

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CATHERINE YANG WANG ANDERSON, )  
Individually and on behalf of X.C.W. as the )  
as the "Next Friend" of X.C.W., a minor, )  
 )  
Plaintiff, )

Case No. 4:17cv03073

v. )

AMENDED COMPLAINT  
and JURY DEMAND

THE STATE OF NEBRASKA, COUNTY )  
OF DOUGLAS, NEBRASKA DEPARTMENT )  
OF HEALTH AND HUMAN SERVICES, )  
NEBRASKA FAMILIES COLLABORATIVE, )  
KVC BEHAVIORAL HEALTHCARE )  
NEBRASKA, INC., CHRISTIAN HERITAGE )  
CHILDREN'S HOME, COURTNEY PHILLIPS, )  
DOUGLAS WEINBERG, DANIEL LITTLE, )  
CAMAS STEUTER, MARK GENTILE, )  
BRENDA WHEELER, CHAD MILLER, )  
JENNIFER WHITE, PROJECT HARMONY, )  
LISA A. JOHNSON, SUZANNE HANEY, M.D., )  
DEANNA "NINA" SHELLER, SARA SMITH, )  
EVAN WINANS, MELISSA NANCE, )  
MATTHEW HEYS, GREGORY TIEMANN, )  
SUSAN HANCOCK, MILLARD PUBLIC )  
SCHOOLS, ELIZABETH CRNKOVICH, )  
SONIA DERR, JUDY MCAULIFFE-TREINEN, )  
JENNICE REID-HANSEN, TYLER HANSEN, )  
MARTIN HARRINGTON, M.D., MICHAEL )  
VANCE, KARA BEALS, SHASHI BHATIA, )  
M.B.B.S., ALEGENT CREIGHTON CLINIC, )  
CHRISTINA JOHNSON-GUNN, NICOLE PAUL, )  
ANNA RICHARDSON, DAVID NEWELL, )  
AMANDA GUROCK, KOMI AMEDEDJI, )  
RELIABLE ROCK COUNSELING AND )  
CONSULTING, P.C., TINA ANDERSON, )  
ANNE PETZEL, JENNIFER RICHEY, CARLA )  
HEATHERSHAW-RISKO, AMY )  
SCHUCHMAN, NANCY E. PARKE, SUSAN )  
BOYLES, CHILDREN'S HOSPITAL AND )  
MEDICAL CENTER, LAUREATE )  
PSYCHIATRIC CLINIC and HOSPITAL, INC., )  
REMUDA RANCH CENTER FOR ANOREXIA )  
AND BULIMIA, INC., PAPILLION LAVISTA )

COMMUNITY SCHOOLS, SARITA RUMA, )  
JANINE UCCHINO, KERSTEN BORER, )  
and JOHN DOES 1-15, )  
 )  
Defendants. )

COMES NOW Plaintiff Catherine Yang Wang Anderson, individually and on behalf of X.C.W., as the “Next Friend” of X.C.W., a minor child, by and through her counsel of record, and pursuant to Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure, amends her complaint, as a matter of course, and for her causes of action against Defendants, alleges as follows:

**PARTIES**

1. Plaintiff, Catherine Wang Anderson (“Wang Anderson”) is a resident of Douglas County, Nebraska, and has been a resident of Douglas County, Nebraska at all times relevant to this Complaint.

2. Plaintiff Wang Anderson is the natural and biological mother of X.C.W. and Y.C.W. Plaintiff’s husband, Bo Wang, M.D. (“Dr. Wang”) is the natural and biological father of X.C.W. and Y.C.W.

3. At the time of filing this action, X.C.W. was a minor child, aged eighteen (18), domiciled in Douglas County, Nebraska without any legal guardian or legal parent and was Un-Constitutionally, and without jurisdiction, made a Ward of the State of Nebraska. X.C.W. has now reached the age of majority. On information and belief, between October 7, 2013, and the dates when X.C.W. reached the age of majority, was, against her will and in violation of her liberty interests under the Constitution for the United States of America, in the wrongful custody of the Nebraska Department of Health and Human Services (“NDHHS”). As natural mother, Wang Anderson is the only adult likely to seek vindication of X.C.W.’s constitutional rights,

who does not have a conflict of interest, and should be allowed to bring X.C.W.'s claims as next friend pursuant to Rule 17(c)(2) of the Federal Rules of Civil Procedure.

4. The Defendant NDHHS, and specifically its Division of Children and Family Services, is Nebraska's child protection and child welfare agency, and is responsible for providing and supervising all public child welfare services in the State of Nebraska. At all relevant times, the mission of the Division of Children and Family Services has been to provide the least disruptive services when needed, for only as long as needed to: give children the opportunity to succeed as adults; and, help families care for themselves; resulting in healthier families and safer, more prosperous communities.

5. The State of Nebraska is responsible for the actions of its agencies, agents, and employees, and subject to suit under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), 42 U.S.C. § 200d, and the Nebraska State Tort Claims Act.

6. The Defendant County of Douglas ("Douglas County") is a political subdivision situated within the State of Nebraska.

7. The Defendant Nebraska Families Collaborative ("NFC") is a Nebraska Non Profit Corporation with its principal place of business in Omaha, Douglas County, Nebraska. At all relevant times, NFC had a contract with NDHHS to provide case management and an individualized system of care for families and their children and youth who are wards of NDHHS involved in the Child Welfare or Juvenile Court System. At all relevant times, NFC had a duty to abide by all policy requirements of the Nebraska Administrative Code; applicable state and federal statutes and regulations; and any other applicable codes; applicable written policy directives and interpretations from or as directed by NDHHS. At all relevant times, NFC was responsible for providing case management and an individualized system of care for

Y.C.W., X.C.W. and the Wang family. NFC has caused, created, authorized, condoned, ratified, approved or knowingly acquiesced in illegal, unconstitutional, and inhumane conditions, actions, policies, customs and practices that prevail throughout the services it provides. NFC has directly and proximately caused, and will continue to cause in the future, the damages, injuries and violations of rights set forth below. This Defendant is entrusted to protect the Constitutional rights of those it encounters and at all times relevant hereto was acting within the scope of its duties and authority, under color or title of state law, supervised or controlled one or more of the other individual Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions.

8. The Defendant KVC Behavioral Health Care Nebraska, Inc. (“KVC”) is a Nebraska Non Profit Corporation which provides medical and behavioral health care, social services and education in the State of Nebraska. On information and belief, at all relevant times, KVC had a contract with NDHHS or NFC to provide foster care services for X.C.W. KVC has caused, created, authorized, condoned, ratified, approved or knowingly acquiesced in the illegal, unconstitutional, and inhumane conditions, actions, policies, customs and practices that prevail throughout the services it provides. KVC has directly and proximately caused, and will continue to cause in the future, the damages, injuries and violations of rights set forth below. This Defendant is entrusted to protect the Constitutional rights of those it encounters and at all times relevant hereto was acting within the scope of its duties and authority, under color or title of state law, supervised or controlled one or more of the other individual Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions.

9. The Defendant Christian Heritage Children's Home ("Christian Heritage") is a Nebraska Non Profit Corporation which provides residential and foster care, social services and education in the State of Nebraska. On information and belief, at all relevant times, Christian Heritage had a contract with NDHHS or NFC to provide foster care services for Y.C.W. and X.C.W. Christian Heritage has caused, created, authorized, condoned, ratified, approved or knowingly acquiesced in the illegal, unconstitutional, and inhumane conditions, actions, policies, customs and practices that prevail throughout the services it provides. Christian Heritage has directly and proximately caused, and will continue to cause in the future, the damages, injuries and violations of rights set forth below. This Defendant is entrusted to protect the Constitutional rights of those it encounters and at all times relevant hereto was acting within the scope of its duties and authority, under color or title of state law, supervised or controlled one or more of the other individual Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions.

10. The Defendant Courtney N. Phillips ("Phillips") is the current chief executive officer of the NDHHS and is liable for her actions in her individual and official capacity done under color of state law. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all times relevant hereto was acting within the scope of her duties and authority, under color or title of state law, supervised or controlled one or more of the other individual Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions.

11. The Defendant Douglas J. Weinberg ("Weinberg") is the director of the Division of Children and Family Services of NDHHS and is liable for his actions in his individual and official capacity done under color of state law. This Defendant is entrusted to protect the

Constitutional rights of those he encounters and at all times relevant hereto was acting within the scope of his duties and authority, under color or title of state law, supervised or controlled one or more of the other individual Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions.

12. The Defendant Camas Steuter (“Steuter”) is the eastern service area administrator of the Division of Children and Family Services of NDHHS and is liable for her actions in her individual and official capacity done under color of state law. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all times relevant hereto was acting within the scope of her duties and authority, under color or title of state law, supervised or controlled one or more of the other individual Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions.

13. The Defendant David Newell (“Newell”) is the current chief executive officer of NFC and is liable for his actions in his official capacity done under color of state law. This Defendant is entrusted to protect the Constitutional rights of those he encounters and at all times relevant hereto was acting within the scope of her duties and authority, under color or title of state law, supervised or controlled one or more of the other individual Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions.

14. The Defendant Mark Gentile (“Gentile”) was a lieutenant employed by the Sheriff of Douglas County, Nebraska, and is liable for his actions in his individual capacity done under color of state law. This Defendant is entrusted to protect the Constitutional rights of those he encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

15. The Defendant Brenda Wheeler (“Wheeler”) was a deputy of the Sheriff of Douglas County, Nebraska, and is liable for her actions in her individual capacity done under color of state law. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

16. The Defendant Chad Miller (“Miller”) was employed as a deputy of the Sheriff of Douglas County, Nebraska, and is liable for his actions in his individual capacity done under color of state law. This Defendant is entrusted to protect the Constitutional rights of those he encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions. At all relevant times, Deputy Miller was employed as a school resource officer and was assigned to Millard West High School (“Millard West”). During all relevant times, Deputy Miller was present at Millard West during the entire school day from Monday through Friday. His duties included maintaining the security of the school, interacting with the students, teaching some classes, and dealing with law issues at the school.

17. The Defendant Project Harmony (“Project Harmony”) is a Nebraska Non Profit Corporation. Project Harmony has caused, created, authorized, condoned, ratified, approved or knowingly acquiesced in the illegal, unconstitutional, and inhumane conditions, actions, policies, customs and practices that prevail throughout the services it provides. Project Harmony has directly and proximately caused, and will continue to cause in the future, the damages, injuries and violations of rights set forth below. This Defendant is entrusted to protect the Constitutional rights of those it encounters and at all times relevant hereto was acting within the scope of its duties and authority, under color or title of state law, supervised or controlled one or more of the

other individual Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions.

18. The Defendant Suzanne Haney, M.D. (“Haney”) is a resident of the State of Nebraska, and at all relevant times was employed by Douglas County and/or Project Harmony as a physician. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

19. The Defendant Lisa A. Johnson (“Johnson”) is a resident of the State of Nebraska, and at all relevant times was employed by NDHHS, Douglas County, and/or Project Harmony as a nurse practitioner. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

20. The Defendant Jennifer White (“White”) is a resident of the State of Nebraska, and at all relevant times was employed by NDHHS and/or Project Harmony, as a social worker. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

21. The Defendant Deanna “Nina” Sheller (“Sheller”) is a resident of the State of Nebraska, and at all relevant times was employed by NDHHS, as a Family Engagement Specialist. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

22. The Defendant Sara Smith (“Smith”) is a resident of the State of Nebraska, and at all relevant times has been employed by NFC as a family permanency specialist or family permanency specialist supervisor. At all relevant times, Smith has been the family permanency specialist for Y.C.W., X.C.W. and their family. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

23. The Defendant Evan Winans (“Winans”) is a resident of the State of Nebraska, and at all relevant times has been employed by NFC as a family permanency specialist supervisor. At all relevant times, Winans has been the family permanency specialist supervisor for Y.C.W., X.C.W. and their family. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

24. The Defendant Daniel Little (“Little”) is a resident of the State of Nebraska, and at all relevant times has been employed by NFC as a family permanency director. This Defendant is entrusted to protect the Constitutional rights of those he encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

25. The Defendant Melissa Nance (“Nance”) is a resident of the State of Nebraska, and at all relevant times has been employed by NFC as a family permanency director. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

26. The Defendant Anna Richardson (“Richardson”) is a resident of the State of Nebraska, and at all relevant times has been employed by NFC as a family permanency specialist or family permanency specialist supervisor. At all relevant times, Richardson has been the family permanency specialist for Y.C.W., X.C.W. and their family. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

27. The Defendant Nicole Paul (“Paul”) is a resident of the State of Nebraska, and at all relevant times has been employed by NFC as a family permanency specialist supervisor. She was also a licensed mental health practitioner and marriage and family therapist. At all relevant times, Paul has been the family permanency specialist supervisor for Y.C.W., X.C.W. and their family. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

28. The Defendant Anne Petzel (hereinafter “Petzel”) is a resident of the State of Nebraska, and, at all relevant times has been employed by NFC as a family permanency specialist or family permanency specialist supervisor. At all relevant times, Petzel has been the family permanency specialist for Y.C.W., X.C.W. and their family. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

29. The Defendant Jennifer Richey (hereinafter “Richey”) is a resident of the State of Nebraska, and at all relevant times has been a licensed mental health practitioner, and has been

employed by NFC as a family permanency specialist supervisor. At all relevant times, Richey has been the family permanency specialist supervisor for Y.C.W., X.C.W. and their family. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

30. The Defendant Matthew D. Heys (hereinafter “Heys”) is a resident of the State of Nebraska, and, at all relevant times has been employed by Millard Public Schools as a teacher at Millard West. Heys was one of Y.C.W.’s teachers. This Defendant is entrusted to protect the Constitutional rights of those he encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

31. The Defendant Susan Hancock (hereinafter “Hancock”) is a resident of the State of Nebraska, and, at all relevant times has been employed by Millard Public Schools as a counselor at Millard West. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

32. The Defendant Gregory Tiemann (hereinafter “Tiemann”) is a resident of the State of Nebraska, and, at all relevant times has been employed by Millard Public Schools as a principal at Millard West. This Defendant is entrusted to protect the Constitutional rights of those he encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

33. The Defendant Millard Public Schools (“MPS”) was the public school district for the City of Omaha. On information and belief, MPS has caused, created, authorized, condoned,

ratified, approved or knowingly acquiesced in illegal, unconstitutional, and inhumane conditions, actions, policies, customs and practices that prevail throughout the services it provides. MPS has directly and proximately caused, and will continue to cause in the future, the damages, injuries and violations of rights set forth below. This Defendant is entrusted to protect the Constitutional rights of those it encounters and at all times relevant hereto was acting within the scope of its duties and authority, under color or title of state law, supervised or controlled one or more of the other individual Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions.

34. The Defendant Papillion La Vista Community Schools (“PLCS”) was the public school district for the City of Papillion. On information and belief, PLCS has caused, created, authorized, condoned, ratified, approved or knowingly acquiesced in illegal, unconstitutional, and inhumane conditions, actions, policies, customs and practices that prevail throughout the services it provides. PLCS has directly and proximately caused, and will continue to cause in the future, the damages, injuries and violations of rights set forth below. This Defendant is entrusted to protect the Constitutional rights of those it encounters and at all times relevant hereto was acting within the scope of its duties and authority, under color or title of state law, supervised or controlled one or more of the other individual Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions.

35. The Defendant Elizabeth Crnkovich (“Judge Crnkovich”) who, upon information and belief, at all relevant times has been, and currently is a Judge of the Separate Juvenile Court for Douglas County, Nebraska, and during relevant times to this Complaint acted as a witness to events set forth in this Complaint, is liable for her acts and omissions in her individual and official capacities done under color of state law. This Defendant is entrusted to protect the

Constitutional rights of those she encounters and at all times relevant hereto was acting within the scope of her duties and authority, under color or title of state law and acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions. This Judge, by her actions or omissions, has acted in violation of the Plaintiff and X.C.W.'s Constitutional Rights without jurisdiction, has facilitated and enabled NDHHS and NFC to continually and invidiously violate the rights of Plaintiff and X.C.W., and others similarly situated as parents in the State of Nebraska, without consequence or enforcement of the Constitution of the United States of America.

36. The Defendant Judy McAuliffe Treinen ("Treinen") is a resident of Clackamas County, Oregon. At all relevant times, Treinen was a licensed mental health practitioner, social worker, and professional counselor in the State of Nebraska. On information and belief, Treinen provided therapy and other services to Y.C.W. and X.C.W. from October of 2013 through May of 2014, in the State of Nebraska. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

37. The Defendant Komi Amededji ("Amededji") is a resident of Douglas County, Nebraska. At all relevant times, Amededji was a provisional mental health practitioner in the State of Nebraska. On information and belief, Amededji provided family support, and later therapy and other services to Y.C.W. from October of 2013 through April of 2015, in the State of Nebraska. This Defendant is entrusted to protect the Constitutional rights of those he encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

38. The Defendant Amanda Gurock (“Gurock”) is a resident of Albany County, New York. At all relevant times, Gurock was a licensed mental health practitioner, social worker, and professional counselor in the State of Nebraska. On information and belief, Gurock provided therapy and other service to Y.C.W. from October of 2013 through April of 2015, in the State of Nebraska. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

39. The Defendant Reliable Rock Counseling & Consulting, P.C. (“Reliable Rock”) is a Nebraska Professional Corporation with its principal place of business in Douglas County, Nebraska, which provided therapeutic and other services. On information and belief, Reliable Rock has caused, created, authorized, condoned, ratified, approved or knowingly acquiesced in illegal, unconstitutional, and inhumane conditions, actions, policies, customs and practices that prevail throughout the services it provides. Reliable Rock has directly and proximately caused, and will continue to cause in the future, the damages, injuries and violations of rights set forth below. This Defendant is entrusted to protect the Constitutional rights of those it encounters and at all times relevant hereto was acting within the scope of its duties and authority, under color or title of state law, supervised or controlled one or more of the other individual Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions.

40. The Defendant Martin Harrington, M.D. (hereinafter “Dr. Harrington”) is a resident of the State of Nebraska, and is a licensed physician who practices psychiatry in Omaha, Nebraska. At all relevant times, Dr. Harrington has been the medical director of the Children’s Hospital and Medical Center Eating Disorders Program, and has provided health care services to

X.C.W. and Wang Anderson. This Defendant is entrusted to protect the Constitutional rights of those he encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

41. The Defendant Shashi Bhatia, M.B.B.S. (hereinafter “Dr. Bhatia”) is a resident of the State of Nebraska, and practices psychiatry in Omaha, Nebraska. At all relevant times, Dr. Bhatia has been employed by and provided psychiatric services at Alegant Creighton Clinic, and has provided services to Y.C.W. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

42. The Defendant Michael Vance (hereinafter “Vance”) is a resident of the State of Nebraska, and is a licensed psychologist who practices clinical psychology in Omaha, Nebraska. At all relevant times, Vance was employed by Children’s Hospital and Medical Center, and has provided services to X.C.W. and Wang Anderson. This Defendant is entrusted to protect the Constitutional rights of those he encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

43. The Defendant Kara Beals (“Beals”) is a resident of the State of Nebraska, and is a licensed independent mental health practitioner in the State of Nebraska. Beals has provided therapy and other services to X.C.W. and Wang Anderson at various times since October, 2013. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all

relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

44. The Defendant Sarita L. Ruma (“Ruma”) is a resident of the State of Nebraska, and is a licensed independent mental health practitioner or professional counselor in the State of Nebraska. Ruma has provided therapy and other services to X.C.W. at various times from September, 2014 through at least December, 2016. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

45. The Defendant Nancy E. Parke (“Parke”) is a resident of the State of Oklahoma, and is a registered nurse and a licensed professional counselor in the State of Oklahoma. At all relevant times, Parke was employed by Laureate Psychiatric Hospital and provided therapy and other services to X.C.W. at various times since January 23, 2014. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

46. The Defendant Susan Boyles (“Boyles”) is a resident of the State of Arizona, and is a therapist or licensed professional counselor in the State of Arizona. At all relevant times, Boyles was employed by Remuda and provided therapy and other services to X.C.W. at various times since November, 2014. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

47. The Defendant Christina Johnson-Gunn (“Gunn”) is a resident of the State of Nebraska. At all relevant times, Gunn has been a licensed mental health practitioner, and not a licensed independent mental health practitioner, in the State of Nebraska. Gunn provided health services to X.C.W., Wang Anderson, and Dr. Wang at various times from March, 2015 until January, 2016. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

48. The Defendant Kersten Borer (hereinafter “Borer”) is a resident of the State of Nebraska, and is a licensed mental health practitioner, master of social work, and alcohol and drug counselor who provides mental health services in Omaha, Nebraska. Borer has provided health care services to X.C.W. and Y.C.W. at various times since 2015. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

49. The Defendant Sonia Derr (hereinafter “Derr”) is a resident of Douglas County, Nebraska. At all relevant times, Derr was a licensed foster care provider. During some or all of the time period between October 7, 2013 and April 15, 2016, Y.C.W. and X.C.W. were placed in Derr’s care. On information and belief, Derr provided foster care services to X.C.W. and her sister, Y.C.W. pursuant to a contract or agreement with the State of Nebraska, NDHHS, NFC, or Christian Heritage. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

50. The Defendant Tina Anderson (hereinafter “Tina Anderson”) is, is not related to Wang Anderson, and is a resident of Sarpy County, Nebraska. At all relevant times, Tina Anderson provided respite care for Y.C.W., pursuant to a contract or agreement with the State of Nebraska, NDHHS, NFC, or Christian Heritage. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

51. The Defendant Jennice Reid-Hansen (hereinafter “Reid-Hansen”) is a resident of Washington County, Nebraska. From 2014 through 2017, Reid-Hansen was one of the foster parents of X.C.W. On information and belief, Reid-Hansen provided foster care services to X.C.W. pursuant to a contract or agreement with the State of Nebraska, NDHHS, NFC, or KVC. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

52. The Defendant Tyler Hansen (hereinafter “Hansen”) is a resident of Washington County, Nebraska. From 2014 through 2017, Hansen was one of the foster parents of X.C.W. On information and belief, Hansen provided foster care services to X.C.W. pursuant to a contract or agreement with the State of Nebraska, NDHHS, NFC, or KVC. This Defendant is entrusted to protect the Constitutional rights of those he encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

53. The Defendant Carla Heathershaw-Risko (“Risko”) is a resident of the State of Nebraska, and at all relevant times has been a duly licensed attorney, employed by the State of

Nebraska, and has represented NDHHS in the Juvenile Court proceeding and other matters related to the minor children X.C.W. and Y.C.W. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

54. The Defendant Amy Schuchman (“Schuchman”) is a resident of the State of Nebraska, and at all relevant times has been a duly licensed attorney employed as a deputy county attorney by Douglas County, Nebraska, and has represented the State in the Juvenile Court proceeding related to the minor children X.C.W. and Y.C.W. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

55. The Defendant Janine Uchino (“Uchino”) is a resident of the State of Nebraska, and at all relevant times has been a duly licensed attorney. Uchino was appointed by Judge Crnkovich in the Juvenile Court proceeding as guardian ad litem for X.C.W. and Y.C.W. from July 10, 2014 until June, 2017. This Defendant is entrusted to protect the Constitutional rights of those she encounters and at all relevant times was acting under the color or title of state law, or acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

56. The Defendant Children’s Hospital and Medical Center (“Children’s”) is a Nebraska Non Profit Corporation. Children’s provided health care and other services to X.C.W. and visitation services to Wang Anderson between October 31, 2013 and the present. On information and belief, Children’s has caused, created, authorized, condoned, ratified, approved

or knowingly acquiesced in illegal, unconstitutional, and inhumane conditions, actions, policies, customs and practices that prevail throughout the services it provides. Children's has directly and proximately caused, and will continue to cause in the future, the damages, injuries and violations of rights set forth below. This Defendant is entrusted to protect the Constitutional rights of those it encounters and at all times relevant hereto was acting within the scope of its duties and authority, under color or title of state law, supervised or controlled one or more of the other individual Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions.

57. The Defendant Alegent Creighton Clinic ("Alegent") is a Nebraska Non Profit Corporation. Alegent provided health care and other services to Y.C.W. and employed or supervised Dr. Bhatia from October 8, 2013 through the present. On information and belief, Alegent has caused, created, authorized, condoned, ratified, approved or knowingly acquiesced in illegal, unconstitutional, and inhumane conditions, actions, policies, customs and practices that prevail throughout the services it provides. Alegent has directly and proximately caused, and will continue to cause in the future, the damages, injuries and violations of rights set forth below. This Defendant is entrusted to protect the Constitutional rights of those it encounters and at all times relevant hereto was acting within the scope of its duties and authority, under color or title of state law, supervised or controlled one or more of the other individual Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions.

58. The Defendant Laureate Psychiatric Clinic and Hospital, Inc. ("Laureate Psychiatric") is an Oklahoma Not For Profit Corporation. Laureate Psychiatric provided health care and other services to X.C.W. and visitation services to Wang Anderson or Dr. Wang

between January 23, 2014 and July 1, 2014, pursuant to a contract or agreement with NDHHS and/or NFC. On information and belief, Laureate Psychiatric has caused, created, authorized, condoned, ratified, approved or knowingly acquiesced in illegal, unconstitutional, and inhumane conditions, actions, policies, customs and practices that prevail throughout the services it provides. Laureate Psychiatric has directly and proximately caused, and will continue to cause in the future, the damages, injuries and violations of rights set forth below. This Defendant is entrusted to protect the Constitutional rights of those it encounters and at all times relevant hereto was acting within the scope of its duties and authority, under color or title of state law, supervised or controlled one or more of the other individual Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions.

59. The Defendant Remuda Ranch Center for Anorexia and Bulimia, Inc. (“Remuda”) is a Delaware Corporation with its principal place of business in Wickenburg, Arizona. Remuda provided health care and other services to X.C.W. and family therapy and visitation services to Wang Anderson or Dr. Wang between October 1, 2014 and March 1, 2015, pursuant to a contract or agreement with NDHHS and/or NFC. On information and belief, Remuda has caused, created, authorized, condoned, ratified, approved or knowingly acquiesced in illegal, unconstitutional, and inhumane conditions, actions, policies, customs and practices that prevail throughout the services it provides. Remuda has directly and proximately caused, and will continue to cause in the future, the damages, injuries and violations of rights set forth below. This Defendant is entrusted to protect the Constitutional rights of those it encounters and at all times relevant hereto was acting within the scope of its duties and authority, under color or title of state law, supervised or controlled one or more of the other individual Defendants herein, or

acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions.

60. John Does 1-15 to be named currently as fictitiously named defendants, who in their individual and/or official capacities are liable for their acts and omissions. Plaintiff reserves the right to amend the names of these defendants, or join additional defendants, upon further discovery.

61. All of the above-referenced Defendants have acted and continue to act under the Color of State Law at all times relevant to the Complaint herein.

62. Plaintiff sues all defendants, both in their official and individual capacities.

#### **JURISDICTION AND VENUE**

63. The jurisdiction of this Court is invoked by Plaintiff pursuant to 28 U.S.C. §§ 1331, 1333, 1343 which confer original jurisdiction upon this Court on the grounds that the instant action arises under the First, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, the Civil Rights Act of 1871, as amended, 42 U.S.C. §§ 1981, 1983, 1985, 1986, and 1988, 42 U.S.C. § 621 et seq., 42 U.S.C. § 670 et seq., and 28 U.S.C. § 2254. The jurisdiction of this Court is also invoked by Plaintiff pursuant to 28 U.S.C. § 1367, which confers supplemental jurisdiction upon this Court, because all other claims, including claims that involve the joinder or intervention of additional parties, form part of the same case or controversy under Article III of the United States Constitution.

64. Venue in the District of Nebraska is properly laid pursuant to 28 U.S.C. § 1391, as a substantial part of the events or omissions alleged herein, which form the factual and legal basis of the claims of the Plaintiff, arose or occurred within the geographical limits of this District.

### **EXHAUSTION**

65. Plaintiff has exhausted all available administrative remedies regarding the matters described in this Complaint.

### **FACTUAL BACKGROUND**

66. Wang Anderson and Dr. Wang are husband and wife, and are the natural and biological parents, of X.C.W. and Y.C.W. Wang Anderson was born and raised in Shanghai, China. Dr. Wang was born and raised in Chengdu, Sichuan, China. .

67. X.C.W. and Y.C.W. were born in Omaha, Nebraska. Wang Anderson and Dr. Wang raised X.C.W. and Y.C.W. for the first fifteen (15) and sixteen (16) years of their lives, respectively. During that time, Wang Anderson and Dr. Wang always loved, protected, provided for, guided and educated X.C.W. and Y.C.W. These children were in excellent health and thrived and excelled in many ways while in the custody and care of their parents. Wang Anderson and Dr. Wang always provided a stable home and kept the children safe. In 2012 and 2013, and before, that home was in Omaha, Nebraska.

68. In May of 2013, one of Dr. Wang's colleagues, Dr. Roger Brumback, and his wife, were murdered in Omaha, Nebraska, by Anthony Garcia, who had been a pathologist at Creighton in 2001. At the time Dr. Brumback was killed, Wang Anderson resided with Y.C.W. and X.C.W. at the home she and Dr. Wang owned in Omaha, Nebraska. Dr. Wang was working in Texas at that time, but would return home to visit as often as he could. As a result of the Brumback murders, Wang Anderson feared for her safety and for the safety of her children.

69. In 2012 and 2013, Y.C.W. and X.C.W. attended Millard West, and were exceptional students. Wang Anderson was a supportive parent and would regularly help out at school. She

provided all of the transportation for the children, delivered lunch to them daily, and would regularly donate and assist with food drives and other activities.

