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SUPREME COURT
STATE OF WASHINGTON
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Supreme Court No. _____

IN THE SUPREME COURT OF THE STATE OF
WASHINGTON

Case #: 1043724

THE STATE OF WASHINGTON DEPARTMENT OF SOCIAL AND
HEALTH SERVICES, CHILD PROTECTIVE SERVICES, a state
government and its division and agency,

Respondent

v.

Albert W Coburn the father

Appellant

APPEAL FROM KING COUNTY SUPERIOR COURT
THE HONORABLE William L Dixon

Case No. Case No. 23-2-24048-1 KNT

PETITION FOR REVIEW

Submitted under RAP 13.4 and RAP 13.5 regarding Court of Appeals

Case No. 868080

Appellants ALBERT COBURN (Pro Se) and Evelyn A. Coburn

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IDENTITY OF PETITIONER

Appellant Albert W. Coburn, on behalf of his minor daughter Evelyn A. Coburn, petitions this Court to grant review of the Court of Appeals' unpublished opinion filed April 21, 2025, in *State of Washington Department of Social and Health Services, Child Protective Services v. Albert W. Coburn, Case No. 65021* (Appendix A). The decision rests on a demonstrably false factual finding: that child abuse allegations made against Mr. Coburn in 2016 and repeated in 2022 were investigated by CPS in 2017. CPS records submitted into evidence conclusively show that no such investigation occurred. The investigation cited by the Attorney General was initiated by *Sand Point Pediatrics* and unrelated to allegations raised by non-party accuser Lara Seefeldt and her family (CP 414–423).

Appellant proceeds pro se and is not formally trained in law. Accordingly, this petition must be construed liberally. See *Haines v. Kerner*, 404 U.S. 519, 520 (1972); *Birl v. Estelle*, 660 F.2d 592 (5th Cir. 1981). This Court also has a duty to safeguard fundamental constitutional and statutory protections. See *United States v. Lee*, 106 U.S. 196, 220 (1882).

COURT OF APPEALS DECISION

Appellant seeks review and reversal of the Court of Appeals' unpublished opinion affirming the trial court's dismissal of his negligence claim against CPS. That decision accepts and perpetuates the materially false assertion that CPS investigated the child abuse allegations introduced by Ms. Seefeldt and her family. Court of Appeals states "*CPS closed its investigation in October 2017 after determining the complaints were unfounded*". CPS records clearly show that no such investigation into Ms. Seefeldt and her family 2026/2022 allegations occurred, no determination of unfounded by CPS exists, and that the 2017 referral came from a different party and addressed a separate issue.

Under WAC 110-30-0060, CPS is required to record reports of abuse or neglect made by *any source*, including parties in judicial

proceedings. CPS failed to document the abuse allegations despite their introduction in Family Court. Compounding this failure, CPS redacted key portions of its records, and the Attorney General's Office falsely claimed that the matter had been investigated. These misrepresentations were adopted by the trial court and upheld by the Court of Appeals—denying Appellant a fair hearing and immunizing official negligence.

STATEMENT OF GROUNDS FOR REVIEW

Case Background and Impetus for Filing

In 2016 and again in 2022, false allegations of child abuse against Mr. Coburn were introduced in judicial custody proceedings in King County Family Court. The allegations—raised by Ms. Seefeldt and her family—had no evidentiary support and were ultimately admitted by Ms. Seefeldt in sworn declarations to have never been investigated by CPS. Nevertheless, the allegations severely disrupted Appellant's parental rights and undermined his ability to care for his daughter Evelyn.

CPS's failure to act and document the allegations violated statutory mandates. Appellant long suspected CPS inaction, but clarity came only with the Office of the Family and Children's Ombuds (**OFCO**)

letter dated September 7, 2023 (CP 412), which confirmed that no report had been made to CPS and no investigation had occurred. CPS initially withheld records through redactions, and meaningful disclosures did not arrive until March 2024—after Appellant’s lawsuit commenced.

