

**IN THE CIRCUIT COURT FOR THE STATE OF OREGON
COUNTY OF LANE**

NOAH FRANK
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**Case No: 25 CV 56072
FIRST AMENDED COMPLAINT**

***CLAIMS NOT SUBJECT TO
MANDATORY ARBITRATION**

PLAINTIFF
V.

***(NEGLIGENCE,ASSAULT AND
*BATTERY, OREGON
VULNERABLE PERSON’S ACT,
CHILD ABUSE STATUTE ORS
12.117, INTENTIONAL TORTS)**

OREGON DEPARTMENT OF HEALTH AND
HUMAN SERVICES CHILD WELFARE DIVISION

***, DEMAND FOR JURY TRIAL ,

STEPHEN HAMMOND, in his official
and individual capacity,
CARRIE BURRESON RICH in her official
and individual capacity,
HEATHER SAFFELL, Esq.
CHRISTINA M. SUTTON
ABRAM JARED GILLIAM
JASPER MOUNTAIN CENTER
MENTAL HEALTH FOR CHILDREN, INC./dba
RIVERVIEW CENTER FOR GROWTH f/n/a
THE CHILD CENTER

*** Prayer: \$25,000,000
*
* Fee authority ORS 21.135

DEFENDANTS

* * * * *

INTRODUCTION

Plaintiff Noah Frank. files this first amended complaint against the Oregon Department of Health and Human Services Child Welfare Division (“ODHS”) Stephen Hammond in his official and individual capacity, Carrie Burreson Rich in her official and individual capacity, (Collectively, “State Defendants”) Christina Sutton, Heather Saffell, Esq., Jasper Mountain Safe Center, Mental Health for Children Inc. d/b/a Riverview Center For Growth f/n/a The Child

Center, and Abram Jared Gilliam for claims involving Professional Negligence, Statutory Negligence, OTCA, Intentional Torts and Violations of the Oregon Vulnerable Person's Act.

Plaintiff claims the ineffectiveness of legal counsel during his dependency case which spanned from approximately February 5, 2014 to March 2016. Plaintiff claims he was not counseled on his legal rights in his case, was never freely allowed to talk or testify as to his wishes or goals as to reunification with his biological family and was never allowed to fully participate in therapy to help his disability of post-traumatic stress disorder and adjustment disorder. In addition, Plaintiff was blamed for sexually abusing his sister when in fact it was the foster father who was allegedly sexually abusing his sister. Plaintiff has had to live with this shame and stigma for years and continues to suffer the emotional harm done to him while in foster care.

Plaintiff claims that Defendants failed to protect him from harm and risk of harm while he was in the State's care and custody by failing to properly provide for his behavioral and mental health needs as a disabled child. Defendants failed to provide the necessary therapeutic tools for him to feel safe by consistently confining him in locked facilities, (specifically Jasper Mountain SAFE Center) which was not the least restrictive environment for him and such treatment of him exacerbated his mental health disorders. Plaintiff alleges that he was placed in a state-created dangerous environment which led to his injuries. Plaintiff was deprived of necessary and appropriate services and treatment as well as the skills and resources necessary to live on his own.

SUMMARY OF FACTS

1. Plaintiff was removed from his home when he was 7 ½ to 10 years old, the formative years, years which are the most important developmental years of a child's life. On the day after

his removal on February 7, 2014, Plaintiff was physically and chemically restrained in an effort to psychologically coerce him to change his behavior.

2. Plaintiff alleges that he endured physical restraints, involuntary seclusion and sexual and physical assaults multiple times over the course of two years while he was in foster care without any intervention from his attorney or child welfare agents. The abuse Plaintiff suffered in the foster home was obvious and very well documented. Allegations of sexual abuse in the foster home was eventually reported to child welfare agents and a sexual abuse safety plan was enacted in the home but was not followed.

3. On February 12, 2014, the State Defendants sent Plaintiff's mother an email stating that on February 7, 2014, Plaintiff was placed in a five-point harness restraint. Plaintiff was only 7 years old at the time and this restraint coupled with a chemical restraint was unnecessary, abusive and only done as a form of punishment and coercion of a disabled child.

4. Although statutory laws were not in existence at the time of Plaintiff's restraint and seclusion, it was Oregon legislative's intent to not allow this type of treatment of children as it is considered child abuse.

5. Defendant Jasper Mountain Safe Center's Policy Manual outlines rules and regulations against such physical restraint of minors, yet Plaintiff alleges that during the time he was in care, the Defendants supported physical restraint as a form of punishment and coercion.

6. Plaintiff files this action in part based on the Oregon Vulnerable Person's Act as he was a mentally disabled child diagnosed with several mental health disorders while in the State

Defendants' custody and was particularly vulnerable and susceptible to harm due to his age and preexisting psychiatric disorders.

7. Plaintiff alleges that due to his mental health challenges, his experiences and treatment while in the State's custody led to the development of ongoing psychiatric illnesses which require life-long management and treatment. In addition Plaintiff alleges that he has suffered permanent physical impairments related to his body's physical reaction to the repeated episodes of traumatic stress over the course of 2 years.

8. Over the course of two years, Plaintiff's right to his bodily integrity was repeatedly violated by the Defendants and he was stripped of his Constitutional right to be in a safe and least restrictive environment.

9. Plaintiff claims that his injuries were foreseeable and avoidable because the Defendants knew that he was not receiving adequate case management services, given his environment, placement, and mental health condition.

10. Each of the Defendant agencies or private entities were responsible for the acts and omissions of their employees, agents, officers acting within the scope of their duties and or employment.

PARTIES

11. Plaintiff is a now 19-year-old adult and was placed in the custody of DHS on or about February 3, 2014, until on or about the Spring of March 2016 from the ages of 7-10 which are considered his formative years; the most fundamental and developmental stage for children's brain and personality development. Plaintiff was a child who experienced an abundance of

physical and mental abuse at the hands of the foster parents while in the care and custody of DHS. Plaintiff currently resides in Bend Oregon and appears before the court as a Pro Se litigant.

12. Defendant Oregon Department of Human Services Child Welfare (ODHS) is a state agency created and authorized under the laws of the State of Oregon. It is authorized by law to maintain and ultimately is responsible for maintaining the Department, and its Child Welfare department, which acts as DHS' agent in the area of protecting the safety and welfare of children.