70. From September, 2012 to December, 2012, Defendant Heys taught U.S. History, and Y.C.W. was one of his students. On information and belief, in 2013, Heys took a group of students on a field trip to Washington, D.C., and was the only chaperon. Y.C.W. had asked Wang Anderson if she could go on the trip with Heys, but Wang Anderson did not allow her to go, because the only chaperon, Heys, was an adult male.

71. Y.C.W. also asked Wang Anderson for permission to take an independent study course with Heys in the spring and fall of 2013, as Y.C.W.'s much older friend Cassandra "Bosie" Rand ("Bosie") had done. Wang Anderson did not let Y.C.W. do the independent study with Heys because she felt it was inappropriate.

72. During the summer of 2013, Bosie, who was several years older than Y.C.W., invited her to a party at an unknown address. The nickname "Bosie" was also the nickname of Oscar Wilde's gay male lover. Y.C.W. wanted to go to this party, but Wang Anderson believed it would not be appropriate and did not allow Y.C.W. to go. Y.C.W. was very upset with Wang Anderson, so much so that she asked Wang Anderson whether Wang Anderson would allow her to be adopted.

73. Also during the summer of 2013, Wang Anderson had dropped Y.C.W. off to meet a friend. When she arrived home, the garage door and the door between the garage and house were open, and X.C.W.'s eye glasses were on her desk, but X.C.W. was gone. Because of the Creighton Pathology brutal murders, Wang Anderson panicked and called 911. Minutes later, X.C.W. returned and told Wang Anderson and the deputy who had responded to the call that she was just out on a walk.

74. On September 16, 2013, Y.C.W. emailed to Heys - who, at the time had not been her teacher for more than a year - including the statement that "I'd much rather be in your class, which I miss". After Wang Anderson found out about this email, she talked to Y.C.W. about how inappropriate it was for an adult male teacher to have a close personal relationship with a female high school student.

75. For several years leading up to the fall of 2013, Wang Anderson's neighbor had harassed her family to the point where she would have to call 911. In July, August, and September of 2013, the harassment included verbal abuse, puncturing tires, and shooting fireworks toward her house, and, on several occasions, pounding on her door in the middle of the night. Due to the recent Creighton pathology murders and this harassment by her neighbor, Wang Anderson was very reluctant to allow her daughters to go out in the neighborhood on their own, because she feared for their safety.

76. On September 29, 2013, Wang Anderson heard pounding on her door at midnight. Per previous responding officers' instruction, Wang Anderson called 911 and told the responding officer that it was her neighbor and indicated where the neighbor lived. Officers then spoke with that neighbor regarding the incident and afterward returned to Wang Anderson's house. When the officers returned, they asked Wang Anderson whether she had electricity and water service. The officers insisted on going inside of Wang Anderson's home in the middle of the night when X.C.W. and Y.C.W. were already asleep. Wang Anderson woke Y.C.W. up so that the officers could interview her. The officers interviewed Y.C.W., and she denied any abuse or neglect by Wang Anderson. Wang Anderson sent a letter about her neighbor's harassment to the Douglas County Sheriff's Department in the early morning of the next day.

77. On October 3, 2013, Wang Anderson emailed school resource police officer Anthony Ward and Miller to alert them about the ongoing harassment by her neighbor. On October 3, 2013, Wang Anderson also notified Miller about the September 29, 2013 interview with Y.C.W.

### **Removal of Children**

78. During the early evening of October 7, 2013, Wang Anderson noticed a cell phone which Y.C.W. had previously told her was lost, and saw some concerning text messages with Bosie and Heys. Wang Anderson became highly concerned that these messages were sexual in nature, and because Y.C.W. had been hiding the phone from her, and after Wang Anderson's discovery, had run out of the room while deleting messages on the phone. Particularly, Wang Anderson was concerned that Heys was engaging in an inappropriate relationship with Y.C.W., using his personal telephone and his personal email address, and communicating with Y.C.W. outside of the school setting. Wang Anderson immediately expressed her concerns to Y.C.W. that evening and told her that she would contact the police and school immediately.

79. Wang Anderson had become so concerned when she saw these messages on Y.C.W.'s phone that she immediately reached out for help and contacted the Nebraska State Patrol during the early morning hours of October 8, 2013.

80. Unknown to Wang Anderson at the time, Y.C.W. had been communicating with Bosie and Heys throughout the evening of October 7, 2013. On information and belief, Y.C.W. continued communicating with Bosie and Heys throughout the night and into the next morning.

81. On information and belief, beginning in August or September, 2013, Y.C.W. regularly went to Heys at Millard West High School and talked with and confided in him regarding her personal difficulties and struggles with her identity. During this time, Heys was not one of Y.C.W.'s teachers or counselors. On information and belief, Heys invited, condoned,

or allowed Y.C.W. to continue confiding in him at Millard West High School until at least October 8, 2013 regarding her personal matters. Heys provided Y.C.W. with his personal email and telephone number during this time period.

82. On information and belief, Heys did not report these interactions with Y.C.W. to Wang Anderson, law enforcement, a school administrator or counselor, or a homeroom teacher, for more than two weeks. He only reported this information to a school counselor after Wang Anderson had discovered his telephonic communications with Y.C.W. on October 7, 2013.

83. On information and belief, between August, 2013 and at least March 1, 2014, Heys engaged in an inappropriate personal relationship and inappropriate interactions and discussions with Y.C.W. which went beyond the scope of his duties and privileges as a teacher, and violated Wang Anderson's Constitutional right to direct the education and moral development of Y.C.W.

84. On information and belief, Tiemann, who was responsible to supervise and train Heys, knew of this inappropriate interaction and relationship between Heys and Y.C.W. and failed to take action to stop it, despite the fact that Wang Anderson had asked Tiemann and counselor Susan Hancock to disallow or prohibit any contact between Y.C.W. and Heys. By allowing this inappropriate interaction and relationship between Heys and Y.C.W. or failing to take action to stop it, Tiemann violated Wang Anderson's Constitutional right to direct the education and moral development of Y.C.W.

85. On information and belief, Hancock, who was an MPS counselor at Millard West, and also responsible to supervise and train Heys, failed and refused to investigate or address Wang Anderson's concerns about Y.C.W.'s relationship, interactions, and communications with Heys. On information and belief, Hancock condoned, encouraged and permitted Heys to

continue his involvement and interaction with Y.C.W. for more than four months after Y.C.W. was removed from Wang Anderson's home, in violation of Wang Anderson's parental rights.

86. On information and belief, MPS had policies, practices, customs or usages which did not prohibit or limit its employees and agents from engaging in inappropriate personal relationships, discussion and interactions with students, and which allowed teachers to form relationships with students outside the boundaries and limitations of their role as teachers, and which essentially allowed teachers to act as counselors or confidants for students, in violation of the rights of parents, including of Wang Anderson, to direct the education and moral development of their children.

87. As a direct and proximate result of Heys' inappropriate personal relationship and interactions with Y.C.W., which was allowed and encouraged by Tiemann and Hancock, and permitted by the unconstitutional policies, practices, customs and usages of MPS, Wang Anderson's ability to communicate with Y.C.W. was undermined and a breakdown in her relationship with Y.C.W. occurred.

88. The morning of October 8, 2013, Wang Anderson drove Y.C.W. to Millard West. On information and belief, Y.C.W. went directly to speak with Heys as soon as she arrived at school. Heys then took Y.C.W. to Hancock to report that Wang Anderson had threatened her.

89. Shortly after that, Deputy Miller spoke with Y.C.W. about these reports.

90. After talking with Y.C.W. in the morning of October 8, 2013, Deputy Miller and another deputy sheriff went to Wang Anderson's home in separate vehicles. Wang Anderson and X.C.W. were at home when Deputy Miller arrived. Wang Anderson answered the door, and X.C.W. was still asleep. Wang Anderson willingly spoke with Deputy Miller. She thought they were there responding to a call from her neighbor who had been harassing her, so she went into

details with him about that. At that time, Miller did not tell Wang Anderson about any allegations by Y.C.W. related to abuse or neglect. Anderson did not permit the officers to enter her home at the time because they did not tell her the reason they were there.

91. On October 8, 2013, Douglas County Sheriff's Lieutenant Mark Gentile and Sergeant John Pankonin went to Wang Anderson's home to make contact with X.C.W. and observe the living conditions inside of Wang Anderson's home. They knocked on the door and Wang Anderson answered. After Lieutenant Gentile told Wang Anderson that they were responding to a report at the school, Wang Anderson readily allowed Lieutenant Gentile to speak to X.C.W.

92. At that time, Lieutenant Gentile interviewed X.C.W. out of the presence of Wang Anderson, in the garage connected to Wang Anderson's home. Sergeant Pankonin spoke with Wang Anderson outside of the garage while Lieutenant Gentile spoke with X.C.W. During the interview, X.C.W. told Lieutenant Gentile that she had never heard or observed Wang Anderson make any type of threat to Y.C.W., and that Y.C.W. may have made the reports about Wang Anderson because "she was mad at" Wang Anderson. According to his investigative report, Lieutenant Gentile specifically asked X.C.W. if she felt unsafe by residing at the residence with Wang Anderson. X.C.W. "immediately stated that she did not feel unsafe and was fine living with [Wang Anderson] at the residence."

93. On information and belief, at that time, Lieutenant Gentile observed the condition of Wang Anderson's home and found it to be safe and sanitary.

94. Following these personal interviews and interactions with X.C.W. and Wang Anderson, and the observations of the Wang Anderson home, Lieutenant Gentile and Sergeant

Pankonin determined that it was safe for X.C.W. to remain in Wang Anderson's home and care, and did not remove her.

95. Wang Anderson reported her concerns about the inappropriate relationship between Heys and Y.C.W. to Lieutenant Gentile when he was at her home. On information and belief, he did not investigate these concerns.

96. While still at Wang Anderson's home, Lieutenant Gentile also told her that the reason he and Sergeant Pankonin had been sent to the residence was because of allegations made by Y.C.W. that Wang Anderson had threatened her. Wang Anderson denied these allegations. Gentile then asked Wang Anderson to go to Millard West to speak with a guidance counselor along with Y.C.W. regarding the allegations, which she immediately did.

97. At Millard West, during a meeting that included Deputy Miller, Wang Anderson, and counselor Susan Hancock, Deputy Miller told Wang Anderson that Y.C.W. had made a number of reports about her, including that Wang Anderson had threatened to shoot her. Wang Anderson told Miller that Y.C.W.'s reports were not true. On information and belief, there was no other evidence to corroborate the reports by Y.C.W. Wang Anderson was never cited or charged with any crimes related to these reports.

98. During the same meeting, Wang Anderson communicated her concerns about an inappropriate relationship between Heys and Y.C.W. to Deputy Miller and Hancock, and her concerns were ignored and not investigated by Deputy Miller or Hancock.

99. Lieutenant Gentile made a report regarding his October 8, 2013 encounter with Wang Anderson and noted that Wang Anderson had been wearing a rubber glove when she answered the door. In his report, Lieutenant Gentile drew the following unsubstantiated conclusion: "It was evident to GENTILE that WANG ANDERSON was apparently suffering

from some type of OCD/mental condition.” On information and belief, Lieutenant Gentile was not qualified, experienced, or trained to make such a conclusion about a person’s mental health. Lieutenant Gentile’s conclusion was not based on diagnosis by a medical doctor, psychologist, therapist, or other qualified person, other professional assessment, or questions asked to Wang Anderson to assess her mental state.

100. On information and belief, the other Defendants have seized on Lieutenant Gentile’s conclusion that Wang Anderson has some type of OCD or mental health condition. Gentile’s unsupported conclusion has been relied on by the other Defendants, the children’s health care and other service providers, and court officials to maintain that Wang Anderson has a mental problem.

101. Wang Anderson has never been diagnosed with any mental health disorder or conditions or had any family history of mental illness for several generations, except for adjustment disorder which arose and was diagnosed long after, and as a result of the unconstitutional removal of her children by the Defendants.

102. As of October 8, 2013, Deputy Miller and Millard West Staff were well aware of Wang Anderson’s consistent support of her children, including providing them daily transportation, delivering lunch to them at school, providing and delivering food and supplies to school for student activities such as food drives and other activities, and in other ways. Deputy Miller had observed Wang Anderson’s children at school nearly every day. He had interacted with Wang Anderson at Millard West on frequent prior occasions when she volunteered. Deputy Miller testified during a Juvenile Court hearing that Wang Anderson had always been polite and appropriate. Y.C.W. and X.C.W. were familiar with Deputy Miller and had access to him every day in case they had needed to report any concerns. Neither of the girls ever approached Deputy

Miller or any teachers or Millard West staff before October 8, 2013 about any concerns within Wang Anderson's home.

103. On information and belief, before October 8, 2013, neither X.C.W., Y.C.W., nor any Defendant or MPS staff member had reported that X.C.W. or Y.C.W. had suffered any mistreatment, threats, harm, abuse, or neglect of any kind by Wang Anderson. No observations of any injuries to these children were made during the time they had been at Millard West. Prior to October 8, 2013, Deputy Miller and MPS staff had not ever received any information that Y.C.W. or X.C.W. had been injured, abused, or neglected by Wang Anderson. Deputy Wheeler testified that as of October 10, 2013, she did not have any information about any physical abuse by Wang Anderson on her daughters, and that, as of November 7, 2013, school officials had never reported any physical abuse by Wang Anderson on her daughters. The October 8, 2013 report by Y.C.W. was an isolated report, completely uncorroborated by any reports or observations by others or by any other evidence. Y.C.W. herself did not report to anyone that she had actually been injured or harmed by Wang Anderson. When Y.C.W. was physically examined following her removal, no injuries were found.

104. On information and belief, Deputy Miller was also aware on October 8, 2013, from his conversations with Wang Anderson, from her communications to him, and from his own contacts to dispatch to verify, that law enforcement officers had recently been to her home to respond to calls from her related to problems caused by her neighbors, that officers had recently spoken with Y.C.W. at Wang Anderson's home, and that Y.C.W. had denied abuse or neglect during those contacts.

105. On information and belief, Wang Anderson became the target of investigation by Douglas County or Miller, after she had made reports to one or both of them about her concerns

– first, regarding her neighbors on September 29, 2017; second, regarding Heys on October 8, 2013 – and Douglas County and Miller failed and refused to investigate her concerns. On information and belief, these Defendants denied Wang Anderson equal protection of the laws, discriminated against her because of her national origin, race, or color, and selectively prosecuted her for child abuse or neglect, while they ignore her reported concerns.

106. On information and belief, Deputy Miller and Lieutenant Gentile failed to consider or properly investigate those prior contacts, information about which was readily available to them, before jumping to conclusions about whether Y.C.W. would be in danger in the care of her mother. Lieutenant Gentile and Deputy Miller also failed to consider or investigate: a) Wang Anderson’s reported concerns about the relationship between Heys and Y.C.W.; and, b) whether that relationship was the motive for Y.C.W. making the reports about Wang Anderson on October 8, 2013.

107. On or about October 8, 2013, Deputy Miller and Lieutenant Gentile improperly and unreasonably and without proper investigation formed the opinion that Y.C.W. was seriously endangered in her surroundings and that immediate removal would be necessary for Y.C.W.’s protection.

108. On or about October 8, 2013, Lieutenant Gentile and Deputy Miller unreasonably and without proper investigation decided to remove Y.C.W. from the care and custody of Wang Anderson, based only on reports by Y.C.W. that she was “very adamant that she did not feel safe going home”. Gentile and Miller decided that “until the situation was looked into further, we would go ahead and take [Y.C.W.] to Project Harmony and have them find a place for her to stay in the interim while this is looked into.”

109. Deputy Miller and Lieutenant Gentile unreasonably removed Y.C.W. from the care and custody of Wang Anderson, without a warrant or court order, without exigent circumstances, emergency, or imminent or present threat of danger to her. In fact, Deputy Miller did not specify any recent threats or harm to Y.C.W. in his Affidavit for Removal.

110. Y.C.W. was then placed in foster care with Derr, who was a non-relative licensed foster care provider.

111. Deputy Miller and Lieutenant Gentile illegally and unreasonably seized and removed Y.C.W. from the care of her mother, in violation of Wang Anderson's Constitutional rights under the IVth Amendment. Deputy Miller and Lieutenant Gentile did not make reasonable efforts to preserve or reunify Wang Anderson with Y.C.W. prior to placing her in foster care, in violation of Wang Anderson's statutory rights under 42 U.S.C. § 671.

112. Wang Anderson never abused harmed, threatened, or neglected Y.C.W. or X.C.W., and neither of her children were ever in any danger while in her care or custody. Before October 8, 2013, neither Wang Anderson nor her children had ever had any involvement with Nebraska Child Protective Services ("CPS").

113. On October 8, 2013, during the evening, NDHHS Child and Family Services Specialist Jennifer White ("White") and NDHHS employee Archie Scott went to Wang Anderson's residence. White interviewed X.C.W. at Wang Anderson's home, out of Wang Anderson's presence. With Wang Anderson's permission and cooperation, White and Scott then thoroughly searched and inspected all three stories of Wang Anderson's residence. After the interview of X.C.W. and the home search, White and Scott determined it was safe to allow X.C.W. to remain in Wang Anderson's home and allowed her to remain there. At that time,

Scott told Wang Anderson that there was nothing wrong with her house. White did not disclose this determination was not disclosed in any of her reports.

114. White then falsely reported in her SDM Safety Assessment, regarding Wang Anderson's house, that "the physical living conditions are hazardous and immediately threatening to the health and/or safety of the child."

115. Wang Anderson reported her concerns about the inappropriate relationship between Heys and Y.C.W. to White on October 8, 2013 while she was at Wang Anderson's home. On information and belief, contrary to the NDHHS Intake Guidebook, White failed to investigate these reports or to consider whether Wang Anderson's discovery of, and concern over the relationship between Y.C.W. and Heys was the motive for Y.C.W.'s reports about her.

116. On the morning of October 9, 2013, Wang Anderson took X.C.W. to school. After she returned home, Deputy Wheeler and White arrived at Wang Anderson's home and she cooperated with them. Deputy Wheeler spoke to Wang Anderson briefly. Afterward, Deputy Wheeler noted in her report that she "believed Anderson loves her daughters very much." According to her report, Deputy Wheeler collected Y.C.W.'s cell phone from Wang Anderson "so that a forensic search could be conducted."

117. Later in the morning of October 9, 2013, Deputy Wheeler met with Heys and Millard West principal Tiemann in Tiemann's office. Deputy Miller was also present. During this meeting, Heys stated that Y.C.W. had indicated to him that she was having sexual identity issues.

118. Heys never communicated or attempted to communicate with Wang Anderson regarding Y.C.W. On information and belief, he made no attempts, during the more than two week period when Y.C.W. was repeatedly confiding in him regarding personal matters, to

involve, or even inform Wang Anderson, a school counselor or other appropriate person regarding Y.C.W.'s concerns. He did nothing to address the situation with Y.C.W. at all prior to the evening when Wang Anderson discovered his personal communications with Y.C.W.

119. Without any basis, Heys stated to Wheeler regarding Y.C.W.'s identity issues that Wang Anderson "would not understand and would be very angry and would hurt her if she found out."

120. On or about October 9, 2013, after X.C.W. had gone to school, Deputy Wheeler removed her from Wang Anderson's custody, without a warrant or court order, and placed her in the temporary custody of NDHHS. Wheeler, NDHHS, White, Miller, and Gentile did not make reasonable efforts to preserve or reunify Wang Anderson with Y.C.W. prior to placing her in foster care, in violation of Wang Anderson's statutory rights under 42 U.S.C. § 671. On October 9, 2013, and before, X.C.W. was not endangered in her surroundings and it was not reasonable for Wheeler to conclude that immediate removal from Wang Anderson's custody was necessary for X.C.W.'s protection. Wheeler's superior officers, Lieutenant Gentile and Sgt. Pankonin, as well as White and Archie Scott had all recently determined, based on home visits at separate times that it was safe for X.C.W. to remain in the home with Wang Anderson. Wheeler, NDHHS, White, Miller, and Gentile illegally and unreasonably seized and removed Y.C.W. from the care of her mother, in violation of the IVth Amendment rights of X.C.W. and Wang Anderson.

121. On information and belief, prior to and after the removal of X.C.W. and Y.C.W., White, Wheeler, and Miller did not conduct a fair and proper investigation regarding the accusations against Wang Anderson made by Y.C.W., or as to the safety of Wang Anderson's home or care. No photographs or video recordings were taken of Wang Anderson's home or of

the children's alleged injuries. On information and belief, White, Wheeler, and Miller also failed to consider or discuss with Wang Anderson any less restrictive options to allow Y.C.W. and X.C.W. to continue to remain in Wang Anderson's home. These Defendants made no efforts to create or implement an appropriate safety plan or provide "wrap-around" or other supportive services, such as monitoring, intensive family preservation, supervision, therapy, and other services, to Wang Anderson and her children to allow the children to remain in her home. Wang Anderson would have cooperated with these Defendants and would have cooperated in such services, had they been provided.

122. Wheeler and Miller failed to disclose to the Juvenile Court in their respective affidavits that at least two other law enforcement officers (Gentile and Pankonin) and two social workers (White and Scott) had recently determined that it was safe for X.C.W. to remain in Wang Anderson's home in her care, and that since that determination, no intervening incidents concerning the children's safety had occurred. Those officers also failed to disclose to the Juvenile Court that X.C.W. had specifically said that "she did not feel unsafe and was fine living with [Wang Anderson] at the residence."

123. On information and belief, Douglas County and its Sheriff's department had policies, practices, customs or usages which included: a) the removal of minor children without first making reasonable efforts to preserve the family or allow the child to remain in the home, even where there was not an emergency or immediate threat to the safety of the child; b) not reviewing all prior known contacts with a family prior to removal; and, c) not reporting information indicative of a safe home.

**First Foster Placement – Sonia Derr**

124. On October 9, 2013, X.C.W. was placed in foster care with Derr.

125. At all relevant times, X.C.W. had a clearly established Constitutional right to, and all Defendants had an obligation to provide her with adequate medical care, protection and supervision. See *Norfleet v. Arkansas Dept. of Human Svcs.*, 989 F.2d 289, 293 (8<sup>th</sup> Cir. 1993).

126. The constitutional substantive due process right to family integrity, including under the Fourteenth Amendment, protects: a) the child's right to be raised and nurtured by her biological parent; b) the right of both parent and child to each other's companionship; and, c) the parent's right to the companionship, care, custody, and management of his or her child. Both parents and their children have cognizable substantive due process rights to the parent-child relationship.

127. The Supreme Court has also noted that it is "cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for the obligations the state can neither supply nor hinder." *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944). Parents have a fundamental liberty interest in directing the education of their children. *Troxel v. Granville*, 530 U.S. 57, 120 S.Ct. 2054, 147 L.Ed.2d 49 (2000); *Washington v. Glucksberg*, 521 U.S. 702, 117 S.Ct. 2258, 117 S.Ct. 2302, 138 L.Ed.2d 772 (1997); *Pierce v. Society of Sisters*, 268 U.S. 510, 45 S.Ct. 571, 69 L.Ed. 1070 (1925); *Meyer v. Nebraska*, 262 U.S. 390, 43 S.Ct. 625, 67 L.E. 1042 (1923). The Supreme Court has historically recognized that freedom of personal choice in matters of family life is a fundamental interest protected by the Fourteenth Amendment. *Quilloin v. Walcott*, 434 U.S. 246, 255 (1978). The integrity of the family unit has found protection in the Due Process Clause of the Fourteenth Amendment, the Equal Protection Clause of the Fourteenth Amendment, and the Ninth Amendment. *Stanley v. Illinois*, 405 U.S. 645, 651, 92 S.Ct. 1208, 31 L.Ed.2d 551 (1972)

128. A prompt detention hearing is required in order to protect a parent against the risk of an erroneous deprivation of his or her parental interest. Continued detention pending adjudication is not permitted under the Nebraska Juvenile Code unless the State can establish by a preponderance of the evidence at an adversarial hearing that such detention is necessary for the welfare of the juvenile. The State must also prove that reasonable efforts were made to preserve and reunify the family when required under Neb. Rev. Stat. §43-283.01 (Reissue 1998). This hearing is a parent's opportunity to be heard on the need for the removal and the satisfaction of the State's obligations under § 43-283.01, and it is not optional when a child is detained for any significant period of time. *In re Interest of Mainor T.*, 267 Neb. 232, 674 N.W.2d 442, 456-457 (Neb. 2004). A delay of 18 days between removal and hearing has been held to be a denial of a parent's right to due process. *In re Interest of Mainor T.*, 674 N.W.2d at 457. A delay of 14 days between entry of ex parte order and a detention hearing, even where a parent was allowed to visit children in the interim, was found to "poise the procedures employed...on the brink of unreasonableness." *In re Interest of R.G.*, 238 Neb. 405, 423, 470 N.W.2d 780 (1991).

129. At all relevant times, it was the written policy of NDHHS that:

a. It is vital to maintain a child's connection to his/her family while the child is in out-of-home care. Ensuring regular and quality parenting time maintains and supports the parent-child relationship. The importance of continuing the parent-child attachment and preserving the child's sense of belonging as a part of their family, community, and culture is necessary for the child and family's well-being.

b. For any ward in out-of-home placement, reunification will be the first permanency objective considered...Alternatives to reunification will be

considered only when the family has been given reasonable opportunities to reunify and those efforts haven't been successful.

c. Contact between the child and parent(s) is important for: maintenance of attachments and "primary family" role; validation for the parent(s) and child that both are continuing to work toward return home of the child; assurance to the child that he/she has not been abandoned or kidnapped; an opportunity for the parent(s) to observe and practice positive parenting skills.

d. When a child is in out-of-home placement and the case plan's permanency objective is reunification, a written visitation plan will be developed to maintain opportunities for regular contact between a child and her family. Frequent and regular contact between parent(s) and child(ren) is critical to reunification.

130. At all relevant times, the following "Visitation Plan Guidelines" were the written policy of NDHHS:

a. The worker will develop a written visitation plan identifying all parties' important role in establishing guidelines for visitation, and in assuring that visitation is successful for all family members and that all parties (parents, child, foster care providers, person supervising if not the foster care provider) understand their roles and responsibilities.

b. The visitation plan will address, but is not limited to such issues as: dates, times and location of visits; how arrangements will be made; who will be present; arrangements for monitoring or supervision, if any; plan for handling emergency situations; and, procedures for handling problems with visitation.

131. At all relevant times, NDHHS regulations (390 NAC 390 7.001.02; NDHHS Case Management for Child Abuse, Neglect and Dependency Guidebook) and policy (Protection and Safety Procedure #28-2016) required NDHHS, its employees, and designated agents to do the following regarding visitation between the parent and minor child in out-of-home placement situations:

a. Develop an individualized parenting time plan with the parent(s) within 48 hours of the child's removal from the home.

b. "Parenting time guidelines" provide for a minimum of two visits per week for children ages eight to nineteen.

c. The Parenting Time Plan will be documented in N-FOCUS-Visitation Plan.

d. Supervisory approval of any parenting time less than the "parenting time guidelines", will be documented by the supervisor (or designee) in N-FOCUS-Visitation Plan – Other Issues.

e. Determine the supervision level of parenting time and make efforts to safely decrease the level of supervision based on assessment of the child's safety and the child's needs, utilizing the information from the safety plan or parenting time sections of the SDM Reunification Assessment to evaluate supervision of parenting time.

132. From the date of removal of the children through the present, the State, NDHHS, NFC, White, Sheller, Smith, Winans, Richardson, Paul, Petzel, and Richey failed to create or implement a plan for visitation between Wang Anderson and the children which conformed to the aforementioned standards, policies, guidelines, regulations, or laws.

133. On information and belief, NFC, Christian Heritage, and KVC all had ongoing policies, practices, or customs of not following said regulations and policies regarding visitation and parental contact, of not properly or promptly developing visitation plans or encouraging family visitation, imposing burdensome and unnecessary conditions or restrictions on visitation, or not making timely, proper, or adequate referrals to service providers for visitation, all of which were unconstitutional.

134. NDHHS, NFC, Christian Heritage, KVC, White, Sheller, Smith, Winans, Richardson, Paul, Petzel, Richey, Derr, Reid-Hansen, and Hansen did not involve Wang Anderson, Dr. Wang, or either of the children to try to develop a workable plan for contact and visitation plan from the date of removal through the present. On information and belief, during the time period from October 8, 2013 through June, 2017, these Defendants also failed and refused to encourage X.C.W. or Y.C.W. to engage in contact or visitation with Wang Anderson or Dr. Wang, and made no efforts to ensure ongoing meaningful contact or communication of any kind between X.C.W. and her parents.

135. Although Y.C.W. and X.C.W. were both in ongoing therapy during that time period, the State, NDHHS, NFC, Smith, Winans, Richardson, Paul, Petzel, and Richey failed to require or request that resuming the children's contact with their parents be a goal of therapy.

136. All Defendants failed throughout the Juvenile Court proceeding to make any efforts to encourage or strengthen the parent-child relationship between Y.C.W. and Wang Anderson or between X.C.W. and Wang Anderson. "Parents retain a vital interest in preventing the irretrievable destruction of their family life." *Santosky v. Kramer*, 455 U.S. 745, 753, 102 S.Ct. 1388, 1395, 71 L.Ed.2d 599 (1982). Defendants' failures deprived Wang Anderson of that interest without Due Process.

137. On October 9, 2013, X.C.W. reported to NDHHS Family Engagement Specialist Nina Sheller that she: “feels safe with her mother and hopes to return to her home”. Wheeler, White, Sheller, Miller, Derr, and NDHHS all knew, or should have known of this information. On information and belief, Douglas County knew or should have known of this information. Despite this information, none of these defendants returned X.C.W. to Wang Anderson’s care or informed the Juvenile Court of the information.