Appellant brought suit seeking documentation and accountability, not financial relief. He offered to withdraw monetary claims if CPS would fulfill its investigative duties retroactively. Instead, the Attorney General falsely asserted that an investigation occurred in 2017 and used this claim to argue that the statute of limitations had expired. The trial court accepted that assertion and dismissed the case. The Court of Appeals affirmed the dismissal, embedding factual error at the heart of its ruling.

Statutory Duty to Investigate

CPS’s failure to investigate violated a clear legal mandate under RCW 26.44.050, which provides:

“Upon the receipt of a report concerning the possible occurrence of abuse or neglect, it shall be the duty of the law enforcement agency or the department of social and health services to investigate...”

This language is unambiguous. The Washington Supreme Court confirmed the scope and enforceability of this obligation in *Tyner v. DSHS*, 141 Wn.2d 68, 1 P.3d 1148 (2000), holding that “*the state has a statutorily mandated duty to investigate child abuse allegations brought to its attention.*” CPS’s failure to investigate—despite receiving allegations through judicial proceedings—constitutes negligence. Redacting records and misrepresenting the investigative history only compounded that harm.

Statute of Limitations and Equitable Tolling

The dismissal based on the statute of limitations was legally flawed. Appellant had no confirmation of CPS’s failure to investigate until the OFCO letter arrived in September 2023 (CP pg. 412). Redacted records withheld essential facts, and CPS’s internal concealment obstructed Appellant’s ability to understand the scope of the agency’s negligence.

Washington courts recognize equitable tolling when a plaintiff, despite diligence, cannot discover a claim due to concealment or misrepresentation. See *Millay v. Cam*, 135 Wn.2d 193, 206–07 (1998); *In re Pers. Restraint of Vega*, 199 Wn. App. 896, 904 (2017). CPS’s failure to disclose and its misrepresentation by counsel meet

this standard. The limitations period should begin when Appellant reasonably became aware of the harm—not when the abuse allegations were first made.

Factual Misrepresentations and Arbitrary Judicial Action

The trial and appellate courts adopted a falsehood that is directly contradicted by the record. Judicial reliance on misrepresented facts—especially when unredacted agency records prove otherwise—constitutes arbitrary and capricious action under RCW 34.05.570(4)(c)(iii). See *Griggs v. Averbek Realty*, 92 Wn.2d 576, 584 (1979). The courts' actions denied procedural justice and obstructed meaningful review.

SUMMARY OF LEGAL STANDARDS VIOLATED

- **RCW 26.44.050** – CPS has a statutorily mandated duty to investigate child abuse allegations. The failure to do so constitutes actionable negligence. See *Tyner v. DSHS*, 141 Wn.2d 68 (2000).
- **WAC 110-30-0060** – Requires CPS to record any report of abuse or neglect, regardless of the source.

- **RCW 4.24.010** – Affirms the right of a parent who contributes to a child’s support to bring an action on the child’s behalf. The Court of Appeals erred in claiming Evelyn is not a party.
- **Equitable Tolling Doctrine** – Recognized in Washington law when a plaintiff, despite reasonable diligence, cannot discover the factual basis of a claim due to concealment or misinformation. See *Millay v. Cam*, 135 Wn.2d 193, 206–07 (1998); *In re Pers. Restraint of Vega*, 199 Wn. App. 896, 904 (2017). CPS’s redacted records and the Attorney General’s misrepresentations deprived Appellant of timely access to the truth.
- **RCW 34.05.570(4)(c)(iii)** – Prohibits agency or judicial action taken in disregard of facts. See *Griggs v. Averbek Realty*.
- **Due Process Principles** – Judicial findings must be based on evidence, not attorney representations that contradict the record.