13. Defendant Heather Saffell, Esq., is a licensed attorney employed and doing business in the state of Oregon, the county of Lane. Ms. Saffell resides and performs legal services in Eugene, Oregon. She was appointed by the Court to act as Plaintiff's attorney during the juvenile dependency hearings, until he was reunited with his mother in March 2016. Plaintiff alleges that Ms. Saffell violated several ethics codes pursuant to the guidelines set forth by the Oregon Rules of Professional Conduct. Plaintiff also alleges that Defendant Saffell violated ORS 12.117(1) by failing to report child abuse of Plaintiff and by knowingly contributing to his child abuse in the foster home by failing to intervene when she knew Plaintiff was being abused.

14. Defendant Stephen Hammond is a case worker and an agent of the State, residing and working as a case worker for the State of Oregon. Defendant Hammond was one of the caseworkers on the case from the juvenile dependency case's inception and was responsible for the decision-making concerning Plaintiff's placement with the Defendant Sutton and Gilliam and was aware of the abuse allegations within the foster home. Defendant Hammond acted outside the scope of his authority, and his acts were purposeful and meant only to harm Plaintiff. Defendant Hammond took it personally when Plaintiff's father Lon Frank threatened him with

firearms, which Mr. Frank calls “a John Wayne moment”. Defendant Hammond was involved in the decision in placing Plaintiff in a 5 point harness restraint. Defendant Hammond was also aware of Plaintiff’s precarious condition when Plaintiff ran into traffic in February 2014 shortly after he was removed from his home, yet Hammond did not make the proper referrals for Plaintiff to be treated, instead supported his placement to SAFE center which subjected Plaintiff to more episodes of restraint and seclusion.

15. Defendant Carrie Bureson Rich is a caseworker and an agent of the State. She acted as the caseworker on Plaintiff’s juvenile dependency case. Defendant Bureson Rich’s actions were negligent however she also acted outside the scope of her authority as her acts were purposeful and meant only to harm the Plaintiff’s father who had threatened her with firearms while she was pregnant. All of Defendant Bureson Rich’s acts meant to harm Plaintiffs’ parents directly harmed Plaintiff as Defendant Bureson Rich delayed Plaintiff’s return home for an additional year without cause, subjecting him to a home environment where he continued to be sexually and physically abused.

16. Defendant Christina M. Sutton was the licensed foster mother of the Plaintiff from on or about February 7, 2014, until Plaintiff returned home to his mother in March 2016. Defendant Sutton is currently a resident living in Veneta Oregon in Lane County Oregon.

17. Defendant Abram Gilliam, also known as “Abe” was the assistant, foster father of Plaintiff during the incidents of which Plaintiff complains. He is currently a resident of Vancouver Washington. Defendant Gilliam was indicted on 16 counts of child sexual molestation, child rape, and sodomy; for which he spent an estimated two years in prison.

18. Jasper Mountain SAFE Center, is a domestic non-profit agency formed in 1983 registered with the state of Oregon as a psychiatric residential treatment facility for children who have been abused or neglected. They are contracted with the state of Oregon and serve the most vulnerable population, abused and neglected children. They serve children who have moderate to severe disabilities and children who have experienced moderate to severe trauma. Plaintiff was treated on and off by agents of the Defendant's facility from 2014-2017. Jasper Mountain Center is liable for the acts and omissions of its employees, officers and agents committed during the scope of their duties and or employment. Plaintiff was seen by several agents of Jasper Mountain Safe Center during the incidents of which he complains.

19. Mental Health For Children Inc. dba Riverview Center for Growth, formerly known as The Child Center, originally registered in 1998 as a non-profit mental health organization providing emotional and behavioral health services to individuals, youth and families. MHC is liable for the acts and omissions of its employees, officers and agents committed during the scope of their duties and or employment. Plaintiff was seen by several agents of MHC during the incidents of which he complains.

STATUTORY LIMITATIONS

20. The Plaintiff filed an Oregon tort notice with the State of Oregon pursuant to *ORS 12.110* on November 3, 2024, which applies to the State Defendants, and did not receive a response. The Plaintiff's complaint is within the statute of limitations pursuant to *ORS 12.117*.

21. The Plaintiff turned 18 in April 2024 and the events which occurred of which Plaintiff has complained occurred during the time at which he was between the ages of 7 to 10 1/2. However, Plaintiff has just recently discovered and made a causal connection between his

injuries and the abuse he suffered while in State Custody. The Plaintiff was just recently made aware in 2023 that his foster father was indicted on 16 counts of rape and child molestation and sodomy of children in the foster home. The Plaintiff only recently started learning about his diagnosis of Post traumatic stress disorder when he started working as a Peer Support Specialist in 2024. Plaintiff had no way of understanding the causal connection until now between the child abuse he endured and the long lasting psychological and behavioral impact on his intra and interpersonal skills over the course of his lifetime.

JURISDICTION AND VENUE

22. This court has jurisdiction as all of the actions occurred in this county, and each Defendant resides, holds a business in said jurisdiction. Venue in this district is also proper pursuant to local rule 3-2 because incidents involving Plaintiff's claims arose in this district.

FACTS

23. The Plaintiff and his siblings were taken by DHS workers on February 6, 2014, yet the first shelter hearing was held on February 10, 2014, and then the children were subsequently kept in shelter care pending a disposition hearing scheduled for April 2, 2014. A subsequent hearing took place on May 6, 2014 and lasted until May 13, 2014. A ruling was not made in the case until June 3, 2014, and a disposition hearing was not scheduled until June 11, 2014. Even though both parents participated in psychological evaluations in June 2014, DHS did not share the reports with the parents until August 8, 2014. Subsequently DHS did not offer the parents action agreements until August 12, 2014, which stated no return home date. Parent training in the juvenile dependency case did not begin until August 8, 2014, despite DHS already having a court order for approval for this service on June 11, 2014.

24. At the time of the first juvenile dependency hearing, Plaintiff had already been approaching nearly nine (9) months in foster care and was at risk for losing his previously established parental bonds and attachment to his parents and siblings the longer he remained in care. The extremely limited contact offered by DHS was detrimental to the parent child relationship. The children were eventually placed into the same foster home after a period of being separated, mainly because Plaintiff demanded that he live with his siblings. His efforts to achieve this included running into moving traffic in an effort to get his caseworker's attention to reunite him with his siblings. This is just one example of Plaintiff's desperate acts to reunite his family. Over the next two years Plaintiff was subjected to physical and sexual abuse at the hands of the foster parents and other foster children in the home.

