARY A. PREBLE
RE EXCERPTS OF RECORDS

13
14 I am the attorney for Brandon Roe and I make this declaration regarding excerpts of
15 records attached to this document and to the document filed November 16, 2011, entitled
16 Statements of Child. The documents attached to this declaration are for the purpose of showing
17 statements regarding Heather Bonnell from the documents received from the Department in this
18 case or from the Cowlitz County Sheriff's Office, as well as excerpts of the deposition of
19 Deborah Hall, M.D. on December 1, 2010.

20
21 1. STATEMENTS OF CHILD. Attachments A-E and G attached to the document entitled
22 Statements of Child, filed November 16, 2011, are true and accurate copies of the documents
23 received from DSHS in my office. Attachment F is a true and accurate copy of a document of
24 Det. Pat Schallert of the Cowlitz County Sheriff's Office.

25 2. HEATHER BONNELL IS OF QUESTIONABLE CREDIBILITY. The source of
26 accusation that Teri Roe abused her daughter

PREBLE EXHIBIT 10

1 a. Heather Bonnell's strange obsession with [redacted] Already noted in Statement of
2 Child at footnote 1 is the observation of foster parent Julie that her niece, Heather Bonnell, "does
3 seem to have a strange obsession with [redacted]"

4 b. Heather Bonnell's bad intentions regarding [redacted] Foster mother Julie stated other
5 things to social worker regarding Julie's niece, Heather Bonnell. When the social worker was
6 told by Julie that Heather claimed she could have regular visits with [redacted], including
7 overnights, the social worker emphatically clarified to Julie that was not the case. The social
8 worker then commented in her notes:

9 Concerned referent does have bad intentions but nothing to prove that just
10 concerns.

11 See Attachment H, CPS record, page 28-29 of 116.

12 c. Heather Bonnell's planned to have Nova live with her. Foster mother Julie told
13 the social worker that her hairdresser had told her that Heather had said [redacted] was going to live
14 with Heather. See Attachment I, CPS record, page 73 of 116.

15 d. Heather Bonnell showed her true colors when speaking with Det. Gilchrist.
16 Det. Gilchrist interviewed Heather Bonnell as part of the criminal investigation of Teri
17 Roe. The end of the interview notes is as follows:

18 I told Heather that one theory to explain [redacted] injuries was because one
19 possibility was and before I could finish my sentence Heather finished for me by
20 saying "that I staged all this because I wanted her". Heather said she hadn't heard
21 that theory from anybody but she had a feeling that some people might think it. I
22 told Heather that theory would suggest she caused [redacted] injuries and Heather
23 said "That's not true at all".

24 See Attachment J, Supplemental Narratives Incident A10-5670, page 3 of 3, dated 07/14/10.

25 e. Heather Bonnell's tattoo of [redacted] name. On October 18, 2010, I deposed
26 Heather Bonnell. During the deposition, Ms. Bonnell testified about a tattoo on her right

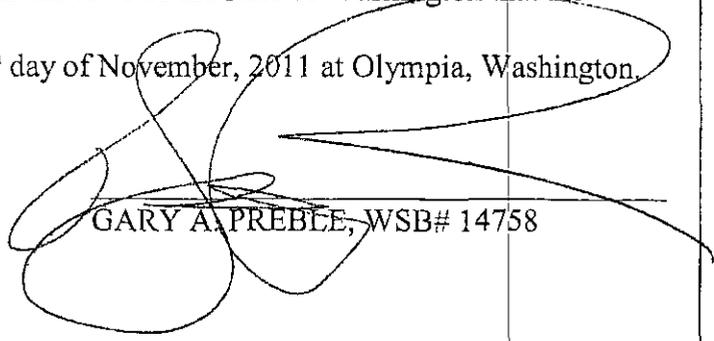
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shoulder. I took a picture with my camera at the hearing which show: ; name tattooed
above the names of Ms. Bonnell's two children. See Attachment K.

3. DR. HALL DID NOT SAY THE CHILD WAS ABUSED.

At the deposition of Dr. Hall, the state's expert, she acknowledged that none of the marks
on . . . were diagnostic of child abuse. See pages 21-25, 29-30, 48, 55, and 63 attached
hereto as Attachment L.

I declare under penalty of perjury under the laws of the state of Washington that the
foregoing is true and correct. Signed this 17th day of November, 2011 at Olympia, Washington.



GARY A. PREBLE, WSB# 14758

NARRATIVE

Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 05/18/2010 Time Entered : 05:24 PM

tcf: Placement, Julie Hoffman who left a message and requested a call back at 270-4071

1146 - tcf: Julie who left a message.

459 - tcf: Julie who left a message.

5/18 1254 - tct: Julie 270-4071

SW Frost left a message and requested a call back.

tct: Julie 274-8977

Julie was wondering if visits were here at Kelso? SW confirmed that they are. Julie wanted to give a head's up concern that Heather Bonnell (referent) stops by almost daily to see they're quick visits. (Heather is Julie's niece) Heather brought a friend, some guy and another little girl there and vent out to play and day care was closed and Heather was taking pictures of outside and it may have been nothing but was playing on toys that were not set up right which was a safety issue and Julie addressed but is not sure why Heather was taking pictures. According to Julie, Heather stated she talked to CASA and they told Heather she can have visits and have her Visits 24 hours a week, have onver night say when pick up and drop off. not going out of Julie's sight. SW stated this is not a CASA case and SW makes those decisions is not to go with Heather at this time. Tell of FTDM at 3 on Thursday. Concerned referent does have bad intentions but nothing to prove that, just concerns. Julie talked to nurse practitioner at Castle Rock Peace Health and they're not sure what blood tests she needs and talked of referring her to Peace Health. SW asked that she wait until 5/25 when Dr. Ayoub is back and we talk to Dr. Ayoub who may know what she needs and if not doctor can refer her out.

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34279290	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Investigation	
Date Occurred: 05/17/2010		Time Occurred: 08:57 AM	
Date Entered: 05/19/2010 01:40 PM		Note Entered by: FROST, STEPHANIE	
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE		Related Intakes: 05/11/2010 2:13 PM 2245181	
ACTIVITIES			
Activity: Contact - Collateral Participant: NOVALEIGH P. ROE Location: Time: 08:57			

AM TCM No
CONTACTS
NARRATIVE
<p>Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 05/19/2010 Time Entered : 01:40 PM</p> <p>tcf: [REDACTED] who left a message and stated that she is wondering about having contact with [REDACTED] and visiting her and she feels this is beneficial to her as they have a bond and she has had her a lot Heather requested a call back at 749-3646</p> <p>5/19 140 - tcf: Heather 749-3646</p> <p>Heather is wanting to see if she can pick up [REDACTED] for a visit. SW Frost told her she cannot do this and SW is asking that she have no contact at this time with [REDACTED] SW stated she cannot visit and SW wants Heather to hold off on all contact. Heather said ok SW explained that this is a tough time for [REDACTED] and parents do not want Heather having contact and [REDACTED] is safe where she is</p> <p>SW explained SW wants to keep things neutral for [REDACTED]</p> <p>Heather asked how long SW has to investigate and SW explained time frames.</p> <p>Heather asked why she is seeing her parents. SW let her know that [REDACTED] is having supervised visits and its the law for her to see them.</p>

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34269916	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Investigation	
Date Occurred: 05/17/2010		Time Occurred: 09:30 AM	
Date Entered: 05/18/2010 07:59 AM		Note Entered by: FROST, STEPHANIE	
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE [REDACTED]		Related Intakes: 05/11/2010 2:13 PM 2245181	

ACTIVITIES			
Activity: Contact - Collateral Participant:	[REDACTED]	Location:	Time: 09:30 AM
AM TCM: No			

CONTACTS			
-----------------	--	--	--

NARRATIVE			
------------------	--	--	--

<p>Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 05/18/2010 Time Entered : 07:59 AM</p> <p>Visit coordinator set up visits for [REDACTED]</p> <p>Visit coordinator offered parents a visit today at 5pm and they declined do to having a track meet for their older child that is not over until 5pm ([REDACTED] was placed on 5/11/2010 and has not seen mom or dad).</p>

tcf: Julie Hoffman

Julie stated that she has a concern she would like to talk to SW about.

Julie stated she also talked with mom and it would work for Thursday for the visit to be supervised outside the office and Julie can supervise it if it's ok with SW. The parties were thinking on nice days visit to be at Lake Sacajawea in Longview and on rainy days at Splitz bowling alley...can it start this Thursday and it will be Splitz rain or shine?

150 - tcf: Julie

Julie wanted SW to know that she went to pay her mom's rent for her and the landlord works at a beauty parlor. Julie went in there and the lady said, "oh you are baby sitting today?" and Julie said no and the lady said, "well Heather said that her parents b-e-a-t her and that she is going to live with Heather?" Julie said no and left it at that.

Julie is not sure why Heather is saying these things. SW let her know that Heather is not really a party to the investigation anymore so it doesn't matter but anytime that [REDACTED] is to see Heather than Julie and/or Eric really need to be in ear shot and supervised. Julie said that Heather hasn't really had contact with [REDACTED] except not too long ago at a mutual family member's graduation party. Julie said Heather doesn't come to her home.

Julie said she did call last week and ask how she was and Julie told her she was doing fine. SW to confirm the Thursday visit with Julie after SW double checks with SV.

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34406525	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Investigation	
Date Occurred: 06/22/2010		Time Occurred: 12:00 AM	
Date Entered: 06/22/2010 04:37 PM		Note Entered by: FROST, STEPHANIE	
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE [REDACTED]		Related Intakes: 05/11/2010 2:13 PM 2245181	
ACTIVITIES			
Activity: Contact - Collateral Participant: TERI L. ROE Location: Time: 12:00 AM TCM: No			
CONTACTS			
NARRATIVE			
Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 06/22/2010 Time Entered : 04:37 PM tcf: Amy Hunt Amy is following up for Sue Baur and PA, Katheryn Gulmert. Sue and Katheryn are at training this week. Case is being sent to PA's office for review of charges as to mother but that decision has not yet been made. Amy let SW know that CASA Tina is calling. SW let her know that CASA Tina Trigg is not a CASA assigned to this case and not a party, and			

observed all kinds of bruising on her back.

I asked Heather if she had an opinion of what caused the bruises she saw on [REDACTED]. Heather said some looked like hand prints and some looked like fingers squeezed an area like on the arm. She described one injury that looked like the hand was used to squeeze the face with a mark, possibly a thumb, under the chin and four lines going up the face like fingers. Heather said her children have never had black eyes however Nova has come to her house numerous times with black eyes. She said she couldn't say how [REDACTED] got black eyes but it just didn't seem like normal child bruises. When Heather worked for Teri she saw Heather "throw" [REDACTED] in the crib and let her scream. Heather said she used to make up excuses for Teri's behavior like, "she's just tired".

I asked Heather if, like Teri had told me, she had [REDACTED] name tattooed on her body. Heather said she did and it has angel wings on it. She said the reason was she had [REDACTED] all the time. She described [REDACTED] as "my little present" and she thinks of [REDACTED] as her "gift from above". She said she's had [REDACTED] all the time and she's the kind of person who can't have [REDACTED] as much as she does and not treat her as her own.

I told Heather that one theory to explain [REDACTED] injuries was because one possibility was and before I could finish my sentence Heather finished for me by saying "that I staged all this because I wanted her". Heather said she hadn't heard that theory from anybody but she had a feeling that some people might think it. I told Heather that theory would suggest she caused [REDACTED] injuries and Heather said "That's not true at all".

Respectfully Submitted,


Detective Marc Gilchrist

ATTACHMENT 0-000001144

1 provided. Maybe she forgot to include them. But those
2 photos all are of the pictures of the child.

3 (Discussion off the record)

4 Q (By Mr. Preble) And the -- so it was your idea from
5 Stephanie Frost that the child may have fallen on a stair; is
6 that correct?

7 A That was mentioned.

8 Q Now, the picture of the bruise across the nose -- I'm going
9 to hand you another. . .

10 (EXHIBIT NO. 2 MARKED)

11 Q I'm going to hand you Exhibit 2, and though I'm not using
12 the glossy as an exhibit, I'm going to put that there in
13 case that would be more helpful.

14 The bruise across the bridge of the nose is consistent
15 with falling on a stair; is that correct?

16 A It certainly could be, yes.

17 Q And in your practice you have seen other children who fell
18 across linear objects and hit the bridge of their nose; is
19 that correct?

20 A Yes.

21 Q And in your practice you've had children trip on things and
22 fall; isn't that correct?

23 A Yes.

24 Q And in your practice you've had children trip on pets in the
25 home and fall; isn't that correct?

1 A Yes.

2 Q Is there anything about this mark across the bridge of the
3 nose that is not consistent with such a fall, that is
4 falling against a linear object such as a stair?

5 A It's certainly consistent with that.

6 Q And there is also a mark under the left eye of the child in
7 that picture; is that correct?

8 A Yes.

9 Q And would that mark also be consistent with such a fall?

10 A It doesn't quite fit with falling across a linear object.

11 Q Well, the -- the -- that is, it doesn't -- it's not in
12 line -- it's not -- there is not a continuous line to that
13 scratch.

14 A Right. And it's a different type of injury, too. It looks
15 like from a sharper object.

16 Q Or fingernail?

17 A Could be.

18 Q The -- is that -- do you have any idea how the mark under
19 the eye occurred?

20 A No, I don't.

21 Q And that could have -- an explanation for that is that it
22 could have occurred as part of the fall, though not directly
23 from the linear blow; is that correct?

24 A You would -- I would think there would have to have been
25 some other object involved. Maybe she fell on something

1 that wasn't just purely a linear object. Maybe -- if it was
2 a stair, maybe there was something else on the stair, on the
3 edge of the stair. It doesn't quite -- it fits with
4 something not being just -- most injuries are not simple.

5 Q No. You answered my question, that is it's not inconsistent
6 with the explanation that was given if there was some other
7 aspect to the situation that could have caused -- could have
8 caused that scratch, such as something on the stair as you
9 said.

10 A Okay. But I'm not sure what you mean when you say from the
11 explanation given. Are you talking about falling on the
12 stair?

13 Q Yes.

14 A Okay. I was thinking you were talking about the dog.

15 Q Well, let me ask why you thought that I was talking about
16 the dog at that point.

17 A Because that could be a scratch mark from a dog's paw or
18 tooth.

19 Q Okay.

20 A Yes.

21 Q And it could be from a fingernail of the child, correct?

22 A Or from somebody.

23 Q Or somebody.

24 A Yes.

25 Q But my question was, it could be the scratch from the

1 fingernail of the child, correct?

2 A It could be.

3 Q Why did you say -- why did you say, or somebody, when I
4 asked you about the child?

5 A Well, it's kind of deep. It's not the kind of thing you
6 would see a child who's -- I mean, it's not the usual kind
7 of thing you would see as a self-inflicted injury. It's
8 kind of deep.

9 Q What do you mean self-inflicted?

10 A Well, if somebody was to -- if I was to sit here and scratch
11 at my face, I probably wouldn't scratch that deeply to break
12 the skin. Or, you know, there could be lots of
13 explanations.

14 Q Something could have -- could have hit her at that point,
15 however it propelled towards her, correct?

16 A Yes.

17 Q You cannot say that that scratch is diagnostic of abuse, can
18 you?

19 A No.

20 Q Nor can you say that the bruise across the nose is
21 diagnostic of abuse, can you?

22 A No.

23 Are we done with this photo?

24 Q I don't have any more questions about that.

25 I want to be careful not to mix mine with yours, so I

1 will leave them there, if I might.

2 A All right. That's fine.

3 MR. PREBLE: Counsel, if you wish to look at the
4 glossies, you certainly may.

5 MR. GRAFF: Okay.

6 Q (By Mr. Preble) Did you draw any conclusion regarding the
7 two injuries noted in Exhibit 2?

8 A From the nose and the eye?

9 Q Yes.

10 A Well, my -- obviously, those, as we just talked about, those
11 could be caused from lots of different reasons. You know,
12 there could be lots of different mechanisms of those
13 injuries. The big concern was the child's initial statement
14 about the cause of it. That was my biggest concern about
15 the situation.

16 Q And what was your concern about that?

17 A When a child tells someone that Mommy did the injury, we
18 have to address that and think about what does that mean?

19 Q And what does it mean?

20 A Well, if a mother had intentionally done that to a child, it
21 would be physical abuse.

22 Q Okay. But what if the child tripped over Mommy?

23 A Well, therein lies the problem. But I don't know -- I'm
24 thinking in this case I have trouble separating out just
25 talking about just those two injuries when there are other

1 scratch tell you anything further than you've already stated
2 from the last photo?

3 **A It just looks like it's resolving, healing.**

4 **Q** And it would still be consistent with a fall on the stair
5 and -- at least as far across the nose?

6 **A Yes.**

7 **Q** And is there anything in that picture that suggests to you
8 four days later, assuming it was four days later, that
9 either of those marks were -- that is the eye or the nose --
10 were diagnostic of abuse?

11 **A No, they are not.**

12 **Q** Okay. Was the mark on the arm diagnostic of abuse?

13 **A** Let's see. There was -- was it on the right upper arm, is
14 that the one?

15 **Q** Yes. And I'm not -- I'm just showing you your picture. I
16 haven't yet made it an exhibit.

17 **A** I'm just trying to get oriented. This -- it's a pretty
18 large bruise. It doesn't have a real specific pattern.
19 There's some linear suggestion there, but it's not
20 diagnostic of abuse.

21 **Q** And, again, that could easily have come from a child
22 falling, correct?

23 **A** It could have.

24 **Q** That bruise on the arm is consistent with normal childhood
25 bruises, would you say?

1 A It's a little more -- it's a little bigger than the average.

2 Most of the playful, falling, bumping into objects are

3 smaller than that, but it certainly could be from a fall.

4 Q On the other hand sometimes a bruise may become maybe larger

5 than one would expect from bumping something; isn't that

6 correct?

7 A There are a lot of variables in bruises, depending on the

8 force and the particular place on the body.

9 Q The shape of the object?

10 A There are so many variables with bruises. This is not

11 specific, but it's a big bruise.