QUESTIONS PRESENTED FOR REVIEW

1. Whether the trial court committed reversible error by adopting a factual finding—asserting that child abuse allegations made in

- 2016 and 2022 were investigated by CPS—that is directly contradicted by unredacted agency records entered into evidence.
2. Whether CPS’s failure to investigate allegations introduced in court violates its statutory duty under **RCW 26.44.050**, as reinforced in *Tyner v. DSHS*.
 3. Whether CPS’s omission in documenting reports from judicial proceedings constitutes a violation of **WAC 110-30-0060** and establishes grounds for negligence.
 4. Whether equitable tolling should apply where Appellant lacked knowledge of CPS’s failure until the OFCO letter in 2023, and records were redacted until after filing suit.
 5. Whether the dismissal based on a 2016 trigger date—rather than 2023 discovery—is incompatible with Washington’s tolling doctrine and procedural fairness.
 6. Whether the Court of Appeals erred in stating that Evelyn Coburn is not a party to the case, disregarding Appellant’s capacity under **RCW 4.24.010**.

7. Whether judicial reliance on provably false factual claims by government counsel constitutes arbitrary and capricious action under **RCW 34.05.570(4)(c)(iii)**.

RELIEF REQUESTED

Appellant respectfully requests that this Court:

- Grant review of the Court of Appeals' decision under RAP 13.5(b);
- Reverse the finding that CPS investigated allegations it demonstrably ignored;
- Reinstate Appellant's negligence claim and remand for further proceedings consistent with RCW 26.44.050, WAC 110-30-0060, and equitable tolling principles;
- Affirm Appellant's standing to pursue claims on behalf of Evelyn under RCW 4.24.010.

Evelyn Coburn was not protected—she was punished.

False allegations of abuse against Appellant Albert Coburn were introduced in court, never investigated, and falsely claimed to be substantiated. CPS did not fail out of oversight—it failed by choice. It refused to investigate, misrepresented facts, and allowed harmful narratives to dictate the outcome of Evelyn's upbringing.

That failure carried lasting consequences. Because CPS did not investigate, the truth remained buried—and Evelyn lost years of time with a loving, stable parent. Had CPS fulfilled its duty, joint custody would have been the logical and just outcome. Instead, Appellant was stripped of the ability to make decisions about his daughter’s life, care, and well-being. To this day, the financial implications remain severe, driven by litigation and the erosion of equal parenting rights rooted in unexamined falsehoods.

But this petition is not only about the past—it is about precedent. Mr. Coburn does not simply seek correction for his own case; he asks for recognition that false allegations cannot be left unexamined without consequence. This Court’s review is necessary to exonerate a loving parent, protect a child’s future, and send a clear message: the duty to investigate is not optional, and procedural silence should never be used to erase innocence or shield systemic failure.

Total words: 1550

Date: 7/09/2025

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Attachment

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

ALBERT WHITNEY COBURN,

Appellant,

v.

THE STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND
HEALTH SERVICES, CHILD
PROTECTION SERVICES, a state
government and its division and
agency,

Respondents.

No. 86808-0-I

DIVISION ONE

UNPUBLISHED OPINION

MANN, J. — Albert Coburn appeals the trial court’s order granting summary judgment and dismissing his complaint against the Department of Children, Youth, and Families (DCYF). Because all of Coburn’s claims were barred by the statute of limitations, we affirm.

I

In 2016, Coburn was engaged in contentious dissolution proceedings with Lara Seefeldt. Coburn and Seefeldt had one child together, E.C. Coburn and Seefeldt were referred to Family Court Services for a parenting evaluation to be considered for the final parenting plan. During one of the evaluations, a therapist noticed bruising on E.C.

and reported it to Child Protection Services (CPS). After the report to CPS, Seefeldt and Coburn signed an agreement to participate in a family assessment response (FAR).¹ CPS closed its investigation in October 2017 after determining the complaints were unfounded. Coburn and Seefeldt ultimately settled the parenting plan through mediation in March 2018.