FIRST CAUSE OF ACTION

(Claim Against State Defendants and Defendant Sutton
OTCA, Failure to Train, Failure to Provide Adequate Therapeutic Support Services)

25. Each of the foregoing allegations is incorporated as if fully set forth herein. The actions and omissions of Defendants as outlined herein constitute a policy, pattern, practice, and/or custom that is inconsistent with the exercise of accepted professional judgment and amounts to deliberate indifference to the constitutionally protected liberty interests of the Plaintiff. The actions and omissions of the Defendants as outlined herein also constitute negligence in violation of the OTCA and statutory violations pertaining to child abuse and the Vulnerable Person's Act.

26. The Due Process Clause of the Fourteenth Amendment prohibits the State from depriving "any person of life, liberty, or property, without due process of law." U.S. Const. amend. XIV. "Its purpose is to protect people from the State," and to prevent the government from "abusing its power, or employing it as an instrument of oppression. *DeShaney v. Winnebago Cty. Dept. of Soc. Servs.*, 489 U.S. 189, 196 (1989). The 14th Amendment Due Process Clause of the United

States Constitution imposes an affirmative obligation upon state and local child welfare officials to ensure that each child placed in foster care is *free from the foreseeable risk of physical, mental, and emotional harm*. Additionally, the State must ensure that each child placed in foster care receives the services necessary to ensure their physical, mental, intellectual, and emotional well-being in the least restrictive environment. A state assumes an affirmative duty under the Fourteenth Amendment to the United States Constitution to provide reasonable care, to and to *protect from harm, a child with whom it has formed a special relationship*, such as a child in foster care.

27. The State is charged with the duty to provide each child placed in foster care with conditions, treatment, and care consistent with the purpose and assumption of custody and to ensure that each child placed in foster care is not maintained in custody longer than is necessary to accomplish the purpose of custody. The State breached this duty to Plaintiff as he was in the care and custody of the State for 2 years, and his mother Ms. Mallery had completed all of the services she needed to complete for him to come home. No efforts were made to provide adequate mental health treatment or other therapeutic methods to assist in remedying the damage that was done to Plaintiff while he was in foster care, thus lengthening the time of his reunification process with his parents.

28. Throughout the course of two years, the Defendants failed to uphold their duty to keep Plaintiff safe from harm. The injuries endured by the Plaintiff while he was in foster care, hampered his return home. Plaintiff's behavior in response to suffering child abuse in the foster home resulted in numerous police calls and acts of physical restraint, involuntary seclusion of him by the foster parents, police officers, and the Defendant's agents of the Jasper Mountain SAFE center.

29. Defendant ODHS failed to train and provide trauma informed caseworkers during the time Plaintiff was in care to assist children who were suffering from a disability and required trauma informed therapy and therapists. This failure directly caused and led to Plaintiff's injuries.

30. Defendant ODHS failed to hire and train qualified contractors during the time Plaintiff was in care who were capable of providing mental health services for the most vulnerable population, children who cannot speak up for themselves or defend themselves and require this the most. This failure by ODHS directly caused and led to Plaintiff's injuries.

31. Defendant ODHS failed to oversee and ensure that Plaintiff, whom the state had a special relationship with, was not placed in a state-created danger zone which Plaintiff alleges he was placed in on multiple occasions after his removal from his biological parents.

32. Defendant Sutton was aware that she had a history of dating and marrying violent husbands and that she was placing foster children such as Plaintiff at risk of harm. Defendant ODHS either knew or failed to discover Defendant Sutton's proclivity for dangerous and violent men living in her home.

33. A foster child has a "protected liberty interest" in a "reasonably safe and minimally adequate care and treatment appropriate to the age and circumstances of the child." *Lipscomb v. Simmons*, 962 F.2d 1374, 1379 (9th Cir. 1992) (citations omitted) The Defendants violated Plaintiff's protected liberty interest in having a reasonably safe and minimally adequate environment by subjecting him to a foster home that was not safe but extremely harmful to his emotional health and physical well-being. Plaintiff was subjected to persistent threats of bodily harm on a day-to-day basis. Plaintiff feared for his life on several occasions and even attempted

suicide by jumping out of a two-story window of his foster parents' home. During one fisticuffs with his foster dad, Plaintiff was forced to defend himself which resulted in harm to the foster parent. Yet despite all of this, DHS agents did nothing but threaten Plaintiff with a year stay at Jasper Mountain SAFE center¹ which said threat deeply tormented Plaintiff on a daily basis. Plaintiff had heard stories of children being stabbed and killed at Jasper Mountain.

34. Plaintiff was treated unfairly and differently than other children under similar circumstances based solely on his disabilities. The more Plaintiff acted out, the more he was handcuffed and restrained and then put into seclusion. The state Defendants knew that Plaintiff was being restrained frequently, if not on a weekly basis and sent to a locked facility with little to minimal trauma therapy yet did nothing to intervene. Plaintiff alleges that this failure to intervene and failure to provide adequate therapeutic support services contributed to his injuries.

35. Defendant Jasper Mountain Center's Initial Individual Services Assessment report dated 5/29/14 states, "Noah is obsessed with his foster mom, Christina, and he gets mad at the attention she gives her new boyfriend. Noah will sleep outside her door and nearly sit on top of her when she sits on the couch. Noah will demand his foster mom wake up at night. He is described as having adult thinking on a sexual level and that he worries Christina won't be faithful to him. Christina and her husband split up a couple months ago and Abe, who was helping Christina support Noah's stability, but was also dating Christina, is her current boyfriend. Noah is jealous of this and he is unable to play and do things because of his fixation on Abe and his foster mother. Noah chases girls and boys at school while having a sexual

¹ Defendant Bureson Rich obtained insurance approval to send Plaintiff to Jasper Mountain for a period of 12 months. Thus making it a factual threat that Plaintiff would be on lockdown for an indeterminate amount of time if he didn't stop acting out.

energy. He pretends to have boobs by putting things in his shirt. Noah reports that he frequently thinks of getting a knife to stab his foster mom or Abe, but he has no access to a knife.”

36. State Defendants were aware that Plaintiff was being triggered by Defendant Abram Gilliam’s presence in the home yet never removed him from the home, except opted over the course of two years to subject him to involuntary lockdowns at the Jasper Mountain Safe Center while maintaining him in the care and custody of alleged child abusers.

37. In addition to the physical abuse Plaintiff suffered, Plaintiff in his opinion spent the entire time in foster care locked in a room alone and without contact with his two siblings. These acts were in part all efforts of the foster parents to break Plaintiff down into compliance to not report the sexual abuse that was happening in the foster home.

38. There were no adequate or sufficient therapeutic efforts to assist Plaintiff during his multiple mental health crises he experienced in foster care, only the threats and promises that he would spend a year at Jasper Mountain Center if he continued to act in ways contrary to the foster parents’ wishes.