138. On information and belief, between October 8, 2013 and October 31, 2013, Y.C.W. and X.C.W. were taken to Project Harmony for forensic and other examination, assessment, interviewing, or screening on one or more occasions. On information and belief, Project Harmony, Dr. Haney and Johnson failed to properly examine, assess, interview, screen or evaluate Y.C.W. or X.C.W., and negligently or deliberately failed to properly and accurately document, record, preserve or disclose their observations, findings, conclusions or results. On information and belief, no photographs or other recordings were made of the alleged injuries. If there were any such photographs or recordings, they were withheld and never disclosed by Project Harmony, Haney, Johnson, NDHHS, NFC, Douglas County, Schuchman, and other Defendants. On information and belief, Project Harmony, Dr. Haney, and Johnson departed from the applicable standard of care in their examination, assessment, interviewing, or screening of X.C.W. and Y.C.W. Said Defendants were deliberately indifferent to the serious health needs of these minor children and Wang Anderson. As a direct and proximate result of their actions, these Defendants violated the IVth, Vth and XIVth Amendment rights of X.C.W. and Wang Anderson.

139. On information and belief, Project Harmony had one or more practices, policies, usages, or customs that allowed incomplete, undocumented, unpreserved forensic assessment,

interviewing, examining, and investigating, which violated the the IVth, Vth, and XIVth Amendment rights of X.C.W. and Wang Anderson.

140. On information and belief, on October 10, 2013, based upon information provided to him by Wheeler, White, Sheller, and Miller, Deputy Douglas County Attorney Michael Cimino filed a Petition in the Separate Juvenile Court of Douglas County, Nebraska, styled as *In the Interest of Y.C.W. and X.C.W.*, JV13-1903, (hereinafter “Juvenile Proceeding”), alleging that Y.C.W. and X.C.W. came within the meaning of Nebraska Revised Statutes, 1943, Section 43-247(3a).

141. As to Wang Anderson, the Petition specifically alleged:

- A. Said children have been subjected to inappropriate and dangerous discipline by their mother, Catherine Wang Anderson;
- B. Catherine Wang Anderson has failed to provide said children safe, stable and/or appropriate housing;
- C. Catherine Wang Anderson has failed to provide proper parental care, support and/or supervision for said children;
- D. Catherine Wang Anderson was observed to be acting in a manner consistent with untreated mental health needs;
- E. Due to the above allegations, said children are at risk for harm.

142. On information and belief, the allegation that Wang Anderson “was observed to be acting in a manner consistent with untreated mental health needs” was made by Douglas County, through its deputy county attorneys, with no basis in fact, and without evidence of the same. This allegation harmed Wang Anderson throughout the proceedings.

143. As to Dr. Wang, the Petition specifically alleged:

- A. Bo Wang has failed to protect said children from inappropriate and dangerous discipline by their mother, Catherine Wang Anderson;
- B. Bo Wang has failed to provide said children safe, stable and/or appropriate housing;
- C. Bo Wang has failed to provide proper parental care, support and/or supervision for said children;
- D. Due to the above allegations, said children are at risk for harm.

144. The same day, on behalf of the State of Nebraska, Cimino filed a Motion for Temporary Custody in the Juvenile Proceeding dated October 10, 2013, along with an Affidavit for Removal of Juvenile(s) from Parental Custodial Home by Deputy Miller dated October 8, 2013; and an Affidavit for Removal of Minor Child from Parental/Custodial Home by Deputy Wheeler dated October 10, 2013. On October 10, 2013, without notice to Wang Anderson or Dr. Wang or a hearing, Judge Crnkovich rendered an ex parte Order for Immediate Custody which placed custody of Y.C.W. and X.C.W. with NDHHS for placement in foster care or other appropriate placement excluding the home of Wang Anderson or Dr. Wang.

145. In her October 10, 2013 Order for Immediate Custody, Judge Crnkovich found that “reasonable efforts were made to prevent removal”, but there was no evidence that efforts had been made to prevent removal of X.C.W. or Y.C.W., and in fact such efforts had been made. Judge Crnkovich’s October 10, 2013 Order violated or authorized the continued violation of Wang Anderson’s: a) statutory rights under 42 U.S.C. § 671(a)(15); and, b) Constitutional due process rights under the IVth, Vth and XIVth Amendments.

146. The first hearing in the Juvenile Proceeding was not held until October 18, 2013, eight days after entry of the ex parte order for temporary custody. The hearing was called a

“First Appearance and Protective Custody” hearing. Both Wang Anderson and Dr. Wang were present for the hearing, but Y.C.W. and X.C.W. were not.

147. To sustain the continued temporary custody of a child, the State must prove the requirements of Neb. Rev. Stat. §43-254 by a preponderance of the evidence. *In re Interest of Borius H. et al.*, 251 Neb. 397, 558 N.W. 2d 31 (1997). This low standard of proof is unconstitutional and violates the due process right of parents and children. The requirements of § 43-254 include showing that: a) continuation of the juvenile in his or her home would be contrary to the health, safety, or welfare of the juvenile; and, b) that reasonable efforts were made to preserve and reunify the family, if required under Neb. Rev. Stat. §43-283.01.

148. At the October 18, 2013 hearing, the State did not present, and Judge Crnkovich did not have any evidence establishing the requirements of Neb. Rev. Stat. §43-254, that: a) continuation of the juvenile in his or her home would be contrary to the health, safety, or welfare of the children; or b) that reasonable efforts were made to preserve and reunify the family; or c) that any exception to the requirement of reasonable efforts was applicable.

149. Judge Crnkovich did not make findings during or after the October 18, 2013 hearing that the requirements of Neb. Rev. Stat. § 43-254 had been met. Judge Crnkovich continued the removal of X.C.W. and Y.C.W. from Wang Anderson’s custody without evidence, due process, or judicial authority to do so.

150. At the October 18, 2013 hearing, Judge Crnkovich told Wang Anderson and Dr. Wang the following with respect to their due process rights to an immediate evidentiary hearing regarding continued foster care placement of the children:

As I was saying, the only issue today is whether the kids remain in foster care.

You, of course, have an absolute right to object to that or you can agree to it. It’s

up to you. But if you object to that temporary foster care placement, you have a right *today* to have a more formal hearing...

Wang Anderson requested such a hearing on that date, but Judge Crnkovich denied her the hearing, despite the fact that Judge Crnkovich had stated that Wang Anderson had the “right today to have a more formal hearing”.

151. Judge Crnkovich denied Wang Anderson and Dr. Wang a formal hearing on the issue of continued placement of the children in foster care until November 7, 2013, almost a month after the children’s removal. This delay was unreasonable and deprived X.C.W. and Wang Anderson of their familial liberty interests without Due Process.

152. The State, NDHHS, and Douglas County all failed to timely present any evidence to support the continued removal and placement in foster care of X.C.W. and Y.C.W., in violation of Wang Anderson’s right to due process. As a direct and proximate result, nearly one month passed after the entry of the ex parte temporary custody order before Wang Anderson or Dr. Wang were afforded any hearing related to their children’s continued removal and placement in foster care.

153. The State, NDHHS and NFC all failed to present a plan for visitation between X.C.W. and Wang Anderson and Dr. Wang, or between Y.C.W. and Wang Anderson and Dr. Wang, to the Juvenile Court at the October 18, 2013 hearing. As a result, the Juvenile Court did not order a meaningful or enforceable visitation plan at that hearing.

154. On October 28, 2013, Judge Crnkovich improperly appointed a guardian ad litem for Wang Anderson, *sua sponte*, without notice to Wang Anderson and without a hearing, and without defining or specifying the role the guardian ad litem was to serve. Judge Crnkovich did not specify the legal or factual basis for this appointment in her Order dated October 28, 2013.

Judge Crnkovich implicitly or expressly determined that Wang Anderson was incapacitated or incompetent by making this appointment. By appointing a guardian ad litem for Wang Anderson without notice, a hearing, or evidence, and by implicitly determining that Wang Anderson was incompetent to direct her own litigation in the Juvenile Proceeding, Judge Crnkovich denied Wang Anderson her Constitutional right to due process in the Juvenile Proceeding. Judge Crnkovich acted outside of all judicial authority when she appointed Wang Anderson a guardian ad litem and maintained that appointment for more than two years during the Juvenile Court proceeding.

155. During the pendency of the Juvenile Proceeding, two psychologists and a psychiatrist examined and evaluated Wang Anderson, and determined that she had no mental illness, other than adjustment disorder which was developed after, and as a result of the removal of her children.

156. Judge Crnkovich wrongfully caused a stigma of mental illness to attach to Wang Anderson by her October 28, 2013 order appointing her a guardian ad litem. Wang Anderson was prejudiced by the appointment of a guardian ad litem throughout the entire Juvenile Court proceeding.

157. On information and belief, during the time period from October 9, 2013 through October 31, 2013, Y.C.W. and X.C.W.'s mental and physical condition were not properly assessed, monitored, treated, documented, or reported by NFC, NDHHS, Smith, Winans, Reliable Rock, Treinen, Gurock, Derr, or Christian Heritage.

158. On information and belief, during that same time period, X.C.W. and Y.C.W. were not adequately monitored or supervised. On information and belief, between October 9, 2013 and October 31, 2013, X.C.W. and Y.C.W. began to show signs of mental, emotional, and

physical distress. Derr failed to timely report those signs to any health care provider. On information and belief, Christian Heritage, NDHHS, NFC, Smith, Winans, Reliable Rock, Gurock, and Treinen were also aware of these signs during that time period, and failed to timely and appropriately respond.

159. On information and belief, at all relevant times, all Defendants who provided mental health services, including Reliable Rock, Gurock, Treinen, Harrington, Beals, Parke, Beals, Boyles, Children's, Laureate Psychiatric, Ruma, Gunn, and Borer all had a duty to: a) not injure or harm their patients or clients, or the family members of their patients or clients; b) not make professional assessments, diagnoses, treatment recommendations, or opinions about an individual without first having seen or consulted with them, or without any other proper basis; c) involve the family of a patient or client in that patient or client's assessment, treatment planning, updating of a treatment plan, therapy and discharge planning; d) be "culturally competent"; e) provide all mental health services in a professional environment conducive to client confidentiality and privacy; f) to make and maintain accurate, complete, and truthful clinical records of all treatment provided to any current or prospective patient or client. On information and belief, the aforementioned duties were owed by said Defendants to any current or prospective patient or client and the immediate families of those patients or clients.

160. On information and belief, at all relevant times, Gurock was a supervising practitioner and had a duty to: a) develop, approve and supervise a patient or client's assessment and treatment plan, including a face-to-face assessment; b) direct patient care by reviewing and approving client specific treatment plans and progress notes within the timelines specified for each level of care, not to exceed 90 days; and, c) assure treatment provided met standards of care.

161. On information and belief, at all relevant times Treinen, Amededji, and Gunn were not eligible to practice or provide mental health services independently, and were required by law to have a supervising practitioner.

162. On information and belief, Treinen, Gurock, Amededji, and Reliable Rock provided therapeutic and other services to Y.C.W. between October 8, 2013 and March 31, 2015.

163. On information and belief, Treinen, Gurock and Reliable Rock attempted to provide therapeutic services to X.C.W. between October 8, 2013 and March 31, 2015, but she declined to accept those services.

164. On information and belief, on or about October 10, 2013, Reliable Rock, Gurock and Treinen agreed with NFC to provide therapeutic services for X.C.W. and Y.C.W.

165. On information and belief, on October 23, 2013, Reliable Rock, Gurock and Treinen began providing, or attempted to provide therapeutic services to Y.C.W. and X.C.W., at the foster home where both children were residing. Reliable Rock and Gurock assigned Treinen to be the sole therapist for both children, and Gurock was to be the practitioner supervising Treinen.

166. On information and belief, as of October 23, 2013, Reliable Rock, Gurock and Treinen all knew, or should have known, that Y.C.W. and X.C.W. needed to have separate therapists. Regardless, Reliable Rock and Gurock assigned Treinen to be the therapist for both children.

167. On information and belief, Reliable Rock, Gurock and Treinen conducted some part of their assessments of Y.C.W. and X.C.W. on October 23, 2013 with one or more third parties present.

168. On information and belief, Reliable Rock, Gurock and Treinen did not involve, or attempt to involve Wang Anderson in the assessment, treatment planning, updating of the treatment plan, therapy, or transition/discharge planning for either child, at any time, in breach of their duty to do so, and despite the fact that Wang Anderson repeatedly expressed her willingness to participate in any way necessary.

169. On or about October 23, 2013, Reliable Rock, Gurock and Treinen completed assessments, diagnoses, and treatment plans for X.C.W. and Y.C.W.

170. On information and belief, Reliable Rock, Gurock and Treinen prepared reports and other documents reflecting the services they provided or attempted to provide to X.C.W. and Y.C.W. on and after October 23, 2013.

171. On information and belief, Reliable Rock, Gurock or Treinen included in said reports and other documents one or more false statements that Y.C.W. had reported to Treinen that Wang Anderson had physically abused one or both of the children. In fact, Treinen testified under oath that Y.C.W. made no reports of physical abuse to Treinen.

172. On information and belief, Reliable Rock, Gurock or Treinen included in said reports and documents other false statements regarding X.C.W., Y.C.W. or Wang Anderson. These false statements included that said Defendants made certain observations of X.C.W. or Y.C.W., or received certain reports from X.C.W. or Y.C.W., which observations or reports formed the basis for the diagnosis of one or more mental health disorders.

173. On information and belief, Gurock and Treinen did not perform a proper or complete initial diagnostic interview or pretreatment assessment with X.C.W., on October 23, 2013 or at any other time. On information and belief, the assessment reports prepared on or about October 23, 2013 regarding X.C.W. do not reflect the actual observations or impressions

of Gurock and Treinen, but were instead copied and pasted from the reports regarding Y.C.W. On information and belief, Gurock and Treinen did not actually make the observations or receive the reports stated in the assessment reports regarding X.C.W. In fact, Treinen testified under oath that the conversation she had with X.C.W. “was very brief.”

174. During the initial diagnostic interview (IDI) and pretreatment assessment (PTA) of X.C.W. on October 23, 2013, X.C.W. kept saying to Gurock that “she wanted to be home”. Reliable Rock and Gurock omitted this information from her reports and did not disclose it to NDHHS, NFC, the Juvenile Court, Wang Anderson, or anyone else.

175. Reliable Rock, Gurock and Treinen knew, or should have known that their reports and documents would be distributed to third parties and or used as evidence in Juvenile Court proceedings regarding X.C.W., Y.C.W. and Wang Anderson.

176. On information and belief, Reliable Rock, Gurock and Treinen based their diagnoses, treatment plans, and recommendations for the minor children, at least in part, on false statements or symptoms that were not actually observed by or reported to said defendants.

177. On information and belief, on or about October 23, 2013, Reliable Rock, Gurock and Treinen diagnosed X.C.W. with one or more mental health disorders which were incorrect and without a proper basis, and without first conducting a proper and complete assessment of X.C.W.

178. On information and belief, on or about October 23, 2013, Reliable Rock, Gurock and Treinen diagnosed Y.C.W. with one or more mental health disorders which were incorrect and without a proper basis, and without first conducting a proper and complete assessment of Y.C.W.

179. The treatment recommendations made by Reliable Rock, Gurock, and Treinen on or about October 23, 2013 did not include any recommendation for family therapy between Y.C.W. and Wang Anderson.

180. Reliable Rock and Gurock recommended on October 23, 2013 that Y.C.W. should only participate in visitation with Wang Anderson “if she chooses to.” On information and belief, Treinen repeatedly told Y.C.W. that she had a “right to refuse” contact with Wang Anderson, and Reliable Rock, Treinen, and Gurock made no efforts to encourage Y.C.W. to have contact or communication with Anderson.

181. Reliable Rock and Gurock recommended on October 23, 2013 that X.C.W. should only participate in visitation with Wang Anderson “if she chooses to.” On information and belief, Treinen told X.C.W. that she had a “right to refuse” contact with Wang Anderson, and Reliable Rock, Treinen, and Gurock made no efforts to encourage X.C.W. to have contact or communication with Anderson, even though X.C.W. had reported that she “wanted to go home.”

182. On information and belief, on or before October 23, 2013, while in the care and custody of NDHHS, NFC, and Derr, X.C.W. was showing signs of distress, and was allowed to obtain large numbers of laxatives and other harmful diet medications or pills.

183. On or before October 23, 2013, Derr, Reliable Rock, Gurock, Trienen, NDHHS, NFC, Smith, Winans, and Christian Heritage knew or should have known that X.C.W. had obtained those medications or pills, and that X.C.W.’s possession of those medications or pills was dangerous to her.

184. Derr, Trienen, Gurock, Reliable Rock, NDHHS, NFC, Smith, Winans, and Christian Heritage all failed to timely seek immediate care and treatment, despite X.C.W.’s life-

threatening condition, or report this information to any medical provider, to X.C.W.'s parents, or to the Court.

185. On information and belief, between October 9, 2013 and October 31, 2013, X.C.W.'s mental and emotional condition deteriorated as a direct and proximate result of: a) failure of Derr, Christian Heritage, Smith, Winans, Trienen, NFC, and NDHHS to properly monitor and supervise X.C.W. and to timely report and respond to the signs X.C.W. was showing of mental, emotional, and physical distress and illness; and, b) Gurock and Reliable Rock's failure to disclose X.C.W.'s stated desire to return home and recommend that she be allowed to return to Wang Anderson's home.

#### **Admission to Children's Hospital Partial Program**

186. On information and belief, X.C.W. was sent to the Eating Disorders Program of Children's Hospital and Medical Center ("Children's Eating Disorders Program") on October 31, 2013.

187. On information and belief, Defendants Beals and Dr. Harrington did an intake and mental status assessment of X.C.W. on October 31, 2013. On information and belief, this was done without informed consent or notice to X.C.W.'s parents. On information and belief, Beals and Dr. Harrington failed to obtain and consider necessary information regarding X.C.W.'s developmental, family, and medical history before making diagnoses and recommendations for X.C.W. Beals and Dr. Harrington failed to obtain and consider X.C.W.'s health records and failed to consult with either her mother or her father regarding her health history. These failures constituted a departure from the standard of care by Beals and Dr. Harrington.

188. On information and belief, based on their October 31, 2013 assessment, Beals and Dr. Harrington formed diagnostic impressions and recommended that X.C.W. attend the Children's Eating Disorders Program.

189. On information and belief, prior to recommending such a high level of treatment, Beals and Dr. Harrington did not first offer or attempt to treat X.C.W. with a less restrictive level of treatment.

190. On information and belief, on or about October 31, 2013, X.C.W. was admitted to the partial hospitalization program part of the Children's Eating Disorders Program in Omaha, Nebraska by Dr. Harrington and Kara Beals, with the assent of NFC, Derr, and Smith. She was admitted to the Children's Eating disorders Program until about January 23, 2014. At all times when X.C.W. was admitted to this program, she was under the health care of Dr. Harrington and Beals. While she was admitted to this program, X.C.W. continued to reside with Derr and Y.C.W., but was physically present at the Children's Eating Disorders Program during most daytime hours.

191. On information and belief, the admission of X.C.W. to the partial hospitalization part of the Children's Eating Disorders Program isolated X.C.W. from her parents and from other normal social interactions, to the detriment of her health and well-being. On information and belief, her admission to and daily participation this program also caused X.C.W. to become excessively preoccupied with her nutrition, weight, appearance, and health, and distracted her from the normal age-appropriate occupations and responsibilities. As a proximate result of her admission to the partial hospitalization part of the Children's Eating Disorders Program, X.C.W.'s condition worsened.

192. At all relevant times, the Children's Eating Disorders Program treatment components included medical management, individual therapy, family therapy, group therapy, nutrition, and recreation therapy.

193. As of the time of X.C.W.'s admission to the partial hospitalization program, she had never been prescribed prescription medications other than antibiotics (on one occasion), and was not taking any prescription medications.

194. At all relevant times, family therapy was an "integral" part of an eating disorder patient's recovery, and was mandated by insurance companies if the patient was a minor. The standard of care for treatment of eating disorders required family therapy.

#### **Recommendations Regarding Children's Visitation With Wang Anderson**

195. On or about October 31, 2013, and thereafter, Treinen, Gurock and Reliable Rock communicated, in one or more forms, certain opinions, recommendations and assertions regarding the health and condition of X.C.W. and Y.C.W. and regarding their contact and visitation with Wang Anderson, including recommending placing unworkable and restrictive conditions on any visitation between X.C.W., Y.C.W. and Wang Anderson. These opinions, recommendations and assertions were included in one or more letters, reports, or other documents authored by said Defendants on or about October 31, 2013, and thereafter.

196. On information and belief, said Defendants delivered these communications to the State of Nebraska, the Nebraska Department of Health and Human Services ("NDHHS"), and Nebraska Families Collaborative, and knew or should have known that these communications would be used in the Juvenile Court proceeding or otherwise to limit, suspend, prevent or disallow contact or communication between Y.C.W. and Wang Anderson, and between X.C.W. and Wang Anderson.

197. As a direct and proximate result of one or more of these communications, on November 7, 2013, NDHHS made a recommendation to the Juvenile Court that all visitation between X.C.W. and Y.C.W. and Wang Anderson should be therapeutic in nature, and the Juvenile Court then imposed such a limitation. But for said communications by said Defendants, NDHHS would not have made such a recommendation, and the therapeutic limitation on visitation would not have been imposed. Therapeutic visits were in fact contingent on the availability and terms and conditions set by the therapist selected by NFC, NDHHS, Smith, and Winans, and were few.

198. On or about November 13, 2013, Treinen, Gurock and Reliable Rock communicated, in one or more forms, certain opinions, recommendations or assertions regarding the health and condition of Y.C.W. and regarding her contact and visitation with Wang Anderson, which had no basis in fact. These opinions, recommendations or assertions were included in one or more letters, reports, or other documents authored by said Defendants on or about November 13, 2013.

199. On information and belief, said Defendants delivered these communications to the State of Nebraska, the Nebraska Department of Health and Human Services (“NDHHS”), and Nebraska Families Collaborative, and knew or should have known that these communications would be used in the Juvenile Court proceeding or otherwise to further limit, suspend, prevent or disallow contact or communication between Y.C.W. and Wang Anderson.

200. As a direct and proximate result of said November 13, 2013 communications, Wang Anderson was further prevented from having contact or communicating with Y.C.W., and was also further prevented from being involved or participating therapy with Y.C.W. or in the care and treatment of Y.C.W.

201. On information and belief, said communications were improperly made and did not conform to the standards of acceptable and prevailing practice for mental health service providers or social workers. Said communications were false, misleading or without proper basis in fact, were likely to deceive or defraud the public, were detrimental to the public interest, and ignored and worsened a foreseeable risk: a) of harm to the family integrity of Wang Anderson and her children and to Wang Anderson's relationships with her children; b) of unreasonably prolonging the seizure of Wang Anderson's children from her; and, c) of efforts at reunification failing.

202. On information and belief, between October of 2013 and March of 2015, Reliable Rock and Treinen provided therapy and other services to Y.C.W. in a public environment and not in a professional environment conducive to client confidentiality and privacy of Y.C.W. and Wang Anderson.

203. On information and belief, during therapy sessions or other discussions with Y.C.W. between October 23, 2013 and March 31, 2015, Reliable Rock, Gurock and Treinen suggested, approved, encouraged, or condoned certain ways of life, behaviors or actions that were inappropriate, morally corruptive, harmful and detrimental to the health, safety, or welfare of Y.C.W. and which interfered with Wang Anderson's parental rights.

204. On information and belief, between October 23, 2013 and March 31, 2015, Treinen made, offered, or testified to one or more opinions regarding terminating or suspending the parental rights of Wang Anderson as to Y.C.W. On at least one occasion in 2014, Defendant Treinen provided testimony in the Juvenile Court proceeding that she supported "no further contact" between Y.C.W. and her parents, and that she thought termination of Wang Anderson's parental rights as to Y.C.W. was in Y.C.W.'s best interest. Said opinions were improper;

without any basis in fact; harmful to Wang Anderson and her children; and caused Wang Anderson to be denied a fair hearing in the Juvenile Court proceeding.

205. Family therapy was not offered or provided to X.C.W. and her parents from October 31, 2013 through January 23, 2014.

206. At all relevant times, the continuum of care for the Children's Eating Disorders Program included outpatient services, partial hospitalization and evening outpatient.

207. On information and belief, Children's Hospital, Dr. Harrington and Beals could have provided X.C.W. with the appropriate standard of care for the symptoms of October 31, 2013 through outpatient services or evening outpatient care, rather than immediately recommending the more restrictive and isolating partial hospitalization.

208. On information and belief, Children's Hospital and Medical Center, Dr. Harrington and Beals admitted X.C.W. to the partial hospitalization part of the Children's Eating Disorders Program over her initial objection and without first obtaining proper informed voluntary consent, in violation of X.C.W.'s Constitutional right to have her parents make decisions with regard to her health care and in violation of the right of Wang Anderson and Dr. Wang to direct the health care of X.C.W.

209. On information and belief, neither Derr, nor Smith, nor Winans, nor NFC had authority to consent to health care for X.C.W. at any time. NHHHS did not have authority to consent to the hospitalization of X.C.W. or her admission to the Children's Eating Disorders Program.

210. Neither Wang Anderson nor Dr. Wang were consulted with, informed about or consented to the admission of X.C.W. to the Children's Eating Disorders Program.

211. Neither Wang Anderson nor Dr. Wang were consulted with, were informed about or consented to X.C.W.'s school attendance being suspended, altered, or discontinued on or after October 31, 2013.

212. On information and belief, X.C.W. attended Millard West until she was admitted to the Children's Eating Disorders Program.

213. As a direct and proximate result of her admission to the Children's Eating Disorders Program, X.C.W. did not attend school from October 31, 2013 through January 23, 2014. On information and belief, NDHHS, NFC, Winans, Smith and Derr failed to ensure that X.C.W. was attending school or was a full-time student during that time period, and failed to retrieve and deliver school work for X.C.W. on a timely and regular basis. In fact, the admission of X.C.W. to the Children's Eating Disorders Program proximately caused her to fail her classes at Millard West during the 2013 fall semester.

214. Wang Anderson offered on numerous occasions to retrieve and deliver X.C.W.'s school assignments to her and deliver them to the school upon completion of work, but those offers were all declined by NDHHS, NFC, Smith and Winans, and those Defendants accused Wang Anderson of being controlling.

215. On information and belief, NDHHS, NFC, Smith and Winans all failed to ensure that X.C.W. attended school during the 2014 spring semester. In fact, X.C.W. did not attend school during the 2014 spring semester and did not complete classes for that semester.

216. As a direct and proximate result of her admission to the Children's Eating Disorders Program, X.C.W. was denied her right to education and her liberty was restrained.

217. At all relevant times, the educational rights of Wang Anderson and Dr. Wang with respect to X.C.W. and Y.C.W. were intact and never suspended or terminated.

218. As a direct and proximate result of X.C.W.'s admission to the Children's Eating Disorders Program, Dr. Harrington, Beals, NFC, Smith, NDHHS, and Derr violated the Constitutional right of Wang Anderson and Dr. Wang to direct X.C.W.'s education.

219. On November 6, 2013, White stated in a series of letters to Wang Anderson that: a) NDHHS had completed its investigation regarding the report alleging physical abuse of Y.C.W. and her role in the alleged incident, and determined that the allegation would be considered "Unfounded"; and b) NDHHS had completed its investigation regarding the report alleging emotional abuse of Y.C.W. and her role in the alleged incident, and determined that the allegation would be considered "Unfounded".

220. On November 7, 2013, 28 days after removal, a protective custody (detention) hearing was held in the Juvenile Proceeding. Wang Anderson and Dr. Wang were present, but neither Y.C.W. nor X.C.W. was present at the detention hearing. Following the hearing, Judge Crnkovich ordered that Y.C.W. and X.C.W. remain in the temporary custody of NDHHS.

221. At the November 7, 2013 hearing, neither the State nor NDHHS presented any evidence regarding the issue of parental visitation with the minor children. At that hearing, and without prior notice to Wang Anderson or Dr. Wang, NDHHS attorney Carla Heathershaw-Risko asked that "all contact with the parents be therapeutic in nature." Although she did not present any evidence in support of this recommendation, Risko stated that "The visitations have been supervised and have had to end early due to continued inappropriate behavior by Ms. Wang Anderson at those visits, including pressuring the girls and making them feel guilty about the fact that this case is involved with the Juvenile Court."

222. On information and belief, Risko's statement was false, inaccurate, and misled the Court.

223. On or about November 7, 2013, based upon Risko's representation, Judge Crnkovich ordered that Wang Anderson "shall have reasonable rights of therapeutic visitation as arranged by the Nebraska Department of Health and Human Services."

224. On information and belief, there was no proper basis for the November 7, 2013 NDHHS recommendation stated by Risko.

225. Judge Crnkovich's order for "therapeutic" visitation was an improper delegation of a matter for constitutionally authorized judicial determination, in at least two respects. First, arrangement of the "therapeutic" visitation was left to the discretion of NDHHS. The Nebraska Juvenile Code does not authorize NDHHS to determine or place restrictions on parental visitation rights. Parental visitation rights, as a subject within the Nebraska Juvenile Code, are matters for judicial determination. *In re Interest of C.A.*, 235 Neb. 893, 900, 457 N.W.2d 822 (1990). Second, the commencement, occurrence, or non-occurrence of visitation was subject to and conditioned upon the availability and approval of a therapist, presumably to be chosen by NDHHS. Not only was this an improper delegation of a matter for judicial determination to an undetermined and unknown therapist, it also implicitly required Wang Anderson to submit to mental health services prior to adjudication, which the Court did not have jurisdiction to do.