12 Q Were you aware that the child was clumsy?

13 A Well, that was mentioned in the medical records that that

14 was a concern when she was brought in for a medical

15 evaluation.

16 Q And was the concern prior to the time when the child was

17 taken by the Child Protective Services?

18 A Yes.

19 Q So the evidence of clumsiness in the medical records, do you

20 recall how far back that concern had existed?

21 A Let's see. Oh, he took my stickers off.

22 Q Oh.

23 A I had them marked. I'll have to flip through.

24 Q While you are flipping, I'll go get the stickers.

25 (Brief pause)

1 A Well, it would be a fact, one factor, yes.

2 Q And if somebody actually saw the puppy jumping up on the
3 child, that would be information you wouldn't want to know;
4 isn't that correct?

5 A It would be information I would want to know.

6 Q Yes. It would.

7 A Yes.

8 Q And to be able to speak to that person and to know what they
9 observed and what dynamics were involved in the situation,
10 that would be something that you would want to know from
11 that person, correct?

12 A Well, it would be helpful information. It's not my role to
13 interview all the witnesses. It's just not part of my
14 capacity in my role that I have time to do. I don't do the
15 investigation.

16 Q Right. But you have said that the these marks are not
17 diagnostic of abuse, correct?

18 A I said that these marks are very concerning to me because
19 there is no clear explanation.

20 Q I understand you have said they are concerning. But you
21 have not said they are diagnostic of abuse, have you?

22 A No, I have not.

23 Q And going back to Exhibit 1, and if I could take these to
24 have them copied.

25 A Okay. These are yours.

1 Q And on the other hand, if someone were to bump against
2 something, there would be the bruise -- it would be more
3 likely that the bruise of the pinna would be just on the
4 outside, correct?

5 A And also there would be an underlying bruise on the scalp
6 underneath it. And we don't have clear photos of that area
7 either.

8 Q So, again, that's -- if you were to -- if you were to have
9 taken the pictures, you would have pictures of the inside of
10 the pinna, correct?

11 A Of the underside. You would flip the ear out.

12 Q You -- of the head behind the ear, correct?

13 A Yes. And also the backside of the ear.

14 Q Yes. And then also the inside.

15 A Yeah, you want -- if you have a bruise, you want to try to
16 document all the areas of injury. It can be difficult
17 sometimes.

18 Q In fact, this particular mark on this ear could be -- you
19 can't say that it was a pinch rather than falling against
20 something.

21 A I cannot. Yes.

22 I have 15 minutes.

23 Q Okay. Then I have -- I can handle that.

24 (Discussion off the record)

25 MR. GRAFF: On the record.

1 A Yes.

2 Q In this case can you say, No question. These were
3 intentional injuries or, No question. They were not
4 intentional injuries?

5 A I'd say that they were concerning, not diagnostic.

6 Q So this lack of a pattern on the back indicates different
7 injuries at different times?

8 A It's extensive. I would say -- I can't say for sure whether
9 that all happened at one time. However, it's awfully
10 extensive for -- if it was the dog, the dog did some damage.

11 Q Right.

12 A And I'm saying, okay. What's going on here? Why is the dog
13 allowed to do that? Why -- where is the supervision? You
14 know, there are concerns about the child's well-being, in my
15 opinion.

16 Q Okay. So is there such a thing as a physician or medical
17 person anywhere that can tell me when those bruises
18 occurred, like this one occurred on Monday and this one
19 occurred on Wednesday?

20 A Absolutely not.

21 Q All right.

22 A The only thing I can say is there are abrasions on there
23 that are healing. There are some scabby abrasions. So I
24 could tell you it probably didn't happen in the last 20 --
25 well, the last 12 hours. It wasn't really immediate.

Exhibit # 11

0-000001155



0-000001156

Exhibit # 12

0-000001157

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SUPERIOR COURT OF WASHINGTON
COUNTY OF COWLITZ
JUVENILE COURT

In re the Dependency of:

[REDACTED]

Minor Child.

NO. 10-7-00444-0

STATEMENTS OF CHILD

This document is being submitted to the court for the purpose of supporting the parents' request for the child to be returned home to her parents and her four siblings who have continued to reside together as a family without her since [REDACTED] was removed from the home May 11, 2010—552 days ago. The allegations that the mother, Teri Roe, inflicted injuries on [REDACTED] came solely from Heather Bonnell, a then-supposed family friend who claims that the child told her first that her mother did it as the following quote from the CPS intake indicates:

[T]he referent observed a bruise accross the bridge of the child's nose. The referent questioned [REDACTED] about how she got her "ouwies". The referent reported that initially [REDACTED] stated that "mommy did it". Next, the referent advised that the child's mother said, "The dog did it". Then, [REDACTED] said, "The dog did it".

This is reflected in the notes of CPS social worker Stephanie Frost:

[Redacted] reports that once she picked [REDACTED] up in the car [REDACTED] told Heather mommy gave her the bruise and then said the puppy did it when [Redacted] asked how.

See Attachment A, CPS record, page 9 of 116.

1 The foregoing is believed to be the sum total of the child's statement that "mommy did it". The
2 only person who claims to have heard [REDACTED] say "mommy did it" is Heather Bonnell.

3 [REDACTED] on the other hand, has consistently told a variety of people that the new family
4 dog had caused the injuries.

5
6 1. At the CPS office intake, May 11, 2010. Social worker Stephanie Frost noted that at 2:30
7 p.m., May 11, 2010, she heard [REDACTED] mention the puppy:

8 [REDACTED] appeared skittish and shy and was kind of whimpering and wouldn't talk
9 much. During the time [REDACTED] was in the office (waiting for intake report to be
10 made and LE to show up) SW heard her say two words that SW understood,
"puppy and cops".

11 See Attachment B, CPS record, page 8 of 116.

12 2. At the home of Julie Hoffman, May 12, 2010. [REDACTED] was placed on May 11, 2010
13 with her previous day care provider, Julie Hoffman, with whom she has remained these 552 days.
14 Julie said that at 7:30 a.m. that first day in her home:

15 [REDACTED] was sitting on my lap when Bella our chihuahua jumped onto the chair.
16 [REDACTED] said "My new puppy jumps." I said he does, on the furniture? She said no,
17 on me when I was playing outside, he hurt my nose.

18 (Sic.) See Attachment C, Childcare Injury/Incident Report. This was also documented by
19 Stephanie frost in her notes on May 12:

20 Julie stated today she was combing [REDACTED] hair and Julie's dog jumped up and
21 [REDACTED] told Julie that she has dog who jumps on her outside and hurt her nose.
22 Julie state she documented it.

23 See Attachment D, CPS record, page 20-21¹ of 116.

24
25 ¹ Note that Ms. Frost's notes at page 21 also raise a concern about Heather Bonnell's part in
26 [REDACTED]'s life. "Julie stated that Heather has called over and over checking on her and causing
drama and said she wants to visit her. Julie feels that Heather does seem to have a strange
obsession with [REDACTED]"

1 3. CJAC Interview, May 14, 2010.

2 a. *Stephanie Frost, CPS.*

3 [REDACTED] was interviewed at CJAC. Detective Pat Schallert was present and
4 PA Kathryn Gulmert. [REDACTED] made no real disclosure. [REDACTED] lifted up the back of
5 her shirt at one point and said "puppy." [REDACTED] is difficult to understand in her
6 speech. [REDACTED] made no disclosure as to the nose.

7 See Attachment E, CPS record, page 25 of 116.

8 b. *Det. Pat Schallert, CCSO.*

9 Interviewer Mendez told [REDACTED] she saw another owie and demonstrated it was on
10 her nose. [REDACTED] touched the bridge of her ([REDACTED]) nose. When Interviewer
11 Mendez asked [REDACTED] how she got that, [REDACTED] turned slightly and partially pulled up
12 her shirt and jacket. [REDACTED] told Interviewer Mendez that she had marks on her
13 back. When Interviewer Mendez asked [REDACTED] what happened [REDACTED] stated that it
14 was the new puppy.

15 See Attachment F, Supplemental Narratives Incident A10-5670, page 2 of 4, dated 06/01/10.

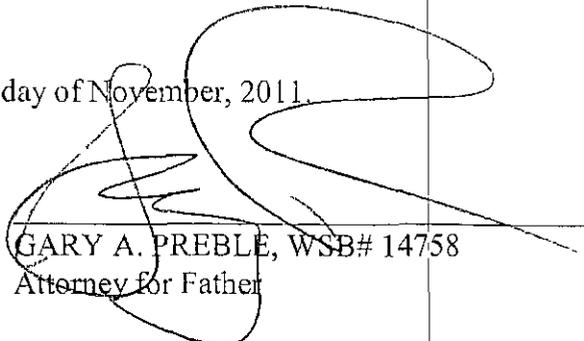
16 4. Doctor visit, May 18, 2010.

17 Julie took [REDACTED] to the doctor on May 18, reporting the next day to the social worker,
18 who made the following notation:

19 [REDACTED] said again, doggy hurt her nose. [REDACTED] showed doctor a bruise on her arm
20 yesterday and she told the doctor that my puppy did that to me. Julie is not sure
21 how she received the bruise.

22 See Attachment G, CPS record, page 39-40 of 116.

23 RESPECTFULLY SUBMITTED this 16 day of November, 2011.

24 
25 GARY A. PREBLE, WSB# 14758
26 Attorney for Father

Case Note Category: CPS	Case Note Type: Investigation
Date Occurred: 05/11/2010	Time Occurred: 03:40 PM
Date Entered: 06/02/2010 08:41 AM	Note Entered by: FROST, STEPHANIE
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE [REDACTED]	Related Intakes: 05/11/2010 2:13 PM 2245181

ACTIVITIES

Activity: Contact - Collateral Participant: NOVALEIGH P ROE Location: Time: 03:40 PM TCM: No

CONTACTS

NARRATIVE

Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 06/02/2010 Time Entered : 08:41 AM

CCSO Deputy Stumph arrived at Kelso DCFS office. SW met with him and SW Blackwell and SW Blackwell explained all, the intake and situation. Deputy Stumph to see [REDACTED] and chat with Heather. Plan for SW Frost and Deputy to go to the home to assess, see kids and talk to parents. [REDACTED] was signed into protective custody at this time. It will be LE case no AP10-5670

[REDACTED] who brought [REDACTED] in states that she has pics of [REDACTED] since she was a little baby with bruises.

[REDACTED] reports that once she picked [REDACTED] up in the car [REDACTED] told Heather mommy gave her hte bruise and then said the puppy did it when [REDACTED] asked how.

[REDACTED] denies she's seen any bruises on any of the other kids. [REDACTED] said when [REDACTED] was a baby she would have her for weeks at a time.

[REDACTED] stated she never reported the bruises because two times someone else did and CPS never did anything so she felt it was a waste of time.

[REDACTED] stated the parents have money and they were told they could not adopt [REDACTED] by the state but the parents fought it privately and won.

[REDACTED] is willing and able to be a placement for [REDACTED]. [REDACTED] stayed with [REDACTED] at DCFS while SW Frost went with LE to the family home.

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34328912	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS	Case Note Type: Investigation		
Date Occurred: 05/11/2010	Time Occurred: 04:10 PM		

Case Note Category: CPS	Case Note Type: Investigation
Date Occurred: 05/11/2010	Time Occurred: 02:30 PM
Date Entered: 05/19/2010 08:06 AM	Note Entered by: FROST, STEPHANIE
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE [REDACTED]	Related Intakes: 05/11/2010 2:13 PM 2245181

ACTIVITIES

Activity: Child - Initial Face to Face with Child Participant: [REDACTED]
 Location: Children's Administration Office Time: 02:30 PM TCM: No

CONTACTS

NARRATIVE

Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 05/19/2010 Time Entered : 08:06 AM

SW Frost made initial face to face with N [REDACTED] R [REDACTED] at Kelso DCFS. [REDACTED] was brought in with referent to have a report made.

[REDACTED] appeared skiddish and shy and was kind of whimpering and wouldn't talk much. During the time [REDACTED] was in the office (waiting for intake report to be made and LE to show up) SW heard her say two words that SW understood, "puppy and cops."

[REDACTED] appears verbal but hard to understand.

[REDACTED] was clean and appropriate.

[REDACTED] did have significant bruising her her face (bridge of her nose and nose which ran down the sides a little bit off of her nose and to the bottom of her nose.)

There was a scratch under her left eye about a 1/2 inch in length. The bruising was purplish red.

[REDACTED] also had rashy bruise type mark on the back of her right arm near her elbow.

[REDACTED] had a bruise on the top of her right ear that was red.

[REDACTED] had bruising on her back that was started halfway down her back and went to her pants line.

The bruising was red/purple, as well as a few older looking bruises that wer greenish/blue. The bruising was splotchy and no distinct pattern or shape. It appeared to be several round various marks. It did appear that there were broken blood vessels that were over the the bruises.

SW DID PHOTOGRAPH ALL BRUISES - COPY IN CASE FILE.

Child not interviewed as this is a protocol case and LE was on their way.

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34328788	Note Finalized <input checked="" type="checkbox"/>
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Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34252410	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Investigation	
Date Occurred: 05/12/2010		Time Occurred: 04:36 PM	
Date Entered: 05/12/2010 04:44 PM		Note Entered by: FROST, STEPHANIE	
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE [REDACTED]		Related Intakes: 05/11/2010 2:13 PM 2245181	
ACTIVITIES			
Activity: Contact - Collateral Participant: [REDACTED]		Location:	Time: 04:36 PM
TCM: No			
CONTACTS			
NARRATIVE			
Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 05/12/2010 Time Entered : 04:44 PM tcf: Detective Pat Schallert Marc Gilchrist and Pat to work case. [REDACTED] to be interviewed at CJAC and that is being set up now and SW should be contacted about interview.			

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34252505	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Investigation	
Date Occurred: 05/12/2010		Time Occurred: 04:38 PM	
Date Entered: 05/12/2010 05:04 PM		Note Entered by: FROST, STEPHANIE	
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE [REDACTED]		Related Intakes: 05/11/2010 2:13 PM 2245181	
ACTIVITIES			
Activity: Contact - Collateral Participant: [REDACTED]		Location:	Time: 04:38 PM
TCM: No			
CONTACTS			
NARRATIVE			
Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 05/12/2010 Time Entered : 05:04 PM tcf: Julie Hoffman Julie stated [REDACTED] is doing well and she can continue placement if SW needs her to. SW let Julie know that CJAC interview to be set up and someone will be contacting her to			

schedule and coordinate.

SW stated SW will need them to fill out BCCU forms. Julie stated she has a licensed day care and her boyfriend, Erik Kindvall works for the state. SW stated SW to check but may still need them.

Julie stated today she was combing [REDACTED]'s hair and Julie's dog jumped up and [REDACTED] told Julie that she has dog who jumps on her outside and hurts her nose. Julie state she documented it.

Julie stated she received some clothes from Heather, her niece.

SW let her know that father called SW but SW called back and it was the wrong number father left SW. SW let Julie now she can coordinate with parents to get [REDACTED]'s stuff.

Julie stated mother and father have not called which she feels is good as SW said no contact.

Julie stated that Heather has called over and over checking on her and causing drama and said she wants to visit her.

Julie feels that Heather does have a strange obsession with [REDACTED]

501 - tct: Julie 270-4071

Julie will pick up BCCU forms tonight to take home and fill out for she and Eric

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34252687	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Investigation	
Date Occurred: 05/12/2010		Time Occurred: 06:22 PM	
Date Entered: 05/12/2010 06:23 PM		Note Entered by: FROST, STEPHANIE	
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE [REDACTED]		Related Intakes: 05/11/2010 2:13 PM 2245181	
ACTIVITIES			
Activity. Contact - Collateral Participant: [REDACTED] Location: Time: 06:22 PM TCM: No			
CONTACTS			
NARRATIVE			
Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 05/12/2010 Time Entered : 06:23 PM SW Frost gave placement BCCU forms to fill out and letter that explains the fingerprint process.			

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34259395	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Investigation	
Date Occurred: 05/13/2010		Time Occurred: 12:00 AM	
Date Entered: 05/14/2010 08:44 AM		Note Entered by: FROST, STEPHANIE	

APPENDIX D-2

Page 21 of 116

0-000001164

AM TCM: No
CONTACTS
NARRATIVE
<p>Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 05/17/2010 Time Entered : 09:54 AM</p> <p>Picture's dropped off to SW Frost from referent.</p> <p>Referent claims [REDACTED] has always had strange bruises since she was a baby and she has had photo's of them.</p> <p>Photo's are not dated.</p> <p>CCSO detective Schallert has same pics.</p>

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34275615	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Investigation	
Date Occurred: 05/14/2010		Time Occurred: 09:00 AM	
Date Entered: 05/19/2010 07:59 AM		Note Entered by: FROST, STEPHANIE	
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE [REDACTED] E		Related Intakes: 05/11/2010 2:13 PM 2245181	

ACTIVITIES			
Activity: Child - Face to Face with Child	Participant: [REDACTED]	Location:	
Other (License or Unlicensed)	Time: 09:00 AM	TCM: No	

CONTACTS			
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NARRATIVE			
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<p>Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 05/19/2010 Time Entered : 07:59 AM</p> <p>[REDACTED] was interviewed at CJAC</p> <p>Detective Pat Schallert was present and PA Kathryn Gulmert.</p> <p>[REDACTED] made no real disclosure.</p> <p>[REDACTED] lifted up the back her shirt at one point and said "puppy". [REDACTED] is difficult to understand in her speech.</p> <p>[REDACTED] made no disclosure as to her nose.</p> <p>Report to follow from LE.</p> <p>Summary from interviewer Kristin Mendez to follow.</p>

Case Name:	Case ID:	Case Note ID:	Note Finalized <input checked="" type="checkbox"/>
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ATTACHMENT E

0-000001165

hum" at several different times.

When Interviewer Mendez asked [redacted] her age, Nova stated, "Three." When asked how many that was, she held up four fingers.

[redacted] was very interested in her monkey and was concerned about a string she saw on it. Interviewer Mendez asked [redacted] what color the monkey was; she stated he was the same (as her clothes, which he was). Again Interviewer Mendez asked the color, [redacted] stated, "Him have tail." [redacted] correctly identified the monkey's ears, eyes, and lips. She also correctly identified toes and arm. When asked what her band-aid was on, she stated, "Scratch", then identified her leg.