39. Plaintiff was physically restrained and given medication involuntarily shortly after he was removed from his biological parents. Instead of providing Plaintiff with the appropriate mental health care and treatment, Plaintiff was deemed a hard-to-place child and the foster parents received monthly payments for Plaintiff as a “special needs child”.

40. Oregon State Legislature has committed itself to the fair treatment of children in foster care and Legislature intended the State to provide for their needs by statute, including mandating a youth’s right to know what is happening in their case planning process, the right to attend and to participate in hearings, and the protection of the rights described by federal law. ORS 418.201.

This right was denied to Plaintiff as he was not allowed to testify in court proceedings and thus, Plaintiff's actual needs were never truly and fully addressed by the court.

41. Defendants have committed themselves to meeting the rights of foster children by issuing a Foster Children's Bill of Rights. ORS 418.202; OAR 413-010-0180. The Defendants breached their duties as required of them under the Foster Children's Bill of Rights and because of this Plaintiff was harmed.

42. The state of Oregon recognizes the rights of foster children to "be placed in the least restrictive environment that appropriately meets individual needs," to "be provided routine and necessary medical, dental, and mental health care and treatment," to "be protected from physical and sexual abuse, emotional abuse, neglect, and exploitation.

**(Statutory Negligence, Oregon Vulnerable Person's Act
Failure to prevent child abuse, allowing or permitting child abuse of a vulnerable person)**

43. Each of the foregoing allegations is incorporated as if fully set forth herein.

44. Plaintiff alleges facts which support a claim against Defendants for child abuse under *ORS 12.117 and the Oregon Vulnerable Person's Act ORS 124.105-124.140*². Plaintiff has alleged the discovery rule and ORS 12.117. Plaintiff was a vulnerable person pursuant to the Act, was especially susceptible to force, threat, duress, coercion, persuasion or physical or emotional injury because of Plaintiff's physical and mental impairments.

² Oregon's Vulnerable Person Act, ORS 124.100-124.140, which creates a statutory private right of action for enhanced damages against a person who has caused, or "permitted another person to engage in," financial or physical abuse of a vulnerable person.

45. Plaintiff has alleged facts in his claim that officers, employees, or agents of a public body violated Oregon's Vulnerable Person Act while “acting within the scope of their employment or duties”, this is a tort claim, for which the OTCA authorizes an action against the public body.” *E. J. T. by & through InTRUSTment, Nw., Inc. v. Jefferson Cnty.*, 370 Or. 215, 220, 518 P.3d 568, 572 (2022). In this case, Plaintiff alleges that Defendants are liable under Oregon's Vulnerable Person Act because the Defendants actively engaged or permitted others to engage in the physical abuse of Plaintiff. The legislature has created a statutory private right of action for a vulnerable person injured under these circumstances.

46. Plaintiff seeks damages pursuant to *ORS 124.100(2)*, which states that a vulnerable person who suffers injury, damage or death by reason of physical abuse or financial abuse may bring an action against any person **who has caused the physical or financial abuse or who has permitted another person to engage in physical or financial abuse**”.

47. Defendant ODHS’s agents documented visits between Plaintiff and his parents and were fully aware that his placements were abusive and detrimental to his physical and mental health. The agency reports are dated and are based upon the observations of the caseworkers and ODHS supervised visitations agents.

48. ODHS’ agents documented on *2/19/2014*, Plaintiff reports to Defendants that he was punched and kicked in the penis in the foster home and that Dylan was choked in the foster home

49. Defendant ODHS’ agents documented on *3/5/2014* Plaintiff’s father Lon attempted to advise Plaintiff to report abuse in the foster home but Defendants’ agents shut down the conversation

50. Defendant ODHS’ agents documented on *3/14/2014* Plaintiff reports being punched in the foster home

51. Defendant ODHS' agents documented on *3/14/2014* Defendants tell Plaintiff that his outbursts are his fault and his visits are cancelled due to his behaviors. Plaintiff's parents attempt to report abuse but are stifled by Defendants. Plaintiff's father Lon Frank reports to Defendants that Plaintiff states that someone is hurting him in the foster home.

52. Defendant ODHS' agents documented on *3/14/2014* Defendants admit that Defendant Jasper Mountain Safe Center is a "natural consequence of his behaviors that put Noah and others at risk"

53. Defendant ODHS' agents documented on *3/26/2014* Plaintiff is sent to Safe Center, siblings report to Defendants that because Noah was "bad" he was sent to the Safe Center.

54. Defendant ODHS' agents documented on *3/28/2014* Plaintiff attempted to report abuse but is told by Defendants to only talk about "happy things"

55. Defendant ODHS' agents documented on *April 9, 2014* Plaintiff explains that even when he calms down he is forced to go to the Safe Center.

56. Defendant ODHS' agents documented on *April 9, 2014*, Plaintiff notifies Defendants that Defendant Gilliam lives with him in the foster home. Defendants are placed on constructive notice that Defendant Gilliam is a resident in the foster home.

57. Defendant ODHS' agents documented on *April 18, 2014* , Defendants cancel visits and blame Plaintiff's behaviors and "meltdowns"

58. Defendant ODHS' agents documented on *April 25, 2014* Plaintiff's father Lon Frank reports to Defendants that Plaintiff had been physically assaulted in the foster home by Sutton's husband.

59. Defendant ODHS' agents documented on *May 2, 2014*, Agents of Defendants noted that Plaintiff "made a gun out of his fingers and pointed it" at Defendant Gilliam prior to a visit with his parents. Defendant Attorney Heather Saffell was present during this visit.

60. Defendant ODHS' agents documented on *May 2, 2014* Plaintiff states his wishes to his attorney that his wishes are that he does not want to live with foster parents and clearly states that he wants to live with his parents. Plaintiff alleges that this is just one example that Defendant Saffell never explored Plaintiff's best interests in making her reports to the court on his behalf.

61. Defendant ODHS' agents documented on *June 24, 2014*, Plaintiff states that his caseworker Defendant Bureson Rich never checks in on him at the Safe Center. Plaintiff reports feeling lonely, not seeing his foster parent and being in care longer than other children he has seen being placed there. Plaintiff alleges that Defendants used Safe Center as a dumping ground to punish and coerce Plaintiff into behavioral submission, this report validates his feelings.

62. Plaintiff experienced several behavioral episodes throughout his two years in foster care which led to several police calls, including but not limited to a summary of the following incidents.