226. NDHHS, NFC, Winans, Smith and Risko knew that requesting such a condition was contrary to NDHHS policy as there was no such thing as "therapeutic" visitation provided in its policies. (See Case Management for Child Abuse, Neglect and Dependency Cases Guidebook, page 30) These defendants also knew or should have known that visitation between the children and their parents would not occur or would be delayed as a direct result of the condition that the visits be therapeutic in nature.

227. Requesting and imposing such a limitation on Wang Anderson's visitation rights was a barrier to reunification created by NDHHS, Risko, NFC, Smith and Winans. This limitation led to delayed and infrequent visitation and contact between the children and Wang Anderson, which was foreseeable to NDHHS, Risko, NFC, Smith and Winans at the time the recommendation for "therapeutic visitation" was made to the Juvenile Court.

228. On information and belief, NDHHS, NFC, Risko, Winans, and Smith did not make a referral for, or otherwise coordinate or arrange for therapeutic visitation between X.C.W. and Wang Anderson or between X.C.W. and Dr. Wang in a timely fashion.

229. From November 7, 2013 through January 23, 2014, Wang Anderson's visits with X.C.W. were supervised by therapist Beals and took place at the Children's Eating Disorder Program. These visits were provided to X.C.W. and Wang Anderson less than once per week during that time period, largely due to the unavailability of Beals or other therapist to supervise the visits.

230. From November 7, 2013 through January 23, 2014, Wang Anderson was not allowed by NDHHS, NFC, Smith, Winans, Children's, Harrington, Derr, Beals, or Vance to see or visit with X.C.W. during the following holidays: Thanksgiving of 2013, Christmas of 2013, New Year's Day of 2014, or the Chinese New Year of 2014.

231. During that time period, Children's, Beals, Vance, and Dr. Harrington interfered with the visits between X.C.W. and Wang Anderson, and with efforts toward reunification, without Due Process, in the following respects: a) requiring Wang Anderson's court-appointed guardian ad litem to be present for all visits; b) requiring X.C.W.'s guardian ad litem to be present for all visits or family therapy; c) causing or allowing frequent interruptions to visits; d) not giving sufficient notice to Wang Anderson of visits; and e) speaking for, interrupting, or not

allowing X.C.W. to speak for herself when communicating with Wang Anderson during visits; and, f) placing other unworkable or impossible restrictions on visits or family therapy.

232. By requiring Wang Anderson's guardian ad litem to be present for all visits with X.C.W., Children's, Beals and Dr. Harrington communicated to X.C.W. that Wang Anderson was not mentally fit to have visits with X.C.W. by herself, causing further deterioration of the parent-child relationship between Wang Anderson and X.C.W.

233. Treinen provided therapy services for Y.C.W. from October, 2013 through May, 2014. On information and belief, during that time period, Treinen did not encourage Y.C.W. to engage or participate in contact or communication with Wang Anderson or Dr. Wang, which was contrary to reunification. On information and belief, during that time period, Treinen repeatedly informed Y.C.W. that she had a "right to refuse" visitation with her parents, and Treinen supported her right to refuse, rather than encouraging Y.C.W. to engage or participate in contact or visitation with Wang Anderson and Dr. Wang.

234. On information and belief, Treinen did not provide any services to X.C.W. between October, 2013 and May, 2014. On information and belief, Treinen improperly rendered an opinion in October, 2013 which suggested limitations on visitation between Wang Anderson and X.C.W., and which was a proximate cause of Risko recommending that visitation between Wang Anderson and X.C.W. be therapeutic. As Treinen had never provided services to X.C.W., she had no basis in fact from which to form an opinion.

235. Between October 9, 2013 and January 23, 2014, Wang Anderson repeatedly asked NDHHS, NFC, Smith, and Winans to provide her additional visits with X.C.W. Wang Anderson even offered to pay the cost of an additional therapist to supervise the visits. NDHHS, NFC, Smith and Winans all failed to respond to Wang Anderson's requests, and did not provide

additional visits during that time period. On information and belief, even X.C.W.'s health care providers had recommended or approved additional visitation between X.C.W. and Wang Anderson during that time period.

236. On information and belief, the mental health of Y.C.W. declined between October 31, 2013 and January 23, 2014. While Y.C.W.'s mental health was declining, X.C.W. was residing with her. Exposure of X.C.W. to Y.C.W.'s declining mental state between October 13, 2013 and January 23, 2014 proximately caused X.C.W. to suffer from serious anxiety.

237. On information and belief, between October 31, 2013 and January 23, 2014, Dr. Harrington and Beals learned that Y.C.W.'s mental health was declining, and that X.C.W.'s exposure to Y.C.W.'s declining mental health while at Derr's home had caused X.C.W.'s mental and emotional health to decline.

238. On information and belief, between October 31, 2013 and January 23, 2014, Dr. Harrington or Beals informed NDHHS, NFC, Winans, and Smith of the negative impact of Y.C.W.'s declining mental health on X.C.W., and recommended to them that X.C.W. be placed in a different foster home from Y.C.W.

239. On information and belief, NDHHS, NFC, Winans, and Smith were aware that exposing X.C.W. to Y.C.W.'s declining mental health between October 9, 2013 until January 23, 2014 was harming X.C.W., and said Defendants did not take steps to remove X.C.W. from the placement and situation in Derr's home.

240. On December 10, 2013, a Case Settlement Conference was held in the Juvenile Proceeding. At that time, the adjudication hearing was scheduled to begin on March 12, 2014, approximately five (5) months after the minor children were removed from the care and custody of Wang Anderson.

241. Neb. Rev. Stat. § 43-278 generally requires that all cases filed under Neb. Rev. Stat. § 43-247(3) must have an adjudication hearing not more than 90 days after the petition is filed. The court may only continue the case beyond the 90-day period upon a showing of good cause. No showing of good cause for continuance was made by the State of Nebraska or any other party to the Juvenile Proceeding, and Judge Crnkovich failed to make a finding of good cause when she set the adjudication hearing for March 12, 2014. Judge Crnkovich denied Wang Anderson due process by failing to order and hold a timely adjudication hearing.

242. On information and belief, in November, 2013, Dr. Harrington recommended and prescribed the drug Zoloft for X.C.W. X.C.W. began taking Zoloft shortly thereafter. Neither Dr. Harrington, Beals, Children's nor any other health care provider informed Dr. Wang or Wang Anderson regarding the Zoloft recommendation before it was prescribed for and administered to X.C.W. Neither Dr. Wang nor Wang Anderson gave consent to X.C.W. taking the drug Zoloft; they both disagreed with and objected to it. On information and belief, X.C.W. stated her disagreement with being treated by Zoloft. On information and belief, Dr. Harrington prescribed Zoloft for X.C.W. and Children's and Derr administered it to her without obtaining voluntary informed consent.

243. On December 11, 2013, Wang Anderson informed Nance of her concern and objection to medicating X.C.W. with Zoloft. On information and belief, Nance failed and refused to investigate or otherwise respond to these concerns regarding medication.

244. On information and belief, Bhatia, Alegent Creighton Clinic, or CHI Health Clinic – Psychiatric Associates provided psychiatric or other health services to Y.C.W. from December, 2013 through the present. The services and care these Defendants provided to Y.C.W. did not meet the applicable standard of care, and these Defendants interfered with the familial liberty

interests of Wang Anderson and Y.C.W., in the following respects: a) failing to conduct a proper psychiatric evaluation; b) improperly diagnosing Y.C.W.; b) not recommending psychological testing of Y.C.W. prior to formulating diagnoses and a treatment plan; c) not obtaining or considering a family or developmental history of Y.C.W. from Wang Anderson or from anyone else as part of the evaluation; d) failing to promptly recommend or arrange for timely psychological testing; e) failing to encourage Y.C.W. to have contact or communication with Wang Anderson; f) not reporting to NDHHS, NFC, Richardson, Winans, Wang Anderson, that Y.C.W. was continuing to have inappropriate contact with Heys; i) failing to recommend or encourage family therapy or visitation between Y.C.W. and Wang Anderson; and, j) failure to divulge or report that Y.C.W. was involved in inappropriate activities with other youth while she was at the Owens Center and failing to recommend that she not attend the Owens Center.

245. On information and belief, NDHHS, NFC, Christian Heritage, and Derr failed to timely arrange for or see to the prompt completion of a psychological evaluation of Y.C.W., which had been recommended by Dr. Bhatia.

246. On information and belief, Derr, Hansen, and Reid-Hansen, on one or more occasions, interfered with parental contact between X.C.W. or Y.C.W. and their parents from October 8, 2013 through June, 2017, at various times. On information and belief, Derr, Hansen, and Reid-Hansen were permitted to supervise and control parental contact or communication between X.C.W. or Y.C.W. and their parents, pursuant to unconstitutional policies, practices, customs, or usages of NDHHS, NFC, KVC, or Christian Heritage. On information and belief, NDHHS, NFC, KVC, or Christian Heritage were complicit in this interference.

247. On December 17, 2013, therapist Beals stated to Wang Anderson: "I am unable to provide any additional therapeutic visits/therapy sessions other than those scheduled, at this time.

My availability for the foreseeable future will only allow for me to have one therapeutic session/visit per week.”

248. Due to serious, life-threatening decline in X.C.W.’s health, on December 20, 2013, Martin Harrington, M.D., recommended that X.C.W. be transferred immediately to an inpatient eating disorder program to allow for more intensive monitoring and treatment to address her eating disorder and anxiety symptoms. Dr. Harrington opined that it would be essential for X.C.W.’s success “that the program have expertise in addressing her anxiety via appropriate therapy techniques and family issues through family therapy as well as addressing and monitoring her eating disordered behaviors aggressively.” On December 27, 2013, Dr. Harrington specifically recommended placement at one of the following facilities: Brandywine Hospital in Coatsville, Pennsylvania; Roger’s Memorial Hospital in Oconomowoc, Wisconsin; and Children’s Medical Center in Plano, Texas.

249. On information and belief, X.C.W.’s condition had become life-threatening as early as December 20, 2013, because she had not been eating and had very limited fluid intake for four days, while in Derr’s care. X.C.W. was admitted to the emergency room on or about December 25, 2013 because she had fainted and lost consciousness. On information and belief, X.C.W. was not properly supervised while in Derr’s care. X.C.W. was found lying on the hard bathroom floor unconscious. X.C.W. was released back to Derr’s care even though Dr. Harrington had warned that X.C.W. needed to be transferred to inpatient 24/7 care.

250. As of December 31, 2013, neither NDHHS, NFC, Nance, Winans, Smith nor any of their respective employees, agents, or designees had made efforts for X.C.W. to be placed at any of the three recommended facilities (Brandywine, Pennsylvania; Roger’s Memorial, Wisconsin;

or, Children's Medical Center, Texas), or made any other efforts to provide X.C.W. with proper health care, notwithstanding the life-threatening condition she was in.

251. On December 31, 2013, based on the written recommendations of Dr. Harrington, Wang Anderson filed a Motion in the Juvenile Court requesting an order directing NDHHS and NFC to seek immediate placement of X.C.W. for inpatient treatment at Children's Medical Center in Plano, Texas or other facility approved by Dr. Harrington.

252. During the time period between October 8, 2013 and the present, necessary and appropriate health care and other necessary services have not been coordinated, arranged, or provided for X.C.W. or Wang Anderson or Dr. Wang in a timely manner by NFC, NDHHS, Little, Nance, Smith, Winans, Richardson, Paul, Petzel, Richey, or Dr. Harrington. Wang Anderson repeatedly had to contact providers directly to request necessary services for X.C.W. in order to get those services arranged. On information and belief, but for Wang Anderson's persistent requests and contacts, many of those services would not have been arranged at all.

253. The Juvenile Court heard Wang Anderson's Motion regarding inpatient treatment on January 9, 2014. NDHHS, NFC, Nance, Smith and Winans failed to even make application for placement of X.C.W. at any of the three facilities recommended by Harrington until January 9, 2014, which was two weeks after Dr. Harrington's recommendation was made. Although NDHHS, NFC, Nance, Smith, Winans and their respective employees, agents and designees were aware of the three facilities recommended by Dr. Harrington, application was made to only one facility, the facility in Wisconsin (which was known to be not suitable due to an age limitation) on that date. No application was made to Children's Medical Center in Plano, Texas, despite the fact that the Plano facility was in close proximity to Dr. Wang's usual residence and more conducive to including him in family therapy.

254. Despite the fact that Judge Crnkovich knew from Wang Anderson's motion and evidence at the January 9, 2014 hearing that X.C.W.'s condition was so extremely dangerous that she needed to be transferred to an inpatient eating disorder facility immediately, Judge Crnkovich denied Wang Anderson's December 31, 2013 Motion.

255. In her order of January 10, 2014, Judge Crnkovich sought input from NDHHS and the "mental health professionals" as to whether the current level of supervision of Wang Anderson's visits was appropriate, and whether other visitation arrangements would better serve the children's needs.

256. On January 15, 2014, therapist Beals confirmed that X.C.W. had stated to her that "she enjoys the visits with her mother". Beals recommended "one (1) therapeutic visit a week (supervised by a therapist, as well as Teresa Nutzman, Catherine Wang Andersons, GAL) as well as one (1) supervised visit a week to be supervised by a visitation specialist provided by the state."

257. On or about January 15, 2014, Beals stated in an email to Risko: "I also believe it is in the pts best interest that family therapy occur. Family Therapy is an integral part of the pts recovery, and is mandated by most insurance companies if the pt. is a minor. If this cannot be done due to the case being in the pre-adjudication phase, I believe a meeting between a therapist, the pt., the pts mother and the pts mother GAL, is beneficial to discuss the pts progress in the program, to help aide in improving the communication between the pt. and her mother, as well as to discuss any concerns regarding the eating disorder treatment that the pt. is receiving."

258. The ongoing failure and refusal by NDHHS, NFC, Risko, Smith, and Winans to provide family therapy to X.C.W. and her parents was detrimental to and cause the decline in X.C.W.'s health; excluded Wang Anderson and Dr. Wang from participating in X.C.W.'s health

care; was a barrier to reunification and to improving communication between X.C.W. and her parents; and prevented Wang Anderson and Dr. Wang from being aware of and involved in X.C.W.'s care.

259. A hearing was held in the Juvenile Proceeding on January 16, 2014. At that hearing, the Court received evidence which included a letter by Wang Anderson, and correspondence and letters from Dr. Harrington, Therapist Kara Beals, and NFC Family Permanency Specialist Supervisor Evan Winans regarding visitation between Wang Anderson and X.C.W. The evidence received at that hearing did not include a visitation or parenting time plan prepared by NDHHS, NFC, Nance, Winans, or Smith. After receiving that evidence, Judge Crnkovich ordered a specific plan for visitation between Wang Anderson and X.C.W., which included "one therapeutic session per week and 2-3 visits per week supervised by an experienced Family Support Worker" in her Order dated January 29, 2014.

260. As all of the evidence demonstrated at the January 16, 2014 hearing, X.C.W. and Wang Anderson were deprived of meaningful and crucial time together, contact and communication, for more than two (2) months, as a direct and proximate result of: a) the failure of NDHHS, White, Sheller, NFC, Nance, Winans, and Smith to prepare or implement a proper visitation plan; and b) the impossible November 7, 2013 recommendation by Risko and NDHHS that visitation be "therapeutic in nature".

261. As of October 9, 2013 and thereafter, NDHHS, NFC, Nance, Winans, Smith and their respective employees, agents, and designees knew that frequent visitation between X.C.W. and each of her parents was essential to X.C.W.'s reunification with her parents, and that a written individualized parenting time or visitation plan was required by applicable law, regulations, and policies. As of October 31, 2013, NDHHS, NFC, Children's, Dr. Harrington,

Beals, Winans, Smith and their respective employees, agents, and designees knew, or should have known, that family therapy was an “integral” part of X.C.W.’s recovery from her eating disorder and the standard of care for such a disorder.

262. On information and belief, between January 1, 2014 and March 31, 2015, Reliable Rock and Amededji provided “family support worker” services to Y.C.W. or X.C.W.

263. On information and belief, Amededji improperly provided therapy services to Y.C.W. for some period of time while he was not assigned as her therapist, and without the supervision required by law.

264. After Reliable Rock and Amededji had provided “family support worker” services to Y.C.W., Gurock assigned Amededji as the therapist to provide therapy for Y.C.W. Following said assignment, Amededji provided additional therapy for Y.C.W. for some of the time period between January 1, 2014 and March 31, 2015.

265. It was improper and contrary to the standard of care for Reliable Rock and Amededji to provide therapy services to Y.C.W. while he was, and after he had been her family support worker, and after another Reliable Rock therapist, Treinen, had failed to maintain a proper relationship with Y.C.W.

266. On information and belief, Reliable Rock and Gurock failed to ensure that Amededji was properly supervised while providing therapy services to Y.C.W.

267. On information and belief, Reliable Rock and Amededji deliberately and intentionally interfered with communications or contact between Y.C.W. and Wang Anderson and between Y.C.W. and Dr. Wang, between October of 2013 and March of 2015, whereby depriving them of their parental liberty interests without due process.

### **X.C.W.'S Placement at Laureate Psychiatric Hospital Program**

268. On January 23, 2014, NDHHS filed a Notice of Change of Placement which stated that X.C.W.'s placement was being changed from foster care with Sonia Derr in Omaha, Nebraska to inpatient hospitalization at the Laureate Psychiatric Hospital Eating Disorder Program ("Laureate") in Tulsa, Oklahoma. In fact X.C.W. was placed at Laureate in Tulsa, Oklahoma on or about that date.

269. Between January 23, 2014 and February 7, 2014, X.C.W. called Wang Anderson by telephone and talked with her nearly every evening under supervision. This communication was determined by supervising nurses to be very appropriate.

270. Between January 23, 2014 and February 7, 2014, X.C.W. was also communicating frequently with her sister, Y.C.W. On information and belief, these communications between X.C.W. and Y.C.W. were interfering with X.C.W.'s participation in treatment while at Laureate, which staff at Laureate was aware of.

271. At all relevant times, NDHHS, NFC, Laureate, Parke, Smith, Winans, Nance and their respective employees, agents and designees had an ongoing duty to ensure, protect, and maintain the safety, health, and welfare of the minor children in their care, including Y.C.W. and X.C.W.

272. At all relevant times, NDHHS, NFC, Smith, Winans, Nance and their respective employees, agents and designees had an ongoing duty to provide Wang Anderson and Dr. Wang with a reasonable opportunity to reunify. This duty included an obligation to make ongoing efforts to ensure frequent and regular contact between X.C.W. and each of her parents. A clear, written plan for visitation was essential to these efforts, especially when X.C.W. was being

transferred out of state to a totally new environment in the care of staff not familiar with the ongoing family situation.

273. On January 23, 2014, NDHHS, NFC, Smith, Winans, Nance and their respective employees, agents and designees had a duty to inform Laureate Psychiatric staff that: a) family therapy was an “integral” part of X.C.W.’s treatment of, and recovery from her eating disorder; b) that the current and sole permanency objective was reunification with X.C.W.’s parents; and, c) that providing X.C.W. with regular and frequent contact with her parents was critical to reunification. At that time, NDHHS, NFC, Smith, Winans and their respective employees, agents and designees had a duty to provide Laureate Psychiatric Hospital and its Eating Disorder Program staff with a clear written plan regarding parental visitation or parenting time and other communication regarding X.C.W.’s care and progress. NDHHS, NFC, Smith, Winans and their respective employees, agents and designees failed and refused to prepare or provide such a plan to Laureate.

274. On information and belief, NDHHS, NFC, Smith, Winans, Nance and Risko all failed to provide Laureate Psychiatric staff with a copy of the January 29, 2014 Juvenile Court order in which Judge Crnkovich provided: “that Catherine Wang Anderson and X.C.W. Wang a.k.a. X.C.W. Wang shall have one therapeutic session per week and 2-3 visits per week supervised by an experienced Family Support Worker.”

275. As a direct and proximate result of the failure of NDHHS, NFC, Risko, Winans, and Smith to provide a written visitation plan or a copy of the January 28, 2014 Juvenile Court Order to Laureate Psychiatric Staff, meaningful, effective and successful visitation, communication, or contact between X.C.W. and her parents at Laureate Psychiatric was never implemented or achieved. This created a barrier to reunification, caused further deterioration of

the relationship between X.C.W. and each of her parents, and foreclosed Wang Anderson and Dr. Wang from having a reasonable opportunity to reunify with X.C.W.

276. As of January 23, 2014, Dr. Harrington and Kara Beals had a duty to inform Laureate Psychiatric staff of the integral importance of family therapy, and that one or both of them had recently recommended family therapy including X.C.W. and one or both of her parents.. On information and belief, they did not provide Laureate Psychiatric staff with such information.

277. On information and belief, weekly family therapy was a standard and critical component of the Laureate Psychiatric eating disorder treatment program at all relevant times. In fact, the prevailing standard of care for inpatient and other eating disorder treatment at all relevant times included weekly family therapy.

278. NDHHS, NFC, Smith, Winans, Parke, and Dr. Harrington failed to arrange, coordinate or provide timely and appropriate family therapy including X.C.W. and either of her parents during the time period when X.C.W. was placed at Laureate Psychiatric hospital.

279. As a direct and proximate result of these failures by NDHHS, NFC, Smith, Winans, Parke, and Dr. Harrington, effective family therapy was not provided to X.C.W. while she was at Laureate, to the detriment of her health, safety and welfare, and to the detriment of her relationships with her parents.

280. On January 28, 2014, Deputy Douglas County Attorney Amy Schuchman filed a Supplemental Petition in the Juvenile Proceeding, seeking to terminate the parental rights of Dr. Wang with respect to Y.C.W. and X.C.W., and an Amended Petition in the Juvenile Proceeding, seeking to terminate the parental rights of Wang Anderson with respect to Y.C.W. and X.C.W.

281. On information and belief, upon her arrival to Laureate, X.C.W. was assessed by Laureate Psychiatric medical staff.

282. On information and belief, NDHHS, NFC, Winans, Smith, Dr. Harrington, and Beals all failed to provide Laureate Psychiatric staff with accurate or sufficient information regarding X.C.W.'s parents.

283. On information and belief, at all relevant times, it was the policy of Laureate Psychiatric to communicate with a patient's family members upon admission. On information and belief, neither Parke nor any other Laureate Psychiatric staff communicated with Wang Anderson or Dr. Wang regarding X.C.W. as part of their assessment of "family concerns".

284. From about January 24, 2014, for nearly two weeks, X.C.W. had some limited contact with Wang Anderson and Dr. Wang. Both Wang Anderson and Dr. Wang were invited and had planned to attend "Family Week" and to visit X.C.W. in person.

285. At all relevant times, Laureate Psychiatric hosted a monthly "Family Week" – a three-day family involvement and education program. Family Week included: a) a comprehensive review of eating disorders including the history, misconceptions and detailed explanations of each illness as well as an overview of how the brain is affected by an eating disorder; b) an overview of medical and psychiatric considerations in the treatment of eating disorders, including how malnutrition affects the body as well as co-occurring conditions like depression, anxiety and obsessive-compulsive disorder; c) a thorough discussion of nutrition therapy for eating disorders. *Adolescent parents will be educated about the "exchange" system in preparation for their daughter's discharge;* d) a presentation to help families understand how to navigate their insurance company and how to advocate for themselves; e) an in-depth explanation of the philosophy and day-to-day activities of the adolescent and adult programs; f)

support groups for family members and loved ones including a separate support group for men and women; g) the opportunity to ask patients questions without your loved one being present.

286. Parke began providing therapy to X.C.W. about one week after admission. Prior to commencing therapy with X.C.W., Parke did not review any health records regarding X.C.W. from her prior hospitalizations. On information and belief, as of March 7, 2014, Parke had not reviewed any records from X.C.W.'s prior hospitalizations, and the only health records regarding X.C.W. that Parke had reviewed as of that date were records of assessment and care of X.C.W. while she had been at Laureate.

287. On or about February 6, 2014, Parke wrote a letter regarding X.C.W.'s contact with her parents. In her letter, Parke gave the following opinion: "At this time I believe contact with parents is counterproductive. Whether intentional or not they are sabotaging her potential recovery. I would appreciate consideration around limiting contact until X.C.W. is not so vulnerable." (Contrary to this letter, Parke testified later at the adjudication trial in the Juvenile Proceeding that the reason she was recommending "limiting" contact was due to X.C.W.'s medical condition. She also testified that supervised visitation and family therapy with Dr. Wang had been very helpful and productive.)

288. On information and belief, Parke's February 6, 2014 opinion was almost entirely based on hearsay and was not at all based on her personal observations of either Wang Anderson or Dr. Wang. In fact, prior to writing the February 6, 2014 letter, Parke had only supervised or observed one (1) phone call between X.C.W. and Wang Anderson, and none with Dr. Wang.

289. Parke's opinion was improper and without any reasonable basis in fact.

290. On information and belief, Parke made no efforts to communicate with Wang Anderson or Dr. Wang, hold a family therapy session or a family conference, or make any other

efforts to ensure meaningful and beneficial contact between X.C.W. and her parents, and did not independently verify the reports from X.C.W. before recommending “limiting contact” between X.C.W. and her parents.

291. On information and belief, Parke knew or should have known that her February 6, 2014 letter would be presented to the Juvenile Court. It was foreseeable to Parke at the time she wrote the letter that her opinion would cause limitation or suspension of X.C.W.’s contact with Wang Anderson and Dr. Wang.

292. On information and belief, Parke never had any communication with Risko about her February 6, 2014 letter or otherwise prior to her deposition on March 7, 2014.

293. On February 7, 2014, Risko filed a Motion to Suspend Contact on behalf of NDHHS in the Juvenile Proceeding, asking to suspend all contact between X.C.W. and her parents until “such time as her therapist recommends contact resume”. Notice of the motion was not provided to Wang Anderson or Dr. Wang or their counsel until late in the day on February 6, 2014, less than 24 hours before the hearing on the motion. Parke’s February 6, 2014 letter was attached to the motion.

294. In her Motion to Suspend Contact, Risko represented the following to the Court: “5. Ms. Parke followed up this recommendation with an e-mail clarifying that her recommendation was no contact with Ms. Wang Anderson and Mr. Wang at this time, with a plan to re-evaluate when X.C.W. is eating her meal without having to supplement, not hiding food and eating on time.” Parke testified later that she never had sent such an email. Risko knowingly made a false statement and misled the Court in her Motion to Suspend Contact.

295. At the hearing, Risko also fabricated to the Court that Parke had recommended that contact between X.C.W. and her parents should be “stopped” until X.C.W. made further progress

in her eating disorder program. By making this statement, Risko deliberately misled the Juvenile Court, at a critical stage in the proceeding.

296. Contrary to Risko's statement to the Juvenile Court, Parke testified at her March 7, 2014 deposition that she did not make a recommendation that X.C.W. should not have contact with Wang Anderson or Dr. Wang. Parke also testified that she had told Smith that X.C.W., Dr. Wang and Wang Anderson should have a "family session."

297. As a direct and proximate result of Parke's February 6, 2014 letter and opinion, and of Risko's misrepresentation to the Juvenile Court, Judge Crnkovich suspended all contact between X.C.W. and Wang Anderson and between X.C.W. and Dr. Wang from February 7, 2014 until June 25, 2014. This directly and proximately caused further deterioration of the familial parent-child relationships between X.C.W. and Wang Anderson and X.C.W. and Dr. Wang.

298. In an email of February 10, 2014, three (3) days after the February 7, 2014 Juvenile Court order suspending parental contact with X.C.W. was entered, Parke told Smith that X.C.W. had stopped eating, and said: "I think this is all in response to not having contact with her parents."

299. On information and belief, Smith never presented this information to the Court or made other efforts to arrange for X.C.W. to have contact with her parents, when she knew that, in X.C.W.'s therapist's opinion, X.C.W. was starving herself as a result of the suspension of parental contact, which resulted in a life-threatening condition and permanent damage.

300. Parke testified at her March 7, 2014 deposition that she thought it had been difficult for X.C.W. to not have contact with either parent.

301. As a direct and proximate result of Parke's February 6, 2014 letter, Risko's misrepresentation to the Juvenile Court on February 7, 2014, and Smith's failure to implement

the recommendations of X.C.W.'s therapist or communicate her concerns to the Court, X.C.W. was cut off from her parents and her health declined from February 7, 2014 through June 25, 2014.

302. As a direct and proximate result of these same acts or omissions by Parke, Risko, and Smith, Wang Anderson and Dr. Wang were cut off from their daughter, rendered unable to support her, kept in the dark in regards to her health and welfare, prevented from learning about her condition and care, and denied the opportunity to participate in or facilitate her recovery from February 7, 2014 and June 25, 2014.

303. As a direct and proximate result of these same acts and omissions, X.C.W. suffered the detriment of not having the support of her parents while she was at Laureate.

304. As a direct and proximate result of these same acts and omissions, X.C.W. remained admitted to an out-of-state mental institution, away from her parents, and out of Nebraska.

305. On information and belief, during the entire time period when X.C.W. was admitted to Laureate, she was not attending school.

306. On information and belief, NDHHS, NFC, Smith, and Winans all failed to communicate with Wang Anderson or Dr. Wang regarding decisions regarding X.C.W.'s education or health care while she was at Laureate.

307. On information and belief, NDHHS, NFC, Smith, and Winans all failed to make arrangements for X.C.W. to attend school during the second (spring) semester of the 2013-2014 school-year, or to obtain and complete school work so that she received credit for school during that semester.

308. The adjudication hearing in the Juvenile Proceeding on the State's Supplemental Petition and Amended Petition was held on March 12, 2014, March 13, 2014, March 28, 2014, May 2, 2014, and June 6, 2014.