Interviewer Mendez asked [redacted] who she lives with; her response was indistinguishable. Interviewer Mendez asked [redacted] who lives in her house, [redacted] responded, "JuJu." [redacted] told Interviewer Mendez something about JuJu, but it was indistinguishable. Interviewer Mendez asked [redacted] if she had a brother or a sister; [redacted] responded by saying "um hum" and shaking her head back and forth, meaning negative.

Interviewer Mendez again asked [redacted] who she lives with. [redacted] responded, "JuJu have baby." Then added, "Him name's Aden." When asked, [redacted] said Aden was a big baby.

Interviewer Mendez asked [redacted] who else she knew. [redacted] stated, "Linda." [redacted] added, "Linda has a house." Interviewer Mendez asked [redacted] if she ever went to Linda's house. [redacted] stated, "JuJu has a puppy." When asked the puppy's name, [redacted] responded, "He walks." [redacted] then stated JuJu has two house." She then held up two fingers.

Interviewer Mendez stated to [redacted] that she (Nova) showed her (Interviewer Mendez) her owie. [redacted] again showed Interviewer Mendez her scratch. Interviewer Mendez asked [redacted] what other owies she had, [redacted] stated, "Two." [redacted] then showed Interviewer Mendez another scratch near the other scratch. Interviewer Mendez asked [redacted] how she got the scratch. [redacted] did not respond to the question but reached up and showed Interviewer Mendez a ribbon in her ([redacted]) hair.

Interviewer Mendez told [redacted] she another owie on [redacted] knee. [redacted] told Interviewer Mendez it was a scratch and demonstrated that it was from her fingernails.

Interviewer Mendez told [redacted] she saw another owie and demonstrated it was on her nose. [redacted] touched the bridge of her ([redacted] nose. When Interviewer Mendez asked [redacted] how she got that, [redacted] turned slightly and partially pulled up her shirt and jacket. [redacted] told Interviewer Mendez that she had marks on her back. When Interviewer Mendez asked Nova what happened, [redacted] stated that it was the new puppy. She added something that was indistinguishable.

Interviewer Mendez attempted a few more questions of [redacted] but [redacted] did not clearly answer. [redacted] then stated that she wanted Eric. [redacted] repeated that a few times, then told Interviewer Mendez what sounded like, "Don't hit my back."

[redacted] appeared to be getting very nervous and/or uncomfortable. She was sitting on the edge of her chair.

At ~0923 Interviewer Mendez told [redacted] she was going to step out for a minute and asked [redacted] to wait. [redacted] stayed in the chair, still kicking her feet against the

ATTACHMENT F

NOVALEIGH P. ROE	
ACTIVITIES	
Activity: Parent - Bio/Adopt or Guardian Contact (Includes face to face) Participant: BRANDON K. ROE Location: By Phone Time: 04:41 PM TCM: No	
CONTACTS	
NARRATIVE	
Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 06/02/2010 Time Entered : 05:06 PM Tct: Father Brandon Roe, SW let him know if FTDM and he said he and mother would be present.	

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34281502	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Investigation	
Date Occurred: 05/19/2010		Time Occurred: 05:36 PM	
Date Entered: 05/20/2010 08:12 AM		Note Entered by: FROST, STEPHANIE	
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE [REDACTED]		Related Intakes: 05/11/2010 2:13 PM 2245181	

ACTIVITIES	
Activity: Contact - Care Provider or Facility Provider Participant: [REDACTED] Location: Time: 05:36 PM TCM: No	
CONTACTS	
NARRATIVE	
Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 05/20/2010 Time Entered : 08:12 AM tct: Julie Hoffman who left a message and stated that the doctor told hre blood tests results should be back tomorrow. Julie asked if SW needs her to pick them up and bring them to SW or does SW get them? Julie is at 274-8977 or 270-4071 5/20 810 tct: Julie SW let her know SW will obtain records. Julie stated the doctor cannot test anything for equilibreum but did have [REDACTED] run down the hall and things and didn't find anything. Julie mentioned the doctor said something about testing her eyes. SW let her know she can take her in but make sure medical coupon covers it and we need to talk to parents too about this and this can be done at the FTDM later today.	

APPENDIX G-1

0-000001167

[REDACTED] said again, doggy hurt her nose.
 [REDACTED] showed doctor a bruise on her arm yesterday and she told the doctor my puppy did that to me. Julie is not sure how she received the bruise.

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34298117	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Investigation	
Date Occurred: 05/20/2010		Time Occurred: 12:00 AM	
Date Entered: 05/25/2010 09:20 AM		Note Entered by: FROST, STEPHANIE	
Related Participants and Collaterals: BRANDON K. ROE TERI L ROE [REDACTED]		Related Intakes: 05/11/2010 2:13 PM 2245181	
ACTIVITIES			
Activity: Contact - Health Contact		Participant: [REDACTED]	Location: Time:
12:00 AM TCM: No			
CONTACTS			
NARRATIVE			
Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 05/25/2010 Time Entered : 09:20 AM			
[REDACTED] medical records from Castle Rock Peace Health received. Copy in case file.			

Case Name: ROE, TERI	Case ID: 547109	Case Note ID: 34283835	Note Finalized <input checked="" type="checkbox"/>
Case Note Category: CPS		Case Note Type: Investigation	
Date Occurred: 05/20/2010		Time Occurred: 12:15 AM	
Date Entered: 05/20/2010 12:29 PM		Note Entered by: FROST, STEPHANIE	
Related Participants and Collaterals: BRANDON K. ROE TERI L. ROE [REDACTED]		Related Intakes: 05/11/2010 2:13 PM 2245181	
ACTIVITIES			
Activity: Contact - Collateral		Participant: TERI L. ROE	Location: Time: 12:15 AM
TCM: No			
CONTACTS			
NARRATIVE			
Case Note 1 of 1 Entered By : STEPHANIE FROST Date Entered : 05/20/2010 Time			

APPENDIX G-2
Page 44 of 100

0-000001168

Exhibit # 13

0-000001169

OBSERVATIONS ON INTERVIEW OF NOVALEIGH ROE

Gail Stygall, Ph.D.
Professor, University of Washington
Department of English

I. Introduction

This is a report on the interview of [REDACTED] conducted by Interviewer Kristen Mendez conducted on 05/14/2010 at the Children's Justice & Advocacy Center. I was asked by Gary A. Preble, Attorney-at-Law to produce a transcript and an evaluation of that transcript. I listened to and watched a DVD of the interview, produced a transcript of the interview, guided by linguistic principles, and then compared the transcript with the Supplemental Narrative (#4) of Detective Pat Schallert. The question that I answered was whether Detective Pat Schallert's Supplemental Narrative (#4) was an accurate representation of the interview between [REDACTED] and Interviewer Kristen Mendez.

II. Summary of Expert Opinion

After transcribing the interview guided by principles of linguistics and conversation analysis, I make the following conclusion: the Supplemental Narrative of Detective Pat Schallert does not accurately represent the interview and is especially inaccurate in its representation of the speech of [REDACTED]. I base my opinion on linguistic analysis of the interview and comparison with the Supplemental Narrative. Below I more fully describe the speech of [REDACTED] and her interaction in the interview.

III. Professional Qualifications

I am Professor of English Language in the Department of English Language and Literature at the University of Washington. I am also Adjunct Professor in the Department of Linguistics. For the past 23 years, I have conducted research on English language linguistics, as well as taught courses at the upper undergraduate and graduate level in linguistics and English language. I received my Ph.D. from Indiana University in 1989 in English Language, with specializations in Language Variation and Sociolinguistics, Phonology, and Rhetoric and Composition, with an oral examination on law and interpretation. I am a general English language linguist with particular specialties in discourse analysis (of which conversation analysis is a part), sociolinguistics, and legal language. My c.v. is appended to this document.

I have occasionally been consulted by attorneys on various aspects of language analysis, including the accuracy of accounts of conversation. It is typical for me to write a report on the topics on which I am consulted. I have been deposed several times but have testified only on rare occasions. As my primary occupation is as a Professor, I consult infrequently.

Linguistics is the empirical and scientific study of language. The study of linguistics includes sounds (phonetics), sound systems (phonology), meaning systems (morphology and semantics), sentence structure (syntax), and talk and text (discourse). A transcript produced by a linguist will

include not only the words spoken, but also partial words, fillers, continuation markers, pauses, interruptions, false starts, intonation patterns and other segments, usually not included on a court reporter's transcript.

IV. Observations

[REDACTED] language is normal for a three-year-old. She has just started into the telegraphic phase in which she is beginning to be able to form a variety of sentences. In the phase immediately before her current stage, young children are limited to two and three word sentences. [REDACTED] utters several five and six word sentences. She is still using the objective case pronouns (e.g., him a baby) and is not yet using nominative case (e.g., he's a baby), at least in the confines of this interview.

[REDACTED] shows strong knowledge of the way a conversation is held, making a response (often "uh huh") at turn appropriate points. There are few interruptions in this conversation, indicating that it is not a normal conversation and more like a courtroom sequence or the investigative interview that it is. It should be noted that she is speaking, as I understand it, to an unfamiliar person, Investigator Mendez. Young children tend to be cautious in this situation. Young children are also sometimes inattentive to conversations that adults think are important and that continue on the same topic for an extended period of time. Later in the interview, [REDACTED] expresses inattention to questions and preference for activities such as drawing. She also displays considerable inattention when she needs a bathroom break. She is, after all, only three at the time of this interview.

These observations contrast with Detective Schallert's account. For example, she makes comments such as "Initially [REDACTED] didn't respond to anything Interviewer Mendez said to her" or "Interviewer Mendez asked several simple questions, [REDACTED] responded over and over with, 'Um, um.'" Her first comment is related to conversational fragments before [REDACTED] and the interviewer enter the room; her second comment here is similarly situated before [REDACTED] has fully entered the interview room. Throughout the interview, [REDACTED] responds with acknowledgement that she has heard the request and gives a minimal response.

Many statements on Detective Schallert's "Supplemental Narrative" are simply incorrect and not what [REDACTED] actually says. Detective Schallert indicates "[REDACTED] stated that she fell in the bushes." What the transcript says is that [REDACTED] first says, "I fell off—bikey." When the interviewer states with question intonation, "You fell down?" [REDACTED] confirms with "Um huh." Several times in the interview, Interviewer Mendez misunderstands [REDACTED] and [REDACTED] is emphatic in her attempt to correct the interviewer. Page 4 of the transcript displays a sequence in which the interviewer simply does not understand that [REDACTED] is saying "Heather." There is no mention in the Detective's Supplemental Narrative of these sequences where it is clear on the transcript that the interviewer does not understand what [REDACTED] has said. Page 6 of the transcript supplies another example of the interviewer mishearing, when the interview hears [REDACTED]s "Him name . . . him bark" and the interviewer says "Him walks." What Detective Schallert writes down is what the interviewer said, "walks," not [REDACTED]s "bark."

In an even more important instance, Detective Schallert again writes what the interviewer said rather than what [REDACTED] said. The relevant sequence is on page 7 of my transcript. When the interviewer asks [REDACTED] what happened to make the marks on her back, [REDACTED] answers "the new puppy." When the interviewer repeats "the new puppy" back with question intonation, [REDACTED] says, "Him, him Louie Louie." When the investigator asks "What? He did what?" [REDACTED] answers "Louie Louie did it." [REDACTED] continues to insist that what happened was with the puppy through multiple turns in the interview. On page 8 of the transcript, [REDACTED] begins to insist that the interviewer take her back to Eric. Through three turns [REDACTED] emphatically says "Take me back," followed by "right now," and "You take me back." The interviewer responds with "Don't hit your back," and then "I won't hit your back," a considerable mishearing of what [REDACTED] actually said.

In the section that begins after the long break (page 8), the interviewer asks [REDACTED] about her family relationships. Children of [REDACTED]'s age often have difficulty with abstract concepts, even family kinship terms, like "mother" or "father." In this particular case, [REDACTED] has been moved several times and has interacted with several parental figures. Her difficulty in answering this set of questions is understandable from a linguistic perspective.¹ Her category for parental caretakers is larger than just mother and father, but clearly the interviewer expects that [REDACTED] has a stable category for "mother" and "father." Developmentally, [REDACTED] is at a period in which children are beginning to expand their categories into the particular. Earlier, for example, a cat may represent for a child the category of all four-legged animals, but at the point [REDACTED] is, children are beginning to differentiate. [REDACTED] is likely to be undergoing a category expansion to include more parental figures and in the recent past she has had additional parental figures enter her life.

The difficulties with abstract concepts about parents surfaces again when the interviewer asks on page 9, "So who is Eric?" and "Is Eric your daddy um or someone else?" In both cases [REDACTED] indicates that she has heard the question by saying "Um, mm hmm," but doesn't actually answer the question. It isn't clear why [REDACTED] would call Eric, her foster parent, daddy or why the interviewer would expect her to do so. The interviewer continues with questions about [REDACTED]'s name, apparently trying to get her to say a last name. These are all questions related to [REDACTED]'s understanding of complicated family and foster relationships, which are unlikely to match adult understandings of these relations, particularly legal understandings of these relationships.

In conclusion, [REDACTED]'s language was normal for a child of her age and circumstances. She did speak softly in the interview, leading the interviewer to misunderstand her a number of times in the interview. Furthering the misunderstanding were Detective Schallert's focus on the interviewer's language rather than that of [REDACTED].

¹ See linguist Anne Graffam Walker's discussion of children's responses to concept questions, in her *Handbook on Questioning Children*, 2nd ed. (Washington, D.C.: ABA Center on Children and the Law, 1999; 83-4).

Exhibit # 14

0-000001173

INTERVIEW OF N [REDACTED] R [REDACTED]
By Investigator Mendez 5/14/10

INV = Investigator Mendez
[REDACTED] [REDACTED]

TRANSCRIPT CONVENTIONS

- ... Each period represents one second of pause
- , Slight pause
- CAPS Represents much louder speech
- [] Use includes unintelligible remarks or manner of speech, e.g., whimpers or laughs, and physical gestures, movements or events
- Stands for speech that starts and cuts off
- ? Question intonation

Tape starts at 9:11. Conversation between Interviewer and [REDACTED] before formal interview begins. Interview begins after Interviewer gets [REDACTED] seated in chair at 9:13.

INV: Ah, I like your flip flops. Those are cute. . . Oh, I see you have "Hello Kitty". What happened?

[REDACTED]: Uh huh.

INV: My name is Kristen. . You know what I get to do every day? I get to talk to kids every day.

[REDACTED]: Do do you want to see?

INV: Your owie? Oh sure, if you want to show me that's fine. . . but if you don't want to that's okay too.

INV: Oh, what is it? . . . Oh, a scratch.

[REDACTED]: Uh huh.

INV: What happened?

[REDACTED] I fell off.
INV: What?
[REDACTED] I fell down—bikey.
INV: You fell down?
[REDACTED] Um huh.
INV: Oh. Well [REDACTED] I get to talk to kids all day.
[REDACTED] Uh, uh
INV: And we get to talk about all kind of things. It's kinda cool I get to do that. So today I get to talk to you.
[REDACTED] Um huh.
INV: Yeah and um, and I wanted to let you know that there's a couple of people that you saw back when you were sitting out there playing, and they are watching you behind the mirror here. But we can't see them or hear them. They can see us through it.
[REDACTED] Uh huh.
INV: You remember. And we're making a DVD, a movie of us talking, too.
[REDACTED] Um huh.
INV: Alright?
INV: So [REDACTED], how old are you?
[REDACTED] Three.
INV: Three. Wow.
[REDACTED] Uh huh.
INV: How many fingers is that?
INV: Show me how many that is. Show me how many is three. 1-2-3-4 wow, so you're three?
[REDACTED] Uh huh.
INV: And who did you bring with you today?
[REDACTED]: Monkey, this one.
INV: Who is it?
[REDACTED] Monkey.
INV: What's that monkey? Who is it? Is that your monkey?
[REDACTED] Uh huh.
INV: Wow. We're going to talk today about some things. Um . . . Who brought you today to here? Who was that man you were with?

[REDACTED] . . . Um, my Eric.

INV: Eric.

[REDACTED] Uh huh.

INV: Oh, okay, all

[REDACTED] Monkey see.

INV: What happened to monkey? Oh, monkey has a string hanging out.

[REDACTED] Uh huh.

INV: Maybe we can fix that later, okay? . . . So [REDACTED], what . . . so [REDACTED] what color is your jacket? What color is that?

[REDACTED] [REDACTED holds monkey up to jacket.] Him, like him.

INV: You're saying like him.

[REDACTED] Uh huh.

INV: And what color is he?

[REDACTED] . . . Him, him have tail.

INV: He does have a tail. What else does he have? What are these?

[REDACTED] Um, ears.

INV: Yeah, ears. What about these right here?

[REDACTED] These?

INV: What is that?

[REDACTED] Okay eyes [very softly].

[REDACTED] Eyes. Um, what's here?

[REDACTED] Nose.

INV: Nose. What about this? What's this?

[REDACTED] Lips.

INV: Lips, mm hmm. What's this right here?

[REDACTED] Ah, my toes.

INV: Toes, yeah.

INV: What is this? What is this whole thing?

[REDACTED] Um, arm.

INV: Yeah arm, wow what other body parts do you know?

[REDACTED] Hmmmm. [high pitch sound]

INV: What is your band aid on?

[REDACTED]: Um, on scratch.
INV: It's on a scratch. What part of your body is it on?
[REDACTED]: Um.
INV: What do you call *this whole thing right here*?
[REDACTED]: Leg? [with question intonation]
INV: Leg. Wow you're smart.
[REDACTED]: Uh huh.
INV: So [REDACTED], um, what, do you, uh, who do you live with?
[REDACTED]: Um, Heather.
INV: Who?
[REDACTED]: Heather.
INV: Who is that?
[REDACTED]: Heather come to me last night.
INV: You know, I didn't hear you very good; tell me again. . . Hunter?
[REDACTED]: Um. Heather come to me last night.
INV: What did he do?
[REDACTED]: No Heather [emphatic].
INV: Oh, Hunter.
[REDACTED]: Heather [emphatic].
INV: Oh ok. is that a boy or a girl, or a pet? What is that?
[REDACTED]: Um . . . huh?
INV: What?
[REDACTED]: Hmmm.
INV: Okay. Who? lets see—okay who lives in your house?
[REDACTED]: Juju.
INV: Juju?
[REDACTED]: Mm hmm.
INV: What, who is Juju?
[REDACTED]: Juju love, love me.
INV: Juju what?
[REDACTED]: Loves me.