63. On *5/6/2014*, Defendant Sutton contacted the police because Plaintiff was reportedly upset about "mock testimony" Plaintiff alleges that events leading up to this date and his eventual lockdown was the result of the Defendants attempts to cover up child abuse. The juvenile dependency hearing was scheduled for *5/7/2014*. Plaintiff began his 90 day stay at the Safe Center shortly thereafter.

64. On *8/17/2014* Police records state that Plaintiff is being detained by Defendant Gilliam

65. On 3/24/2014 Police records state that Plaintiff is being restrained and detained in a bedroom
66. On 5/2/2014 Police records state that Plaintiff was assaulting Defendant Gilliam
67. On 9/26/2015 Police records state that Plaintiff was detained in bedroom
68. On 4/24/2015 Police records state that Plaintiff was hitting and punching foster dad
69. On 2/13/2016 Police records state that Plaintiff is charging after foster dad
70. On 10/8/2015 Police records state that Plaintiff was attempting to jump out of a window
71. On 3/14/2014 Police record state Defendant Sutton says she needs “protection from the 7 YR old”
72. Defendants were placed on constructive notice that the Defendant Sutton’s home was a potentially chaotic environment when Defendant Sutton filed a restraining order against her ex-husband.
73. In a Restraining order dated 9/9/2014 captioned, Christina M. Sutton v. Steven Sutton, the Defendant Christina Sutton describes a home environment wherein she in part accuses her ex-husband of stalking and frightening the foster children. At one point, the restraining order describes the foster father as dangerously using an axe and “chopped a lawnmower.”
74. Years later, Defendant ODHS subsequently filed a restraining order on or about 2/16/2021 against Defendant Gilliam who was residing in Sutton’s home. Plaintiff alleges that Defendant Gilliam was not properly licensed as a foster parent in the state of Oregon during the time of Plaintiff’s placement in his care and custody with Defendant Sutton in February 2014.

75. Defendant ODHS is liable as an agency for the acts of its employees, officers and or agents who have committed intentional or non-intentional torts acting on the state's behalf. ODHS and its agents are liable for the child abuse, unlawful and unreasonable physical restraint, chemical restraint, assault and battery and involuntary seclusion of Plaintiff. The State Defendants knew that the environments that Plaintiff was placed in were dangerous, abusive and a threat to his physical and emotional safety. Defendant ODHS and its agents, employees and officers were acting on the State's behalf during the scope of their employment and or duties at the time of the injuries Plaintiff alleges.

II. SECOND CAUSE OF ACTION

(Claim Against Heather Saffell, Esq.
Professional Negligence/Statutory Negligence)

76. Each of the foregoing allegations is incorporated as if fully set forth herein.

77. The landmark Supreme Court case, *In re Gault*, established the right to counsel for juveniles in delinquency proceedings³ and case law establishes that court-appointed counsel for parents is constitutionally required on a case-by-case basis in both termination of parental rights cases and dependency cases.⁴ Applying the three-part *Mathews* test to the question of whether there is a due process right to counsel for children in dependency proceedings clearly demonstrates that independent representation is constitutionally mandated in most, if not all cases.⁵

³ *In re Gault*, 387 U.S. 1, 36–37, 87 S.Ct., 1428 (1967).

⁴ *Lassiter v. Dept. of Social Services*, 452 U.S. 18, 101 S.Ct. 2153, 68 L.Ed.2d 640 (1981), reh'd, 453 U.S. 927, 102 S.Ct. 889 (1981);

⁵ *Mathews v. Eldridge*, 424 U.S. at 355; *Lassiter*, 452 U.S. at 25–27.

78. Defendant Heather Saffell was appointed to represent Plaintiff on or about February 14, 2014.⁶ As Plaintiff's court appointed attorney she was responsible for advising the court of Plaintiff's environment, his therapeutic needs, his wishes for placement and her recommendations for placement. At all times, Defendant Saffell had the authority as Plaintiff's court appointed attorney to remove him from an abusive environment by making a recommendation. At no time, did Defendant Saffell make a recommendation to change Plaintiff's placement throughout the course of two years despite her client's obvious despair and chaotic foster care environment.

79. Defendant Saffell owed a duty to Plaintiff to provide competent legal services, which she did not. Saffell's actions and inactions basically rendered Plaintiff without adequate and proper legal representation throughout the two years he was in the State's care and custody.

80. Since the inception of the case Defendant Saffell has consistently ignored the wishes of her client Plaintiff, failed to protect his liberty interests and denied him the right to testify during the juvenile dependency proceedings. Plaintiff alleges he was never able to meet with his attorney or his caseworkers, the Defendants to discuss his needs or treatment and therefore he continued to be abused.⁷

⁶ 419B.195 When counsel to be appointed for child. (1) If the child, the parent or guardian requests counsel for the child but is without sufficient financial means to employ suitable counsel possessing skills and experience commensurate with the nature of the petition and the complexity of the case, the court may appoint suitable counsel to represent the child. Whenever requested to do so, the court shall appoint counsel to represent the child in every case filed pursuant to ORS 419B.100.

⁷ The Oregon Vulnerable Person's Act, ORS 124.100 authorizes an action against a defendant who has permitted abuse of a vulnerable person if the defendant "knowingly acts or fails to act under circumstances in which a reasonable person should have known of the abuse." ORS 124.100(5). The statute sets out two different mental states—one that appears to refer to actual knowledge and the other that refers to constructive knowledge. *Wyers v. Am. Med. Response Nw., Inc.*, 360 Or. 211, 220–21, 377 P.3d 570, 576 (2016) ORS 124.100(5) requires proof that a defendant "knowingly acted or failed to act; as it is written, it states that what a defendant must know is the character or nature of the defendant's act or failure to act. That act or failure to act must have the effect of permitting abuse to occur. *Id* at 223. ORS 124.100(5) refers to two different mental states, one referring to actual knowledge and the other to constructive knowledge. The former refers to a defendant's act or failure to act. The latter refers to the circumstances in which that act or failure to act occurs.

81. Throughout the case while Plaintiff was in the State's custody, Defendant Saffell made every effort to align her opinions with those of the State instead of her client's wishes so much so that the Plaintiff nicknamed Defendant Saffell "bobblehead" meaning she was just a figure head to use for the State's bidding. As a result of Defendant Saffell's alignment with the State's agents, Plaintiff was denied competent legal representation and due to the ineffectiveness of counsel Plaintiff was forced to remain in an abusive foster home for a period of two years which could have been avoided had he had proper legal representation.