309. On information and belief, Defendant Treinen gave false and defamatory testimony regarding Wang Anderson in said Juvenile Court proceeding on one or more occasions during 2014.

310. On information and belief, Defendant Treinen ceased providing therapy services to Y.C.W. in or about April of 2014, due to "boundary issues". On information and belief, Treinen failed to maintain a proper professional relationship with Y.C.W. and failed to document in her discharge summary that these "boundary issues" were a cause for discharge.

311. From October 8, 2013 through June 6, 2014, NDHHS, NFC, White, Sheller, Winans, Smith, Treinen, Beals, and Parke failed and refused to formulate, discuss, or implement a plan for family therapy, therapeutic visitation, or other visitation between either minor child and Wang Anderson and Dr. Wang. Family therapy, therapeutic visitation, and visitation are all services customarily designed, calculated and intended to strengthen and improve the parent-child relationship. As a direct and proximate result of said failures, the relationship between X.C. W. and Wang Anderson and Dr. Wang continued to deteriorate up to the time of the adjudication.

312. Judge Crnkovich rendered her Adjudication Order on June 25, 2014, which adjudged Y.C.W. and X.C.W. as children within the meaning of Section 43-247(3a) of the Nebraska Juvenile Code, as to Wang Anderson and Dr. Wang, by a preponderance of the evidence. By this order, Judge Crnkovich continued Y.C.W. and X.C.W. in the temporary custody of the NDHHS for appropriate care and placement, set the matter for disposition, and

determined that those counts of the petitions which sought termination of parental rights were dismissed for failure to present a prima facie case.

313. The State of Nebraska first appealed the Juvenile Court's denial of its requests to terminate the parental rights of Wang Anderson and Dr. Wang. Wang Anderson and Dr. Wang then cross-appealed the adjudication.

314. On information and belief, in late June of 2014, Derr falsely told at least one health care provider for Y.C.W. that the Juvenile Court had terminated the parental rights of Wang Anderson and Dr. Wang as to Y.C.W. and X.C.W. On information and belief, Derr made the same false statement to Y.C.W., whereby alienating Y.C.W. from Wang Anderson and Dr. Wang, to the detriment of their family relationships and causing significant distress, anxiety and depression.

315. In its June 25, 2014 Adjudication Order, the Juvenile Court ordered that Wang Anderson and Dr. Wang should have reasonable rights of visitation with X.C.W. and Y.C.W. as arranged supervised by the Nebraska Department of Health and Human Services. After hearing days of evidence, the Juvenile Court found no basis for requiring that contact between X.C.W. and Wang Anderson be "therapeutic" only.

316. In May of 2014, Wang Anderson received notice that X.C.W. was to be discharged from Laureate. After receiving this notice, Wang Anderson actively asked NDHHS and NFC to arrange for X.C.W.'s return, including making foster care arrangements as soon as possible. At that time, Smith told Wang Anderson that Sonia Derr had informed NDHHS and NFC that Derr would not be capable of providing foster care for X.C.W. upon her return from Laureate. Smith told Wang Anderson that the reason for the delay of X.C.W.'s discharge from Laureate was the unavailability of a foster home. Wang Anderson then informed Smith that her relative Mei

Zhang (“Zhang”) and Zhang’s husband Qi Dong (“Dong”) were willing and able to accept placement of X.C.W. Initially, Smith was willing to consider this possible placement, asked for the names and contact information for Zhang and Dong, and provided an application package. Shortly thereafter, Smith and her supervisor Winans failed and refused to consider or explore this possible placement further. On information and belief, even though this was a possible relative placement which should have been given prior consideration over any prospective agency-licensed or approved foster placement, NFC and Smith failed and refused to consider or explore this possible placement for discriminatory reasons, including because it was a Chinese family.

317. Shortly thereafter, still in May of 2014, after Wang Anderson had informed NDHHS and NFC that she had filed an official complaint with HHS Civil Rights Division, Wang Anderson personally brought Mei Zhang and Qi Dong to the NFC waiting area for Smith, who finally showed up with Winans. Both declined and refused to do the homestudy. Wang Anderson also repeatedly asked supervisor Dan Little (hereinafter “Little”) to do the home study. Only then did NDHHS and NFC make a referral to Child Saving Institute to do a home study of the home of Zhang and Dong. This referral was not made until June 24, 2014. The home study was completed on August 29, 2014. The recommendation from the home study was that Zhang and Dong “be allowed to foster their niece, [X.C.W.] in their home, until she is reunified with her biological parents or a permanency plan is in place.” On information and belief, NFC, NDHHS, Richardson, Risko, and Uchino were all aware of this recommendation as early as August 29, 2014.

318. On information and belief, the State, NDHHS, Smith, Winans, and NFC refused to place X.C.W. with Zhang and Dong upon her return from Laureate, which was June 30, 2014.

### **X.C.W.'s Placement With Reid-Hansen and Hansen**

319. On or about July 1, 2014, the State, NDHHS, Smith, Winans and NFC were aware of the available relative placement with Chinese relatives, (which, pursuant to Nebraska regulations and NDHHS policies, was to be preferred over a non-relative licensed foster home). Nonetheless, these Defendants places X.C.W. with Reid-Hansen and Hansen, who were non-relative licensed foster care providers, with little experience as foster parents, and who were not acquainted or familiar with X.C.W. At that time Reid-Hansen and Hansen were residing in Bellevue, Nebraska. X.C.W. is not related to Reid-Hansen or Hansen and they are not Chinese or familiar with Chinese culture. Familiarity with Chinese culture, (including, for example, the dietary practices), was very important because X.C.W. was raised for 15 years with Chinese food, which is very different from local dietary practices. On information and belief, this disregard for X.C.W.'s dietary needs contributed to her eating disorder.

320. At the time X.C.W. was placed with Reid-Hansen and Hansen, there were at least eight (8) other minor children residing in their home, including four other foster children of various ages. Throughout the time period when X.C.W. was placed with Reid-Hansen and Hansen, they did not have the capacity provide appropriate and necessary care, guidance or supervision for X.C.W. On information and belief, Hansen and Reid-Hansen were unable to provide transportation for X.C.W. when she needed it during the time when she was placed in their care.

321. On information and belief, NDHHS, KVC, NFC, Reid-Hansen, and Hansen all knew or should have known that Reid-Hansen and Hansen did not have the experience or capacity to provide appropriate and necessary care or supervision for X.C.W., from June 20, 2014 through March 29, 2017. Around the time of X.C.W.'s initial placement with Reid-Hansen

and Hansen, NFC, KVC, NDHHS, Winans, and Smith discussed concerns that Reid-Hansen and Hansen would be overwhelmed by, or incapable of, taking on X.C.W. as an additional foster child. Despite these concerns, NDHHS, NFC, KVC, Winans, and Smith arranged, approved, or allowed X.C.W. to be placed with Reid-Hansen and Hansen.

322. On information and belief, NDHHS, NFC, KVC, Smith, Winans, and Nance knowingly placed X.C.W. in a dangerous situation by placing her with Reid-Hansen and Hansen. By accepting the placement, Reid-Hansen and Hansen knowingly placed X.C.W. in a dangerous situation. As a direct and proximate result of the actions of NDHHS, NFC, KVC, Smith, Winans, Nance, Reid-Hansen, and Hansen in placing X.C.W. with Reid-Hansen and Hansen, X.C.W. was physically, emotionally, mentally, and psychologically harmed, and Wang Anderson and Dr. Wang suffered damage.

323. NDHHS, NFC, KVC, Smith, Winans, Nance, Richardson, Paul, Little, Richey and Petzel placed X.C.W. with Reid-Hansen and Hansen at various times, including: from July 1, 2014 through October 29, 2014; from February 2, 2015 through May 11, 2016; and from December 14, 2016 through May 29, 2017. As a direct and proximate result of Reid-Hansen and Hansen's inability and failure to provide appropriate care, guidance and supervision during those time periods, X.C.W. has been harmed, including being sexually exploited, and has repeatedly been sexually abused and sold over money, including, without limitation, in August of 2014, March of 2015, September of 2015, and other occasions.

324. On information and belief, NDHHS, NFC, KVC, Phillips, Weinberg, Steuter, Project Harmony, Nance, Smith, Winans, Little, Richardson, Paul, Petzel, Richey, Reid-Hansen, and Hansen have all failed, refused and neglected to protect X.C.W. from these foreseeable incidents; and to timely discover, investigate, report, and respond to each incident when X.C.W.

has been sexually abused, exploited or sexually assaulted and sold repeatedly over money. On information and belief, none of these incidents were reported to Child Protective Services. These defendants have failed and refused to properly supervise or monitor X.C.W. or restrict her use of electronic devices, allowed her to be employed in dangerous locations, failed to educate her regarding appropriate relationships and attire, failed to timely or adequately inform her parents or the Court regarding these incidents, failed to provide proper medical care, including timely examination, testing, and treatment, failed to provide proper education regarding medical care, testing, and treatment, and failed to make appropriate critical incident reports following each incident.

325. Upon her discharge from Laureate Psychiatric Hospital and return to foster care in Nebraska, X.C.W. continued to need regular treatment for her eating disorder, and resumed treatment at Children's Hospital and Medical Center in Omaha, Nebraska, under the care of Dr. Harrington and therapist Kara Beals.

326. The standard of care for treatment of eating disorders, including anorexia nervosa included regular individual and family therapy, at all relevant times. At all relevant times, NDHHS, NFC, Smith, Richardson, Paul, Petzel, Richey, Dr. Harrington, Laureate Psychiatric, Remuda Ranch, Parke, Boyles, and Beals were aware of X.C.W.'s health condition and diagnoses, and that the standard of care included individual and family therapy as necessary components of treatment.

327. Wang Anderson repeatedly requested that NDHHS, NFC, Nance, Winans, Smith, Little, Paul, Richardson, Richey, and Petzel arrange for family therapy to include X.C.W. and Wang Anderson during the time period from October 8, 2013 through the present. These Defendants did not timely or appropriately offer the family therapy Wang Anderson requested,

did not make timely or appropriate referrals to providers for family therapy, did not formulate or develop a plan for therapy that clearly identified the needs of X.C.W. and Wang Anderson to be addressed in therapy, and improperly impeded, blocked, or suspended family therapy. As a result of these failures, Wang Anderson's due process rights were violated, X.C.W.'s health and safety was compromised, and efforts at reunification were impeded and undermined.

328. On July 14, 2014, Deputy County Attorney Amy Schuchman filed a Notice of Intention to Appeal the June 25, 2014 Juvenile Court Adjudication Order.

329. On July 25, 2014, Wang Anderson filed a Notice of Appeal from the Adjudication Order.

330. On information and belief, NDHHS, NFC, Smith, Winans and Nance did not prepare any plan or offer any visits to Wang Anderson until July 24, 2014, almost a full month after X.C.W. had returned from Laureate Psychiatric Hospital. Without involving Wang Anderson, NDHHS, NFC, Smith, Winans, and Nance unilaterally prepared a plan for visits on or about July 24, 2014. The "plan" for visits only provided for them if and when X.C.W. "wished" to begin them. In a Court Report dated July 24, 2014, these Defendants stated that:

The plan for these visits with [X.C.W.] and Catherine Wang Anderson is for them to take place every Saturday, with two phone calls taking place during the week, dependent on [X.C.W.]'s treatment schedule. To date, [X.C.W.] has only indicated interest in phone calls, and not face to face visits, whenever [X.C.W.] has indicated she wishes to begin face to face visits the schedule will be adjusted accordingly to allow additional time for visits.

331. On information and belief, from October 8, 2013 for the duration of the Juvenile Court proceeding, NDHHS, NFC, Christian Heritage, White, Smith, Winans, Nance, Richardson,

Paul, Little, Richey, Petzel all failed and refused to prepare or implement a plan for visitation, contact, or communication between Y.C.W. and Wang Anderson, failed and refused to encourage Y.C.W. to participate in visitation, communication or contact with Wang Anderson.

332. On information and belief, from and after October 8, 2013 through the present, NDHHS, NFC, KVC, Smith, Winans, Nance, Paul, Richardson, Little, Richey, Petzel, Ruma, Dr. Harrington, Dr. Bhatia, Treinen, Amadedji, Beals, Parke, Boyles, Ruma, Gunn, Reid-Hansen and Hansen have all failed to encourage X.C.W. or Y.C.W. to engage in visitation or other contact with Wang Anderson. On information and belief, these Defendants all explicitly or tacitly encouraged no contact between X.C.W. and Wang Anderson and between Y.C.W. and Wang Anderson. In essence, these Defendants communicated to X.C.W. and Y.C.W. that they were free to avoid contact with their parents indefinitely if that is what X.C.W. or Y.C.W. wanted.

333. On information and belief, and at all relevant times, it was the unconstitutional policy, practice, custom, or usage of NDHHS, NFC, KVC, and Christian Heritage to allow the minor children in their care to dictate and/or determine: a) the terms and conditions of case plans, visitation and/or parenting plans, and plans for reunification; b) whether and to what extent case plans, visitation and/or parenting plans, or plans for reunification would be implemented; and, c) whether and to what extent those children would participate in those plans.

334. On information and belief, and at all relevant times, it was the unconstitutional policy, practice, custom, or usage of NDHHS, NFC, KVC, and Christian Heritage to communicate to children in their care that those children were not required to visit or have contact with their parents if they did not want to do so.

335. On information and belief, and at all relevant times, it was the unconstitutional policy, practice, custom or usage of NDHHS, NFC, KVC and Christian Heritage to not provide

guidance or direction to their respective employees regarding encouraging or helping children to engage in communication, contact, or visitation with their parents.

336. The sparse and limited visits that took place between Wang Anderson and X.C.W. were reported to be appropriate and positive for X.C.W.'s "therapeutic" well-being. Nonetheless, during this time period, Wang Anderson was not provided any visits with Y.C.W., even though Y.C.W. had initiated contact with her parents by sending them her graduation photo, a letter, and emails. In addition, when Y.C.W. expressed that the contact was too shallow, none of the Defendants made efforts to improve or increase contact between Y.C.W. and her parents.

337. X.C.W. was under the care of Dr. Harrington from July 1, 2014 through October 29, 2014, in the Partial Hospitalization Program at Children's Hospital and Medical Center.

338. From July 1, 2014 through October 29, 2014, NDHHS, NFC, KVC, Richardson, Paul, Little, Reid-Hansen and Hansen were responsible and had a duty to transport X.C.W. to and from Children's Hospital and Medical Center on a daily basis. Reid-Hansen and Hansen were unable to provide transportation for X.C.W. during that time period on many occasions, and X.C.W. was instead transported by Camelot Transportation, Inc. ("Camelot"). Often, Camelot would transport X.C.W. with other adult male passengers. Uchino and NFC repeatedly refused Wang Anderson's offer to pay cash for individual transportation and Zhang's offers to provide transportation for X.C.W., to avoid transporting her with adult male passengers.

339. Prior to this time, Smith had asked Wang Anderson to provide a phone for X.C.W.. In compliance with Smith's request, Wang Anderson did provide the phone. However, when Wang Anderson realized that X.C.W.'s use of the phone was not properly supervised, Wang Anderson took away the phone as a safety precaution. Rather than supporting Wang Anderson's decision to protect X.C.W. by not allowing her to retain the phone, Uchino and NFC accused

Wang Anderson of being controlling and pressured her to return the phone to X.C.W., which Wang Anderson declined to do.

340. On information and belief, during the time period from July 1, 2014 through October 29, 2014, NDHHS, NFC, Little, Paul, Richardson, Reid-Hansen and Hansen failed to protect or adequately supervise X.C.W. As a direct and proximate result of this failure to protect and adequately supervise X.C.W., on August 7, 2014, she became acquainted with, and was lured, sexually abused and sexually exploited by another Camelot adult passenger named Matthew Kimball, (who, on information and belief, was under NDHHS care or receiving NDHHS assistance), and suffered permanent physical, psychological, mental and emotional damage. This occurred shortly after X.C.W. had been placed in the overcrowded home of Reid-Hansen and Hansen, and would not have occurred but for her placement with Reid-Hansen and Hansen.

341. Uchino, as guardian ad litem for X.C.W., waited until September 9, 2014, over a month after the August 7, 2014 incident, to respond to this incident, by filing an Ex Parte Motion for Restraining Order with the Juvenile Court seeking an order restraining Matthew Kimball from having contact in any manner with X.C.W. This motion stated: “on August 7, 2014, the minor child was being transported by Camelot transportation service along with Matthew Kimball, aged 29. [X.C.W.] and Matthew Kimball exchanged phone numbers on that date and were reportedly texting one another during the transportation. On that date, Matthew Kimball attempted to kiss [X.C.W.]; on August 27, 2014, Jenice Reid-Hansen had a conversation with the minor child at which time [X.C.W.] admitted to sending “Matt” naked pictures of herself. She identified “Matt” as being the person she met while being transported by Camelot Transportation Services. [X.C.W.] stated that she was in love with “Matt”; on August 25, 2014, Jennice Reid-

Hansen read journal entries of dated August 14, 2014 stating that Matt had asked her to sneak out to meet him in the woods near her foster home where the two would have sex and make a sex tape.” The restraining order was not issued by the Juvenile Court until October 6, 2014. On information and belief, around the same time, Kimball also broke into Reid-Hansen and Hansen’s neighbor’s home (mistakenly) intending to pick up X.C.W.

342. Following these incidents, NDHHS, NFC, KVC, Nance, Paul, Richardson, Reid-Hansen, Hansen, and Uchino did not properly respond and failed to provide X.C.W. with appropriate and necessary protection, health care, counseling, therapy, supervision, or education. NDHHS, Richardson, Paul, Nance, KVC, NFC, Reid-Hansen, Hansen and Uchino all caused X.C.W. to remain placed in the care of foster parents incapable of providing her with the protection, care and supervision that she required, and exposed her to dangerous individuals, including Matthew Kimball and others. As a direct and proximate result of these failures, X.C.W.’s condition continued to deteriorate. This was despite Wang Anderson’s repeated warnings to said defendants, including that Anorexia has a very high relapse rate. NDHHS, NFC, KVC, Little, Paul, Richardson, Reid-Hansen, Hansen and Uchino failed to take any action to provide X.C.W. with proper care and protection following the incident, but instead accused Wang Anderson of interfering, which accusations resulted in Judge Crnkovich ordering Wang Anderson not to contact X.C.W.’s service providers.

343. On September 28, 2014, X.C.W., following the incident with Kimball, stopped eating again. On information and belief, Richardson lied and deliberately did not send X.C.W. to an available and appropriate medical facility. As a result, X.C.W. slowly starved and suffered permanent damage, including from seizures and loss of consciousness, and repeated trips to the emergency room.

344. As a direct and proximate result of the aforementioned failures by NDHHS, NFC, KVC, Little, Richardson, Paul, Reid-Hansen, Hansen, and Uchino, X.C.W.'s condition deteriorated to the point that on or about October 29, 2014, she had to be placed in inpatient care at Children's, and remained there until about November 5, 2014.

345. On August 7<sup>th</sup>, 2014, there was a permanency planning hearing in the Juvenile Proceeding. In her Permanency Planning Order of August 12, 2014, Judge Crnkovich found that "the permanency objective is reunification".

346. On August 12, 2014, Judge Crnkovich made several orders directly affecting the Constitutional rights of Dr. Wang and Wang Anderson. She did so outside of all judicial authority and without prior notice or other due process to either parent. First, Judge Crnkovich ordered that: "School records and information may be provided to Bo Wang and Catherine Wang Anderson via communication from the family permanency specialist only, until further order of the Court." This order effectively foreclosed Wang Anderson and Dr. Wang from communicating with any school staff or professionals regarding their children and exercising their educational rights with respect to the children. Second, Judge Crnkovich ordered that: "With the exception of family team meetings, all communication, e-mail or otherwise between Catherine Wang Anderson and service providers, including the family permanency specialist must be through her counsel and guardian ad litem until further order of the Court." This order foreclosed Wang Anderson from being informed about the welfare of her children; from verifying the information she was given by NFC, NDHHS, Petzel, Richey, Richardson, Paul, Smith, and Winans; from expressing her concerns and advocating for the health, safety, and welfare of X.C.W. and Y.C.W.; from exercising her First, Fifth and Fourteenth Amendment rights; and from obtaining and challenging evidence in the Juvenile Proceeding.

347. The August 12, 2014 order restraining Wang Anderson's communication with "service providers" was a "prior restraint" on Wang Anderson's speech which violated her First Amendment right to free speech. (See *In re Interest of T.T.*, 18 Neb.App. 176, 779 N.W.2d 602 (Neb.App. 2009))

348. But for the failure of NDHHS, NFC, Winans, Smith, Beals, Paul, Richardson, and ReidHansen to arrange necessary services in a timely manner and to effectively communicate information regarding the children to Wang Anderson and Dr. Wang, this restriction on Wang Anderson's communication would not have been imposed by the Court.

349. On September 5, 2014, Deputy County Attorney Amy Schuchman filed a Notice of Intention to Appeal from the Juvenile Court's August 12, 2014 Permanency Planning Order on behalf of the State of Nebraska.

350. On September 5, 2014, notwithstanding the Juvenile Court's finding that the permanency objective was reunification, Risko stated in an email to then family permanency specialist Richardson, stating:

"I know the CA [county attorney] is appealing the order to the extent the motion for termination of parental rights was denied; but even if the appeal fails and parental rights remain intact, it does not mean that the PO will be reunification. My recollection from prior discussions in this case (and I believe the 1184 meeting) was that we most likely would NOT be recommending reunification. If that is the case (ie we are not going to be working to reunify X.C.W. with her mom), is family therapy with mom appropriate? The letter from the eating disorder program doctor recommends family therapy, but does not specify with

whom the family therapy should take place. Perhaps family therapy with the foster parent would be more appropriate?”

By her email, Risko tacitly or expressly suggested to the NFC family permanency specialist, Richardson that she need not plan for reunification or work to reunify X.C.W. with Wang Anderson. In essence, Risko was suggesting disregarding the Juvenile Court’s recent order regarding permanency. By her email, Risko also derailed any efforts to arrange or resume family therapy between X.C.W. and her parents, even though the “eating disorder program doctor” [Dr. Harrington] was recommending family therapy. Risko planted the harmful idea that “family therapy” could, and should occur without the family (i.e., Wang Anderson and Dr. Wang), and instead with the foster parent. As a direct and proximate result of this email, X.C.W. was not provided with the prevailing standard of health care; her relationships with each of her parents were further harmed and interfered with; and Wang Anderson’s statutory and constitutional parental rights were further violated.

351. Between June 25, 2014 and November 6, 2014, while X.C.W. was in foster care in Bellevue, Nebraska with Reid-Hansen and Hansen, Wang Anderson and Dr. Wang repeatedly asked Smith, NDHHS, NFC, Winans and others to allow, coordinate, and arrange for the provision of family therapy to include X.C.W. and Wang Anderson and Dr. Wang. During this time period of over four months, these Defendants failed and refused to provide timely or appropriate family therapy to X.C.W., Wang Anderson, or Dr. Wang.

#### **X.C.W.’s Placement at Remuda Ranch Program**

352. On or about November 6, 2014, X.C.W. was placed by NDHHS, NFC, Little, Richardson, Dr. Harrington, and Paul at Remuda in Wickenburg, Arizona, and admitted there for

inpatient eating disorder treatment. During that time period, Boyles provided X.C.W. with health services, including therapy.

353. X.C.W. remained admitted and placed at Remuda from about November 6, 2014 through January 31, 2015. Wang Anderson and Dr. Wang made great efforts to visit, contact, and participate in therapy with X.C.W. while she was there. Wang Anderson temporarily relocated to Arizona so that she could be near X.C.W. and regularly participate in therapy and visitation with her. Wang Anderson's three-hour round-trip commute from the Phoenix area to Wickenburg was labeled by Judge Crnkovich as another indicator that Wang Anderson was mentally ill.

354. During the entire time period when X.C.W. was at Remuda, the operative order of the Juvenile Court (dated June 25, 2014) provided Wang Anderson and Dr. Wang with "reasonable rights of visitation as arranged supervised by the Nebraska Department of Health and Human Services". There were no "therapeutic" or other conditions imposed on Wang Anderson's visitation during that time.

355. On many occasions between November 6, 2014 through February 1, 2015, NDHHS, NFC, Little, Richardson, and Paul deliberately failed and refused: a) to comply with the Juvenile Court's visitation order; b) to create and implement a visitation schedule of any kind; and c) to arrange or allow visitation between Wang Anderson and X.C.W. and between Dr. Wang and X.C.W.

356. Throughout the time period from November 6, 2014 through February 1, 2015, NDHHS, NFC, Little, Richardson, Paul, and Boyles deliberately failed and refused to encourage X.C.W. to engage in contact, communication, visitation, or therapy with either of her parents.

357. On information and belief, on November 13, 2014, Richardson falsely stated in an email to all counsel in the Juvenile Court Proceeding that X.C.W. “has told her therapist that she does not want to make a phone call to either parent.”

358. Remuda therapist Shaul Austin told Wang Anderson that as part of therapeutic treatment, the Remuda Eating Disorder Program strongly advocated for, encouraged and recommended that their patients have contact with relatives. He said to Wang Anderson repeatedly that he had and would again let Richardson know of this. Richardson did not follow those recommendations and did not arrange for or ensure X.C.W.’s contact with her family or placement with her relatives upon her discharge from Remuda. During the latter part of the time period when X.C.W. was placed at Remuda, Dr. Wang and Wang Anderson were cut off and prevented by NFC, NDHHS, Boyles, Richardson, and Paul from having meaningful visits, contact, or participation in family therapy with X.C.W.

359. On information and belief, as of September 5, 2014, NDHHS, Risko, NFC, Richardson, Paul, Dr. Harrington, and Reid-Hansen were all aware that the standard of care for treatment of X.C.W.’s condition, (including her eating disorder), required family therapy. From September 5, 2014 through February 2, 2015, appropriate family therapy between X.C.W. and Wang Anderson and between X.C.W. and Dr. Wang was not arranged, provided or allowed by NDHHS, Risko, NFC, Richardson, Paul, Dr. Harrington, Remuda, Boyles, or Reid-Hansen. On information and belief, by failing to arrange, allow, or provide appropriate family therapy, NDHHS, Risko, NFC, Richardson, Paul, Dr. Harrington, Remuda, Boyles, and Reid-Hansen were deliberately indifferent to the health care needs of X.C.W. while she was in the care and custody of NDHHS, in violation of her Constitutional rights.

360. On information and belief, during the time period from November 6, 2014 through February 2, 2015, at the direction of Risko and NDHHS, NDHHS, NFC, Richardson, Paul, Dr. Harrington, and Reid-Hansen arranged and provided therapy that included Reid-Hansen, (rather than Wang Anderson or Dr. Wang) as the “family” for therapy purposes. This was contrary to the prevailing standard of care, and amounted to deliberate indifference to the health needs of X.C.W. and violation of the Constitutional rights of familial association and care of X.C.W., Wang Anderson, and Dr. Wang. On information and belief, said Defendants did so with the motive and intention of pursuing a permanency goal other than family reunification, as suggested by Risko on September 5, 2014, in direct violation of the Court-ordered permanency objective in effect at that time, and in violation of the statutory and constitutional family rights of X.C.W. and Wang Anderson, including to reasonable efforts toward reunification and other rights. As a direct and proximate result, Wang Anderson and Dr. Wang were not informed, educated, trained or otherwise made aware of the health, safety and welfare of X.C.W. during that time period.

361. In November of 2014, during a supervised telephone call, a nurse who supervised the call asked Wang Anderson to provide X.C.W. with an apple MacBook and iPod Touch for the purpose of listening to music. Wang Anderson asked the supervising nurse if Remuda would permit X.C.W. to have such a device, and the supervising nurse indicated that it was permissible and reassured me that there wasn’t any electronic signal or Wi-Fi in Remuda. Wang Anderson still had concerns about the safety of giving X.C.W. such a device. Due to those concerns, rather than give the device to X.C.W., Wang Anderson later gave the iPod Touch directly to Remuda Therapist Shaul Austin, who told Wang Anderson that he would keep it in storage and would not give it to X.C.W. until all parties were assured that it would be used safely. The Apple MacBook was later returned to Wang Anderson. During Wang Anderson’s next visit to the Remuda clinic,

during her only family therapy session with therapist Susan Boyles, Wang Anderson asked to have the iPod Touch returned to her. She explained her concerns regarding the device to Boyles, and Boyles promised to return it to Wang Anderson, but never did. This was despite the fact that Wang Anderson had made several other requests for the return of the iPod Touch.

362. In December, 2014, Dr. Wang was informed that X.C.W. had been missing from Remuda for an unknown period of time at night in the Arizona desert. Therapist Susan Boyles had discussed with Dr. Wang during a family therapy session regarding how dangerous the desert is. Dr. Wang and Wang Anderson repeatedly asked Richardson, NDHHS, NFC, and Uchino to address this concern regarding the safety of X.C.W. On information and belief, none of those defendants discussed this concern with X.C.W. or otherwise documented, investigated, or reported this incident to the Juvenile Court.

363. In December, 2014, X.C.W. expressed to Dr. Wang and to Boyles that she wanted to be placed with her relative Mei Zhang and Qi Dong upon her discharge from Remuda. Dr. Wang and Wang Anderson then requested that X.C.W. be placed, upon discharge from Remuda, with Zhang and Dong.