INV: Juju loves you?
[REDACTED]: Uh huh.
INV: What about a brother, do you have a brother?
[REDACTED]: [Shakes head "no"]
INV: Or a sister or anybody?
[REDACTED]: [Shakes head "no"]
INV: No. Who do you live with?
[REDACTED]: Juju have baby.
INV: They had a baby?
[REDACTED]: Uh huh.
INV: Wow!
[REDACTED]: Juju have baby.
INV: Juju has a baby?
[REDACTED]: Uh huh.
INV: Oh, okay, and- [Nova interrupts].
[REDACTED]: Him name Aden.
INV: His name is Aden.
[REDACTED]: Uh huh.
INV: His name is Aden.
[REDACTED]: Uh huh.
INV: Wow. Is he a big baby or a little baby?
[REDACTED]: Big baby.
INV: Big baby?
[REDACTED]: Mm hmm.
INV: Oh, okay, his name is Aden. Okay. Who else do you know?
[REDACTED]: Um, Linda.
INV: Who?
[REDACTED]: Linda.
INV: Who is Linda?
[REDACTED]: Linda have a house.
INV: Linda have a house. Oh, okay. . . Have you ever been to her house?

[REDACTED] Uh huh.

INV: What's it like?

[REDACTED]: Linda [unintelligible]

INV: What got?

[REDACTED]: Juju got a puppy.

INV: Juju has a puppy?

[REDACTED]: Uh huh.

INV: What does the puppy do?

[REDACTED]: Him name . . . him bark.

INV: Him walks. Oh, what else?

[REDACTED]: Him, him. Juju have two house.

INV: Two house?

[REDACTED]: Uh huh, this how many two house [Holds up fingers].

INV: That is two; you held up two fingers, okay? So you showed me your owie your scratch.

[REDACTED]: Um

INV: What other owies do you have?

[REDACTED]: Two owies. [Looks at leg]

INV: Two owies? Where is your other owies? Oh another scratch. And how did you get this scratch?

INV: Do you remember?

[REDACTED]: Mm hmm.

INV: What happened?

[REDACTED]: [Shows investigator her ribbons]

INV: I see your ribbons; very pretty. I see an owie's right there, too.

[REDACTED]: Mm hmm. . it's [my] scratch.

INV: From what?

[REDACTED]: My fingernail.

INV: Oh your fingernails; a scratch, yeah.

[REDACTED]: Mm hmm.

INV: I see an owie right here.

[REDACTED]: . . Um.

INV: Right here. [Investigator points to her own forehead.]
[REDACTED] Um
INV: Yeah, how did you get the owie?
[REDACTED] [Makes face.]
INV: What you doing?
[REDACTED] [REDACTED] pulls up her coat to show her back] Scratch marks on back.
INV: You have marks?
[REDACTED] Marks.
INV: On your back?
[REDACTED] Um huh.
INV: What happened?
[REDACTED] The new puppy.
INV: The new puppy?
[REDACTED] Him, him Louie Louie.
INV: What? He did what?
[REDACTED] LOUIE LOUIE did it ["did it" softly]
INV: Okay, oh, what did you think about that?
[REDACTED] Um.
INV: Who is, what is your new puppy's name?
[REDACTED] I'm, I'm, I'm, I'm, going.
INV: You're going?
INV: How did you this owie here?
[REDACTED] Um. Him come out, him, him, out him.
INV: Him who?
[REDACTED] [Unintelligible] Puppy.
INV: Anthony?
[REDACTED] NO.
INV: Who?
INV: But who is him? What is him's name? Is him a person, an animal or a toy?
[REDACTED] Him an-an-an-ana animal. . . . animal . . . him.
INV: What is him's name?

[REDACTED] Um, Anthony.
INV: Um, and who is that?
[REDACTED]: [No answer.]
INV: What happened?
[REDACTED]: Uh, I want my Eric.
INV: Hum?
[REDACTED]: I want Eric.
INV: What you doing?
[REDACTED]: I want Eric.
INV: You want Eric? Yeah, we're going to go back and see Eric.
[REDACTED]: You take me back [emphatic].
INV: What did?
[REDACTED]: Right now. [Louder.]
INV: You say.
[REDACTED]: You take me back. [Louder and emphatic.]
INV: Don't hit your back?
[REDACTED]: [Shakes head "no"]
INV: I won't hit your back.
[REDACTED]: I want Eric.
INV: Wait just a second, okay? I'll be right back, okay?
Interviewer leaves the room and then returns.
INV: You, okay, don't forget your monkey, you, okay just one second. Um Hey,
Novaleigh, want to go see Eric and we'll come back in a little bit.

[Investigator and [REDACTED] leave room]

Long pause in tape, from 13:00 (9:23) on my counter to 18:44 (9:30) on my counter.

INV: Here we go. I see the monkey and the bear; they are still sitting there.
[REDACTED]: [REDACTED] jumps into chair facing camera.]
INV: All right. Oh, hold on; I want to ask you something.
[REDACTED]: No.

INV: You told me Juju that, um . . . is Juju your mommy? Hold on ~~NOVA~~, who is Juju? We'll be done in a sec. Who is Juju? Is she your mommy or somebody else?

~~NOVA~~: [Whimpers]

INV: Do you have another mommy?

~~NOVA~~: Uh uh.

INV: Oh you don't. . . What is Juju's puppy's name?

~~NOVA~~: Mm hmm. ~~NOVA~~ has not moved fully into the room or camera view.]

INV: What is it? Do you want to color? Maybe we can sit at the table and color. There's the paper. . And I'll get you some crayons. . . Okay, so you said that Juju has puppy.

~~NOVA~~: Uh huh.

INV: Do you have any more puppies?

~~NOVA~~: Um, nuh uh.

INV: Oh ok, you said uh uh, what is the puppy name's? What do you call the puppy?

~~NOVA~~: . . . Louie.

INV: You looked like you were thinking really hard.

~~NOVA~~: Uh huh.

INV: Yeah. . . So who is Eric?

~~NOVA~~: Um, mm hmm.

INV: Is Eric your daddy um or someone else?

~~NOVA~~: Um, mm hmm.

INV: Do you have another daddy?

~~NOVA~~: Um, um nuh.

INV: So um. . . what's, tell me how you say your name.

~~NOVA~~: ~~NOVA~~ using crayons to dot the paper; audible sounds.] Novaleigh.

INV: ~~NOVA~~igh. . . What else is part of your name? Do you- is that your full- have more names?

~~NOVA~~: Um

INV: What does Juju call you?

~~NOVA~~: ~~NOVA~~igh.

INV: Ah, what does Eric call you?

~~NOVA~~: Um, Baby.

INV: Baby. [Laughs] What other names do people call you?
[REDACTED]: Um.
INV: All right. So you live at Juju's house. Do you have another house?
[REDACTED]: No. [Shakes head "no" also.]
INV: Do you want me to trace your hand? Put your hand, I can copy your hand . . . so do you have another house that you go to?
[REDACTED]: No. [Whimpers.]
INV: Oh, oh. Put your hand right there . . . You said Juju has a baby, Aden, yeah?
[REDACTED]: [Laughs]
INV: Where does Aden go?
[REDACTED]: Two hands.
INV: Two hands?
INV: Hey, you're three! Did you have a birthday?
[REDACTED]: Uh huh.
INV: Come here, can you write your name? Did you have a birthday party?
[REDACTED]: Mm hmm.
INV: Tell me your birthday party.
[REDACTED]: Uh uh . . . huh uh [Whimpers.]
INV: What? I didn't hear you, on this side. What was your . . . you need to potty?
[REDACTED]: Mm hmm.
INV: Let's go potty! I think you're dancing.

[Investigator and [REDACTED] leave room]

Pause at 23:25 (9:35) on my counter; return at 26:00 (9:38) on my counter.

INV: Yeah, I'm going to get some more paper and we can draw a picture. . . Oopsie, oh. Are you taking that color?
[REDACTED]: You, you draw on, on that page.
INV: Oh, okay. I'm going to draw something. Okay?
[REDACTED]: Uh huh I'm going to draw something.
INV: Oh yeah. What's this?
[REDACTED]: A house.

INV: A house. Who lives in the house?
[REDACTED]: Kids.
INV: Who?
[REDACTED]: Kids.
INV: Kids, what kind of kids?
[REDACTED]: Make a car.
INV: What do you call the kids? Make a car? So can you draw a house?
[REDACTED]: Um . . I can't.
INV: You can.
[REDACTED]: Mm hmm.
INV: No, you can't?
[REDACTED]: Uh huh.
INV: There is a car.
[REDACTED]: You make two cars.
INV: *Two cars? Okay, how many cars do you have?*
[REDACTED]: Um, two.
INV: Two . . . um there is another one.
[REDACTED]: Um, pink [unintelligible] a window up here.
INV: A window up here? Okay.
[REDACTED]: Mm hmm.
INV: So you said kids live in the house.
[REDACTED]: Um huh.
INV: What shall we call the kids?
[REDACTED]: Huh. Anthony [unintelligible]
INV: In the house? Okay. All right.
[REDACTED]: Um huh.
INV: Um, so tell me what you're drawing.
[REDACTED]: A, a, a, car.
INV: A car?
[REDACTED]: Mm hmm.
INV: What else?

[REDACTED]: Um, um two cars.
INV: Um.
[REDACTED]: Another car.
INV: Okay . . . I'm going to get another piece of paper. Do you want another piece of paper?
[REDACTED]: Uh huh.
INV: Ok, I'm going to draw something different, here you go.
[REDACTED]: Wow.
INV: What color is that? What color are you using?
[REDACTED]: . . . Purple.
INV: Purple? Look two houses!
[REDACTED]: Two houses.
INV: Here's one and here's another. Sometimes people live in two houses.
[REDACTED]: Live in two houses? Another house.
INV: Another house, here is one. Where do you live?
[REDACTED]: Juju's.
INV: You live at Juju's house?
[REDACTED]: Uh huh.
INV: Do you have another house?
[REDACTED]: Uh huh.
INV: I'll get some paper. Here's two pieces, then you can turn it over.
[REDACTED]: I need paper.
INV: What?
[REDACTED]: [Whispers] I need paper.
INV: So, [REDACTED] you said Juju has a baby, Aden.
[REDACTED]: Mm hmm. Him have a color.
INV: He is coloring.
[REDACTED]: [Vocalizes, holding stuffed animals, no audible words.] Um huh.
INV: He's playing.
[REDACTED]: Uh huh.
INV: He likes to play.
INV: You got another owie right there?

[REDACTED] Oh, him sitting down paper, paper.

INV: Yeah, so-

[REDACTED] Paper, paper.

INV: What are you getting? That's all, you have to turn it over. [REDACTED] come here I'll show you, they are stuck together. Look at this side, come get this one. Come here, this one right here.

[REDACTED] [Singing] it's [a] really big one.

INV: So, [REDACTED] . . . so you call Juju "mommy"?

[REDACTED] Mm hmm.

INV: Who else do you call "Mommy"? Mama or mom?

[REDACTED] Two house.

INV: Yeah, two house.

INV: Do you have another mommy?

[REDACTED] No.

INV: No. One more, thank you, then no more, all done, last one. Yeah, I have to go.

[REDACTED] Color upside down.

INV: Okay, so try, you color big car, mm hmm, big colors.

[REDACTED] Um.

INV: And what will you make? This is my house.

[REDACTED] Mm hmm.

INV: And this is my other house, sometimes I live here and sometimes I live here. What about your house?

[REDACTED] I'm, I'm, I'm, I'm there.

INV: You're right there, oh!

[REDACTED] Me, [I'm there].

INV: Who lives in this house?

[REDACTED] Me.

INV: You? Who else is there with you?

[REDACTED] Um, no, nobody.

INV: Nobody, who is in this one?

[REDACTED] Uh, me.

INV: You?

[REDACTED]: Uh huh.
INV: And who else?
[REDACTED]: And two house, that the car and a house.
INV: Have you always lived with Juju?
[REDACTED]: Uh huh.
INV: Or did you live somewhere else?
[REDACTED]: Somewhere else, um.
INV: Who lived with you somewhere else?
[REDACTED]: Huh, um no Heather, no Heather, no Heather, no Heather.
INV: No Hunter. Who is Hunter? What is Hunter?
[REDACTED]: Oh, um, oh.
INV: Whoops, it's ok. When you lived somewhere else, was there a mommy?
[REDACTED]: Uh huh.
INV: No. Was there a daddy?
[REDACTED]: No. . can't color. That not my crayon.
INV: It broke didn't it?
[REDACTED]: It not broke.
INV: Oh, that one is not the broke- It's a broken one? Okay, come back over here.
[REDACTED]: I am . . . [walking around] oh, oh, oh.
INV: You want me to hold your monkey?
[REDACTED]: Mm hmm.
INV: Is he your friend?
[REDACTED]: Okay, I'm, I'm coloring a you house.
INV: Let's see. You're coloring a house? Wow.
[REDACTED]: I'm, I'm coloring you house.
INV: Let's see. Oh how many houses, 1-2-3.
[REDACTED]: You, you want this? You want have picture?
INV: Ok.
[REDACTED]: Is that- on there- [unintelligible] picture ok.
INV: Ok, so does baby Aden sleep at your house?
[REDACTED]: Downstairs.

INV: Downstairs? Oh.
[REDACTED]: Um huh.
INV: Oh and who else, what else sleeps down stairs?
[REDACTED]: Um, nobody.
INV: So there's a downstairs? What else is there?
[REDACTED]: [unintelligible. Could be [kiana] [phonetic transcription], ki-on-ya]
INV: What?
[REDACTED]: You know about Kiana/konda ??
INV: I don't know Hunter.
[REDACTED]: Kiana/konda [emphatic].
INV: Konda?
[REDACTED]: Um.
INV: Who is that?
[REDACTED]: My Kiana/konda [emphatic].
INV: Is that a kid, or a chimp? Is it, are you saying Chandler?
[REDACTED]: Um. [Shakes head "no."]
INV: Hunter.
[REDACTED]: Uh huh, yeah.
INV: Oh. Who is that? A kid or a animal? A--
[REDACTED]: You [unintelligible] on your house?
INV: Yes, does Aden stay there at night time?
[REDACTED]: Uh huh.
INV: And only morning time or only night time?
[REDACTED]: Him wake up a morning.
INV: He wakes up?
[REDACTED]: Uh huh.
INV: Do you sleep at Juju's house at night time um when it's dark?
[REDACTED]: Uh huh.
INV: Where else do you sleep?
[REDACTED]: [no answer]
INV: Do you have a room at Juju's house?

[REDACTED]: No.
INV: You, what it's like?
[REDACTED]: No. [Unintelligible] Do you he-
INV: Okay.
[REDACTED]: [Unintelligible] bed no monsters.
INV: Okay, so **[REDACTED]** do you have a bed at Juju's?
[REDACTED]: No.
INV: No.
INV: What do you sleep on?
[REDACTED]: At [kiana?] Juju.
INV: Juju, at where do you sleep, on a bed or a crib or a-?
[REDACTED]: A crib.
INV: Oh. A crib, oh do you have a crib at another house?
[REDACTED]: Uh huh.
INV: You do?
[REDACTED]: Uh huh.
INV: Who sleeps in the crib at the other house?
[REDACTED]: Um you.
INV: Um
[REDACTED]: At your house.
INV: Oh it is.
[REDACTED]: [Unintelligible]
INV: Oopsie. [Paper tears.]
[REDACTED]: [Unintelligible] No go.
INV: Okay, I'm going to let you color for just one minute. I'll be right back. Can you color some more pictures?
[REDACTED]: Yeah.
INV: I'll be right back.
[REDACTED]: No.
INV: No. Not okay?
[REDACTED]: Now me go.
INV: You're going to go?

[REDACTED] Yeah.

INV: Um, are you going to take your picture?

[REDACTED] I'm going to take this, okay?

INV: Okay, and what's your name? What name will I write on there? What's your name? What do I call it, okay?

[REDACTED] [REDACTED].

INV: What do I call it? Yes. Name.

[REDACTED] Color my foot like that.

INV: Color your foot? How?

[REDACTED] That one foot. Right there.

INV: Oh, okay, you want me to make one. Hey, lets draw a dog.

[REDACTED] [Unintelligible]

INV: You want me to draw a dog?

[REDACTED]: Mm hmm.

INV: What color?

[REDACTED] This one you color.

INV: Okay, I will draw a dog. Let me see if I can do it, okay . . I'm not always-

[REDACTED]: Let me color, okay.

INV: What does your dog look like?

[REDACTED] That two cars, two cars.

INV: Two what?

[REDACTED] Two cars, two cars, two cars, two cars.

INV: I don't know if that looks like a dog or not. What do you think?

[REDACTED]: Uh huh.

INV: What is your doggy's name?

[REDACTED]: Um.

[REDACTED]: Louie. [squeaky voice] Louie [with high intonation on -ie segment]

INV: What?

[REDACTED] Um, um, um, him have foots. Louie.

INV: Him have what?

[REDACTED]: Him have foots like that.

INV: Him have fuzz.

[REDACTED]: Um huh.
INV: What's his name what do you call him?
[REDACTED]: [unintelligible]
INV: What do we call the dog?
[REDACTED]: Ruff, ruff.
INV: Oh, that is what a dog says.
[REDACTED]: Mm hmm. Huh.
INV: What do we say to the dog? Oh, where are you going?
[REDACTED]: I need my Eric.
INV: You need your Eric, that's a big knob isn't it, hold on.

Both investigator and [REDACTED] leave the room. Tape ends at 9:52.