82. "High quality legal representation is essential to a well-functioning dependency system." Oregon Task Force on Dependency Representation Report, July 2016 ⁸The Constitutions of the United States and Oregon statutes require the appointment of competent counsel for those who have been charged with a crime or face other potential or actual *deprivations of their liberty interests* and cannot afford counsel. The Oregon Public Defense Commission (OPDC) is responsible for maintaining Oregon's public defense system and ensuring the availability of qualified, competent counsel for all those so entitled.

83. Defendant Saffell was not an advocate for Plaintiff, nor did she pretend to be, in fact, a review of her recommendations to the Court, she has sided with the State nearly 99% of the time, meanwhile denying her client, the Plaintiff the right to voice his opinions during court proceedings.

84. Oregon's statutes recognize that children are individuals with legal rights. As parties to juvenile court proceedings, children maintain procedural due process rights to ensure that their interest as an independent party separate from the state or DHS are heard and protected. They

⁸ Oregon Task Force on Dependency Representation, Final Report (July 2016), https://www.oregon.gov/gov/policy/Documents/LRCD/Oregon_Dependency_Representation_TaskForce_Final_Report_072516.pdf.

also maintain substantive rights including the right to safety and freedom from abuse and neglect, the right to permanency, the right to access records, the right to placement with relatives and siblings, and the right to visitation and contact with parents and family.⁹ Plaintiff alleges that he was prohibited from exercising these rights owed to him. Plaintiff's disability is complex PTSD and he can be perceived as angry when he is actually sad or not able to express his emotions. As a young child of 7 and merely 60 pounds he deserved greater protection than he received.

85. Defendant Saffell in her representation of Plaintiff violated several of the Oregon Rules of Professional Conduct including but not limited to: ORPC 1.3, 1.4, 1.6, 1.7, 1.8(b), 1.8(h), 3.3, 3.4, 4.3, 7.1, 8.3, and 8.4. As a mandatory reported Defendant Saffell violated ORS 419B.010(1) by failing to report the child abuse of Plaintiff. Defendant Saffell witnessed the visit where Plaintiff made the hand pointed finger gun reference to Defendant Gilliam. Defendant Saffell had access to all of Plaintiff's police reports, Safe center reports and therapy reports. Defendant Saffell was well aware of every single incident involving her client's dangerous behaviors and chaotic environment, yet failed to alert the court or intervene on behalf of her client.

86. Defendant Saffell's failure to intervene on Plaintiff's behalf over the course of two years despite his maltreatment while in state custody constitutes the permitting of child abuse by inaction pursuant to the Oregon Vulnerable Person's Act. Defendant Saffell was aware of the sexual safety plan implemented in the foster home, and was aware that Defendant Gilliam was a trigger for Plaintiff's behavioral outbursts, yet she made no actions to ensure her client's physical and emotional safety when it as in her power and authority to do so.

⁹ See ORS 419B.090. 19 See ORS 419B.875. 20 Oregon State Bar, *Juvenile Law: Dependency* (2017).

III.

THIRD CAUSE OF ACTION

(State Defendants, Sutton and Gilliam,
NIED/ Intentional Infliction of Emotional Distress)

87. Each of the foregoing allegations is incorporated as if fully set forth herein.

88. The State Defendants, Gilliam and Sutton acted with malice or have clearly shown a reckless and outrageous indifference to a highly unreasonable risk of harm and have acted with a conscious indifference to the health, safety and welfare of the Plaintiff.

89. The Defendants' actions and inactions if proven true as described herein constitute reprehensible behavior, outrageous behavior which was intentional and meant solely to cause and did cause Plaintiff severe emotional distress.

90. The Defendants Sutton and Gilliam purposefully physically assaulted, restrained and involuntarily secluded Plaintiff in an effort to coerce him into compliant behavior in the foster home. The physical assaults resulted in the restriction of Plaintiff's movement and resulted in bodily injuries including but not limited to bruises and physical pain.

91. Defendants Sutton and Gilliam purposely provided false information to the juvenile court in the form of a forged diary stating that Plaintiff sexually abused his sister when in fact it was alleged to be Defendant Gilliam who authored the entry in the diary. This diary and statement made in court that Plaintiff sexually abused his sister prevented Plaintiff from being reunited with his biological sibling permanently.

92. The State Defendants in their visitation reports dated 3/14/2014 and 3/26/2014 document that they informed a then 7-year-old Plaintiff that being physically restrained and sent to the Jasper Mountain Safe Center was the result of his own behaviors. Plaintiff perceived this to mean that if he was "bad" he was sent away to be involuntary secluded from his siblings and foster

family. Plaintiff alleges that the foster parents used the residential lockdown facility as punishment and as coercive measures which is supported by the State Defendants own documentation and if proven true is considered outrageous and utterly intolerable in a civilized community.

93. The State Defendants required that Plaintiff make an admission of guilt that he sexually abused his sister in order for Plaintiff to be reunited with his sister. The State Defendant Carrie Burreson Rich sent an email dated October 18, 2017 in response to Plaintiff's mother's question as to what she needed to do in order for Plaintiff to be reunited with his sister. The email stated in part, "There would need to be sibling work between NF and AF with regards to his dislike of her, the report of sex abuse, and his physical aggression toward her. " There was no follow up because Plaintiff refused to admit to sexual abuse allegations that he had never committed. This failure to bridge this gap with appropriate therapeutic tools constituted negligence which caused Plaintiff severe emotional distress and resulted in the permanent destruction of the brother sister relationship.

94. On November 20, 2017, Defendant Burreson Rich noted in her case report that the Plaintiff's parents had accused his other sibling Andrué of the sexual abuse of Plaintiff's sister. The failure to narrow down the person who actually sexually abused Plaintiff's sister was negligent and potentially intentional in an effort to cover up the sexual abuse occurring within the Defendant Sutton's family home by other foster children and allegedly by the Defendant Abram Gilliam.

95. Defendants were fully aware that all of their actions would cause severe mental anguish and suffering to Plaintiff and would impede the Plaintiff's reunification with his parents. All of

in a room alone with little to no contact with his siblings and fearful that he would be physically harmed by the foster parents at any given moment. His actions on one occasion was in self-defense as the foster father Defendant Gilliam was dragging his sibling Plaintiff down the stairs by his hair. Plaintiff tried to intervene to protect his brother but was physically restrained by Sutton.

101. Plaintiff endured bruises from being restrained, physical pain, severe emotional distress and a loss of his right to be free from emotional and physical harm while in foster care. Plaintiff had a protected liberty interest in his bodily integrity which was trounced upon by the Defendants. The assault and battery that Plaintiff endured creates a separate cause of action against the Defendants for violating the Oregon Vulnerable Person's Act. Plaintiff intends to seek damages to be apportioned accordingly by the trier of fact at trial.