364. On or about December 30, 2014, Boyles told Richardson that X.C.W. had expressed to Boyles her wish to be placed with Zhang and Dong upon her return from Remuda. On or about December 31, 2014, Richardson sent an email to Boyles indicating that Richardson did not have a real preference between Zhang's home and Reid-Hansen's home for placement of X.C.W., if in fact X.C.W. wanted to go to Zhang's home. In her December 31, 2014 email to Boyles, Richardson stated: "I can get either foster parent [Zhang or Reid-Hansen] on board to at least do family therapy over the phone and prepare to have [X.C.W.] in their home, but I'm just not sure which one you feel would be a better fit." On information and belief, neither Boyles nor

any other Remuda staff provided Richardson, NFC, NDHHS or anyone else with a recommendation regarding the post-discharge placement of X.C.W. until at least a week after December 31, 2014. In fact, no written recommendation was provided by Boyles or Remuda until about January 28, 2015, at the request of Richardson, after the decision to place X.C.W. with Reid-Hansen had already been made.

365. On information and belief, as of December 31, 2014, Richardson had not contacted Reid-Hansen about accepting placement of X.C.W. following her discharge from Remuda. It was not until January 2, 2015 that Richardson contacted Reid-Hansen about taking X.C.W. back.

366. On January 2, 2015, Richardson sent an email to Dr. Harrington informing him that her plan (and the plan of NDHHS and NFC) for X.C.W.'s placement following discharge was to place X.C.W. with Reid-Hansen.

367. On information and belief, it was not until after January 2, 2015, after the plan to place X.C.W. with Reid-Hansen had been made, that Reid-Hansen began communicating with Boyles or other Remuda staff or X.C.W., telephonically, and she did so on only a few occasions.

368. After X.C.W. had expressed her preference to live with Zhang and Dong, Wang Anderson and Dr. Wang were immediately cut off from regular visits, contact and family therapy with X.C.W. On information and belief, Wang Anderson and Dr. Wang were cut off at the direction of NDHHS, NFC, Remuda, Boyles, Richardson, Uchino, and Risko. On information and belief, this was done in retaliation for the request of X.C.W. and her parents regarding her placement, and their efforts to visit, communicate with, and participate in therapy and treatment with X.C.W., in violation of the Constitutional Rights of X.C.W., Wang Anderson, and Dr. Wang, including those provided by the First, Fifth, and Fourteenth Amendments.

369. At all relevant times, Zhang and Dong have been, and continue to be a qualified and available placement for X.C.W. In fact, there was a home study recommendation for X.C.W.'s placement with them as early as August, 2014, and in December, 2014, Richardson did not have a personal belief that Reid-Hansen was a more or less appropriate placement than Zhang and Dong. Richardson even said in her December 31, 2014 email to Boyles that she could "get either foster parent [Zhang or Reid-Hansen] on board to at least do family therapy over the phone and prepare to have [X.C.W.] in their home." On information and belief, the home of Reid Hansen and Hansen was too crowded and Reid Hansen and Hansen had already failed to protect X.C.W. and provide for her needs. They did not have the capacity to accept X.C.W.

370. At all relevant times, NDHHS, NFC, Smith, Winans, Richardson, Paul, Petzel, Richey, and Uchino had a duty, and Wang Anderson and X.C.W. had a right, under 42 U.S.C. § 671(a)(19), and pursuant to 390 NAC 7-004.01, to give prior consideration to placement with a relative over a licensed or approved foster home. From May, 2014 through the present, Dr. Wang and Wang Anderson have repeatedly asked NDHHS, NFC, Smith, Winans, Richardson, Paul, Petzel, Richey, and Uchino to consider and place X.C.W. with Zhang and Dong. At all relevant times, said Defendants have failed and refused to do so, in breach of their duty under said regulation, and in violation of the Constitutional and statutory rights of X.C.W., Dr. Wang, and Wang Anderson.

371. On January 22, 2015, NDHHS, NFC, and Richardson caused a Notice of Change of Placement to be filed in the Juvenile Court. The Notice indicated a "Requested Placement" with "Jennice Reid-Hansen". The "Anticipated Date of Placement" was February 2, 2015.

372. On January 27, 2015, Dr. Wang and Wang Anderson filed a joint Objection to Change of Placement requesting a stay of the change of placement and hearing on their

Objection. Dr. Wang and Wang Anderson alleged in their Objection that: a) the proposed placement with Reid-Hansen was not in X.C.W.'s best interests; b) that X.C.W.'s behaviors and actions while previously living with Reid-Hansen directly resulted in her inpatient hospitalization; c) that the proposed foster placement was overcrowded and overwhelmed with other children requiring supervision and oversight by the Reid-Hansen and Hansen; and, d) that the dangerous behaviors and specific needs of X.C.W. required special consideration to be given to her proposed placement in the community, and that there had been no showing from NDHHS that more appropriate foster homes were unavailable. The Objection further alleged that "absent such a showing, returning the minor child to the same home that led, in part, to her most recent hospitalization is not in the minor child's best interests and is contrary to her safety, health and well being."

373. The Objection to Change of Placement was heard in the Juvenile Proceeding on January 30, 2015. Wang Anderson and Dr. Wang were denied due process at the hearing, and Judge Crnkovich denied them equal protection of the laws, by rejecting and not receiving or considering the home study which contained the recommendation to place X.C.W. with Zhang and Dong.

374. Prior to the hearing, and before any professional recommendation was made by Remuda staff as to the appropriate post-discharge placement for X.C.W., NDHHS, NFC, Boyles, Richardson, and Paul had disregarded the preference of X.C.W. to be placed with her Chinese family member Zhang and Dong, which she had expressed to her therapist, and formulated their own plan for placement with Reid-Hansen. As a direct and proximate result, NDHHS, NFC, Richardson, and Paul: a) gave Reid-Hansen the opportunity to communicate with X.C.W., participate in communications with Remuda staff, and establish rapport with X.C.W. and

Remuda Staff between January 2, 2015 and February 2, 2015; b) denied Zhang and Dong the same opportunity; and, c) elicited a recommendation in support of their placement plan from Remuda and Susan Boyles. But for these actions, NFC, NDHHS, Richardson, and Paul would not have obtained a recommendation from Boyles in support of Reid-Hansen, and would have been compelled by their own policies and preferences to place X.C.W. with Zhang and Dong. The actions of NFC, NDHHS, Richardson, and Paul violated the Constitutional right to family association of X.C.W., Wang Anderson, and Dr. Wang, and their statutory right to X.C.W. being placed with an adult relative.

375. On January 30, 2015, through her counsel Mary “Peg” Stevens, Wang Anderson sent an email to Susan Boyles asking for the return of Wang Anderson’s iPod Touch. Boyles did not respond. On information and belief, neither Remuda nor Boyles replied or responded to Wang Anderson’s attorney’s repeated request for returning the iPod Touch, and never returned the iPod Touch to Wang Anderson.

376. On February 2, 2015, without affording due process to Wang Anderson, and without regard for the statutory priority afforded to Wang Anderson’s relatives for placement, Judge Crnkovich overruled the Objection to Change of Placement by Wang Anderson and Dr. Wang and found that “the placement proposed by the Nebraska Department of Health and Human Services, in the foster home of Jennice Reid-Hansen” was in X.C.W.’s best interest.

#### **X.C.W.’s Second Placement With Reid-Hansen and Hansen**

377. On or about February 2, 2015, X.C.W. was discharged from Remuda and placed by NDHHS, NFC, Richardson, and Paul in the foster home of Reid-Hansen and Hansen in Bellevue, Nebraska. Reid-Hansen and Hansen accepted the placement of X.C.W. on that date.

378. On information and belief, during the time period from July 1, 2014 through May, 2017, NDHHS, NFC, Smith, Winans, Nance, Little, Richardson, Paul, Richey, Petzel, and KVC allowed and permitted X.C.W. to be placed and remain in an overcrowded and overwhelmed licensed foster home which had more than the maximum allowable number of children under the age of majority, in clear violation of 395 NAC (Nebraska Administrative Code) 3-001.10, which was a safety standard. On information and belief, between July 1, 2014 and May, 2017, the State of Nebraska, NDHHS, Phillips, Weinberg, and Steuter illegally waived the limitation on the number of children imposed by the above standard, in clear violation of 42 U.S.C. § 671(a)(10)(D), and allowed and approved placement of X.C.W. in a foster home where the maximum allowable number of children were already placed.

379. On information and belief, Defendants Reliable Rock and Gurock provided “therapeutic visitation” services to Wang Anderson and X.C.W. in February and March of 2015, in violation of the operative Juvenile Court order which did not require that visitation be “therapeutic” in nature. By imposing “therapeutic visitation” services which were neither ordered nor authorized by the Juvenile Court, Defendants Reliable Rock and Gurock deliberately interfered with the parental relationship between Anderson and X.C.W., violated their constitutional rights to familial association, and impeded reunification.

380. On information and belief, at all relevant times, both Reid-Hansen and Hansen lacked the judgment, good moral character, and truthfulness necessary to appropriately care for any foster children. In 2014, around the time X.C.W. was placed with them, Hansen made a material false statement to the District Court of York County, Nebraska, in a request he made to that court to set aside a prior drug conviction. Reid-Hansen made false reports to NFC regarding X.C.W.’s reaction to visits with Dr. Wang. Reid-Hansen and Hansen both failed to report to

NDHHS, NFC, Petzel, or Richey when they discovered that X.C.W. was in danger while living in a dormitory at the University of Nebraska-Lincoln (hereinafter, “UNL”).

381. Due to the order by Judge Crnkovich of August 12, 2014, Wang Anderson had been prohibited from communicating directly with health care or other service providers for X.C.W. or Y.C.W. The only way Wang Anderson could obtain information from providers regarding the children’s ongoing condition, care and health needs was through her “counsel and guardian ad litem”. Even those efforts were ignored or blocked by Judge Crnkovich. As a direct and proximate result, Wang Anderson was foreclosed from advocating for the best interests of her children or learning their health needs so that she could become able to help attend to those needs.

382. Between August 12, 2014 and February 2, 2015, NDHHS, NFC, Dr. Harrington, Children’s, Dr. Bhatia, Alegent, Amededji, Reliable Rock, Gurock, Richardson, Paul, and Little failed and refused to provide health information regarding X.C.W. and Y.C.W. to Wang Anderson or her counsel or guardian ad litem, despite Wang Anderson’s repeated efforts to obtain it by asking her attorney or guardian ad litem to request the information from the providers.

383. On February 2, 2015, because all other efforts to obtain information about the health and care of her children had failed, Wang Anderson’s counsel issued notice of her intention to subpoena health care records from the various health care providers involved in the children’s care. As no objections had been served or filed within the time frame allowed by applicable court rules, Wang Anderson’s counsel issued the subpoenas upon the various providers.

384. On February 6, 2015, Richardson informed Wang Anderson's counsel Stevens and others that X.C.W. had been in contact with Matthew Kimball (against whom there was a restraining order) about two months prior, while she was at Remuda Ranch. On information and belief, although NDHHS, NFC, Richardson, Paul, Reid-Hansen, and Ucchino were all informed of this incident, they all failed to properly investigate and report this incident to CPS or the Juvenile Court, to properly address it with X.C.W., to take the necessary steps to treat, protect, monitor, or supervise her, and to make efforts to prosecute Kimball for violation of the restraining order or other crimes.

385. As of February 5, 2015, NDHHS, NFC, Little, Richardson, Paul, Reid-Hansen, and Ucchino all knew or should have known that it was dangerous to X.C.W. for her to have access to electronic communication devices or cellular telephones without proper restrictions, limitations, supervision and monitoring. They all knew or should have known that in fact she did have such access at that time, and it was foreseeable to all of them that she would be harmed if such access continued to be allowed.

386. On February 11, 2015, after X.C.W. had returned from Remuda Ranch, Wang Anderson's attorney Stevens sent a second email to Boyles, asking for a response from her or another Remuda Ranch staff member to the January 30, 2015 email regarding the iPod Touch, in further effort to get the iPod Touch away from X.C.W. On information and belief, neither Remuda nor Boyles ever responded.

387. NDHHS, NFC, Weinberg, Phillips, Steuter, Little, Richardson, Paul, Reid-Hansen, Hansen, and Ucchino all continued to permit X.C.W. to have unrestricted access to the iPod Touch and other electronic communication devices from and after February 5, 2015.

388. At all relevant times, the standard of care for treatment of an eating disorder such as X.C.W. had been diagnosed with included family therapy. At all relevant times, it was foreseeable to NDHHS, NFC, Smith, Winans, Nance, Richardson, Paul, Little, Petzel, Richey, Dr. Harrington, Reid-Hansen, and Hansen that X.C.W. needed family therapy with her parents, that without family therapy, X.C.W.'s condition would not improve and any improvement would be temporary and not sustainable. Even though they knew of the standard of care and the risk of harm to X.C.W., said Defendants did not provide the necessary and appropriate family therapy.

389. The constant failure by NDHHS, NFC, Smith, Winans, Nance, Richardson, Paul, Petzel, Richey, Little, Dr. Harrington, Reid-Hansen, and Hansen to provide appropriate family therapy and regular visitation between X.C.W. and her parents proximately caused the deterioration of the family relationship between X.C.W. and each of her parents. This failure also resulted in the decrease in X.C.W.'s desire to engage in a relationship with either of her parents and her willingness to work toward reunification with either of them.

390. On information and belief, in February, 2015, Children's, Dr. Harrington, Beals, and Ruma continuously refused to provide family therapy through the Children's eating disorders program, even though they routinely provided family therapy to other eating disorder patients and their families. Instead of providing this care through his program, Dr. Harrington recommended to the Department, NFC, Richardson, and Paul to tell Dr. Wang and Wang Anderson to locate and identify a family therapist.

391. For the next three months after February, 2015 Wang Anderson and Dr. Wang submitted the names and information of many prospective therapists to NDHHS, NFC, Richardson and Paul for their approval so that family therapy could be arranged.

392. NDHHS, NFC, Richardson, Paul and Dr. Harrington did not arrange or provide family therapy services until May, 2015, three months after X.C.W.'s discharge from inpatient care at Remuda Ranch. This failure to provide timely, necessary, and appropriate care constitutes deliberate indifference to X.C.W.'s known health care need, was a failure to meet the standard of care, disrupted continuity of X.C.W.'s care, stalled and interfered with efforts at reunification, and further destroyed the family relationship between X.C.W. and Wang Anderson and Dr. Wang.

393. Failure to provide these services during this time period was extraordinarily harmful to X.C.W., Dr. Wang and Wang Anderson because of repeated sexual abuse and sexual exploitation of X.C.W. that was continuing to occur.

394. On information and belief, from February, 2015 through at least February 1, 2016, as part of X.C.W.'s eating disorder treatment plan, Dr. Harrington ordered or recommended that X.C.W. be fully supervised during all meals, and that her physical activities were to be limited.

395. On March 6, 2015, even though it was several weeks past the objection deadline, Uchino filed an Objection to Subpoena Duces Tecum and Motion to Quash the subpoenas that Wang Anderson's counsel had served to obtain the children's health records.

396. On March 12, 2015, a hearing was held regarding the intended subpoenas, objection, and motion to quash. The evidence received consisted of letters by two service providers, Dr. Harrington and Amededji, and an affidavit by Wang Anderson dated March 12, 2015. On March 13, 2015, Uchino's Objection was sustained by the Juvenile Court and Wang Anderson was not allowed to issue her subpoenas. Wang Anderson's affidavit supported the issuance of the subpoenas. The other evidence was neither competent nor sufficient to support Judge Crnkovich's order sustaining the objections as to the records requested.

397. When Judge Crnkovich entered her March 13, 2015 order, Wang Anderson had not only been barred from communicating with service providers, she had now been precluded from receiving, even through her counsel or through discovery, critical information regarding the health and care of her children. As a natural parent, Wang Anderson had a liberty interest in this information which was violated without due process. This information was critical for Wang Anderson to work toward reunification, including correcting the deficiencies alleged in the Juvenile Court Petition, for her to advocate for and protect her children, and for her to simply know the condition of her children.

398. Even though the health of X.C.W. and Y.C.W. had been a central concern throughout the Juvenile Proceeding, in her March 13, 2015 Order, Judge Crnkovich also foreclosed Wang Anderson and Dr. Wang from obtaining or reviewing health care information prior to the dispositional review hearing regarding the children. Instead, the Court ordered that “The Nebraska Department of Health and Human Services is to provide progress notes and/or reports to the Court and the parties at the review hearing that has been set by the Court. These are not to be provided in advance of the hearing.” By placing such severe restrictions on Dr. Wang and Wang Anderson’s access to relevant information, Judge Crnkovich violated their right to due process at subsequent hearings, including by denying them meaningful and timely access to evidence, and violated their liberty interest in caring for the children, including the interest in knowing their children’s condition.

399. On information and belief, NDHHS, NFC, Richardson, Paul, Reid-Hansen, and Hansen made arrangements for or allowed X.C.W. to attend a meeting at Project Everlast in Omaha, Nebraska on March 14, 2015, near 24<sup>th</sup> and Lake Streets.

400. On information and belief, X.C.W. attended the Project Everlast meeting on March 14, 2015. NDHHS, NFC, Richardson, Reid-Hansen, Hansen, and KVC all failed to protect and to ensure that X.C.W. was properly supervised before, during and after this meeting at Project Everlast, and failed to notify Project Everlast that it was medically necessary, and essential to X.C.W.'s safety for her to be constantly supervised and for her physical activities to be limited, including restricted exercise. On information and belief, NDHHS, NFC, Little, Paul, Richardson, Reid-Hansen, Hansen, KVC, and Dr. Harrington all failed to have an appropriate safety plan in place or communicate any such plan to Project Everlast when X.C.W. attended the March 14, 2015 meeting. As a direct and proximate result of these failures, X.C.W. was again lured and sexually assaulted or sexually exploited by an unknown adult male during and after the lunch hour for an unknown length of time. This incident was life-threatening, and as a direct and proximate result of this incident, X.C.W. suffered severe physical, emotional, psychological, and mental damage.

401. On information and belief, NDHHS, NFC, KVC, Richardson, Paul, Uccchino, Reid-Hansen and Hansen failed to timely discover, investigate, or report the March 14, 2015 incident.

402. On information and belief, before, during and after the March 14, 2015 incident, NDHHS, NFC, KVC, Richardson, Paul, Reid-Hansen and Hansen failed to properly supervise or monitor X.C.W., including, without limitation, her electronic communications. X.C.W. had sent text messages from her phone to other girls on March 14, 2015, describing the incident. The incident was not discovered until Reid-Hansen was reviewing X.C.W.'s text messages on March 21, 2015, which was seven days after the incident occurred. As a direct and proximate result, X.C.W. was not provided with timely care, examination, treatment, or education following the incident. As a further result, a timely investigation was not commenced, immediate action to

prevent the recurrence of such an event was not taken by any of said Defendants, and none of said Defendants brought the incident to the attention of the Juvenile Court or CPS in a timely manner.

403. On information and belief, NDHHS, NFC, KVC, Richardson, Paul, Uchino, Reid-Hansen, and Hansen all failed to provide X.C.W. with the appropriate and necessary care, testing, examination, treatment, or prevention education related to the March 14, 2015 critical incident at any time thereafter. As a direct and proximate result of these failures, X.C.W.'s ability to identify or spot dangerous, harmful, or high risk situations was diminished, her judgment was impaired, and she became more vulnerable to similar incidents and situations recurring. Due to her increased vulnerability and susceptibility to being exploited, assaulted, or otherwise harmed, sexually and otherwise, X.C.W. was in even greater need of supervision following this incident.

404. In addition to requesting proper care, testing, examination, treatment, and education for X.C.W. following this incident, Dr. Wang and Wang Anderson repeatedly requested a police investigation of the incident. Despite the fact that Richardson and Risko promised the same, on information and belief, they failed to initiate such an investigation and no such investigation was ever done. On information and belief, even though Wang Anderson had notified NDHHS, NFC, Richardson, and others that X.C.W. had subconjunctival hemorrhages in both eyes resulting from the sexual assault, had difficulty speaking, and had become violently ill, no appropriate action was taken by NFC, NDHHS, Richardson, Paul, Reid-Hansen, Hansen, Dr. Harrington, or others.

405. As a direct and proximate result of the aforementioned failures, X.C.W. suffered further physical, mental, and emotional harm, her ability or willingness to engage in necessary treatment and therapy diminished, and her relationship with her parents deteriorated.

406. On information and belief, NDHHS, NFC, Reid-Hansen, Hansen, Richardson, Paul and KVC all failed to have in place or to follow their own policies and protocol regarding how to respond to critical incidents, such as the March 14, 2015 and other incidents.

407. NDHHS, NFC, Reid-Hansen, Hansen, Uchino, Richardson, and Paul failed to inform Dr. Wang or Wang Anderson of the March 14, 2015 incident until March 23, 2015. On information and belief, these defendants did not inform the Juvenile Court of the incident at all.

408. Wang Anderson brought the incident to the attention of the Juvenile Court as soon as she was able, by filing an Ex Parte Motion for Immediate Relief and supporting affidavit on March 31, 2015, through her attorney.

409. On information and belief, no one else brought this critical and life-threatening incident to the Juvenile Court's attention before or after that.

410. Judge Crnkovich denied Wang Anderson's Ex Parte Motion for Immediate Relief the same day and did not provide Wang Anderson a hearing on this motion, whereby denying the due process rights of Wang Anderson and X.C.W.

411. Within the limited visits they were provided with X.C.W., Wang Anderson and Dr. Wang tried to address the March 14, 2015 critical incident and how to properly respond to it with X.C.W., but were interrupted and cut off. NDHHS, NFC, Reid-Hansen, Hansen, Uchino, Richardson, and Paul failed and refused to appropriately address the incidents or reinforce these efforts with X.C.W. These defendants also failed to arrange or provide appropriate family therapy to provide an opportunity for Wang Anderson and Dr. Wang to constructively express and talk about their concerns with X.C.W. As a result, the relationship between X.C.W. and her parents deteriorated further.

412. On April 14, 2015, Judge Crnkovich heard Uchino's "Motion for Return of Personal Property of the minor child Y.C.W." The next day Judge Crnkovich rendered an order in which she denied Uchino's motion; but Judge Crnkovich also included in her order, *sua sponte*, without prior notice to Wang Anderson or Dr. Wang or hearing, ordered that "any gifts, clothing items, books, etc., must not be purchased or provided to said children except with approval of the Court."

413. On April 15, 2015, Judge Crnkovich rendered a separate order suspending contact between Wang Anderson and X.C.W. "until further order of the Court". Judge Crnkovich rendered this order *sua sponte*, without prior notice to Wang Anderson or Dr. Wang, without supporting evidence or evidence that suspension of contact was in X.C.W.'s best interest, and without giving Wang Anderson or Dr. Wang any opportunity to be heard or any other due process. Judge Crnkovich's actions in rendering this order constituted state action that completely deprived X.C.W. and Wang Anderson of their Constitutional familial rights with respect to each other, entirely without due process of law, and outside of Judge Crnkovich's jurisdiction and judicial authority.

414. Judge Crnkovich was negligent and acted in violation of the Constitutional rights of Wang Anderson, Dr. Wang, and X.C.W. when she rendered these April 15, 2015 orders without notice, evidence, a verbatim record, or any other due process. Other than a brief period of family therapy which was controlled entirely by Gunn, Wang Anderson was not allowed any contact with X.C.W. or Y.C.W. after that date.

415. On or about May 13, 2015, the Department filed a Notice of Change of Placement with the Juvenile Court indicating that X.C.W. would be moving from Bellevue, Nebraska to

Blair, Nebraska because Reid-Hansen and Hansen were moving. The Notice also stated that X.C.W. would be changing schools and moving to the Blair School District.

416. Dr. Wang and Wang Anderson both filed objections to this change of placement with the Juvenile Court on May 15, 2015 and May 19, 2015, respectively.

417. The objections filed by Dr. Wang and Wang Anderson warned Judge Crnkovich, the State of Nebraska, NDHHS, Reid-Hansen, Hansen, NFC, Little, Richardson and Paul that it would be dangerous and contrary to X.C.W.'s health, safety, and welfare for her to move to Blair, Nebraska at that time. The objections were overruled at a hearing on May 30, 2015.

418. At the close of that hearing, Judge Crnkovich told Wang Anderson's counsel that she could not file any pleadings within the Juvenile Proceeding without the permission of Wang Anderson's guardian ad litem.

419. As a result of the April 15, 2015 order by Judge Crnkovich suspending contact between X.C.W. and Wang Anderson, Wang Anderson was not permitted to participate at all in family therapy until around June 17, 2015.

420. Between May, 2015 and January, 2016, Gunn provided family therapy for X.C.W. and Dr. Wang. The family therapy also included Wang Anderson for a short time beginning in late June, 2015, until Gunn improperly, unfairly, intentionally and negligently terminated Wang Anderson's participation in family, after Wang Anderson tried to address the pertinent and urgent topic of sex trafficking with X.C.W.

421. Gunn departed from the appropriate standard of therapeutic care, and violated the Constitutional parental and familial liberty interests of Wang Anderson and X.C.W. in several respects between May, 2015 and January, 2016, including: failing to formulate a proper therapy or treatment plan; failing to follow a therapy or treatment plan; improperly discontinuing therapy

sessions; intimidating and using force; improperly, unfairly, and intentionally excluding Wang Anderson from therapy; not recommending or allowing Wang Anderson to resume family therapy; coercing Dr. Wang to dissolve his marriage to Wang Anderson, and doing so in the presence of X.C.W.; threatening to discontinue family therapy if Dr. Wang did not dissolve his marriage to Wang Anderson; improperly counseling X.C.W. regarding sexual behavior and prostitution; and lying to NDHHS and NFC.

422. Wang Anderson filed a Request for Lack of Reasonable Efforts Finding in the Juvenile Court proceeding on August 12, 2015. Her counsel issued notice that the hearing on that Request would take place on August 18, 2015. On August 17, 2015, counsel for NDHHS moved to continue the hearing, and the hearing on the Request was continued to October 20, 2015.

423. On August 18, 2015, a disposition and permanency planning hearing was commenced in the Juvenile Court proceeding. However, the hearing had to be continued because of the inconsistency and incompleteness of the report submitted by NDHHS, NFC, Richey, Richardson, and Petzel. At the hearing, Judge Crnkovich stated: “I am continuing this disposition. And I will expect a new report that details – or hand over your file if that is what it takes. And, Mrs. Risko, as counsel for the Department, who contracts with NFC, I want you to make sure that what the Court receives is absolutely thorough. And it should give all facts and not edit.”

424. A “check” hearing was held on September 8, 2015 in the Juvenile Court proceeding. However, the matter was continued again to October 15, 2015, so that Wang Anderson and Dr. Wang could have an opportunity to cross-examine the author(s) of the recently

prepared supplemental report which had been prepared by NDHHS, NFC, Richey, Richardson, and Petzel for the Juvenile Court, and offer other evidence related to the report.

425. As a direct and proximate result of the failure of NFC, NDHHS, Richardson, Richey, and Petzel to prepare a proper report for the Court, the disposition and permanency planning hearing was delayed almost two months, and the Court was not provided accurate and complete information regarding the health, safety and welfare of X.C.W. or Y.C.W. during that time period between August 18, 2015 and October 15, 2015. This delay directly caused harm to X.C.W. and Wang Anderson.

426. During the April, May, June, July, and September, 2015 family team meetings, Wang Anderson and Dr. Wang repeatedly voiced their concerns and objections to the Department, NFC, Dr. Harrington, Richardson, Paul, Richey, Petzel, Uchino, and Risko because X.C.W. was being allowed to work at a restaurant in Blair, Nebraska where alcohol and hard liquor were served, which exposed her to dangerous clientele without supervision. Wang Anderson informed the Department, Risko, NFC, Richardson, and KVC about the complete lack of supervision of X.C.W., and pointed out specific occasions when X.C.W. was seen on the street scantily dressed and alone.

427. On information and belief, during the time period from May, 2015 until September, 2015, X.C.W. was employed at a restaurant in Blair, Nebraska, and worked in the evenings. During this time period, X.C.W. was sometimes not provided transportation by Reid Hansen or Hansen, or anyone else, and was required to walk to or from work without supervision or protection, sometimes after dark. During this time period, X.C.W. also had access to one or more electronic communication devices, and her use of these devices was not adequately supervised or monitored. X.C.W. was not supervised while she was at work.

428. On September 30, 2015, X.C.W. was working a shift that was to end at 9:00 pm. Reid-Hansen expected or directed X.C.W. to return home on foot, rather than picking her up, immediately following her shift. X.C.W. did not return home after her shift, but instead was picked up by an adult man named Michael Griffin and sexually abused and exploited. On information and belief, electronic communications to arrange this encounter had begun several days before September 30, 2015, when X.C.W. was contacted by Griffin on her iPod Touch or other electronic communication device. On information and belief, X.C.W.'s electronic communications were not regularly monitored or supervised during the time when she lived with Reid-Hansen and Hansen.

429. On information and belief, X.C.W. was sexually abused, assaulted and exploited by Griffin and other unknown men on multiple other occasions while she was in the custody and care of NDHHS, NFC, KVC, Reid-Hansen and Hansen between July 1, 2014 and May, 2016.

430. At the time of the September 30, 2015 incident with Griffin occurred, NDHHS, Phillips, Weinberg, Steuter, NFC, Little, Nance, Richey, Petzel, KVC, Reid-Hansen, and Hansen all knew or should have known that X.C.W. had previously been sexually abused, assaulted or exploited when left unsupervised, including, without limitation, the August, 2014 and later incidents involving Matthew Kimball and the March, 2014 critical incident at Project Everlast mentioned above. Each of these Defendants knew or should have known of the foreseeable risk of X.C.W. being sexually assaulted or exploited if left unsupervised or unprotected. There were other warning signs which these defendants ignored, including the attire X.C.W. was permitted by Reid-Hansen and Hansen to wear during the entire time period when she was in their care.