Exhibit # 15

0-000001192

RECEIVED

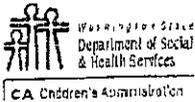
SEP 09 2011

BY: b/ma

ENDORSED FILED
SUPERIOR COURT

SEP 09 2011

COWLITZ COUNTY
BEVERLY R. LITTLE, Clerk



CHILDREN'S ADMINISTRATION
Individual Service and Safety Plan (ISSP)

TYPE OF HEARING/REVIEW Dependency Fact Finding			
DATE OF HEARING/REVIEW 09-09-11	TIME OF HEARING/REVIEW 09:00am	DATE OF REPORT 08-26-11	ISSP COVERS 07-28-11 to 01-28-12
I. IDENTIFYING INFORMATION			
CHILD'S NAME <u>[REDACTED]</u>		LEGAL NUMBER 10-7-00444-0	
DATE OF BIRTH <u>[REDACTED]</u>	AGE <u>[REDACTED]</u>	CASE NUMBER 4547109	RECEIVES SSI/SSA <input type="checkbox"/> Yes <input type="checkbox"/> No
RACE (Check all that apply) <input type="checkbox"/> Black or African American <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> Unable to Determine			
<input type="checkbox"/> Yes This child is American Indian or Alaska Native per attachment on initial ISSP report Date of report:			
<input checked="" type="checkbox"/> No (If child is not American Indian or Alaska Native, subsequent reports can delete attachment).			
TYPE OF PLACEMENT Suitable Person		VOLUNTARY AGENCY NAME	
DATE OF PETITION 07-22-10	DATE OF FINDING OF DEPENDENCY Mother: Father:	DATE OF DISPOSITION Mother: Father:	
CURRENT LEGAL STATUS: Shelter care			
DATES OF PREVIOUS REVIEW HEARING.			
PRINCIPALS INVOLVED ARE:			
MOTHER'S NAME AND ADDRESS Teri Roe - 251 Barnes Street, Kelso WA 98626		TELEPHONE NUMBER 360-703-1628	
MOTHER'S ATTORNEY NAME AND ADDRESS Jo Vernon, 1801 First Ave., Longview, WA 98632		TELEPHONE NUMBER 360-578-7430	
FATHER'S NAME AND ADDRESS Brandon Roe		TELEPHONE NUMBER 360-270-7181	
FATHER'S ATTORNEY NAME AND ADDRESS Gary Prebble 2120 State Ave. NE, Olympia, WA 98506		TELEPHONE NUMBER 360-943-6960	

GUARDIAN AD LITEM/CASA'S NAME AND ADDRESS CASA 1024 Broadway, Longview, WA 98632	TELEPHONE NUMBER 360-414-5212
GUARDIAN AD LITEM/CASA'S ATTORNEY NAME AND ADDRESS	TELEPHONE NUMBER
DSHS SOCIAL WORKER'S NAME AND ADDRESS Victoria Payton P.O. Box 330, Kelso, WA 98626	TELEPHONE NUMBER 360-501-2689
DSHS SOCIAL WORKER'S ATTORNEY NAME AND ADDRESS Cindy Gideon, AAG 1220 Main St., Suite 510, Vancouver, WA 98660	TELEPHONE NUMBER 360-759-2100
CHILD'S NAME ██████████	TELEPHONE NUMBER
CHILD'S ATTORNEY NAME AND ADDRESS	TELEPHONE NUMBER
OTHER'S NAME AND ADDRESS	TELEPHONE NUMBER
OTHER'S ATTORNEY NAME AND ADDRESS	TELEPHONE NUMBER
OTHER'S NAME AND ADDRESS	TELEPHONE NUMBER
OTHER'S ATTORNEY NAME AND ADDRESS	TELEPHONE NUMBER

II. CASE BACKGROUND

A. Within the last 19 months the child has been in out-of-home care for a total of 16 months. (include prior placement episodes that fall within the last 19 months. Provide any relevant explanation).
 ██████████ was placed into protective custody by the Cowlitz County Sheriff's office on 5/11/2010. The original VPA was signed on 5/13/2010 and was extended two times during the investigation, the last one ending on 7/30/2010; however the department filed a dependency on 7/22/10

B. Begin date of current placement episode: 05-11-10

C. Identify events and risk factors related to child safety and well being that caused child to be placed in out-of-home care:
 reports that she is a normal active child and she does not bruise easily, nor does she have other bruises other than ██████████ is the adopted daughter to Teri and Brandon Roe. ██████████ was adopted by Mr. and Mrs. Roe as an infant. Mr. and Mrs. Roe also have four other children in the home. ██████████ who is ██████████ biological brother who was adopted as well by the Roe's. Mr. and Mrs. Roe have three older biological children, ██████████ ██████████ was initially in care on a signed voluntary placement agreement through July 30, 2010. ██████████ is placed in suitable person care with Julie Hoffman and Eric Kindvall.

On July 14, 2010, Mrs. Roe was arrested by Detective Pat Schaller for assault of a child in the third degree and she was booked into Cowlitz County Jail where she was bailed out by Mr. Roe. Currently, Mrs. Roe continues to face these charges and the criminal case is just beginning. Mrs. Roe is being arraigned on July 28, 2010. Currently there is a no contact order in place between Mrs. Roe and ██████████

██████████ and Aden are the adopted children of Mr. and Mrs. Roe. Mr. Roe is the maternal uncle of ██████████ and Aden and prior to their legal adoption the Department of Children and Family services did not approve the home study/placement of these children into the Roe home due to their criminal and Department histories. Mr. and Mrs. Roe fought this privately and won and the children were placed into their home against the Department's recommendations and the adoption was finalized.

Mr. Roe has a prior dependency with the department in regards to an older adult child where the dependency was dismissed. On April 27, 2010 a CPS report was received alleging that the parent's yard looks like a "tweaker's yard" and that the referent had photos of [REDACTED] with bruises on her body.

On May 11, 2010, the Department received another referral naming Mr. and Mrs. Roe as alleged perpetrators of child physical abuse. [REDACTED] was brought to the department by a family friend due to bruising across the bridge of her nose and face and the intake social worker, Justin Blackwell, found other bruising on [REDACTED]'s back that the referent was not aware of when she brought her to the department. Social Worker Stephanie Frost did observe the bruises on [REDACTED] on this day and found that there was significant bruising to her face (across the bridge of her nose), bruising on her arm and right ear. [REDACTED] also had bruising on her back that appeared to be in different stages of healing. There were photographs of the child that were taken by Ms. Frost as well as Cowlitz County Sheriff's Deputy Stumph on this day [REDACTED] was placed into protective custody by Deputy Stumph. The referent in the case stated that [REDACTED] first told her that mommy gave her the bruise on her nose and then said the puppy did it.

On May 11, 2010, Ms. Frost accompanied Deputy Stumph and Sergeant Cruiser to the Roe family home where initially Mr. Roe said that [REDACTED] obtained the bruising to her face from falling down the stairs. The father stated he did see this fall, that he was also aware of the scratch by her eye, but not other marks, bruises or injuries to her body. Later Mrs. Roe stated that Mr. Roe was not home at the time of the incident that caused the injury to her face. Mrs. Roe reported that [REDACTED] fell over the puppy yesterday and injured her nose. Mrs. Roe claimed they were trying to get out the door of their home and Novaleigh fell over the puppy and hit her face, which caused the bruise on her nose. Mrs. Roe denied knowing of any other bruises on [REDACTED]'s body. The police showed the Roe's pictures of [REDACTED]'s bruises on her back and Mrs. Roe stated that she believed they were from the puppy jumping on her. Ms. Frost was not sure the exact age of the puppy; however he appeared to be very small and a young yellow lab puppy. Mr. and Mrs. Roe have stated that [REDACTED] is accident prone, bruises easily and has lots of issues as she was a drug addicted baby and those issues could have led to these bruises.

On May 13, 2010, Mr. and Mrs. Roe signed a voluntary placement agreement, which has been extended two times since then and ends on July 30, 2010. On May 14, 2010, [REDACTED] was interviewed by the Children's Justice and Advocacy Center where she made no disclosure. Due to [REDACTED]'s age and speech she was difficult to understand.

On May 19, 2010, Mrs. Roe was interviewed by Cowlitz County Sheriff's detectives Marc Gilchrist and Pat Schallert and she blamed [REDACTED]'s bruises on the possibility of a medical problem and/or an equilibrium problem, which [REDACTED]'s doctor, Dr. Ayoub in Castle Rock has not found. Mr. and Mrs. Roe have also stated to Mrs. Frost and the detectives that they believe the referent in this case is setting them up or framing them and that maybe the referent caused the bruises. Both parents deny any involvement in how [REDACTED] was injured.

The referent in this case has stated to Ms. Frost and the police detectives that she has had ongoing concerns of abuse as to [REDACTED] and that she has had [REDACTED] in her care a significant amount of time since the Roe's adopted [REDACTED] at 10 months old. The referent maintained that [REDACTED] was always in her care for more than 70% of the time and she also reported in her interview that Novaleigh always had bruises and they did not look like normal child bruises. The referent did provide photos of bruises on [REDACTED] since she was a baby and in many of these photos [REDACTED] did have bruises. There have been witnesses that law enforcement has interviewed who have also reported their concerns of abuse for [REDACTED] by Mrs. Roe, to include Mrs. Roe, striking the [REDACTED] in the face and on her body, spanking [REDACTED] above her diaper line, telling Aden to beat up [REDACTED] and pulling her around. These witnesses have also stated to the police that they have seen Mrs. Roe strike [REDACTED] and that [REDACTED] doesn't appear to fit into their family. There has been a witness who reported the above concerns, as well as Mrs. Roe being aggressive with [REDACTED], screaming in her face, shaking her pretty hard and that [REDACTED] is hit or screamed at and put into the corner. Also reported by witnesses is that Mrs. Roe uses very foul and derogatory names towards [REDACTED] to include "bitch," "whore," and "cunt." According to statements made by witnesses in the case it appears that [REDACTED] is the targeted child.

and that there was no bond between [REDACTED] and Mrs. Roe

It has also been reported to law enforcement that [REDACTED] shakes when she wakes up and is thrown on the bed which makes her cry and it's a game to get her upset. [REDACTED] current placement denies she is shaky in the morning, timid or doesn't want to get out of bed. The current placement for Novaleigh rer than typical child bruises. [REDACTED] is in Ms. Hoffman's in home child care as well and she plays hard and she does not get bruises like she had when she came into care.

On May 11, 2010 [REDACTED] was taken to St. John Hospital for an evaluation after she was placed into care. [REDACTED] was treated and released after a skeletal survey was completed and there was no evidence of fractures found. However, the medical staff documented lots of soft tissue damage (bruising) and it was noted that the injuries appeared abusive, as she had multiple contusions to her back and face. [REDACTED] was later seen by her primary care physician, Dr. Ayoub at Peace Health in Castle Rock and blood work was done in regards to bruising and blood clotting and everything was normal. Also Dr. Ayoub found [REDACTED] to be developmentally appropriate when completed some basic equilibrium tests within the medical office.

Dr. Ayoub did inform Ms. Frost that when she had seen [REDACTED] in the past with Mrs. Roe their interaction was questionable and Mrs. Roe did not appear loving, but no abuse was observed. According to Dr. Ayoub, Mrs. Roe appeared rough and expected [REDACTED] to be doing things that were not age appropriate. Dr. Ayoub stated that she did inform Mrs. Roe that a child of three may not know colors and shapes and this would be normal. According to Dr. Ayoub it appeared that mother liked Aden much more than [REDACTED]. Dr. Ayoub reported that in July 2009 when she saw [REDACTED] she had a bruise on her left cheek, but Mrs. Roe reported that they had just returned from a camping trip. In May this current case was also reviewed by Dr. Hall, child physical abuse medical expert and in her opinion the findings on the case were all very concerning for physical abuse and Dr. Hall states that the bruising of [REDACTED] ear is nearly diagnostic of abuse. [REDACTED] was referred to Progress Center in 2008 after her 18 month well child exam; however according to Progress Center records there was no follow through. According to the Child Health and Education Screen that was done on [REDACTED] after she came into care, [REDACTED] was found to be on track and no apparent concerns in regards to her ages and stages questionnaire and there was no follow up recommended.

While Mr. and Mrs. Roe have provided photos to law enforcement to discount that [REDACTED] always had bruises on her face, the referent has provided photos to law enforcement to show that [REDACTED] has been seen with bruises that were not typical of child like bruises

In addition to the father's prior dependency case, the Department has received several referrals in recent years. On May 5, 2009 a CPS report was received for investigation with allegations including concerns of neglect. The home was reportedly extremely dirty, and a hazard for the children, with garbage piled up, safety issues in the yard, lack of supervision on busy road, and mold and garbage in the kitchen. On March 26, 2009 a CPS report showed concerns of a fire in the yard of the home and that the kids were home alone.

On December 22, 2008 a CPS Risk Only intake was received that did not screen in for investigation; however the allegations were that of physical abuse and neglect to [REDACTED] by her mother, Mrs. Roe. Allegations were that [REDACTED] was sent to other people's homes because Mrs. Roe hates her so much; Mrs. Roe tells [REDACTED] she hates her and wishes she never adopted her; [REDACTED] is beat by Mrs. Roe and she is smacked and locked in a closet. According to the referent the oldest child in the home, Anthony has witnessed this. Law enforcement did respond and Mrs. Roe and Anthony denied the allegations. The children looked happy to the law enforcement officer and when [REDACTED] was seen at the home of the referent there were no signs of abuse or neglect.

On October 30, 2007 a non CPS report made that [REDACTED] was placed with Mr. and Mrs. Roe in their home against the department's recommendations and that the mother has disqualifying criminal history.

Due to the conflicting explanations that Mr. and Mrs. Roe have given for [REDACTED] injuries (i.e., stairs,

puppy, bruises easily, not developmentally on track, drug baby), the statements made by the referent and other witnesses, Mrs. Roe's arrest and [REDACTED] being a very young and very vulnerable child, court intervention is necessary to protect this minor child and facilitate planning for her future.

D. Child/family needs were originally identified as (consider medical, educational, environmental, psychological, and cultural needs):

[REDACTED] was in need of a safe and nurturing home. Ms Roe needed to resolve her legal issues concerning [REDACTED].

III. PREPLACEMENT SERVICES

A. Identify services offered or provided to family to prevent child's placement. Indicate how services offered relate to safety threat(s) identified in II C.

[REDACTED] was placed in protective custody by Cowlitz County Sheriff's Office. A voluntary placement was signed during the investigation

B. If no services were offered to prevent placement, explain why:

[REDACTED] was placed in protective custody.

IV. SUMMARY OF PREVIOUS CASE PLAN AND COURT ORDER

Does not apply.

A. Legal: Identify the Permanent Plan and Alternate Permanent Plan (during last report period). Place a "P" next to the primary plan and an "A" next to the alternate permanency plan.

Permanent Legal Arrangements

- Return Home Other Plan: _____
 Adoption
 Guardianship
 Third Party Custody (with someone other than parent, RCW 26.10)

B. Tentative completion date for previous permanent plan was:

Child is placed in:

1. Family home with
2. Relative placement with
3. A non-relative, out of home placement.

C. Previous Service Plan: Review and Evaluation of Objectives and Tasks

1. Parent(s):

2. Child:

<p>3. Caregiver:</p> <p>4. DSHS/Voluntary Agency:</p>	
--	--

<p>D. Visit Plan</p> <p>1. Frequency:</p> <p>2. Quality:</p> <p>3. How has the visit plan been helpful to achieve reunification of the family?</p>	
--	--

<p>E. Court Orders</p> <p>Discuss how current placement and services offered were responsive to court orders.</p>	
---	--

<p>F. Permanency Plan (for other than return home).</p> <p>1. Discuss steps taken to finalize the current placement:</p> <p>2. Discuss barriers to finalizing the current placement:</p>	
---	--

V. RECOMMENDED CASE PLAN FOR NEW REVIEW PERIOD (except as amended by court order)

<p>A. Legal Recommendations:</p> <p>1. Identify the Permanent Plan and Alternate Permanent Plan (for upcoming report period). Place a "P" next to the primary plan and an "A" next to the alternate permanency plan (if applicable).</p> <p>Permanent Legal Arrangements</p> <p><input type="checkbox"/> P Return Home <input type="checkbox"/> Other Plan: _____</p> <p><input type="checkbox"/> A Adoption</p> <p><input type="checkbox"/> Guardianship</p> <p><input type="checkbox"/> Third Party Custody (with someone other than parent, RCW 26.10)</p> <p>2. When "Other Plan" is selected as the primary plan, identify the compelling reason that this plan is in the child's best interest.</p>	
--	--

3. Tentative completion date of the present permanent plan, depending on actions, progress and cooperation of those involved is: 01-28-12

4. Recommended Legal Status of the Child:

- Dependent (check one of the following): In-home Out-of-home care
 Dependency dismissed

5. If one of the following circumstances exist, a petition to terminate parental rights must be filed unless compelling reasons exist to the contrary. (check any box which applies):

- The child is currently in out-of-home care and has been in out-of-home care for 12 of the most recent 19 months.
 The parent has abandoned this child as defined in RCW 13-34.030 or 13.34.180(7) OR has been convicted of abandoning this child as defined in RCW 9A.42.060, 070, or 080.
 The parent has been convicted of one or more of the criminal activities listed in RCW 13.34.132(4).
 None of the above listed circumstances apply.

6. When one of the circumstances in V.A.5. exists, and the case plan is not adoption, discuss compelling reasons for not filing a petition to terminate parental rights.

A dependency has not been established; [REDACTED] continues to be in shelter care status.

B. Placement Recommendations:

1. Placement in:

a) Family home with _____ because:

b) Relative placement with suitable placement Julie Hoffman because:

She has a prior relationship with the child and has been able to meet her needs.

c) Any non-relative, out of home placement (foster care, residential treatment, etc.) because:

2. If the recommendation is other than family home, discuss continued need for placement and continued safety threats to the child if returned to either or both parents.

There is a no contact order in place between Teri Roe and [REDACTED] Roe. Ms Roe needs to resolve her legal issues. Mrs. Roe continues to live with Mr. Roe. Mr. Roe supports Mrs. Roe and he needs to demonstrate his ability to protect [REDACTED]

3. If the recommendation is other than family home, discuss how this placement is the most appropriate and least restrictive setting, in close proximity to the family home, which can safely meet the best interests of the child.