V. FIFTH CAUSE OF ACTION
(Mental Health for Children Inc.
Professional Negligence/Statutory Negligence)

102. Each of the foregoing allegations is incorporated as if fully set forth herein.

103. Plaintiff's claim against Defendant Mental Health for Children Inc. in part is based on MHC's negligent referral which was the deciding factor in Defendant ODHS's recommendation that Plaintiff be placed with Defendants Sutton and Gilliam and repeatedly at the Defendant Jasper Mountain Safe Center.

104. Defendant MHC exercised direct control over Plaintiff's placement and treatment plan when he was first placed in foster care including but not limited to having frequent contact with the State caseworker Defendants and the Defendant foster parents.

105. Defendant MHC and or its agents were aware that Plaintiff was residing with Defendant Gilliam in Defendant Sutton's home and that Defendant Gilliam was not a licensed foster parent or licensed care provider of foster children.

106. By making negligent placement referrals to restrictive environments with full knowledge of the Plaintiff's extreme, violence prone reactivity to known triggers and by actively advising caregivers on how to manage his dangerous behaviors, Defendant MHC was a negligent participant in the causation of Plaintiff's injuries.

107. Plaintiff alleges that by continuing to recommend Plaintiff be placed and remain in state created dangerous environments, this led to Plaintiff being routinely restrained and physically assaulted over the course of two years. This action could be seen as having "permitted" child abuse by placing Plaintiff in a setting where a calculated aggravated response could be derived from a severely diminished capacitated child.

108. The act of placing Plaintiff with Gilliam despite Plaintiff's continuous triggers was abusive in and of itself and the behaviors resulting therefrom was the foreseeable and direct consequence of the very behaviors Defendant MHC documents that it was treating.

109. Defendant MHC and its agents knew or should have known that Plaintiff was in physical danger and or at risk of serious harm during the course of the two years he resided with Defendant Sutton and Defendant Gilliam. Plaintiff's medical records from MHC document telephone conversations between agents of MHC and the foster parent Defendant Sutton during which phone calls documented police reports. Just a few of the instances of risk of harm are listed, including but not limited to Lane County Incident Sherrif Reports:

The incidents

a On 03/14/2014 foster parents 911 on Plaintiff stating he was punching other children in the home, a crisis team was sent out. Plaintiff claims self-defense in all actions and reactions mentioned throughout his complaint.

b .On 03/24/2014, foster parents called 911 on Plaintiff stating he was a disorderly juvenile, the Sherriff's report states in part, Jasper Mountain doesn't have an ETA. They are restraining and are keeping him inside his bedroom...."Plaintiff was later transported to the SAFE center.

c. On 03/28/2014 foster parents called 911 on Plaintiff stating he was a disorderly juvenile, the sherriff's report states, " child in middle of road was told to get out of the streets." He was later transferred to the SAFE center.

d On 04/24/2015 foster parents called 911 on Plaintiff stating he was a disorderly juvenile, the Sherriff's report states in part, " Foster child is hitting and punching foster dad."

e. On 05/02/2014 foster parents called 911 on Plaintiff stating he was a disorderly juvenile and accused him of assault. The report states that Plaintiff assaulted foster father.

f. On 05/06/2014 foster parents called 911 on Plaintiff stating he was a disorderly juvenile, "8 yr old child is acting out, says we have been out there before to "DE ESCALATE HIM"

g. On 05/29/2014 foster parents called 911 on Plaintiff stating he was a disorderly juvenile, the report mentions that Plaintiff was out of control and grabbing shovels and attempting to hit people.

h. On 8/17/2014 foster parents called 911 on Plaintiff stating he was a disorderly juvenile, "8 yr old out of control in the middle of the road." "No injuries, currently being detained by compls boyfriend,," That boyfriend would be defendant Abram Gilliam. The report further

states, “just came home from a 90 day stay at the SAFE center.”, Further it continues, “they have the child in the grass but they are having trouble controlling him or keeping him out of the road.” Then finally the report states, “ SAFE center is coming to get the child.”

i. On 08/27/2014 foster parents called 911 on Plaintiff claiming he was a disorderly juvenile. The report in part states, “units have been out there multiple times...”

j. On 8/10/2015 foster parents called 911 on Plaintiff claiming he was a disorderly juvenile. In part the report states, 9 yr old foster son is hitting charging screaming.

k. On 09/26/2015 foster parents called 911 on Plaintiff claiming he was a disorderly juvenile in part the Sherriff’s report states, “ juvenile is breaking up door attempting to stab others with pieces of door.... The report goes on to say, “ 3 prior calls with the same juvenile this year with similar issues, most recent 8/10/2015.

l. On 10/18/2015 foster parents called 911 on Plaintiff claiming he was a disorderly juvenile and the Sherriff’s report states in part, “ He is attempting to jump out the upstairs window

m. On 02/13/2016 foster parents called 911 on Plaintiff claiming he was a disorderly juvenile and the report states in part, “9 yo has been charging after his foster father since approximately 1700, now he is going to kill the foster father.” It continues to say, “Crisis team is refusing to respond because they don’t have a bed open.”

110. Plaintiff alleges that his counselors and agents at Defendant MHC., advised the State Defendants that he should go for further evaluation and that he needed a “higher level of care” in April of 2014. Plaintiff alleges that if not for this negligent referral he would not have been subjected to a 90 day stay at the Jasper Mountain Safe Center and that the facility is merely a dumping ground for innocent disabled children suffering from traumatic experiences. The

Defendants knew or should have known that Plaintiff required extensive mental health services, treatment and therapy, instead they chose to lock him down in facility that further retraumatized him.

111. Plaintiff alleges that Defendant Mental Health for Children Inc. failed him in the following ways:

- a. Failure to hire and train adequate staff to treat patients with a disability and history of trauma.
- b. Failure to educate and train staff about children with Post Traumatic Stress Disorder.
- c. Failure to provide Plaintiff with a least restrictive environment and keep him in a family setting
- d. Failure to work with DHS caseworkers to determine the best treatment plan for Plaintiff.
- e. Failure to provide the necessary reports to DHS to comply with Federal and State guidelines.
- f. Failure to follow appropriate abuse reporting protocol and failure to follow up on the conditions of the home environment of Plaintiff before making professional referrals, including verifying and confirming the licensure status of the Defendant Abram Gilliam
- g. Failure to refer Plaintiff to the proper agency or agencies for residential or outpatient treatment for his psychiatric and behavioral health disorders

112. As a direct and proximate result of the Defendant MHC's negligence Plaintiff suffered physical and irreparable emotional harm. Plaintiff has nightmares, flashbacks of abuse and will continue to endure the effects of the traumatic events of being restrained and secluded while in foster care as well as being physically and sexually abused. In addition, Plaintiff has suffered loss of income, vocational opportunities and loss of education.