431. NDHHS, Phillips, Weinberg, Steuter, NFC, Little, Nance, Richey, Petzel, KVC, Reid-Hansen, and Hansen all failed to protect or appropriately supervise X.C.W. on September

30, 2015 and all other occasions when she was sexually assaulted or sexually exploited and at all other times.

432. The Department, NFC, Reid-Hansen, Hansen, Richardson, Paul, Richey, Petzel and KVC all failed to provide necessary transportation for X.C.W. and allowed her unmonitored and unsupervised access to electronic communication devices and the internet, despite the fact that Dr. Wang and Wang Anderson made repeated requests to these defendants to prohibit or limit or adequately supervise X.C.W.'s access to the same.

433. As a direct and proximate result of the negligence of the Department, Reid-Hansen, Hansen, NFC, Richey, Petzel and KVC, the September 30, 2015 incident with Michael Griffin occurred, and X.C.W. suffered physical, psychological, mental and emotional damage, and Wang Anderson suffered severe physical, psychological, mental and emotional damage.

434. After the September 30, 2015 incident involving Michael Griffin, the Department, Petzel, Richey, NFC, KVC, Dr. Harrington, Reid-Hansen and Hansen all failed to provide X.C.W. with timely and appropriate health care, testing, therapy and education. As a direct and proximate result of these failures, X.C.W. suffered physical, psychological, mental and emotional damage.

435. The Department, Petzel, Richey, NFC, KVC, Dr. Harrington, Reid-Hansen and Hansen all failed to bring the September 30, 2015 incident to the attention of the Juvenile Court.

436. The only individuals or entities who took steps to adequately protect, treat, educate, provide guidance to, or supervise X.C.W. following this incident were Wang Anderson and Dr. Wang. On October 7, 2015, Wang Anderson filed an Ex Parte Motion for Increased Protective Measures, Change of Placement, and Appointment of Counsel for the Minor Children, and a Motion for Emergency Hearing in the Juvenile Court proceeding.

437. Judge Crnkovich denied Wang Anderson's Ex Parte Motion the same day. Her counsel filed a similar Motion for Emergency Hearing on October 7, 2015, and the same was set for hearing on October 15, 2015.

438. On October 15, 2015, a hearing was commenced in the Juvenile Court proceeding, but Judge Crnkovich determined that she could not take up the issues in Wang Anderson's Motion for Emergency Hearing, disposition, or Wang Anderson's Request for Lack of Reasonable Efforts Finding, without first clarifying the role of the guardians ad litem whom Judge Crnkovich had appointed for Wang Anderson and Dr. Wang. At that hearing, the Court commented, in reference to Wang Anderson and Dr. Wang, without evidence, that: "the mental health challenges are profound. They are apparent in every interaction. They are apparent in every motion. And they are impairing the attorneys' ability to represent the client adequately." At that hearing, the Court also reiterated its prior restraint on the autonomy of Wang Anderson and Dr. Wang, stating to Wang Anderson's counsel: "You will take your direction from Mrs. Nutzman, as will Mr. Wurth from Mr. Finley. Is that clear?" In her Continuance Order filed October 16, 2015, without providing any particulars or citing any evidence, Judge Crnkovich implied that the parents' "wishes or desires" were "IRRATIONAL".

439. As a direct and proximate result of Judge Crnkovich's failure to afford notice and a hearing to Wang Anderson and Dr. Wang regarding the appointment of guardians ad litem for them, and her failure to specify or explain the role of the guardians ad litem at the time of the appointment(s), disposition and resolution of all pending motions were "calendared for the time being" in order to allow counsel for the parties to brief the issue of the role of the guardian ad litem.

440. On November 4, 2015, Judge Crnkovich terminated the appointments of the guardians ad litem which she had appointed for Wang Anderson and Dr. Wang, essentially acknowledging that those appointments were made in error and without due process to Wang Anderson or Dr. Wang. As direct and proximate result of the illegal appointments of guardians ad litem for Wang Anderson and Dr. Wang, Judge Crnkovich did not consider or respond to the life-threatening concerns about X.C.W. raised by Wang Anderson, for several months, and X.C.W. and Wang Anderson suffered damage.

441. In July, 2015, Wang Anderson brought up the seriousness and life-threatening consequences of being sexually abused and sexually trafficked with X.C.W. during a family therapy session, to try to educate and protect her. Rather than assist Wang Anderson in discussing this important and germane topic with X.C.W., Gunn immediately asked Wang Anderson to leave and cut her off from therapy completely.

442. Wang Anderson tried to resume family therapy with X.C.W. after that, but was wrongly prevented from participating by Gunn, to the detriment of her relationship with X.C.W.

443. Between August 1, 2015 and January of 2016, Gunn departed from the therapeutic standard of care when she made suggestions to X.C.W. regarding how to safely or legally engage in prostitution, shortly after X.C.W. had been sold for money.

444. Between August 1, 2015 and January of 2016, Hansen had inappropriate conversations with X.C.W. regarding travel to Las Vegas, Nevada, in breach of his duty to provide proper foster care for X.C.W..

445. Between October 1, 2015 and January 15, 2016, Reid-Hansen made false reports to NFC, Richey, Dr. Harrington, Petzel, and others regarding the mental and emotional effects that parental visitation was having on X.C.W., in violation of the parental and familial rights of Wang

Anderson and X.C.W., and in breach of her duty to provide proper foster care to X.C.W. As a direct and proximate result of these false reports, ongoing successful family therapy between X.C.W. and Dr. Wang was abruptly stopped, and the therapeutic alliance between Gunn and the Wang family was destroyed.

446. From late May, 2015 through January, 2016, X.C.W. was successfully engaging in family therapy with Dr. Wang and Gunn. According to Gunn, at that time, progress was being made toward reunification with Dr. Wang. In January of 2016, the State, the Department, NFC, Richey, and Petzel all negligently, improperly, and with deliberate indifference to X.C.W.'s serious health needs, terminated or discharged Gunn as the family therapist between X.C.W. and Dr. Wang, in breach of their ongoing duty to provide care for X.C.W. and services to her and her family.

447. In January of 2016, the State, NDHHS, Uchino, NFC, Richey, Petzel, Dr. Harrington, and Ruma all agreed and decided to terminate effective ongoing health care provided by Gunn for X.C.W. and ongoing services for the family. They did so without first arranging and commencing the services of a new family therapist to ensure continuity of care. As a direct and proximate result, X.C.W. has not been able to form an effective treatment alliance with any provider since then, and her mental and physical health has declined.

448. On information and belief, from October 8, 2013 through April 8, 2016, Defendants State of Nebraska, NDHHS, NFC, Phillips, Weinberg, Steuter, Nance, Winans, Smith, Little, Paul, Richardson, Richey, Petzel, Christian Heritage, MPS, Tiemann, Hancock, Heys, Derr, Bhatia, Treinen, Amededji, Gurock, Reliable Rock, Alegent, and Tina Anderson all failed to protect, supervise, or provide for the needs of Y.C.W. while she was entrusted to their care. During that time period, Y.C.W.'s mental and physical health declined, she was in and out of the

hospital, intermittently and irregularly attended school, was not provided proper health care, was sexually assaulted or exploited, placed in dangerous or morally unsafe or unhealthy environments. These Defendants interfered with or failed to make efforts to reunify Y.C.W. with her Wang Anderson, and interfered with the parental rights of Wang Anderson with respect to Y.C.W.

449. On April 8, 2016, a dispositional hearing was held in the Juvenile Court Proceeding. At that hearing, two psychologists testified that Wang Anderson has not had, and does not have a mental illness or disorder, other than possible adjustment disorder caused by the circumstances of the Juvenile Proceeding and all of the actions and omissions alleged above. Another psychologist testified that Dr. Wang has not had, and does not have a mental illness or disorder, other than possible adjustment disorder caused by the circumstances of the Juvenile Proceeding.

450. On information and belief, NDHHS, NFC, Richey, and Petzel presented false, misleading, or inaccurate information to the Juvenile Court at the April 8, 2016 hearing.

451. On or about May 6, 2016, Judge Crnkovich entered a Disposition Order which changed the permanency objective to Independent Living, denied Wang Anderson's requests for visitation or contact with X.C.W., despite X.C.W.'s verbal request to see her mother, and relieved NDHHS from any obligation to provide further efforts toward reunification.

452. X.C.W. was placed in foster care with Zach and Libbie Appleby-Leo from May 12, 2016 through August 15, 2016.

453. On or about August 15, 2016, X.C.W. was placed in an independent living arrangement and moved into a dormitory at the University of Nebraska-Lincoln, in Lincoln, Nebraska, where she remained until about December 14, 2016.

454. From October, 2013 through the present, NFC's own court reports demonstrate that NDHHS, Phillips, Weinberg, Steuter, NFC, Nance, Winans, Smith, Little, Paul, Richardson, Richey, and Petzel have had a lack of regard or appreciation for, ignored, or deliberately failed to disclose the serious health and safety concerns of X.C.W and Y.C.W.. On information and belief, as of August 15, 2016, X.C.W. had not demonstrated sufficient maturity and still needed supervision. She continued to be very vulnerable. It was therefore contrary to her health, safety, and welfare to place her into an independent living arrangement at that time.

455. The State, NDHHS, NFC, Richey, and Petzel failed to involve Wang Anderson or Dr. Wang in the planning of or transition to an independent living arrangement for X.C.W. prior to her placement on August 15, 2016 and failed to notify Wang Anderson or Dr. Wang of X.C.W.'s move to independent living seven days in advance of the August 15, 2016 change of placement. On information and belief, these Defendants failed to establish or determine the terms and conditions of X.C.W.'s independent living arrangement which commenced on August 15, 2016, failed to adequately discuss any such terms or conditions with X.C.W., failed to define those terms or conditions in writing in a written service agreement signed by X.C.W., and failed to establish, define, or determine X.C.W.'s responsibilities with respect to the independent living arrangement and the consequences of failure to comply with the terms or conditions.

456. During the time period from August, 2016, through December, 2016, Wang Anderson was provided with only limited information regarding X.C.W. by NFC, Uchino, Richey and Petzel.

457. During that time period, NDHHS, NFC, Weinberg, Dr. Harrington, Phillips, Richey and Petzel all failed to protect, supervise, maintain sufficient contact with, or ensure proper health care for X.C.W. As a result, X.C.W.'s health, safety and welfare all declined, including

failure to continue with therapy, drug and alcohol use, continued sexual abuse and exploitation, and she failed or was forced to withdraw from her classes.

458. Between August, 2016 and December, 2016, Wang Anderson continually voiced her concerns regarding the health, safety, and welfare of X.C.W. She repeatedly communicated those concerns regarding X.C.W.'s health, safety and welfare to NDHHS, Weinberg, Phillips, NFC, Richey, and Petzel. The only responses Wang Anderson received to those communications were condescending or degrading accusations that Wang Anderson was, in essence, "focused" on the wrong concerns. Wang Anderson repeatedly requested a meeting with Petzel and Uchino, which eventually occurred on December 9, 2016. Wang Anderson, Petzel, Richey, Risko, and Uchino all attended that meeting, along with Wang Anderson's counsel. During the meeting, it was apparent that Petzel, Richey, Risko, and Uchino were all unaware of X.C.W.'s declining condition. Wang Anderson again communicated her concerns regarding X.C.W.'s health, safety and welfare, and these Defendants intimidated Wang Anderson in response.

459. On or about December 14, 2016, X.C.W. NDHHS, NFC, Petzel, and Richey removed X.C.W. from independent living at UNL and placed her back in foster care in an overcrowded home with Reid-Hansen and Hansen in Blair, Nebraska. On information and belief, these actions by these Defendants were in reaction to the information provided to them by Wang Anderson at the December 9, 2016 meeting.

460. Since at least August, 2016, Petzel, Richey, the Department, NFC, and Uchino have repeatedly withheld vital information from Wang Anderson and Dr. Wang regarding X.C.W.'s health, safety and welfare. While the Department, NFC, Uchino, Petzel and Richey have known that Reid-Hansen was 8-months pregnant, with four additional biological children

(under the age of 9), one 4-month-old foster baby, and 3 other minor foster children, knowing the absolute impossibility of providing the most basic and essential supervision and care, they deliberately withheld this information from the Juvenile Court, Wang Anderson and Dr. Wang.

461. On or about March 29, 2017, X.C.W. was placed with agency-based foster parent Mercedes Brown in Omaha, Nebraska, where she remains as of the date of filing of this Complaint.

462. Since October 9, 2013, Wang Anderson has repeatedly reported her concerns regarding the care and treatment of her children by the State, NDHHS, NFC, and the other Defendants to Weinberg, Phillips, Steuter, and other responsible officials, and her reports have been ignored or brushed aside.

463. Wang Anderson and Dr. Wang have been foreclosed from obtaining accurate information regarding X.C.W.'s health, safety, and welfare throughout the pendency of the Juvenile Proceeding. Accordingly, Wang Anderson reserves the right to amend this Complaint upon further discovery.

## **FIRST CAUSE OF ACTION**

### **42 U.S.C. § 1983 – FOURTH AMENDMENT AND FOURTEENTH AMENDMENTS**

#### **Procedural Due Process, Unlawful Seizure, and Familial Association**

#### **Against Defendants Wheeler, Miller, Sheller, White, Heys, and Tiemann**

464. Plaintiffs replead and incorporate by reference the allegations contained in paragraphs 1 through 463 above, as if fully set forth here.

465. Under the circumstances of this case outlined above, X.C.W. had the right to be free from unreasonable seizure under the Fourth Amendment of the United States Constitution, which right was “clearly established” as of the time of the seizure, such that a reasonable law

enforcement officer, school, school official or social worker in Defendants' situation would know that it is wrong to interfere in a child's right to remain with her parent in the absence of exigent circumstances, and that such right may not be impinged upon without first obtaining a warrant or other court order to do so.

466. Under the circumstances of this case outlined above, X.C.W. and Wang Anderson had the right to be free from the severance of their familial association without due process of law under the Fourth Amendment of the United States Constitution, which right was "clearly established" as of the time of the seizure, such that a reasonable law enforcement officer, school official or social worker in Defendants' situation would know that it is wrong to interfere in a parent's right to the care and custody of her child in the absence of exigent circumstances, and that such right may not be impinged upon without first obtaining a warrant or other court order to do so and other due process.

467. The actions of Deputy Wheeler, Deputy Miller, Lieutenant Gentile, Sheller, White, Heys, Hancock, and Tiemann caused or contributed to the unlawful seizure, detention, and removal of X.C.W. from Wang Anderson's care and custody without proper justification or authority, without a warrant, in the absence of exigent circumstances, an emergency or probable cause, without consent, court order, or any other legal basis for the removal of X.C.W. from the care and custody of Wang Anderson.

468. Defendants' actions were taken with deliberate indifference to Plaintiffs' rights.

469. As a direct and proximate result of these Defendants' actions, Plaintiffs have suffered, and will continue to suffer economic, physical, mental and emotional injury, all to an extent and in an amount subject to proof at trial.

470. Defendants Gentile, Wheeler, Miller, Sheller, White, Heys, Hancock and Tiemann are vicariously responsible for the conduct of each other and Does 1 through 15, inclusive, under applicable statutory and case law.

471. On information and belief, Gentile, Wheeler, Miller, Sheller, White, Heys, and Tiemann and Does 1 through 15, inclusive, and each of them were motivated by evil motive or intent, or acted with reckless or callous indifference to Plaintiffs' federally protected rights. Thus, Plaintiffs are entitled to an award of punitive damages.

## **SECOND CAUSE OF ACTION**

### **42 U.S.C. § 1983, 1985 – MONELL-RELATED CLAIMS**

**Against County of Douglas, Nebraska Families Collaborative, KVC Behavioral Healthcare Nebraska, Inc., Christian Heritage, Children's Hospital and Medical Center, Alegent Creighton Clinic, Reliable Rock, Project Harmony, Laureate Psychiatric Hospital, Remuda Ranch, Millard Public Schools, Papillion La Vista Community Schools, and Does 1 through 15, Inclusive**

472. Plaintiffs replead and incorporate by reference the allegations contained in paragraphs 1 through 471 above, as if fully set forth here.

473. On information and belief, Defendant County of Douglas, (including through its entities Douglas County Sheriff and Douglas County Attorney), and Defendants NFC, KVC, Christian Heritage, Children's, Alegent, Reliable Rock, Project Harmony, Laureate Psychiatric, Remuda Ranch, MPS, PLCS, and Does 1 through 15, inclusive, established and/or followed policies, procedures, customs, usages and/or practices (hereinafter referred to collectively as "policy" or "policies") which policies were the moving force behind the violations of Plaintiffs' constitutional rights as alleged hereinabove, including those arising under the First, Fourth, Fifth, Ninth and Fourteenth Amendments to the United States Constitution, by and through, but not limited to, the following policies, practices, customs, usages and/or procedures:

- a. the policy, practice, custom, usage and/or procedure of detaining and/or removing children from their family and homes without exigent circumstances (imminent danger of serious physical injury), court order and/or consent;
- b. the policy, practice, custom, usage and/or procedure of removing children from their family and their homes without first obtaining a warrant or other court order when no exigency exists;
- c. the policy, practice, custom, usage and/or procedure of examining (medically) children without exigency, need, or proper court order, and without the presence and/or consent of their parent or guardian;
- d. the policy, practice, custom, usage and/or procedure of removing and detaining children, and continuing to detain them for an unreasonable period after any alleged basis for detention is negated;
- e. the policy, practice, custom, usage and/or procedure of using trickery, duress, fabrication and/or false testimony and/or evidence, and in failing to disclose exculpatory evidence, in preparing and presenting reports and court documents to the Court, causing an interference with Plaintiffs' rights, including those as to familial relations;
- e. the policy, practice, custom, usage and/or procedure of not conducting proper intake assessments, safety assessments, family assessments and other assessments or evaluations as to the strengths and needs of children and families who are the subjects of intervention;
- f. the policy, practice, custom, usage and/or procedure of not arranging, coordinating, referring, or providing services, in a clear and timely fashion, which

are appropriate and reasonably calculated to address the needs of those children and families;

g. by acting with deliberate indifference in implementing a policy of inadequate training, and/or by failing to train its officers, agents, employees and state actors, in providing the constitutional protections guaranteed to individuals, including those under the First, Fourth, Fifth, Ninth, and Fourteenth Amendments, when performing actions related to child abuse, neglect or dependency type proceedings.

h. by acting with deliberate indifference in implementing a policy of inadequate supervision, and/or by failing to adequately supervise its officers, agents, employees and state actors, in providing the constitutional protections guaranteed to individuals, including those under the First, Fourth, Fifth, Ninth, and Fourteenth Amendments, when performing actions related to child abuse, neglect or dependency type proceedings.

i. the policy, practice, custom, usage and/or procedure of making false or unfounded allegations in Juvenile Petitions, i.e. alleging that a parent was observed to be acting in a manner consistent with untreated mental health needs under Neb. Rev. Stat. § 43-247(3a), where there is no evidentiary basis to support the charge.

j. by acting with deliberate indifference in implementing a policy, practice, custom, usage and/or procedure which allows for arranging or providing health care for a child without first obtaining proper informed consent.

k. the policy, practice, custom, usage and/or procedure of improperly influencing, manipulating, or controlling the services and opinions of health care providers and other professionals, or attempting to do so, as those services relate to the assessment, evaluation, diagnosis, treatment, or other care provided by those providers or other professionals; and,

l. the policy, practice, custom, usage and/or procedure of placing children in over-crowded foster homes.

(This list is not exhaustive due to the pending nature of discovery and the privileged and protected records of investigative and juvenile proceedings. Plaintiffs reserve the right to amend this pleading as more information becomes available.)

474. Defendants County of Douglas, NFC, KVC, Christian Heritage, Children's, Alegent, Reliable Rock, Project Harmony, Laureate Psychiatric, Remuda Ranch, MPS, PLCS, and Does 1 through 15, inclusive, all breached their duties and obligations to Plaintiffs by, including but not limited to, failing to establish, implement and follow the correct and proper Constitutional policies, procedures, customs, usages, and practices; by failing to properly select, supervise, train, control, and review their agents and employees as to their compliance with Constitutional safeguards with deliberate indifference; and by knowingly, or with deliberate indifference, permitting one or more of the individual Defendants herein to engage in unlawful and unconstitutional conduct as herein alleged; and by conspiring with one or more other defendants to do the same.

475. Defendant County of Douglas, (including through its entities Douglas County Sheriff and Douglas County Attorney), and Defendants NFC, KVC, Christian Heritage,

Children's, Alegent, Reliable Rock, Project Harmony, Laureate Psychiatric, Remuda Ranch, MPS, PLCS, and Does 1 through 15, inclusive knew, or should have known, that by breaching the above-mentioned duties and obligations that it was foreseeable that said failure would, and did, cause Plaintiffs to be injured and damaged, and their constitutional rights to be impaired, by the wrongful policies and acts as alleged herein, and that such breaches occurred in contravention of public policy and Defendants' legal duties and obligations to Plaintiffs; and that such policies, practices, and customs and procedures were the moving force behind the constitutional violations alleged herein above.

476. These actions, and/or inactions, of Defendant County of Douglas, (including through its entities Douglas County Sheriff and Douglas County Attorney), and Defendants NFC, KVC, Christian Heritage, Children's, Alegent, Reliable Rock, Project Harmony, Laureate Psychiatric, Remuda Ranch, MPS, PLCS, and Does 1 through 15, inclusive were the direct and proximate cause of Plaintiffs' injuries, as alleged herein; and as a result, Plaintiffs have sustained general and special damages, to an extent and in an amount to be proven at trial.

477. Defendant County of Douglas, (including through its entities Douglas County Sheriff and Douglas County Attorney), and Defendants NFC, KVC, Christian Heritage, Children's, Alegent, Reliable Rock, Project Harmony, Laureate Psychiatric, Remuda Ranch, MPS, PLCS, and Does 1 through 15, inclusive, and each of them were motivated by evil motive or intent, or acted with reckless or callous indifference to Plaintiffs' federally protected rights. Thus, Plaintiffs are entitled to an award of punitive damages.

### **THIRD CAUSE OF ACTION**

#### **NEGLIGENCE**

#### **All Defendants**

477. Plaintiffs replead and incorporate by reference the allegations contained in paragraphs 1 through 476 above, as if fully set forth here.

478. From October 8, 2013 through the date of this Complaint, each of the named Defendants herein was negligent in one or more of the following respects:

- A. failing to maintain the connection of X.C.W. and Y.C.W. to their parents while they were in out-of-home care;
- B. failing to provide Wang Anderson visitation with X.C.W. and Y.C.W. and failure to maintain and support the parent-child relationship;
- C. failing to continue the parent-child attachment or preserve X.C.W. and Y.C.W.'s sense of belonging as a part of her family, community and culture;
- D. failing to consider reunification as the primary permanency objective;
- E. failing to develop and implement a plan designed to achieve the court-ordered permanency objective of reunification with a parent;
- F. considering alternative permanency objectives before Wang Anderson and Dr. Wang had been given reasonable opportunities to reunify and not succeeded;
- G. failing to provide frequent and regular contact between X.C.W. and Wang Anderson and between Y.C.W. and Wang Anderson, which was critical to reunification;
- H. failing to develop, recommend, request, provide, or implement a timely and appropriate plan for visitation, parenting time, or other contact between X.C.W. and Y.C.W. and Wang Anderson;

- I. failing to follow applicable laws, statutes, policies and procedures regarding the development and implementation of a plan for visitation or parenting time between X.C.W. and Wang Anderson and Y.C.W. and Wang Anderson;
- J. failing to encourage or make efforts to strengthen the parent-child relationship between X.C.W. and Wang Anderson or between Y.C.W. and Wang Anderson;
- K. failing to offer or provide “wrap-around” or other services to Wang Anderson and X.C.W. or Y.C.W. prior to removing the X.C.W. or Y.C.W. from Wang Anderson’s care and custody;
- L. failing to place X.C.W. or Y.C.W. in the least restrictive environment consistent with her best interests;
- M. failing to provide appropriate and necessary care, protection and a safe and stable living environment for X.C.W. or Y.C.W.;
- N. failing to assure the development of X.C.W. and Y.C.W.’s capacities for a healthy personality, physical well-being, and useful citizenship;
- O. failing to make reasonable efforts to preserve and reunify the family relationships between X.C.W. and Wang Anderson and between Y.C.W. and Wang Anderson;
- P. failing to acknowledge or recognize the efforts toward reunification which were made by Wang Anderson, X.C.W. and Y.C.W.;
- Q. failing to conduct an appropriate investigation of the circumstances of X.C.W. or Y.C.W. designed to establish a safe and appropriate plan for the rehabilitation of X.C.W. and Y.C.W. and the family unit, immediately following their removal from the family home;

- R. failing to complete or conduct necessary investigations or assessments throughout the pendency of the Juvenile Court proceeding, including, without limitation: initial assessment; family assessment; family issues, strengths and needs assessment; and family and child assessment; reunification assessment, and other necessary assessments;
- S. failing to provide or arrange necessary services appropriate to, and matched with the desired outcome of reunification, based upon a proper family assessment and clear identification of family and child goals;
- T. terminating or discontinuing effective services, including visitation, family therapy, and other contact between X.C.W. and Wang Anderson and Y.C.W. and Wang Anderson.
- U. failing to provide “guaranteed services” as required by 390 NAC 5-004;
- V. failing to develop, implement, and update appropriate written case plans;
- W. failing to involve Wang Anderson or Dr. Wang in the development of case plans;
- X. failing to make accurate and timely reports to the Juvenile Court about the condition, placement, circumstances, and needs of X.C.W.;
- Y. making false or untrue statements in reports or to the Juvenile Court;
- Z. making recommendations regarding Wang Anderson and/or X.C.W. or Y.C.W. without any supporting evidence or other proper basis;
- AA. failing to provide X.C.W. or Y.C.W. with timely, proper and appropriate care, placement, medical services, psychiatric services, or training;

BB. consenting to health care for X.C.W. and Y.C.W. without being informed about the risks and benefits of the treatment;

CC. disregarding and failing to timely consider and investigate X.C.W.'s Chinese relatives as a placement, on multiple occasions;

DD. disregarding and failing to place X.C.W. with an available Chinese relative which had priority over a non-relative, non-kinship foster placement, in violation of applicable regulations and policies, on multiple occasions;

EE. Failing to properly investigate prior to removing X.C.W. or Y.C.W. from Wang Anderson's care or custody;

FF. Failing to properly investigate, assess, document, or record findings and observations of X.C.W. and Y.C.W.; and,

GG. Withholding or failing to disclose evidence or information regarding the health, safety, or welfare of X.C.W. or Y.C.W. to Wang Anderson.

479. From October 8, 2013 through the date of this Complaint, Defendants NDHHS, Dr. Harrington, Ruma, Beals, NFC, Winans, Smith, Paul, Richardson, Risko, Richey, Petzel, Ried Hansen and Hansen have been negligent in the following respects:

A. repeatedly failing to protect X.C.W. and Y.C.W.;

B. repeatedly placing X.C.W. and Y.C.W. in dangerous environments;

C. repeatedly placing or allowing X.C.W. to be placed in an overcrowded foster home;

D. placing or allowing X.C.W. to be placed in a foster home when the maximum number of foster children permitted by regulation, or more, were already placed in that foster home;

- E. failing to provide necessary supervision and monitoring of X.C.W. or Y.C.W.;
- F. failing to provide transportation to X.C.W.;
- G. allowing X.C.W. to be employed in a dangerous environment; and,
- H. making false or misleading statements regarding family therapy and other false statements.

480. From October 8, 2013 through the present, Defendants Children's, Project Harmony, Dr. Haney, Johnson, Alegent, Reliable Rock, Gurock, Dr. Bhatia, Laureate, Remuda, Dr. Harrington, Treinen, Beals, Parke, Ruma, Boyles, Amededji, Borer, and Gunn have been negligent in one or more of the following respects, and as more particularly described elsewhere in this Complaint:

- A. Failing to provide the appropriate standard of health care to X.C.W. or Y.C.W.;
- B. Failing to properly assess and diagnose X.C.W. or Y.C.W.;
- C. Failing to obtain or consider necessary health information regarding X.C.W. or Y.C.W.;
- D. Providing care to X.C.W. or Y.C.W. without informed consent;
- E. Failing to provide the least restrictive care for X.C.W. or Y.C.W.;
- F. Excluding Wang Anderson or Dr. Wang from family therapy;
- G. Making recommendations regarding parental contact which are outside the scope of the expertise and care provided by each such provider;
- H. Prescribing prescription medications, including Zoloft, which were contra-indicated or contrary to the standard of care for X.C.W.;
- I. Failing to provide family therapy;

- J. Failing to provide individual therapy;
- K. Discussing prostitution with X.C.W.;
- L. Excluding the parents of a minor child from the child's care;
- M. Admitting X.C.W. for in-patient care without first contacting or discussing the recommended care with Wang Anderson or Dr. Wang; and,
- N. Recommending in-patient care for X.C.W. without first recommending an appropriate outpatient option.

481. From October 8, 2013 through the present, Defendants NDHHS, Douglas County, NFC, KVC, MPS, PLCS, Children's, Gurock, Reliable Rock, Dr. Harrington, Phillips, Weinberg, Steuter, Laureate Psychiatric, Remuda, Nance, Little, Newell, Winans, Paul, and Richey have been negligent in failing to properly train and supervise employees of those entities or agencies.

482. Defendants NDHHS, Douglas County, NFC, KVC, Christian Heritage, MPS, PLCS, Children's, Gurock, Reliable Rock, Dr. Harrington, Phillips, Weinberg, Steuter, Laureate Psychiatric, Remuda, Nance, Little, Newell, Winans, Paul, and Richey are vicariously liable for the negligent acts mentioned in the preceding paragraphs under a theory of respondeat superior.