██████████ is placed with a suitable person. ██████████ and her parents have known Ms Huffman and feel comfortable with her. Ms Huffman is willing to facilitate visits between ██████████ her father and her siblings.

4. Child is not placed out of state Child is placed out of state

If placement is a substantial distance from a parent's home or is out of state, explain why this placement is in the best interest of the child.

5. Permanency planning efforts if continued out of home care is recommended:

- Does not apply because return home is imminent (less than six months).
 Return home is not imminent, (complete a and b below).

a) In the event the child is unable to return home, discuss whether the current placement is expected to be the child's permanent placement.

b) If the child is unable to return home and the current placement is not expected to be the child's permanent placement, discuss steps to be taken to identify, recruit, process, and approve a permanent placement

C. Recommended Services and Responsibilities for the next six months:

1. Parents/Family: Identify services/responsibilities to meet educational, medical, environmental, social psychological, and cultural needs.

Mother: Terri L. Roe

The parents have not engaged in services at the recommendation of their attorney.

Individual Level objectives

A. Legal Issues

Tasks/Services

1. Ms Roe will cooperate with law enforcement to resolve her legal issues.

B. Anger Issues

Tasks/Services

1. Ms Roe will participate in a domestic violence evaluation to determine if she is in need of treatment. The evaluation will be completed by October 31, 2011 and she will follow all recommendations.

C. Assure Clean and Sober Living

Task/Service

1. Mrs. Roe will participate in random UA's and if any are positive or missed, she will participate in a substance abuse evaluation.

Family Level Objectives

[REDACTED] is in a safe and nurturing environment where her needs are being met on a regular basis. She will be referred for counseling if it appears that she is in need. [REDACTED] participated in a mental health intake at Lower Columbia Mental Health and it was determined that she is not in need of services at this time.

e) Cultural Needs:

[REDACTED] is placed in a home with a similar ethnic and cultural background. Contacts with her family will allow her to develop traditions special to her family.

3. Identify services and responsibilities to meet child and family needs:

a) Caregiver:

The caregiver will provide for [REDACTED]'s physical and emotional needs.

The caregiver will facilitate medical appointments and visitation.

The caregiver will allow the department and CASA to have access to [REDACTED] in her home.

The caregiver will cooperate with the case plan and visitation.

The caregiver will keep the department informed of all significant events in [REDACTED]'s life.

b) Voluntary Agency:

c) DSHS:

The department will meet with the family on a regular basis to develop and update case planning.

The department will facilitate all court ordered services.

The department will monitor [REDACTED] for safety and well being in her placement.

The department will have no less than monthly contact with [REDACTED], the parents and the caregiver.

4. Assessment of the Recommended Service Plan:

a) Discuss how the service plan will alleviate the current safety threats and help assure safe and proper care of the child if the child:

(i) Is returned home:

(ii) Remains in placement:

[REDACTED] is in a safe and secure home with a person she has known most of her life. The placement is cooperative of the case plan and is capable of keeping [REDACTED] safe. [REDACTED] was found to have significant bruising to her face and back at the time she was placed in care. The service plan will help determine if [REDACTED] is safe to return to the home. [REDACTED] cannot have contact with her mother until Ms Roe resolves the criminal issues and the no contact order is dismissed. The department needs to be satisfied that Mr. Roe can and will protect her.

b) How will the service plan improve conditions in the parent's home?

There have been statements that [REDACTED] seems to be a targeted child and is not treated as well as the other children in the home. The services will help determine if there is an issue and give the parents an opportunity to correct the behavior. Services are designed to alleviate the risk factors that brought [REDACTED] into care and help increase the safe parenting of her in the home.

c) How will the service plan help to achieve a permanent plan other than return home?

If the parents are willing to engage fully in services and are able to benefit and make the necessary changes to keep [REDACTED] safe, she will be returned to their care. If they do not engage or are unable to make changes, the permanent plan will be changed from return home and a termination petition may be filed.

5. Visit Plan (Attach Famlink Visit Plan):
attached

D Independent Living Skills

If child is age 15 and older, what planning is being done in each of the following areas in anticipation of youth reaching age 18?

1. Career Planning and Education goals:
2. Self Care:
3. Work and Study Life:
4. Housing and Money Management.
5. Daily Living Skills:
6. Social Relationships and Communication.

E. Current Status/Social Summary of Child:

[REDACTED] is the daughter of Brandon and Teri Roe. [REDACTED] lived with her biological brother, 3 adoptive sibling and parents until she was placed in care on May 13, 2010. Initially she was placed on a voluntary agreement with a suitable person with whom [REDACTED] had a relationship. A dependency petition was filed on July 22, 2010 and [REDACTED] remains in the same placement.

[REDACTED] is a bright, energetic [REDACTED]. Her parents have expressed concern that she may be somewhat behind in language development. [REDACTED] will be referred to Castle Rock Schools for a

developmental assessment. If it is determined that she is in need of additional educational assistance, she can be enrolled in the enterK program through the Castle Rock School system. She is currently attending preschool/child care at her placement.

██████████ was seen at Peace Health in Castle Rock on May 19, 2010. ██████████ is small for her age, 5th to 10th percentile for weight but was otherwise seen as healthy. At the visit she was tested for a possible bleeding disorder to see if this is what was causing her numerous bruises. The tests showed that there was no disorder. The doctor stated that her motor skills were within the normal range. ██████████ was seen at Happy Kids Dental on June 11, 2010 for an exam and cleaning. ██████████ was in need of extensive dental work. She is scheduled for dental surgery under anesthesia at St John Medical center on September 3, 2010.

██████████ is doing very well in her placement. She enjoys being with the other children in the day care that is run by her caregiver. She enjoys the attention she receives by her caregivers and the older children in the home. The assigned worker saw ██████████ in her placement on August 16, 2010. She seemed very at ease in this setting. Nova was able to listen to and follow simple direction. She was cooperative with the caregiver's requests and directions. This worker had no concerns for ██████████ in this placement.

08-2011 update

██████████ has been in her placement for 16 months. Throughout this time she has had weekly contact with her father and siblings to maintain the bond with her family. ██████████ enjoys the visits and is excited to see her father and siblings. Initially the children did a lot of parallel play without much interaction. This has improved over time. ██████████ especially seems to enjoy time with her sister ██████████. Her younger brother, Aden is very busy and likes to do "boy" things that do not interest ██████████. The older brothers, ██████████ and ██████████ are good at helping Mr. Roe monitor and keep the younger children safe.

██████████ participated in Tap dance lessons between September 2010 and June 2011. She has enjoyed this activity and it has helped her poise and self confidence. She danced in the recital held at Columbia Theater in June.

During her time in care, ██████████ has been very healthy with no major illnesses. She has been active playing outside with the other children in her child care center. During her time in care, the department and the care giver have documented minor bruising on ██████████ only 4 times.

The department has maintained frequent face to face contact with ██████████ and well as frequent communication with her care giver. Monthly health and safety visits have been done with ██████████ and her caregiver. Most of the visits have been done in the home of the caregiver. Visits were done on 08-16-10, 09-28-10, 10-12-10, 11-16-10, 12-9-10, 01-12-11, 02-17-11, 3-9-11, 4-15-11, 5-1-11, 6-6-11, 7-13-11 and 8-18-11. The assigned worker has also had numerous contacts with ██████████ during her visitation times.

F. Current Status/Social Summary of Parent:

This section will not be shared with the child's caregiver.

Confidential information related to parents' health issues, mental health treatment and substance abuse treatment should be discussed in this section.

(Recognize strengths as well as issues which interfere with parenting).

Brandon and Teri Roe are the parents of 3 biological children; [REDACTED] and [REDACTED]. The adopted [REDACTED] at approximately [REDACTED] of age and her biological [REDACTED]. The family resides in a large home in a rather rural area of Kelso. The children have lots of room to play both inside and out. The elementary school is about 1 block from their home.

A referral was made on May 11, 2010 expressing concerns for [REDACTED]'s safety. At the time of the referral [REDACTED] had bruising to her face, ear and back. The family denied wrong doing. Ms Roe was arrested on July 14, 2010 on charged of assault of a child. A no contact order between Ms Roe and [REDACTED] was filed at that time. Mr. Roe and the children have visits twice weekly with [REDACTED], however, Ms. Roe has not been able to see her since that time.

The assigned worker met with Mr. and Ms Roe on August 12, 2010 to discuss services and case planning. The parents stated that they were willing to do whatever they needed to do to have [REDACTED] returned to their home. At the time of the meeting, Mr. and Ms Roe were attending Love and Logic Parenting class. They stated that they enjoyed the class as it has been very helpful in giving them new techniques for dealing with child behavior. The family was referred to the department's parenting class but they were not able to attend due to conflicts with child care for their other children. Mr. and Mrs. Roe continue to live together.

08-2011 update

A no contact order remains in place preventing Ms Roe from having contact with [REDACTED]. Mr. Roe has visited regularly throughout this case. Initially Mr. Roe, [REDACTED] and her 4 siblings had supervised visits that were closely monitored by visitation staff. Eventually the visits were moved to a less restrictive area and were only monitored. During this phase of visitation, Mr. Roe only had have safety concerns pointed out and father readily followed suggestions by the visit monitor. During the time the family visited in the REC, Mr. Roe's understanding of children's needs seemed to improve and it became easier for him to be watchful of all 5 children. Currently Mr. Roe has unsupervised community visits with [REDACTED] siblings also attend the visits. They have gone to the lake, the water park, Sequest State Park as well as other appropriate locations. Mr. Roe keeps the department and CASA informed of the agenda for each visit and he has signed a supervision plan that no one will be present at the visit without prior Dept. approval.

When the assigned social worker met with the parents for the first time, they agreed to voluntarily enter services to regain custody of [REDACTED]. Under the direction of their attorney, they have refused to engage in any of the services available to enhance safe parenting.

VI. ATTACHMENTS AND SIGNATURES:

Attachments: (Required)

- Assessment of Progress
- Service Plan
- Visit Plan
- Determination of American Indian Status

Exhibit # 16

0-000001205

MAY 15 2012

~~6/5/12~~
~~CASVEAL~~
~~Walter, Prando~~

COPY
ORIGINAL FILED

MAY 16 2012

Juvenile Department
Beverly R. Little, Cowlitz Co.

SUPERIOR COURT OF WASHINGTON
COUNTY OF COWLITZ
JUVENILE COURT

Dependency of:

[REDACTED]

No: 10-7-00444-0

Order Dismissing Dependency
(ORDSM)

I. Basis

This matter came before the court on May 16, 2012, and the Department of Social and Health Services' motion for order to dismiss the dependency petition.

II. Findings

The court reviewed the motion, declarations, if any, and relevant court records and finds that dismissal is appropriate.

III. Order

- The dependency has not been established and the petition is dismissed.
- The dependency in this cause number is dismissed because:
 - The youth is 18 ½ years of age and has not requested extended foster care.
 - The youth is in extended foster care and is no longer eligible for services.
 - The youth is in extended foster care and he or she requests dismissal.
 - The permanent plan of return home to the mother father has been achieved and court supervision is no longer needed
 - A parenting plan/residential schedule signed by the court has been entered in cause number _____.
 - The permanency plan of third party custody was achieved and court supervision is no longer needed.
 - The child was adopted.
 - A Title 13 RCW guardianship was established as to the child.
 - Other: _____

//

FILE COPY

The hearing set for May 21-25, 2012 is stricken.

Dated: 5/16/12

JS/ Bashov
Judge/Commissioner

Presented By

ROBERT M. MCKENNA
Attorney General

Cindy C. Gideon
CINDY C. GIDEON
WSBA# 23363
Assistant Attorney General

COPY RECEIVED; APPROVED FOR ENTRY;
NOTICE OF PRESENTATION WAIVED

Signature of Mother
 Pro Se, Advised of Right to Counsel

JS

JEAN W. WALLER, WSBA No. 22333
Mother's Lawyer

Signature of Father
 Pro Se, Advised of Right to Counsel

See attached

GARY A. PREBLE, WSBA No. 14758
Father's Lawyer

KJ

COWLITZ CASA PROGRAM,
Signature of Child's GAL

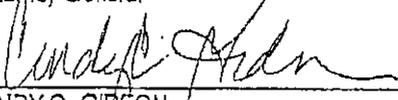
The hearing set for May 21-25, 2012 is stricken.

Dated: _____

Judge/Commissioner

Presented By:

ROBERT M. MCKENNA
Attorney General

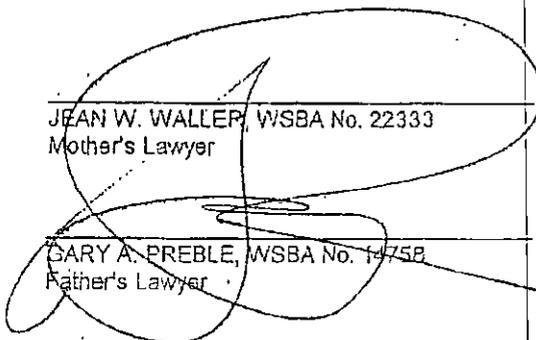


CINDY C. GIDEON
WSBA# 28365
Assistant Attorney General

COPY RECEIVED; APPROVED FOR ENTRY;
NOTICE OF PRESENTATION WAIVED.

Signature of Mother:

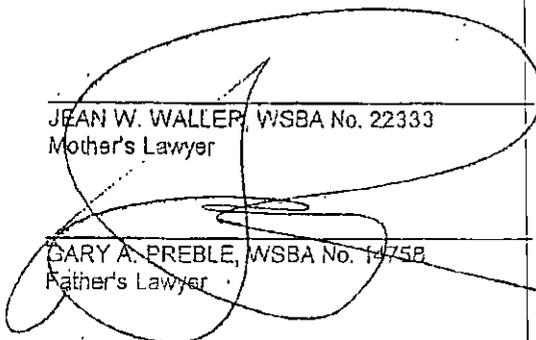
Pro Se, Advised of Right to Counsel



JEAN W. WALLER, WSBA No. 22333
Mother's Lawyer

Signature of Father:

Pro Se, Advised of Right to Counsel



GARY A. PREBLE, WSBA No. 14758
Father's Lawyer

COWLITZ CASA PROGRAM,
Signature of Child's GAL

EXHIBIT 17

0-000001209

10/07/02 2011

te/email

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STATE OF WASHINGTON
COWLITZ COUNTY JUVENILE COURT
JUVENILE DIVISION

In re :

[REDACTED]
[REDACTED]

NO. 10-7-00444-0

MOTION TO DISMISS DEPENDENCY
PETITION, RETURN CHILD TO
PARENTS, OR TO INCREASE
VISITATION

I. MOTION

COMES NOW the mother by and through her attorney, Jean Waller, and hereby moves the court for an order dismissing the dependency petition or, in the alternative, placing the child in the parents' home or, in the alternative, increasing the frequency and duration of visitation. This motion is based on the following argument and the declaration of Teri Roe filed separately.

II. ARGUMENT

The shelter care order was based on the fact that pending criminal charges against Teri Roe prevented her from having contact with the child who is the subject of the dependency petition, given the existence of a criminal no-contact order. Teri Roe has

MOTIONS

Page 1

Jean Waller
Family Matters PLLC
871 11TH Avenue
Longview WA 98632
(877) 437-1616

0-000001210

-MAILED NOV 01 2011 by GAP

1 been acquitted of all charges relating to the alleged abuse of ██████████ RCW
2 13.34.030(6) defines "dependent child":

3 "Dependent child" means any child who:

4 (a) Has been abandoned;

5 (b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally
6 responsible for the care of the child;

7 (c) Has no parent, guardian, or custodian capable of adequately caring for the
8 child, such that the child is in circumstances which constitute a danger of
9 substantial damage to the child's psychological or physical development; or

10 The state lacks evidence that the child has been abandoned, is abused or
11 neglected, or that there is no parent capable of adequately caring for her, so that there is
12 no basis for the Dependency Petition, in that ██████████ has not been abused or
13 neglected. The dependency petition should therefore be dismissed.

14 If the Court does not grant the motion to dismiss the dependency, the court should
15 set a fact finding hearing date and, in the interim, should dismiss or modify the shelter
16 care order and return ██████████ to the care of her parents. The acquittal of Teri Roe with
17 regard to criminal charges is a change of circumstances that supports the revisiting of a
18 need for shelter care. RCW 13.34.065 states that shelter care orders may be amended:

19 (7)(a) A shelter care order issued pursuant to this section may be amended at
20 any time with notice and hearing thereon. The shelter care decision of placement
21 shall be modified only upon a showing of change in circumstances. No child may
22 be placed in shelter care for longer than thirty days without an order, signed by
23 the judge, authorizing continued shelter care.

24 RCW 13.34.065 clearly places the burden of proof to maintain a child in foster care
25 on DSHS:

26 (5)(a) The court shall release a child alleged to be dependent to the care,
27 custody, and control of the child's parent, guardian, or legal custodian unless the
28 court finds there is reasonable cause to believe that:

MOTIONS

Page 2

Jean Waller
Family Matters PLLC
871 11TH Avenue
Longview WA 98632
(877) 437-1616

0-000001211

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(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

At this time, DSHS has insufficient evidence to support maintaining [redacted] in a foster care placement, considering the acquittal and considering the other children remaining in the care of the parents without concern. The shelter care order should be vacated or should be amended to place the child with the parents with conditions to engage in reasonable services, pending the fact-finding hearing.

Finally, if the child is not return to the care of the parents, the Court should order a significant expansion of the child's contact with the mother. Visitation should occur in the least restrictive setting, such as the REC room or in the community and should be expanded to at least eight hours weekly, pending the fact-finding hearing.

RESPECTFULLY SUBMITTED this 1st day of November, 2011.