VI. SIXTH CAUSE OF ACTION
(Jasper Mountain Center
Professional Negligence/ Statutory Negligence)

113. Each of the foregoing allegations is incorporated as if fully set forth herein.

114. Jasper Mountain provides a service that is a psychiatric facility named the SAFE center in Springfield Oregon. Jasper Mountain is a state contracted facility, a non-profit and regularly takes in foster children on a daily basis. It is a mental health facility charged with the duty to protect and provide therapeutic services for mentally challenged children.

115. Plaintiff alleges that during his multiple stays at the Jasper Mounter Center his caseworker did not regularly visit him, did not access his safety in the facility, nor did she visit to access his emotional security or comfort level. Agents of Defendant Jasper Mountain Center failed to provide a supportive and safe environment, instead Plaintiff alleges feeling tortured by being forced to participate in arduous work tasks and being deprived of food and sleep.

116. The agents of Jasper Mountain Safe Center failed to implement their own treatment plan, instead sent Plaintiff home to the same foster parents who were unable to deal with his behaviors without long term residential intervention.

117. Jeff Huston, an agent of the Defendant Jasper Mountain Center notified the State Defendants on April 24, 2014 via their agent Theresa Graham stating in writing referring to Plaintiff “ He came in finally on 3/24/14. He came in for 3 days again. He was having extreme aggression and had attached another adult for hugging the foster mother. He had also run into the road in front of a car and the crisis team noted that he seemed disassociated and not tracking what he was doing. While there, he noted that when he sees another man hug and kiss his foster mother it breaks his heart and he hates this person and he wants to hurt him.”

118. Plaintiff alleges that based upon his medical records, the agents of Defendant Jasper Mountain Center were aware that Plaintiff's environment may have been contributing to his repeated police contact, physical restraints and involuntary lockdowns as early as March 2014, yet the Defendant Jasper Mountain Center's Agent recommended a 90 day lockdown for Plaintiff.

119. On a Jasper Mountain Psychiatric Assessment date of assessment 5/29/2014, Franc Strgar, M.D. wrote, "Noah admitted to problems managing anger and with regard to flip-out attacks. He described anger relating to all the stuff in my life. When asked to elaborate he made mention of an older half brother shooting himself in the chest. He went on at some length regarding the police being called and his needing physical restraint in the context of being brought here to the SAFE Center his first day here..." Defendant Jasper Mountain Center and its agents failed to involve Plaintiff's parents in his care and treatment which led to further negligence. Dr Strgar went on to write in his report, "We are not anticipating the involvement of the biological parents in his evaluation here. It sounds unlikely that Noah will return to the current foster parents. Noah will likely require Treatment Foster Care and longer-term psychotherapy.." This report was dated 6/10/2014. His report also notes in reference to Plaintiff's alleged feelings towards Defendants Sutton and Gilliam, "He is extremely jealous of the attention her boyfriend gives her. He has slept outside her bedroom door and woken her up in the middle of the night demanding her attention. He has reported having thoughts of stabbing both the foster mother and her boyfriend. He himself has used the word stalking to describe his manner in relation to the foster mother. He worries that the foster mother will not be faithful to him.." Despite these disturbing behaviors, Plaintiff was placed back in the home with Sutton and Gilliam after he was discharged from the Defendant Jasper Mountain Center's care following a 90 day stay on 9/1/2014.

120. Defendant Jasper Mountain Center's Service Conclusion Summary dated 9/30/14 states that Plaintiff "Noah's involuntary DHS caseworker, Carrie Burreson, took the lead in Noah's transition

planning, along with Noah's previous foster parent, Christina, where it was decided that he would return to live with Christina and her significant other, Abe."

121. The Defendant Jasper Mountain Center and its agents knew or should have known the extent of the harm that Plaintiff would suffer should be continue to be placed in a restrictive environment. Plaintiff's medical records from Defendant Jasper Mountain Center dated 7/15/2014 document telephone conversations between agents of Defendant Jasper Mountain Center and the foster parent Defendant Sutton.

122. During the times that Plaintiff was a resident at Jasper Mountain Center Plaintiff alleges that he was made to run miles each day for food, earn points to get seconds during mealtimes and was involuntarily isolated for a long period of time. His first stay was for 90 days, and he had limited access to his foster parents and his biological parents during this time. It was frightening and traumatic for Plaintiff.

123. In one report from the Defendant Jasper Mountain Center dated 7/10/2014 agents describe the bribes for food in a medical record note stating in part, "...Another staff had to (redacted by Defendants) had to come in and bribe him with a cookie to take it (he was already using an extra dessert bonus box).."

124. Plaintiff alleges that the agents at Jasper Mountain Center knew that he was suffering from sleep deprivation as he was on video and there are reports stating such, yet they did nothing to assist him.

125. Plaintiff alleges that Jasper Mountain Center failed him in the following ways:

- a. Failure to hire and train adequate staff to treat patients with a disability and history of trauma.
- b. Failure to educate and train staff about children with Post Traumatic Stress Disorder.

- c. Failure to provide Plaintiff with a least restrictive environment and keep him in a family setting
- d. Failure to work with DHS caseworkers to determine the best treatment plan for Plaintiff.
- e. Failure to provide the necessary reports to DHS to comply with Federal and State guidelines.
- f. Failure to include Plaintiff's biological parents in his discharge and family therapeutic planning.
- g. Failure to confirm Plaintiff's home environment and licensure and its safety prior to making professional placement recommendations and referrals.

126. As a direct and proximate result of the Defendant Jasper Mountain Center's negligence Plaintiff suffered physical, emotional and psychological harm and continues to suffer the effects of his psychiatric ailments.

WHEREFORE, in Consideration of the foregoing complaint, Plaintiff requests this Court:

- a. Award reasonable costs and expenses incurred in the prosecution of this action against the Defendants, including reasonable attorneys' fees to be determined at trial and or pursuant to all relevant statutes.
- b. Award compensatory and non-compensatory damages to Plaintiff for injuries he suffered and continues to suffer including physical impairments; and loss of future income in the amount not less than \$25,000,000, an apportionment against the Defendants to be determined at trial.

