

Lawsuits Alleging Neglect By State's Social Agency Keep Piling Up - - Reports Of Abuse Unheeded, Suits Say

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Linda David, whose husband allegedly beat her and held her captive even as he collected state money as her caretaker, is not the first person state social workers might have saved from suffering had they been more vigilant.

And David's pending lawsuit against the Department of Social and Health Services won't be the first, either. In fact, at least six active suits allege that, as in David's case, DSHS caseworkers and their supervisors ignored clear warnings and left fragile citizens in dangerous hands.

These cases, all expected to go to civil trial next year, hold important parallels to the case of David, the 50-year-old woman whose husband apparently held her hostage aboard a small sailboat for two decades, as DSHS caseworkers periodically checked in.

The Seattle Times looked closely at three of the other cases. Interviews, court documents and agency records show that, like the David case:

- The victims were all needy, particularly vulnerable and heavily dependent on help from the state.
- In each case, DSHS was warned that a state-licensed practitioner was abusing or neglecting the client.
- DSHS was clearly responsible under the law for stopping the mistreatment, but nothing was done.
- The victims were rescued only after a concerned bystander stepped in.

The victims' families feel betrayed.

"It's the state; I figured I could trust them," said Joe Busch, who placed his severely retarded son in an adult family home in

Bremerton only to find that the operator had been suspected of sexually abusing clients. That operator is now accused of abusing Busch's son and others.

David P. Moody, a Seattle attorney who represents Linda David and many of the other plaintiffs, says these cases are indicative of broad problems at DSHS.

"This Linda David thing is so atrocious," Moody said. "And yet it is not an isolated case. DSHS is rotten to the core. There is a pattern: having clear indications of serious and ongoing abuse and turning their backs on the victims and doing nothing to respond in any meaningful way."

THE BREMERTON CASES

The Bremerton house was overrun by dogs, cats and geese - and smelled of it.

But the parents of three severely retarded men were assured by the state of Washington that their sons - adults physically but toddlers mentally - would be safe if they were placed there to live.

What DSHS knew but didn't tell those parents is that the man running the adult family home had a spotty past. Troy R. Nelson had been fired from one job at a nursing home and from another as a caregiver at a Kitsap County program that cares for disabled adults. He was fired for minor offenses, but at the latter he was suspected of sexually abusing patients.

And if that record weren't enough, the personal references on Nelson's 1993 application to care for disabled men in a house he rented from his parents were suspicious.

One was a scrawled note by a disabled woman saying, "He's nice and pretty good" and "He talks to me." The woman says the note was forged.

Another reference was from Nelson's own mother.

"DSHS did not check one single reference - not one," Moody said. "My gosh, have you ever known a mother to give her son a bad reference? It would be laughable if it weren't so tragically consequential."

"I damn near died," he said from his bed at a nursing home in Bremerton.

In September 1995, the 51-year-old, long-haul truck driver was bedridden with multiple sclerosis. He could no longer move his arms and legs enough to get out of bed, clean or feed himself. He needed help shifting positions.

Yet he was determined to stay out of a nursing home. So DSHS arranged for a live-in caretaker, through a cooperative program with Kitsap County's Agency on Aging to help clients remain in their own homes.

James Sellars III, a nurse's aide, moved in to care for Caulfield. Although he had had several years' experience as an aide, it quickly became clear to both Sellars and Caulfield that he didn't have the specialized training needed for this situation.

Sellars said he alerted DSHS and county caseworkers that Caulfield wasn't eating or drinking and had become delirious after taking his mix of medications. He reported a worsening bed sore that couldn't be controlled.

He and Caulfield say they repeatedly appealed to both agencies for help.

In late October, DSHS caseworker Debbie Mark-Corpolongo visited Caulfield's Bremerton home to check on him. She found Caulfield's condition deteriorating and Sellars in serious distress. The caretaker told her he was working seven days a week, 24 hours a day, and needed the state to send someone to spell him.

Among items in Mark-Corpolongo's notes:

"There are some other problems which need looking into."

"Should James (Sellars) continue as caregiver?"

Immediately after the house call, she arranged for the county to assume day-to-day supervision of Caulfield's care. The county's intake notes described Caulfield's as a "caregiving situation that needs immediate attention."

But, according to Caulfield's lawsuit, nothing happened.

...It took a month for Caulfield to pull out of his near-death tailspin. Once he regained his ability to talk, he described two months of alleged neglect that became the basis for a multimillion-dollar negligence lawsuit against DSHS, Kitsap County and Sellars, expected to go to trial next year.

Mark-Corpolongo won't comment on the case. But in DSHS records, she says she had "no indication whatsoever" that Sellars was neglecting Caulfield.