Jean W. Waller WSBA #22333
Attorney for Mother

EXHIBIT 18

0-000001213

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RECEIVED
FEB 21 2012
BY: *b/email*

STATE OF WASHINGTON
COWLITZ COUNTY JUVENILE COURT
JUVENILE DIVISION

In re :

[REDACTED]

DOB: 12/01/06

NO. 10-7-00444-0

MOTION FOR CHANGE OF PLACEMENT

COMES NOW the mother by and through her attorney, Jean Waller, and hereby moves the court for a shelter care order providing for [REDACTED] to be placed with the parents, providing for DSHS and CASA to have access to the home and [REDACTED] and ordering the parents to engage in services pending a Fact Finding hearing. This motion is based on the files and records herein and on the declarations of Teri Roe and Brandon filed separately.

Dated _____

Jean W. Waller WSBA #22333
Attorney for Mother

MOTION

Page 1

Jean Waller
Family Matters PLLC
871 11TH Avenue
Longview WA 98632
(877) 437-1616

0-000001214

EXHIBIT 19

0-000001215

1
2 **Interrogatory No. 5:** Identify all crimes, including traffic offenses, for which you have
3 been arrested and/or cited. For each crime identified, including traffic offenses, list the
4 disposition by date and the court entering said disposition.

5 ANSWER:

6 See Attached.

7 **Interrogatory No. 6:** Have you ever been or are you now a party to any civil lawsuit,
8 other than the present one? If so, for each such lawsuit, state the name of the case, county, court
9 number, date of filing, and ultimate disposition of the case including amounts paid, if any, and to
10 whom.

11 ANSWER:

12 Yes.

13 Roe vs. Cowlitz County CASA.

14 Cowlitz County Superior Court Number 13-2-00618-0

15 Case was dismissed due to service related issues.

16 **Interrogatory No. 7:** If you claim physical and/or emotional injury as a direct or indirect
17 result of the alleged facts or incidents referred to in your Amended Complaint, please provide the
18 following:

- 19 a. Describe with specificity and in detail the nature and extent of each such injury
20 and how you claim it was caused;
- 21 b. List the names, addresses, and telephone numbers of all physicians, therapists,
22 practitioners, psychologists, counselors, or other health care professionals who
23 have treated and/or examined you, including date or dates of treatment, the
24 condition for which you sought treatment, and the ultimate disposition or present
25 status; and
- 26 c. Itemize the exact amounts of hospital or other treatment expenses incurred.

ANSWER:

a. I suffer from depression, anxiety, headaches and high blood pressure brought on by
the accusations of child abuse from the CPS, of which I was acquitted. The headaches
have resolved but not the other conditions.

b. Woodland Family Health Center
1251 Lewis River Rd.
Woodland, WA 98674.
(360) 225-4310

RECEIVED
FEB 28 2012
BY: te/errail



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
DIVISION OF CHILDREN & FAMILY SERVICES

PROGRESS REPORT

TO: The Superior Court of the State of Washington Date: February 28, 2012
Juvenile Court, Cowlitz County, Kelso, Washington

FROM: Children's Administration Date:
Child Protective Services (Previous Report)

RE: Child(ren)	DOB	Case Number	Legal Number
Novaleigh Roe	12-01-06	547109	10-7-00444-0

Mother's Name: Teri Roe Current Address: 323 Annonen Road
Winlock, WA 98596

Father's Name: Brandon Row Current Address: 323 Annonen Road
Winlock, WA 98596

Guardian's Name: Current Address:

Previous Placements (during last six months): N has been in Suitable Person Placement since 05-13-10.

Remarks and Plan (problems, potentials, parental involvements, referrals, etc):

N) came to the Department's and law enforcement's attention when she was found to have extensive bruising to her face and back in May 2010. A caregiver also provided the Department with pictures of N who at different ages, exhibited other bruises to her face and body.

EX. NO. 20

0-000001217

The Department has serious concerns about N being returned to the care of her parents at this time. In the past 20 months, very little has happened to bring about change for these parents and this family. The Department has attempted throughout the shelter care to engage the parents in services to ameliorate the concerns that led to being in out of home care. Mr. Roe's attorney informed the Department that he was adamantly opposed to Mr. Roe participating in services, and, thus, Mr. Roe did not avail himself of recommended services. Likewise, the mother did not participate in recommended services. The parents have only engaged in family counseling over a short time period, and since Ms. Roe's criminal acquittal. While the therapy is reported to be going well, it is in an environment that is outside of the home with little other family dynamics involved.

One of the largest safety risks in this matter is that injuries have been noted on this child over a course of time, and the parents seem to have little insight into their own emotions, anger management, appropriate expectations for a child's behavior and developmental given her age, or how to protect a young and vulnerable child from physical or emotional abuse. The child is unsafe due to the unexplained serious injuries that occurred in the home. The caregivers cannot explain the child's injuries and their explanation is not consistent with the facts. This is a safety threat that cannot be managed in the home.

Throughout this case, there has been a constant hostility toward the Department and refusal to engage in discussion about how to best protect this young child now and in the future.

Ms. Roe has denied that she caused any of N's injuries and Mr. Roe has proclaimed Ms. Roe is innocent. However, conflicting reports were given as to the specifics of how N received the injuries to her face and back. N did report that the puppy knocked her down when she was outside and that she got dirt in her nose. This explanation is inconsistent with the injury to the face. It is also inconsistent with bruises in multiple planes. When the child was brought into care, there were bruises noted on her back, on her side and back near her rib cage, across her nose, under her eye, and on an ear.

Later it was said that N fell in the house but no one was there to see what happened. It was reported that everyone, except N and her mother, were in the car waiting to leave. Dr. Hall stated, "The findings in this case are all very concerning for physical abuse." Ms. Roe has stated to the Department and various others that N is clumsy and bruises easily. These claims have been medically disproven. Dr. Ayoub, one of the child's primary care providers, has informed the Department that she was never informed of these concerns and as such did not evaluate the child. Dr. Ayoub has informed the Department that if she had been informed of these issues, that she would have addressed them through proper testing or evaluation in order to rule out and / or diagnose any conditions as early as possible.

Other family friends or acquaintances informed the Department that Ms. Roe was sometimes verbally insulting to the child by calling her derogatory names. These family acquaintances said that the mother would handle N in a way where the child would express fear - i.e. being thrown on the bed or tossed. These same individuals stated that when N was a toddler that punishment included being locked in a closet.

N recently stated to the social worker that she wants to go home now because "I think she will be nice to me now." N has also stated that she does not like to be upside down because her mommy used to swing her by the legs and once she hit the wall and there was blood. N pointed to a small scar on her forehead when she gave this information to the social worker.

Research demonstrates that most if not all child fatality cases involve poor bonding issues also.

0-000001218

The concerns about Terri Roe's lack of bonding with N were noted when the pre-adoptive home study was taking place, which was subsequently denied by the department.

The Department recognizes the ability to make change so that prior behaviors do not continue to occur. However, in order to ensure that N can be safely returned to the care of her parents, it is believed that the parents must participate in specific services to assess their ability to protect and safely parent. The Department recommends that prior to N being returned home to the care of her parents that both Mr. and Mrs. Roe participate in a psychological evaluation with the parental risk component.

Recommendations:

For all of these reasons, the Department respectfully requests that the parents' motion for a change of placement / trial return home be denied, at this time.

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

Respectfully Submitted:

Victoria Payton, Social Worker
Children's Administration
(360) 501-2689

Debbie Marker, Supervisor
Kelso DCFS – S 8-6

Janice Flaherty

From: Gideon, Cindy (ATG) [CindyG@ATG.WA.GOV]
Sent: Thursday, May 19, 2011 11:41 AM
To: Gulmert, Katherine
Subject: RE: Teri Roe

I like how CASA seems to think that they have input into your case, and that you have to answer to them.

They complained to us also, but it fell on deaf ears. It is what it is. The child has been out of their care for this long, and that is a consideration for us. CASA wants us to start termination b/c it has been nearly a year. One step at a time.

Cindy Gideon, AAG
 759-2115

From: Gulmert, Katherine [mailto:GulmertK@co.cowlitz.wa.us]
Sent: Thursday, May 19, 2011 11:35 AM
To: 'coach-davis@comcast.net'
Cc: Watkins, Nikki; Gideon, Cindy (ATG); Baur, Sue
Subject: RE: Teri Roe

There are no trial dates set, currently. Ms. Roe hired private counsel. The Court agreed that newly hired defense counsel needed time to review the discovery. I am sure that Ms. Watkins told you weeks ago that the matter was set over by the Court to June 1, 2011 at 1:00 PM to reset trial dates.

Katherine Gulmert

From: coach-davis@comcast.net [mailto:coach-davis@comcast.net]
Sent: Thursday, May 19, 2011 10:56 AM
To: Gulmert, Katherine
Subject: Teri Roe
Importance: Low

Dear Ms. Gulmert,

I am the CASA for Nova Roe, and I am requesting an update on the trial for Teri Roe. I spoke with your assistant Nikki weeks ago and now find follow-up communication is needed. I do attend court and find the delays frustrating. Please enlighten me regarding your sense of how well this case is progressing and the likelihood of a successful prosecution.

1. What are the current dates for Teri Roe's readiness hearing and trial
2. What have you gained by agreeing to the MANY defense requests for delays? Have those delays strengthened your case in any way?
3. Is it possible for the prosecutor's office to cease agreeing to further delays in this trial process? What could be gained by moving forward with Teri Roe's trial immediately?
4. Are you still planning to call Nova as a witness?

Feel free to contact me at coach-davis@comcast.net or call 360-355-2741.

Thank you for your time.

Martha Malone
 CASA Volunteer Cowlitz County
coach-davis@comcast.net
 360.355.2741

12/14/2011

EX. # 21

00000225

0-000001220

Janice Flaherty

From: Gideon, Cindy (ATG) [CindyG@ATG.WA.GOV]
Sent: Friday, December 02, 2011 3:02 PM
To: Gulmert, Katherine
Subject: RE: Roe -- deposition

No declaration of service was provided.
 He cites in the notice that he only has to give you 5 days notice. Hmmm
 I don't want to provide you a copy. That way, there is no way he can claim you have been served.

From: Gulmert, Katherine [mailto:GulmertK@co.cowiltz.wa.us]
Sent: Friday, December 02, 2011 3:00 PM
To: Gideon, Cindy (ATG)
Subject: RE: Roe -- deposition

Unfortunately that isn't sufficient notice. I get at least 10 calendar days. What day do they say they served it? My office hasn't received it.

From: Gideon, Cindy (ATG) [mailto:CindyG@ATG.WA.GOV]
Sent: Friday, December 02, 2011 2:56 PM
To: Gulmert, Katherine
Subject: RE: Roe -- deposition

It says 12/9/11 at 3pm at 871 11th Ave, Longview

From: Gulmert, Katherine [mailto:GulmertK@co.cowiltz.wa.us]
Sent: Friday, December 02, 2011 2:53 PM
To: Gideon, Cindy (ATG)
Subject: RE: Roe -- deposition

I haven't received it yet. What time and where? I might not be available. He hasn't given me any notice yet.

From: Gideon, Cindy (ATG) [mailto:CindyG@ATG.WA.GOV]
Sent: Friday, December 02, 2011 2:50 PM
To: Gulmert, Katherine
Subject: Roe -- deposition

I just received a notice of your deposition for next Friday.

What is your plan?

Cindy C. Gideon

Assistant Attorney General

Regional Service Division

1220 Main Street, Suite 510

Vancouver, WA 98661

12/14/2011

00000073

0-000001221

EX. # 22

E-FILED
SUPERIOR COURT
THURSTON COUNTY, WA
Jul 6, 2015 4:55 PM
Linda Myhre Enlow
Thurston County Clerk

<input type="checkbox"/>	EXPEDITE
<input checked="" type="checkbox"/>	Hearing is set
<input type="checkbox"/>	No hearing is set
Date:	7/17/15
Time:	9:00 AM
Judge/Calendar:	MON. CAROL MURPHY

SUPERIOR COURT OF WASHINGTON
COUNTY OF THURSTON

BRANDON K. ROE and TERI L. ROE,
husband and wife,

Plaintiffs.

NO. 13-2-01483-9

vs.

DECLARATION OF TERI ROE IN
OPPOSITION TO DEFENDANTS'
MOTIONS FOR SUMMARY JUDGMENT

STATE OF WASHINGTON and
DEPARTMENT OF SOCIAL & HEALTH
SERVICES, et al

Defendants.

Contempt and Thanksgiving Visitation Denial

On November 19, 2011, Judge Bashor entered an order, effective immediately, that gave us visitation with N.R.. The order also identified that there was "little convincing evidence has been provided for this motion that the mother was the source of the child's injuries, either intentionally or accidentally" and "that concern appears to be based on one statement from an individual who seems to exhibit questionable reliability".

Judge Bashor's order allowed for in home visits to begin and was effective immediately. This was the week before Thanksgiving so of course my family and I planned our first visit to be on the upcoming holiday. This would have been our first home visit and the first holiday I had been able to celebrate with my daughter in almost 2 years. I was so excited, I was going to have all my children sitting at one table enjoying the holiday. I was also so happy that N.R. would be there to help me prepare for our

1 dinner. Planning our visit on Thanksgiving was not being unrealistic. Since the Department had no
2 obligations to uphold other than ensuring we received our visit, then it was simply up to us to coordinate
3 timing and transportation with her placement, which we did. Brandon Roe Decl., p. 4, ll. 1-3. The order
4 also stated that my husband was to provide all transportation and supervise our home visits, "line of sight
5 supervision". My husband was already in charge of transporting for all visits even before this order was
6 entered.

7
8 Since I knew that the Thanksgiving visit was approaching, I sent social worker Vikki Payton an
9 email on Tuesday November 22, 2011 asking for an update on our visit per our previous discussion about
10 it on Monday the 21st of November. Brandon Roe Decl., Ex. B. Ms. Payton's response was, "My
11 supervisor has adamantly said no Thanksgiving visit, She wants the visit to be scheduled when the CASA
12 and the department are available to at least "pop in". My heart sank. I contacted my attorney as my
13 husband Brandon did his and were in a panic. All of us were scrambling to see how we could get some
14 satisfaction of the judges order by sending emails, preparing orders following the Judge's outline. I know
15 that my husband absorbed about \$400.00 in attorney's fees trying to make this happen. But in the end it
16 fell on deaf ears. They wouldn't even respond to our subsequent requests.

17 I was hurt badly by this. While sitting at the dinner table I could only feel a loss every time I
18 looked at N.R.'s sitting place. Again, the department has taken another part of my life without any regard
19 and complete disregard for Judge Bashor's order. After speaking with my attorney after the holiday I
20 moved forward with filing a Motion for Contempt against the department and case worker Vikki Payton.
21 On December 9, 2011, a hearing was held on the contempt motion. Brandon Roe Decl., Ex. C. Judge
22 Bashor was quite upset by the department's actions and found them in contempt of his order. He made a
23 strong statement which was that "I intended for the visit to be on Thanksgiving". He also mentioned him
24 coming in on Saturday and distributed the order because he was not going to be available during the
25 upcoming holiday week and the week after Thanksgiving.

26 What has always stuck in my mind behind this is that the department's supervisor Debbie Marker

1 would instruct her case worker to break the law by telling her to adamantly disregard the Judge's order.
2 My husband and I always played by the rules. I didn't get to see my daughter for over 15 months and the
3 thought never came to my mind to violate the no-contact order by trying to sneak in a visit. I never once
4 even thought of putting N.R. or my family in that position. Not one time were my husband and I found in
5 non-compliance with any court order.

6 During the process of the initial investigation and throughout the dependency and criminal issue
7 everyone focused on me as being an abusive mother to N.R. and questioned the bond between us. I was
8 very upfront and made myself available and cooperated with their investigation because I was confident
9 that if they conducted a non-biased investigation they would determine that I did not hurt my daughter
10 and she would come home. I never expected that it would go as far as it did. The criminal and CPS
11 investigators twisted my words and wrote their reports in negative ways to make me look like a bad mom.
12 I told them all many times about N.R.'s clumsiness and this even went back to doctors visits a couple
13 years prior to this issue.

14
15 **N.R.'s Medical History**

16 N.R. was born heavily addicted to heroin. She was taken from my sister in law at birth and put in
17 foster care. Once we found out about her we immediately got involved and fought hard to bring her
18 home. This included traveling back and forth from Kelso to Wenatchee at least once a week but as much
19 as 3 times a week for visiting, court dates, etc. During this process I spoke a lot with the foster mom and
20 case workers about N.R.'s set backs. I learned that she was very sensitive to light and that the foster mom
21 would have to hold her in her arms in a dark room for hours just to get her to sleep.

22 We began spending time with N.R. at 6 months old. At that time she could not hold her head up,
23 could not interact with just holding your finger and did not know her name. By this time I had already
24 raised 4 children through the baby-toddler ages and know what to expect of a child who was born not
25 drug addicted. So I knew she was behind in her advancements. During our visits and after we brought
26 N.R. home I worked hard focusing on these things. But as it went on I knew there was something wrong.

1 She just wasn't catching up and I knew I I was not being overly expectant.

2 I took N.R. to the doctors in June of 2008 and expressed my concerns to the doctor about several
3 issues such as that she falls all the time, doesn't talk and that she could not stand without wobbling. Ex.
4 A (Well Child Exam Note) ("Concerns since last visit: [N.R.] is falling all the time-can't stand without
5 wobbling."). After conducting a couple minutes worth of tests the doctor determined that there was no
6 concern. I was upset by this. She is my daughter and I know her better than anyone. I am with her all day
7 long and knew there was a problem. I even circled yes on a questionnaire from the doctor's office
8 indicating that there needed to be additional testing and a referral being done but that never happened. I
9 thought then as I do now that she has neurological issues from the extended drug use by her mother while
10 N.R. was in utero.