483. As a direct and proximate result of each of the aforementioned negligent acts or omissions, X.C.W. and Wang Anderson suffered damage.

484. But for each of the aforementioned negligent acts or omissions X.C.W. and Wang Anderson, would not have suffered damage.

485. Plaintiff has timely complied with the requirements of the Nebraska State Tort Claims Act, to the extent it applies to any State Defendant, by filing her claim on or about March 13, 2017.

486. Based upon all of the harm that X.C.W. suffered while in the care of Reid Hansen and Hansen, she would suffer irreparable harm if placed in their care.

WHEREFORE, in addition to the general prayer for relief set forth below, Plaintiff requests an order enjoining Reid Hansen or Hansen from caring for or having any contact with X.C.W.

#### **FOURTH CAUSE OF ACTION**

#### **42 U.S.C. § 1983 – VIOLATION OF SUBSTANTIVE DUE PROCESS RIGHTS TO FAMILY INTEGRITY AND THE PARENT-CHILD RELATIONSHIP UNDER THE FOURTEENTH AMENDMENT**

#### **Against all Individual Defendants**

487. Plaintiffs replead and incorporate by reference the allegations contained in paragraphs 1 through 486 above, as if fully set forth here.

488. Parents and their children have a recognized unique and legal interest in, and a constitutionally protected right to, companionship. The substantive due process right to family integrity protects not only the parent's right to the companionship, care, custody, and management of his or her child, but also protects the child's reciprocal right to be raised and nurtured by his or her biological parent. It is clear that both parents and their children have cognizable substantive due process rights to the parent-child relationship. *Amanda C. ex rel. Richmond v. Case*, 275 Neb. 757 (Neb. 2008).

489. From October 8, 2013 through the present, X.C.W., Wang Anderson, and Dr. Wang have all had a constitutionally protected substantive due process right to family integrity.

490. From October 8, 2013 through the present, each of the individual Defendants have violated the substantive due process right to family integrity of X.C.W., including her right to the

companionship of her parents and her rights to be raised, guided and nurtured by her parents, in one or more of the following respects:

- A. Removal from the family home even though X.C.W. said she felt safe with her mother;
- B. Denial of, and failure to provide or arrange visitation;
- C. Recommending the imposition of excessive and unwarranted restrictions and limitations on visitation;
- D. Filing or recommending the filing of a petition to terminate parental rights without sufficient evidence;
- E. Improperly requesting or ordering the suspension of contact between X.C.W. and her parents;
- F. Failing and refusing to place X.C.W. with her Chinese relative, even though she requested it;
- E. Making decisions with regard to the education of X.C.W. without notifying Wang Anderson or Dr. Wang, obtaining their consent or approval, or affording them an opportunity to be heard regarding the decisions, including decisions to remove X.C.W. from school, transfer her to a different school, discontinue or change classes, assess, identify, or evaluate X.C.W. and other decisions;
- F. Repeatedly failing to ensure and maintain meaningful parental contact and to encourage X.C.W.'s engagement with her parents.

491. From October 8, 2013 through the present, each of the individual Defendants violated the substantive due process right to family integrity of Wang Anderson and Dr. Wang,

including their right to the companionship, care, custody and management of their children, in one or more of the following respects:

- A. Removal of their children from the family home even though X.C.W. said she felt safe with her mother;
- B. Denial of visitation;
- C. Recommending the imposition of excessive, unwarranted or impossible restrictions or limitations on visitation;
- D. Filing a petition to terminate parental rights without sufficient evidence;
- E. Improperly requesting the suspension of contact between X.C.W. and her parents;
- F. Failing and refusing to place X.C.W. with her Chinese relative, even though X.C.W. and they requested it;
- G. Failing to conduct a proper investigation;
- H. Failing to perform proper assessments and/or evaluations;
- I. Not developing, preparing, or maintaining a proper written visitation plan;
- J. Deliberately, or with deliberate indifference, failing to make efforts toward reunification and encouraging other Defendants to not make efforts toward reunification;
- K. Deliberately withholding information regarding X.C.W. or Y.C.W. from Wang Anderson and Dr. Wang;
- L. Making false, misleading, or inaccurate statements or representations to the Juvenile Court;

M. Failing to prepare a plan for reunification of X.C.W. and Y.C.W. with their parents; and,

N. Deliberately failing or refusing to encourage X.C.W. or Y.C.W. to have contact with Wang Anderson.

492. From October 28, 2013 through the present, Judge Crnkovich, acting outside of all judicial authority and jurisdiction, violated Wang Anderson's right to due process, and is not protected from liability for the same by judicial immunity, in the following respects:

A. Appointing a guardian ad litem for her without notice, evidence, a hearing, or other due process;

B. Continuing the appointment of a guardian ad litem for Wang Anderson throughout the Juvenile Proceeding, without ever affording Wang Anderson an opportunity to be heard regarding her mental health, capacity, competency, the appropriateness of a guardian ad litem;

C. Not defining the role of the guardian ad litem for Wang Anderson from October 28, 2013 through November 3, 2015;

D. Disregarding, ignoring, or unreasonably misconstruing Wang Anderson's affidavits, statements in court, and pleadings filed by her counsel (which were all filed or made in an effort to protect her children) as indicating that Wang Anderson had ongoing mental health problems;

E. Criticizing and demeaning Wang Anderson in the presence of other parties to the Juvenile Proceeding during hearings;

F. Imposing unconstitutional restraints on Wang Anderson's ability to exercise her parental rights, including , without limitation, the health care and education of her children, without notice, a hearing, evidence, or other due process;

G. Imposing unconstitutional restraints on Wang Anderson's ability to avail herself of due process in the Juvenile Proceeding in other respects without notice, a hearing, or other due process;

H. Suspending Wang Anderson's contact with X.C.W. on at least two occasions without proper notice, hearing, evidence, or other due process;

I. Communicating to the parties to the Juvenile Proceeding, including NDHHS and its agents, at the October, 2013 hearing that, in essence, she would not require the minor children to visit their parents;

I. Imposing restraints on Wang Anderson's First Amendment rights, including to free speech, in barring her from communicating with service providers and other individuals or entities affecting her children, without notice, a hearing, or other due process;

J. Disregarding, ignoring, or failing to consider evidence adduced by Wang Anderson throughout the Juvenile Proceeding; and,

K. Disregarding, ignoring, or failing to consider statements by Wang Anderson that Anderson had complied with certain directives or recommendations previously made by Judge Crnkovich, including, without limitation, that Wang Anderson had completed mental health evaluations of herself.

493. On or about April 1, 2016, Defendants Derr and Tina Anderson violated the substantive due process right to family integrity of Wang Anderson, including her right to the

companionship, care, custody or management of their children, by filing a petition to have Y.C.W. declared to be incapacitated and requesting that they be appointed as her co-guardians without any proper basis, and by asking the Douglas County Court to allow them to proceed on their petition without providing any notice to Wang Anderson, and without providing any notice to Wang Anderson of said guardianship proceeding.

494. On information and belief, Defendants NDHHS, Douglas County, NFC, KVC, Christian Heritage, MPS, PLCS, Children's, Reliable Rock, Laureate Psychiatric, Remuda, Project Harmony, are liable for the aforementioned violations because they were committed in furtherance of unconstitutional policies and customs of NFC, and because the violations consist of actions taken by NFC representatives which inflicted injuries redressable by section 1983.

495. On information and belief, NDHHS, Douglas County, NFC, KVC, Christian Heritage, MPS, PLCS, Children's, Reliable Rock, Laureate Psychiatric, Remuda, Project Harmony committed all relevant actions in reliance on governmental assistance or benefits.

496. On information and belief, Defendants NDHHS, Douglas County, NFC, KVC, Christian Heritage, MPS, PLCS, Children's, Reliable Rock, Laureate Psychiatric, Remuda, Project Harmony were all performing traditional governmental functions when they acted as described elsewhere in this Cause of Action.

497. As a direct and proximate result of these Defendants' actions, Plaintiffs have suffered, and will continue to suffer economic, physical, mental and emotional injury, all to an extent and in an amount subject to proof at trial. On information and belief, said Defendants acted with malice, and Plaintiffs are therefore entitled to punitive damages.

#### **FIFTH CAUSE OF ACTION**

#### **42 U.S.C. § 1983 – DELIBERATE INDIFFERENCE**

**Against All Individual Defendants**

498. Plaintiffs replead and incorporate by reference the allegations contained in paragraphs 1 through 497 above, as if fully set forth here.

499. By virtue of the acts and omissions alleged above, each of the individual Defendants failed to protect and was deliberately indifferent to the serious health and safety needs of X.C.W., in violation of the Due Process Clause of the Fourteenth Amendment.

500. As a direct and proximate result of these Defendants' actions, Plaintiffs have suffered, and will continue to suffer economic, physical, mental and emotional injury, all to an extent and in an amount subject to proof at trial. On information and belief, said Defendants acted with malice, and Plaintiffs are therefore entitled to punitive damages.

**SIXTH CAUSE OF ACTION**

**42 U.S.C. § 1983 - RETALIATION FOR PROTECTED ACTIVITY**

**Against Defendants Douglas County, Wheeler, Gentile, Miller, Crnkovich, NDHHS, NFC, Richey, Petzel, Reid-Hansen**

501. Plaintiffs replead and incorporate by reference the allegations contained in paragraphs 1 through 500 above, as if fully set forth here.

502. Plaintiff Wang Anderson, individually, has made efforts or attempted to exercise her free speech, due process and appeal rights with respect to her children's education, investigations by law enforcement, school officials, and social workers, and in the Juvenile Proceeding, including, without limitation, in the following respects:

- A. requesting a prompt and fair detention or protective custody hearing;
- B. objecting to the appointment of a guardian ad litem for her;
- C. refusing to discuss the allegations of the juvenile court petition during "therapeutic visits" with X.C.W.;

- D. filing a motion for placement of X.C.W. in an inpatient facility on December 31, 2013;
- E. contesting adjudication and termination of her parental rights;
- F. filing a motion to recuse Judge Crnkovich as the trial judge in the Juvenile Court proceeding on January 15, 2014;
- G. appealing the Adjudication Order rendered June 25, 2014 in the Juvenile Court;
- H. requesting, through subpoena or otherwise, health care, educational, and other records regarding X.C.W. and Y.C.W. from October, 2013 through the present;
- I. taking depositions for use in the Juvenile Proceeding;
- J. filing various motions for emergency protective relief to protect X.C.W.; and,
- K. subpoenaing witnesses to testify at court hearings.

503. Defendants Douglas County, Wheeler, Gentile, Miller, Crnkovich, NDHHS, NFC, Paul, Richardson, Richey, Petzel, and Reid-Hansen retaliated against Wang Anderson for one or more of these actions by referring to them in their reports to the Court and other reports, in a way which put Wang Anderson in a negative light.

504. On information and belief, Defendants NDHHS, NFC, Richey, Petzel, and Reid-Hansen have openly criticized Wang Anderson for said actions in the presence of X.C.W.

505. Defendant Crnkovich retaliated against Wang Anderson for filing her Ex Parte Motion for Immediate Relief to protect her daughter on March 31, 2015 in the Juvenile Proceeding, by suspending Wang Anderson's contact with X.C.W. indefinitely without notice, hearing, evidence, or verbatim record, leading to Wang Anderson having almost no contact with X.C.W. for over two years thereafter.

506. As a direct and proximate result of these Defendants' actions, Plaintiffs have suffered, and will continue to suffer economic, physical, mental and emotional injury, all to an extent and in an amount subject to proof at trial. On information and belief, said Defendants acted with malice, and Plaintiffs are therefore entitled to punitive damages.

**SEVENTH CAUSE OF ACTION**

**42 U.S.C. § 1983 – FIRST AMENDMENT**

**Against Judge Crnkovich**

507. Plaintiffs replead and incorporate by reference the allegations contained in paragraphs 1 through 506 above, as if fully set forth here.

508. Judge Crnkovich violated Wang Anderson's First Amendment right to free speech when she: appointed a guardian ad litem for her without due process and without defining the guardian ad litem's role; imposed restraints on her ability to communicate with service providers and other individuals; by requiring her to communicate through her attorney and her guardian ad litem; and by prohibiting her counsel from filing motions or other pleadings without the approval of her guardian ad litem.

509. As a direct and proximate result of this Defendant's actions, Plaintiff has suffered, and will continue to suffer economic, physical, mental and emotional injury, all to an extent and in an amount subject to proof at trial. On information and belief, said Defendant acted with malice, and Plaintiff is therefore entitled to punitive damages.

**EIGHTH CAUSE OF ACTION**

**42 U.S.C. § 2000d – DISCRIMINATION**

**Against Defendants State of Nebraska, NDHHS, White, Wheeler, Gentile, NFC, Winans, Smith, Parke, Paul, Richardson, Richey, Petzel,**

510. Plaintiffs replead and incorporate by reference the allegations contained in paragraphs 1 through 509 above, as if fully set forth here.

511. X.C.W. and Wang Anderson were, on the ground of race, color, or national origin, excluded from participating in, denied benefits of, or were subjected to discrimination under one or more programs or activities receiving Federal financial assistance, including, without limitation, child welfare services.

512. On information and belief, on the grounds that Wang Anderson and X.C.W. are Asian and of Chinese origin:

A. NDHHS, NFC, White, Sheller, Wheeler and Gentile did not conduct a fair investigation prior to or after removal of X.C.W. or Y.C.W. from the Wang Anderson home, and failed to consider and recognize that the characteristics of Wang Anderson and her residence observed by these Defendants were consistent with the traditions, customs, and mores of Chinese culture.

B. White, Winans, Smith, Paul, Richardson, Richey, and Petzel did not place X.C.W. on one or more occasions with her Chinese relatives Zhang and Dong, despite the requests of X.C.W. and Wang Anderson and the applicable regulations which required preference of relative placements over other placements. On information and belief, Smith or Richardson deliberately did not place X.C.W. with these relatives precisely because they were of her same race and national origin, including because of cultural norms, traditions, mores of the Chinese people. On or about June 5, 2014, Parke made a recommendation to Smith not place X.C.W. with a Chinese family because it would be “traumatic” for X.C.W., which recommendation was the basis for the decision by NDHHS, NFC, Smith

and Winans to not place X.C.W. with a Chinese relative family, and instead place her in a foster home already overwhelmed with too many children.

C Said Defendants failed to make or implement a plan for reunification or visitation as they would have for non-Asian or non-Chinese families.

513. As a direct and proximate result of these Defendants' actions, Plaintiff has suffered, and will continue to suffer economic, physical, mental and emotional injury, all to an extent and in an amount subject to proof at trial. On information and belief, said Defendants acted with malice, and Plaintiff is therefore entitled to punitive damages.

### **NINTH CAUSE OF ACTION**

#### **SECTION 504 OF REHABILITATION ACT OF 1973**

##### **Against Defendants State of Nebraska, Crnkovich, NDHHS, NFC, Richardson, Paul And Papillion La Vista Community Schools**

514. Plaintiffs replead and incorporate by reference the allegations contained in paragraphs 1 through 513 above, as if fully set forth here.

515. On information and belief, Defendants State of Nebraska, NDHHS, NFC, Smith, La Vista Public Schools failed to establish or implement, with respect to actions regarding the identification, evaluation, or educational placement of a person who, because of handicap, need or are believed to need special instruction or related services, a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the person to examine relevant records, an impartial hearing with opportunity for participating by the person's parents or guardian and representation by counsel, and a review procedure.

516. In 2014, a "Section 504 Accommodation Plan" was developed and implemented for X.C.W., by said Defendants. However, each of said Defendants did not afford Wang Anderson,

whose parental educational rights have always been intact, with any of the aforementioned safeguards or process.

517. As a direct and proximate result of these Defendants' actions, Plaintiff has suffered, and will continue to suffer economic, physical, mental and emotional injury, all to an extent and in an amount subject to proof at trial. On information and belief, said Defendants acted with malice, and Plaintiff is therefore entitled to punitive damages.

#### **TENTH CAUSE OF ACTION**

**Neb. Rev. Stat. § 20-148 et seq. – Civil Rights**

**Against All Defendants**

518. Plaintiffs replead and incorporate by reference the allegations contained in paragraphs 1 through 517 above, as if fully set forth here.

519. Pursuant to Rule 8(d) of the Federal Rules of Civil Procedure, Plaintiffs plead in the alternative that Defendants were persons or companies who subjected Plaintiffs, or caused them to be subjected to the deprivation of their rights, privileges, or immunities secured by the United States Constitution or the Constitution and laws of the State of Nebraska, and are liable to Plaintiffs under Neb. Rev. Stat. § 20-148.

520. The specific rights, privileges or immunities of which private actor Defendants deprived Plaintiffs are the same as those described in one or more of the other causes of action herein.

521. Additionally, Defendants deprived Wang Anderson of her statutory right to “reasonable efforts” to avoid removal of her children and to achieve reunification with them, as provided by 42 U.S.C. § 621 et seq., 42 U.S.C. § 670 et seq., and Neb. Rev. Stat. § 43-283.01.

#### **ELEVENTH CAUSE OF ACTION**

**Negligent Infliction of Emotional Distress**

**Against All Defendants**

523. Plaintiffs replead and incorporate by reference the allegations contained in paragraphs 1 through 521 above, as if fully set forth here.

523. The negligent acts or omissions of the Defendants previously alleged herein directly and proximately caused Plaintiff Wang Anderson to suffer severe emotional distress.

524. Said emotional distress was so severe that no reasonable person could have been expected to endure it, and the resulting emotional anguish and mental harm was medically diagnosable and medically significant. Said distress included extreme and highly unpleasant mental reactions, including fright, horror, grief, shame, humiliation, embarrassment, anger, chagrin, disappointment, worry, and nausea.

**TWELFTH CAUSE OF ACTION**

**Intentional Infliction of Emotional Distress**

**Against All Defendants**

525. Plaintiffs replead and incorporate by reference the allegations contained in paragraphs 1 through 524 above, as if fully set forth here.

526. The aforementioned acts and omissions of all Defendants constitute intentional or reckless conduct that was so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency and was atrocious and utterly intolerable in a civilized community.

527. Said emotional distress was so severe that no reasonable person could have been expected to endure it, and the resulting emotional anguish and mental harm was medically diagnosable and medically significant. Said distress included extreme and highly unpleasant

mental reactions, including fright, horror, grief, shame, humiliation, embarrassment, anger, chagrin, disappointment, worry, and nausea.

### **THIRTEENTH CAUSE OF ACTION**

**42 U.S.C. § 1983 – Violation of Rights Provided by 42 U.S.C. §§ 621 et seq.**

**Against Defendants State of Nebraska, NDHHS, NFC, Newell, Douglas County, Phillips, Weinberg, and Steuter**

528. Plaintiffs replead and incorporate by reference the allegations contained in paragraphs 1 through 527 above, as if fully set forth here.

529. 42 U.S.C. §§ 621 et seq. give rise to federal rights which may be asserted through a § 1983 action by children and parents residing or domiciled in the State of Nebraska, and which may be asserted by Plaintiffs. The ultimate beneficiaries of these statutes are children and families in Nebraska.

530. Congress intended these statutes to benefit children and parents in Nebraska, including Plaintiffs. The provisions of these statutes: a) contain “rights-creating” language; b) have an “individual” focus on children and families; and, c) do not contain another enforcement mechanism through which an aggrieved individual can obtain review.

531. The rights protected or provided by these statutes are specific and not vague or amorphous, and are capable of enforcement without straining judicial competence.

532. These statutes are couched in mandatory terms and impose a binding obligation on the State of Nebraska and its agents.

533. On information and belief, from October 1, 2013 through June 30, 2017, Defendants State of Nebraska, NDHHS, NFC, Newell, Douglas County, Phillips, Weinberg, and Steuter failed to create, maintain, or implement a plan for child welfare services which: a)

protected and promoted the welfare of all children; b) prevented the neglect, abuse or exploitation of children; c) supported at-risk families through services which allowed children, where appropriate, to remain safely with their families or return to their families in a timely manner; and d) met the requirements set forth in 42 U.S.C. § 622.

534. On information and belief, from October 1, 2013 through June 30, 2017, said Defendants failed to create, maintain, or implement a plan which met the requirements 42 U.S.C. § 622 in the following respects:

a. failing to provide for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed;

b. failing to have, maintain, or implement a service program designed to help children, where safe and appropriate, return to families from which they have been removed;

c. failing to have, maintain, or implement a pre-placement preventive services program designed to help children at risk of foster care placement remain safely with their families;

d. failing to develop, maintain, or implement a plan for ongoing oversight and coordination of health care services for each child in foster care placement in compliance with 42 U.S.C. 622(a)(15), including, without limitation, failing to provide or include an outline of: i) a schedule for initial and follow-up health screenings meeting reasonable standards of medical practice; ii) how health needs identified through screenings would be monitored and treated; iii) how medical information for children in care will be updated and appropriately shared; iv) steps to ensure continuity of health care services; v)

the oversight of prescription medicines, including protocols for the appropriate use and monitoring of psychotropic medications; and vi) how the State actively consults with and involves physicians or other appropriate medical or non-medical professionals in assessing the health and well-being of children in foster care and in determining appropriate medical treatment for the children.

535. On information and belief, between October 1, 2013 and June 30, 2017, said Defendants denied the rights guaranteed to Plaintiffs by 42 U.S.C. § 621 et seq., in the following respects:

a. refusing and failing to place, or consider placing X.C.W. with Zhang and Dong, who were an appropriate and available Chinese relative placement for X.C.W.;

b. refusing and failing to offer services, including visitation, family therapy, and other services to Wang Anderson, X.C.W. or Y.C.W. which were designed to help the children return to Wang Anderson's home;

c. refusing and failing to offer any pre-placement services to Wang Anderson, X.C.W., or Y.C.W. prior to removing the children from Wang Anderson's care;

d. refusing and failing to provide health screenings to X.C.W. and Y.C.W. that met reasonable standards of medical practice;

e. refusing and failing to identify, monitor or treat the health needs of X.C.W. and Y.C.W. in accordance with reasonable standards of medical practice;

f. refusing and failing to provide health information regarding X.C.W. and Y.C.W. to Wang Anderson; and,

g. refusing and failing to ensure that medications, including psychotropic medications, were appropriately prescribed and administered to X.C.W. and Y.C.W.

536. As a direct and proximate result of said violations, Plaintiffs suffered damages.

WHEREFORE, Plaintiffs pray for: a declaratory judgment against each of said Defendants determining that from and after October 1, 2013, said Defendants did not have a plan compliant with, or provide services as required by 42 U.S.C. § 621 et seq., and are therefore not eligible to receive payment under those statutes; and, a judgment against said Defendants for general damages, pain and suffering, economic loss, physical, psychological, mental, and emotional damage, hedonic, punitive and other damages, costs of suit, and attorney fees.

#### **FOURTEENTH CAUSE OF ACTION**

##### **42 U.S.C. § 1983 – Violation of Rights Provided by 42 U.S.C. §§ 670 et seq.**

##### **Against Defendants State of Nebraska, NDHHS, NFC, Newell, Douglas County, Phillips, Weinberg, and Steuter**

537. Plaintiffs replead and incorporate by reference the allegations contained in paragraphs 1 through 536 above, as if fully set forth here.

538. 42 U.S.C. §§ 670 et seq. give rise to federal rights which may be asserted through a § 1983 action by children and parents residing or domiciled in the State of Nebraska, and which may be asserted by Plaintiffs. The ultimate beneficiaries of these statutes are children and families in Nebraska.

539. Congress intended these statutes to benefit children and parents in Nebraska, including Plaintiffs. The provisions of these statutes: a) contain “rights-creating” language; b) have an “individual” focus on children and families; and, c) do not contain another enforcement mechanism through which an aggrieved individual can obtain review.

540. The rights protected or provided by these statutes are specific and not vague or amorphous, and are capable of enforcement without straining judicial competence.

541. These statutes are couched in mandatory terms and impose a binding obligation on the State of Nebraska and its agents.

542. On information and belief, from October 1, 2013 through June 30, 2017, Defendants State of Nebraska, NDHHS, NFC, Newell, Douglas County, Phillips, Weinberg, and Steuter failed to create, maintain, or implement a plan which met the requirements set forth in 42 U.S.C. § 671(a).

543. On information and belief, from October 1, 2013 through June 30, 2017, said Defendants failed to create, maintain, or implement a plan which met the requirements 42 U.S.C. § 671 in the following respects:

a. failing to provide for monitoring and conducting periodic evaluations of activities carried out under 42 U.S.C. § 671;

b. failing to provide that the State agency would report to an appropriate agency or official, known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child receiving aid under 42 U.S.C. § 671 or other provision of law;

c. failing to provide for the establishment or designation of a state authority or authorities responsible for establishing and maintaining standards for foster family homes which are reasonably in accord with recommended standards of national organizations concerned with standards for the homes, including standards related to admission policies, safety, sanitation, and protection of civil rights;

d. failing to provide that any standards established or maintained for foster family homes must be applied by the State to any foster family home receiving funds under 42 U.S.C. § 670 et seq.;

e. failing to provide that a waiver of any standards established pursuant to 42 U.S.C. § 671(a)(10)(A) may be made only on a case-by-case basis *for nonsafety standards*, and only *in relative foster family homes*;

f. failing to provide that reasonable efforts shall be made to preserve and reunify families: i) prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home; and, ii) to make it possible for a child to safely return to the child's home;

g. failing to provide for the development of a "case plan" as defined in 42 U.S.C. § 675(1) and in accordance with the requirements of 42 U.S.C. § 675a for each child receiving foster care maintenance payments;

h. failing to provide for a case review system which meets the requirements described in 42 U.S.C. §§ 675(5) and 675a with respect to each such child;

i. failing to provide that neither the State nor any other entity in the State that receives funds from the Federal Government and is involved in adoption or foster care placements may: A) deny to any person the opportunity to become an adoptive or a foster parent, on the basis of race, color, or national origin of the person, or of the child, involve; or B) delay or deny the placement of a child for adoption or into foster care, on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved; and,

j. failing to provide assurances that each child who has attained the minimum age for compulsory school attendance under State law and with respect to whom there is eligibility for a payment under the State plan is a full-time student.

544. On information and belief, between October 1, 2013 and June 30, 2017, said Defendants denied the rights guaranteed to Plaintiffs by 42 U.S.C. § 670 et seq., in the following respects:

a. failing to report to an appropriate agency or official, known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a X.C.W. and Y.C.W. on multiple occasions;

b. failing to have or follow policies and procedures for identifying, documenting in agency records, and determining appropriate services with respect to X.C.W. and Y.C.W., over whom Defendants had responsibility for placement, care and supervision, and who said Defendants had reasonable cause to believe were, or were at risk of being, sex trafficking victims;

c. failing to establish or maintain standards for foster family homes which were reasonably in accord with recommended standards of national organizations concerned with standards for the homes, including standards related to admission policies, safety, sanitation, and protection of civil rights. Specifically, said Defendants placed X.C.W. and Y.C.W. in foster family homes that were overcrowded, unsafe, and had unqualified providers;

d. failing to provide that any standards established or maintained for foster family homes must be applied by the State to any foster family home receiving funds under 42 U.S.C. § 670 et seq., including, without limitation, placing one or both of said children in an overcrowded foster home;

e. granting a waiver of standards established pursuant to 42 U.S.C. § 671(a)(10)(A) *for safety standards, and in a non-relative foster family home.*

Specifically, said Defendants placed X.C.W. in a foster family home which, at times had up to nine (9) children;

f. failing to make any reasonable efforts to preserve the family including Wang Anderson, X.C.W. and Y.C.W. prior to placement of the children in foster care, to prevent or eliminate the need for removing the child from the child's home;

g. failing to make reasonable efforts to make it possible for X.C.W. or Y.C.W. to safely return to Wang Anderson's home;

h. failing to develop a "case plan" as defined in 42 U.S.C. § 675(1) and in accordance with the requirements of 42 U.S.C. § 675a for X.C.W. and Y.C.W.;

i. delaying or denying the placement of X.C.W. into foster care with her Chinese relatives, Zhang and Dong, on the basis of their race, color, and national origin; and,

j. failing to ensure that X.C.W. and Y.C.W. were full-time students for during the above time period.

545. As a direct and proximate result of said violations, Plaintiffs suffered damages.

WHEREFORE, Plaintiffs pray for: a declaratory judgment against each of said Defendants determining that from and after October 1, 2013, said Defendants did not have a plan compliant with, or provide services as required by 42 U.S.C. § 670 et seq., and are therefore not eligible to receive payment under those statutes; and, a judgment against said Defendants for general damages, pain and suffering, economic loss, physical, psychological, mental, and emotional damage, hedonic, punitive and other damages, costs of suit, and attorney fees.

**PRAYER FOR RELIEF AS TO ALL CAUSES OF ACTION**

WHEREFORE, Plaintiff prays for a judgment against each of the aforementioned defendants, jointly and severally, for general damages, pain and suffering, economic loss, physical, psychological, mental, and emotional damage, hedonic, punitive and other damages, costs of suit, attorney fees, for injunctive relief as more specifically requested above, and for such other and further relief as the Court deems appropriate.

Dated: October 10, 2017.

  
Catherine Yang Wang Anderson,  
Individually and as Next Friend  
of X.C.W., Minor Child, Plaintiff

By: /s/ Joshua D. Barber  
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### CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 10, 2017, a true and correct copy of the foregoing Amended Complaint and Jury Demand was electronically filed with the Court using the CM/ECF system, which will send notification of such filing to the following:

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A true and accurate copy of the Amended Complaint was also served on October 10, 2017 by regular U.S. Mail upon the following parties:

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