

Comment: This article is a classic example of how government funded child protection agencies and government agencies will work together to maliciously and knowingly, obstruct justice in order to conceal the abuse of children and to protect the government funded agencies under which the abuse of children was occurring. In this case, even the Attorney General's office was caught participating in the cover-up. As was the case here, investigations of abuse against children in foster care often end up "unfounded" and the files closed. Once investigations end, the abuse of the children continues with kids being punished for telling the truth.

Abused foster girls accuse state of hiding documents

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By SUSANNAH FRAME - KING 5 News

SEATTLE - Two state agencies have just been slapped with what could be one of the biggest public disclosure lawsuits ever filed in Washington.

The Attorney General's Office and the Department of Social and Health Services (DSHS) are accused of hiding important documents in a case involving three girls who were abused in a foster home, first in Kirkland, then in Redmond.

A 1971 citizen initiative paved the way for the state's Public Disclosure Law, which is designed to give the public access to the government's paper trail. It directs governmental agencies to be open with their documents, as they belong to the people.



Estera Tamas, one of three teenagers involved in the lawsuit, says her foster father forced her to have sex with him from the age of 12.

But three teenagers say the state skirted that law by not handing over records related to the alleged abuse at the hands of their foster dad, Enrico Fabregas.

In August, a judge sent Fabregas to prison for four years for sex crimes against his foster daughters.

The oldest daughter, Estera Tamas, says Fabregas forced her to have sex with him from the age of 12. During sentencing she told the judge, "I have flashbacks of Enrico looking at me in the shower, him throwing me down the stairs, of him introducing me to alcohol and drugs for the first time. He took away my innocence."

During the years in the foster home, 28 complaints came into Child Protective Services about Fabregas. Some about drugs in the home, others about physical abuse, still others about sexual abuse. CPS didn't find any of them to be founded.



Ruth Tamas, one of three teens suing the state.

The truth finally came out in 2006 when Redmond police raided the home and found thousands of images of pornography and child pornography. There were shots of Fabregas in women's lingerie, Fabregas with guns, and police say there were shots of him having sex with two of his daughters. Fabregas was arrested and the three girls sued the state for not protecting them.

Now they're suing again.

Marty McLean and David P. Moody of Hagens Berman Sobol Shapiro law firm filed a lawsuit today on behalf of the sisters alleging DSHS and the Attorney General's office failed to turn over critical documents related to the case.

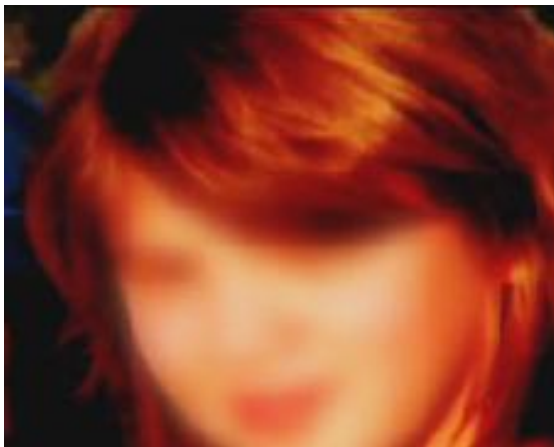
In the suit, they allege the documents "were willfully and strategically concealed from the plaintiffs for many months in direct contravention of the Public Records Act."

Some of the records include a complaint from the school that the youngest child had unexplained bruises on her arms.

There are other records related to a complaint that she was deprived of food.

Yet another document involved a nanny reporting she had pornographic pictures of Fabregas having sex with one of the girls.

McLean said, "Not only do we believe this conduct is unfair, outrageous and unconscionable, we believe this conduct is illegal."



Monica, the third teen involved in the case.

Response from state

The Attorney General's Office denies breaking disclosure laws in this case and responded to inquiries from KING 5 with a statement:

"Our office remains committed to open public records. We have reviewed the timeline and documentation and in our estimation have provided everything requested."

DSHS denies breaking any laws as well. This is a portion of a statement sent to KING 5 this morning:

"In regards to David Moody's requests for public records, DSHS has complied with the public disclosure laws and never willfully concealed documents in this or any other public records request by Mr. Moody."

"DSHS has spent hundreds of hours on his records requests to ensure full compliance with the law and to address Mr. Moody's ongoing concerns. We believe and he has acknowledged he has now received all of the records and information requested."

Historically judges have taken a dim view of public agencies caught violating public disclosure laws. Courts may impose fines ranging from \$5 to \$100 a day for each record not handed over in a timely manner.

In June a court imposed the biggest public disclosure fine ever in the state of \$541,000 against the Department of Corrections. A judge found the DOC wrongly kept prison health care provider records from an inmate who was serving time for murder.

The second biggest fine, of \$435,000, was levied against King County for not turning over documents to a citizen related to the building of the Seahawks Stadium.

How the documents surfaced

How did the documents identified in the Fabregas lawsuit surface?

Originally an Assistant Attorney General, Lisa Erwin, said they were part of a group of records that were too sensitive to release without a court authorizing her office to do so. That didn't happen. Instead, several months later, Erwin filed them in open court, for anyone to see.

She was using them in a motion against the girls in an effort to persuade the judge that their case had no merit.

Moody said, "These girls were abused for years and years and years while the caseworkers looked the other way. And then when they want their day in court, the Office the Attorney General hides their very own records from them. It's shameful."

In the DSHS statement sent to KING 5 today, the Department says they are working hard to protect the public's right to know.

"We are fully committed to open government and complying with the Public Records Act. Over the last year, DSHS provided mandatory training to over 19,000 employees about the requirements of the Public Records Act. In December of 2007, DSHS held a Public Records Academy in Olympia which was attended by more than 200 Public Disclosure Officers across the agency."