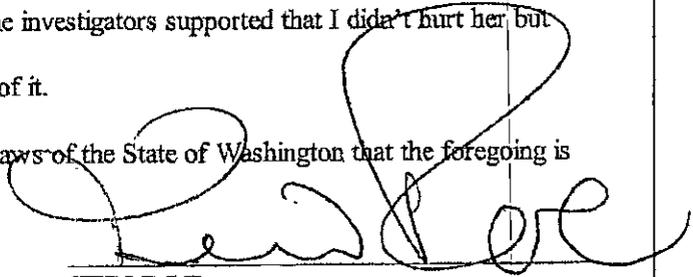
11 I took N.R. to the doctor again in July 2009 expressing my same concerns. Ex. B, p. 2 (Progress
12 Note from Dr. Reinhild Ayoub) ("Another concern is that her adoptive mother had in July 2009 was that
13 'when she is standing and you touch her, she will fall very easily.'"). One specifically was that when she
14 was standing and you touch her she would fall very easily. She was very unstable. If she were standing in
15 front of me and I was brushing her hair she would literally fall. I again notified the doctor and was
16 hoping at this time she would seek additional testing but nothing came of it. I could not seek additional
17 testing myself without a referral from the doctors office. So I continued to work with her. These medical
18 records were provided to Cowlitz County, but they disregarded them and accused me of abusing N.R.

19 There are still concerns with her development today. I had a meeting with her teacher right
20 before the end of the school year and her big concern was that N.R. would know something one day and
21 then not know it the next. These are issues we see in daily activities such as chores. All of our children
22 have age appropriate chores. One of N.R.'s is to fold her clothes. One day she will know how to fold her
23 pants to put on a hangar and the next day she wont. One day she will know how to fold a wash cloth and
24 the next day she won't. I pick simple one or two step chores for her to do. But we do have her sweep the
25 dining room to work on coordination issues. Basically doing something while she is walking and or
26

1 standing.

2 If the investigators had listened to me they would have had a thorough understanding of N.R.s
3 clumsiness issues and if they had listened to N.R. they would have know what caused the injuries. N.R.
4 told several people that the puppy hurt her. Instead they chose to point the finger at me as hurting her. I
5 didn't hurt my daughter. The evidence gathered by the investigators supported that I didn't hurt her but
6 they chose to ignore instead of getting to the bottom of it.

7 I declare under penalty of perjury under the laws of the State of Washington that the foregoing is
8 true and correct. Signed this 6th day of July 2015.



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26
TERI ROE

EXHIBIT A

0-000001227

PARENT TO COMPLETE ABOUT THE CHILD	CHILD'S NAME <u>N F</u>		DATE OF BIRTH <u>12.01.06</u>		
	ALLERGIES <u>None</u>		CURRENT MEDICATIONS <u>N/A</u>		
	ILLNESSES/ACCIDENTS/PROBLEMS/CONCERNS SINCE LAST VISIT <u>She is falling all the time - can't stand without wobbling</u>		PLACE OF CHILDCARE <u>Babbles & Giggles</u>		
	YES NO <input checked="" type="checkbox"/> <input type="checkbox"/> My child feeds self. <input type="checkbox"/> <input checked="" type="checkbox"/> My child can say 3 - 12 words. <input type="checkbox"/> <input checked="" type="checkbox"/> Is there a smoker in the family? Who?		YES NO <input checked="" type="checkbox"/> <input type="checkbox"/> My child waves "bye-bye." <input checked="" type="checkbox"/> <input type="checkbox"/> My child can follow simple direction. <input type="checkbox"/> <input checked="" type="checkbox"/> Has your child seen a dentist? When _____ <input type="checkbox"/> <input checked="" type="checkbox"/> Over the past two weeks, have you felt down, depressed, or hopeless? If yes, have you felt this way for: <input type="checkbox"/> only 1 or 2 days <input type="checkbox"/> more than 1/2 the days <input type="checkbox"/> nearly every day		
WEIGHT KG/OZ PERCENTILE <u>25 7oz / 45th</u>		HEIGHT CM/IN PERCENTILE <u>3 1/2" / 40th</u>		HEAD CIRC. PERCENTILE <u>18 3/4 / 75th</u>	
<input checked="" type="checkbox"/> REVIEW OF SYSTEMS <u>See above</u>		<input checked="" type="checkbox"/> REVIEW OF FAMILY HISTORY			
SCREENING: N A Hearing <input checked="" type="checkbox"/> <input type="checkbox"/> Vision <input checked="" type="checkbox"/> <input type="checkbox"/> Development <input checked="" type="checkbox"/> <input type="checkbox"/> <u>only says mama dadda</u> Behavior <input checked="" type="checkbox"/> <input type="checkbox"/> <u>wobbly when</u> Social/Emotional <input checked="" type="checkbox"/> <input type="checkbox"/> <u>standing</u> Gross Motor <input checked="" type="checkbox"/> <input type="checkbox"/> Fine Motor <input checked="" type="checkbox"/> <input type="checkbox"/>		DIET <u>whole milk & soy</u> ELIMINATION <u>well</u> SLEEP <u>well</u> <input checked="" type="checkbox"/> SCREENING PERFORMED ACCORDING TO CLINICIAN/WELL CHILD POLICY Fluoride Supplements Fluoride Varnish Review Immunization Record <input checked="" type="checkbox"/> HEALTH EDUCATION/ANTICIPATORY GUIDANCE: REVIEWED BY CLINICIAN/CHILD NURTURE GUIDE Nutrition/Feeding Toilet Training Safety Development Car Seat or Booster Seat Other Passive Smoke Discipline Limits Routine Child Care Assessment: <u>18 month & doing well, but my expressive language delay - refer to program for</u>			
PHYSICAL: N A General Appearance <input checked="" type="checkbox"/> <input type="checkbox"/> Lungs <input checked="" type="checkbox"/> <input type="checkbox"/> Skin <input checked="" type="checkbox"/> <input type="checkbox"/> Chest <input checked="" type="checkbox"/> <input type="checkbox"/> Head/Fontanel <input checked="" type="checkbox"/> <input type="checkbox"/> Cardiovascular/Pulses <input checked="" type="checkbox"/> <input type="checkbox"/> Eyes <input checked="" type="checkbox"/> <input type="checkbox"/> Abdomen <input checked="" type="checkbox"/> <input type="checkbox"/> Ears <input checked="" type="checkbox"/> <input type="checkbox"/> Genitalia <input checked="" type="checkbox"/> <input type="checkbox"/> Nose <input checked="" type="checkbox"/> <input type="checkbox"/> Spine <input checked="" type="checkbox"/> <input type="checkbox"/> Oropharynx/Teeth <input checked="" type="checkbox"/> <input type="checkbox"/> Extremities <input checked="" type="checkbox"/> <input type="checkbox"/> Neck <input checked="" type="checkbox"/> <input type="checkbox"/> Neurological <input checked="" type="checkbox"/> <input type="checkbox"/> Nodes <input checked="" type="checkbox"/> <input type="checkbox"/> Gait <input checked="" type="checkbox"/> <input type="checkbox"/> Mental Health <input checked="" type="checkbox"/> <input type="checkbox"/>		<input type="checkbox"/> VACCINE EDUCATION AND COUNSELING DONE BY PDS/PPN IMMUNIZATIONS GIVEN REFERRALS <input checked="" type="checkbox"/> FLUORIDE VARNISH			
Describe abnormal findings: _____ _____		PED/PPN CLINICIAN SIGNATURE <u>[Signature]</u>			

EARLY CHILDHOOD: 18 MONTHS

WELL CHILD EXAMINATION INCLUDING ILLNESS VISIT RECORD

18 MONTHS

NAME: Y. P. JOB: 12/1/06 AGE: _____ DATE: _____

CC:	Accompanied by:
	Rx Allergy:
	Current Medications:

ILLNESS VISIT RECORD:

Falls alot when walking - falling over

FOLLOW-UP REQUIRED:

The following screening question lists were performed at this appropriate age as indicated by a checked box:

- Fluoride Screen**
- Determine the availability of Fluoride in the family's water supply.
 - Check for history of tooth decay in family.
 - Look for white spots or decay on teeth.

Developmental Screen
Always ask parents if they have concerns about development or behavior.

- | YES | NO | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Walks backward.</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Says 3 words besides "Dada" and "Mama".</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Points to 1 - 2 body parts ("show me your nose, eye," etc.)</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Drinks from a cup.</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Imitates household chores such as sweeping.</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Uses 20 words.</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Understands the meaning of "Get up" or "Sit down."</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Stacks 2 blocks.</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Scribbles.</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Avoids eye contact,</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Persistent rocking, hand flapping, head banging or toe walking.</u> |

Instructions for developmental milestones: At least 90% of infants should achieve the underlined milestones by this age. If you have checked "no" on even one of the underlined items, or if you checked one of the boxed items (abnormal behavior at this age), refer the infant for a formal developmental assessment.

CHAT PRESCREEN:

1. Does your child look at you and point when he/she wants to show you something? YES NO

2. Does your child look when you point at something? YES NO

3. Does your child use imagination to pretend play? YES NO

1/22/08

18 MONTH DEVELOPMENTAL SCREENING

Child's Name NC

Child's Age 19 M. Date 6-16-08

Please read each question carefully before you answer. Circle the best answer for each question.
YOUR CHILD IS NOT EXPECTED TO BE ABLE TO DO EVERYTHING THE QUESTIONS ASK.

YES Means: Child can do now, or has done in the past.
NO Means: Child cannot do now, has not done in the past, or you are not sure that your child can do it.
R Means: Child refuses to try
NO-OPP Means: Child has not had the chance to try.

1. Without help, can your baby play "pat-a-cake" or wave "bye-bye"? Circle NO if you need to help him by holding his hands. YES NO R NO-OPP

2. Does your child say "da-da" when he wants to see his father? Does your child say "ma-ma" when he wants or sees his mother? Circle YES if your child says either. YES NO R NO-OPP

3. Does your baby stand alone without having to hold on to something for about five seconds? YES NO R NO-OPP

4. Does your baby stand alone without having to hold on to something for thirty seconds or more? YES NO R NO-OPP

5. Without holding on to something or touching the floor, can your child bend over to pick up a toy or other object on the floor and stand up again? YES NO R NO-OPP

Sometimes falls

6. Is your child able to indicate what he wants without crying or whining? He may do this by pointing, pulling or making pleasant sounds. YES NO R NO-OPP

7. Is your child able to walk all the way across a large room without falling or wobbling from side to side? YES NO R NO-OPP

Sometimes

8. When your baby picks up a small object such as a raisin, does he use only his thumb and index finger as in the picture below? YES NO R NO-OPP



9. Answer NO if your child only hands the ball to you, or if you have never tried this. If you roll a ball to your child will he roll or throw it back towards you? YES NO R NO-OPP

(OVER)

18-MONTH DEVELOPMENTAL SCREENING

10. Can your child hold a regular cup or glass by himself and drink from it without spilling? The cup should not have a spout. YES NO R NO-OPP
11. Does your baby seem bored or uninterested in conversations around him? YES NO R NO-OPP
12. Does your baby ignore toys most of the time? YES NO R NO-OPP
13. Does your baby play almost all the time with only one or two things? YES NO R NO-OPP
14. Has anyone expressed concern that your baby might have a hearing loss? YES NO R NO-OPP

Write down every word your child says, even if he/she has only said it once:

- | | | |
|---------------------|-----------|-----------|
| 1. <u>ma-ma</u> | 8. _____ | 15. _____ |
| 2. <u>daddy</u> | 9. _____ | 16. _____ |
| 3. <u>puppy</u> | 10. _____ | 17. _____ |
| 4. <u>bye + bye</u> | 11. _____ | 18. _____ |
| 5. _____ | 12. _____ | 19. _____ |
| 6. _____ | 13. _____ | 20. _____ |
| 7. _____ | 14. _____ | 21. _____ |

Do you have any concerns about your child's development or behavior? YES NO
(if yes, describe) she doesn't talk -

Do you have any concerns about your child's vision or walking? YES NO
(if yes, describe) she falls all time

Do you have any concerns about your child's hearing or speech? YES NO
(if yes, describe)

Do you have any concerns about your child's ability to laugh, play or have fun with others? (if yes, describe) YES NO

(OVER)

For Pediatrician/PNP to complete:

NORMAL DEVELOPMENT - Is there need for further testing or referrals at this time? YES NO

*Will refer to
Progress Ctr*

EXHIBIT B

0-000001232

PEACEHEALTH CASTLE ROCK CLINIC 130 1ST AVE

CASTLE ROCK , WA

VISIT DATE: 19May10 10:56

DICTATING PROVIDER: AYOUB, REINHILD

PATIENT: R Nc P

Birthdate: 1Dec06

MRN: 02581093

Account #: 029214115

Sex: F

FAC: CRC 0

ENC#: 27096793

ENCOUNTER INFORMATION

DATE/TIME: 19May10 10:56 LOCATION: FAMILY PRACTICE CLIN

PATIENT NAME: N P R

MRN: 02581093

DOB: 1Dec2006 AGE: 3 years SEX: F

INTAKE NOTE

They are needing her equilibrium checked, and to see if she bruises easily.

Last Updated 19May10 11:02 by AVERY, ADRIAN M

CLINIC VITAL SIGNS

Clinic VS.

19May10 10:59am AMA

Height & Weight.

Weight (Kilograms)

13.211 KG 19May10 11:00am AMA

Clinic Basic VS.

BP:

88/62 MMHG 19May10 11:02am AMA

Temperature (Celsius)

36.5 C 19May10 11:02am AMA

Key: AMA=ADRIAN M AVERY

PROGRESS NOTE:

PROGRESS REPORT-CLINIC NOTE

R D
02581093

DATE OF SERVICE: 05/19/2010

CHIEF COMPLAINT: Followup on a new CPS placement. The patient is brought to this office visit by Julie, who is her current caretaker.

S: Last week on Tuesday, which was the 11th of May, the patient was taken into protective custody for allegations of physical abuse. Apparently, she was found with bruises over the bridge of her nose and also on her back, and the daycare provider that she spends a lot of time with has called CPS. Apparently, she says that she has been building a case by taking pictures of previous incidents that made her worry. The patient has been brought to me for a well-child check on February 24. At that time, she had a normal examination and I did see her once in July 2009 when she was brought in for vaginitis after a

Received By

MAY 20 2010

DSHS

0-000001233

CCSO 00484

VISIT DATE: 19May10 10:56

DICTATING PROVIDER: AYOUB, REINHILD

PATIENT: R N

Birthdate: 1Dec06

MRUN: 02581093

Account #: 029214115

Sex: F

FAC: CRC 0

ENC#: 27096793

camping trip with family friends. PAST MEDICAL HISTORY: The patient was a heroin baby and she was adopted at 10 months by Kerry Roe and her husband. Apparently, there were some feeding problems in infancy, but otherwise no major concerns. Apparently, she does get vaginal irritation frequently and another concern that her adoptive mother had in July 2009 was that "when she is standing and you touch her, she will fall very easily." On reviewing my note from July 2009, she did have 1 bruise on her left cheek, but otherwise was clear, and at that time, she did have some vulva redness and I diagnosed a mild vaginitis. We were expecting to get a urine sample from her, but that was never brought in. MEDICATIONS: None. She has been fine. There are no concerns and related to me that the main reason that she is coming here today is to be tested for her coordination or clumsiness and also to see if she might have a bleeding disorder. We do not have any previous lab tests in the office. At this point, again the patient is staying with Julie, which is her daycare provider, is trying to get possibly permanent custody, but the case has not yet been decided and the adoptive parents do have visitations 3 days a week. Yesterday was the last visitation and the patient was very devastating, stated afterwards she wanted to stay with her adoptive parents. She seems to be missing them greatly and shows distress when she has to leave them. Julie, who knows her since a long time, who knows the family and also the natural children of the Roe family, observed that the patient seems to be clumsy and falls more easily, but really did not think that it is out of the ordinary for a 3-year-old child. Julie also states that she has noticed that the patient has vulvar irritation frequently. She is not in diapers anymore, but she did have 2 accidents in the last couple of days and she also did have a bubble bath last night, which she was not supposed to have. Julie was wondering if she could possibly have some vision issues because she does seem to be running into things.

O: VITAL SIGNS: Today, her weight is 13.2 kg, which is slightly up from the February weight and it is still between the 5th and 10th percentile for age. Her blood pressure is 88/62 and her temperature is 36.5. GENERAL: She is alert, cooperative, in no distress. HEENT: Normocephalic, atraumatic. Her pupils are equal, round, reactive to light. Red reflexes are within normal limits. I do not appreciate any evidence of strabismus. Her tympanic membranes are shiny and gray. Nasal passages, pink mucosa. Oropharynx is clear. NECK: Supple. COR: Regular rate and rhythm. LUNGS: Clear to auscultation. ABDOMEN: Soft. No hepatosplenomegaly. No masses. GU: Tanner I female. She does have a fair amount of redness and irritation in her vulva and down to her intergluteal folds and just a few little red papules in her groin, no discharge. SKIN: Cafe au lait spot on her right chin. She does have some slightly red and rough skin areas over her thoracic spine. I do not see any bruises on

Received By

MAY 20 2010

DSHS/ICA Kelso, WA

0-000001234
CCSU 00485

VISIT DATE: 19May10 10:56

DICTATING PROVIDER: AYOUB, REINHILD

PATIENT: R . N:

Birthdate: 1Dec06

MRUN: 02581093

Account #: 029214115

Sex: F

FAC: CRC 0

ENC#: 27096793

her. At this point, she does have some splinters on the soles of her feet. NEURO: Deep tendon reflexes are symmetrical. Toes downgoing. Gait appears within normal limits, possibly slightly wide stance. She does run fine. There is no falling. She can balance on each foot for 1-2 seconds. She can hop on both feet and she is starting to hop on 1 foot and does it well with help.

A: Clumsiness, mild vaginitis, and child in CPS custody.

P: We will attempt to do CBC, metabolic screen, PT/PTT, and also varicella and MMR IgG to rule out any platelet or PT/PTT abnormality or anemia and to check on her immune status for varicella and MMR. I advised to take her to an optometrist for a more official vision testing to see if there would be really any concern about her vision. Certainly, avoid bubble baths and soaking her again in the bath tub to help take off the vulvar irritation. Observe closely. Certainly call with any concerns.

Reinhild E. Ayoub, MD

D:05/19/2010 11:54:12 T:05/20/2010 05:52:18 Job#:806473

Provider Responsible for Electronic Signature: REINHILD AYOUB

Electronically Signed On:
(Blank until electronically signed by Responsible Provider)

Printed by: 55751

Print Date: 05/20/2010

Print Time: 1543

Received By
MAY 20 2010
DSHS/CA Kelso, WA

0-000001235
0000 00400