Coburn moved to modify the final parenting plan in 2022. Coburn also moved for arbitration and a judicial finding of custodial interference and contempt by Seefeldt. The family law court denied Coburn's motions. The court awarded attorney fees to Seefeldt after finding that Coburn's motion for contempt and custodial interference were filed in bad faith. Coburn appealed, and this court affirmed and awarded attorney fees to Seefeldt.

On October 15, 2023, Coburn sued DCYF asserting claims of negligence, defamation, outrage, alienation of affection, tortious interference with parental rights, abuse of process, gender discrimination, and constitutional violations. Other than the claim for abuse of process, all of Coburn's claims were based on a negligence theory. Coburn alleged that DCYF was negligent in how it handled the report of suspected child abuse in 2016 and 2017—before the final parenting plan was signed.

The trial court granted DCYF's motion for summary judgment and dismissed Coburn's claims as outside the applicable statute of limitations.

Coburn appeals.

¹ FAR is created by statute and is an alternative to a traditional investigation. See RCW 26.44.030(14).

II

We review summary judgment orders de novo, considering the evidence and all reasonable inferences in the light most favorable to the nonmoving party. Keck v. Collins, 184 Wn.2d 358, 370, 357 P.3d 1080 (2015). The statute of limitations is an affirmative defense. Haslund v. City of Seattle, 86 Wn.2d 607, 620-21, 547 P.2d 1221 (1976). Summary judgment based on a statute of limitations should be granted only when the record demonstrates there is no genuine issue of material fact as to when the statutory period began. CR 56(c); Olson v. Siverling, 52 Wn. App. 221, 224, 758 P.2d 991 (1988).

Each of the claims brought by Coburn is subject to a three-year statute of limitations. Personal injury claims based on negligence must be brought within three years. RCW 4.16.080. Similarly, an abuse of process claims falls within the statute of limitations applicable to personal injury, and the statute of limitations begins to run from the termination of the acts constituting the abuse of complained of. Nave v. City of Seattle, 68 Wn.2d 721, 724, 415 P.2d 93 (1966). The statutory period for statute of limitations purposes commences when the plaintiff knew or should have known all of the essential elements of the cause. Green v. A.P.C., 136 Wn.2d 87, 95, 960 P.2d 912 (1998).

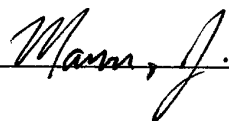
Coburn's complaint asserts that the allegation that he pushed E.C. to the ground was not sufficiently investigated by DCYF. The investigation and FAR took place in 2017 and the final parenting plan was signed in 2018. The basis of Coburn's complaint arises out of the events that surrounded the initial investigation before the final parenting plan was entered. Accordingly, Coburn was aware of any alleged negligence

by DCYF when the final parenting plan was entered in March 2018. As a result, he was required to bring his lawsuit no later than March 2021.

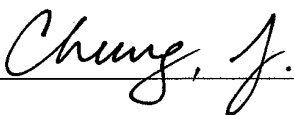
Coburn argues that the statute of limitations does not exist when the State is committing a “continuous wrong” of restricting a parent. But Coburn fails to provide controlling authority to support his argument. RAP 10.3(a)(6); Cowiche Canyon Conservancy v. Bosley, 118 Wn.2d 801, 809, 828 P.2d 549 (1992) (argument unsupported by citation to authority will not be considered).²

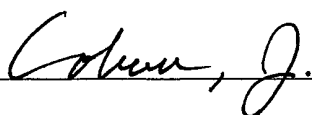
For these reasons, there is no genuine dispute of material fact for when the statutory period commenced, and the trial court did not err in granting summary judgment and dismissing Coburn’s complaint.

We affirm.

_____

WE CONCUR:

_____

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² To the extent that Coburn’s brief addresses arguments by E.C. herself, including that it is unreasonable to impose a statute of limitations on a child, is not properly before this court. E.C. is not a named plaintiff in his complaint and is not a party to this lawsuit.

ALBERT COBURN - FILING PRO SE

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Filing Petition for Review

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