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HAND-DELIVERED

August 13, 2018

W. Michael Scanlon, Esq., Clerk
Hillsborough County Superior Court North
300 Chestnut Street
Manchester, NH 03101

RE: Christopher Willott, both Individually and as Administrator of the Estate of Sadence Willott v. State of New Hampshire, Department of Health and Human Services, Division of Children, Youth, and Families

Dear Clerk Scanlon:

Enclosed for filing with the Court please find an original, one (1) service copy, and one (1) return copy of a Complaint and Demand for Jury Trial, along with a check in the amount of \$260.00 in payment of the filing fee. Please issue Orders of Notice and return the same to me for service upon the defendant.

Thank you in advance for your courtesy and cooperation.

Very truly yours,

Cyrus F. Rilee, III
crilee@rileelaw.com
/cfr

Enclosures

cc: Attorney General Gordon MacDonald, Esq. (*via email only*)
Charles R. Capace, Esq. (*via email only*)
client

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
NORTHERN DISTRICT

SUPERIOR COURT

_____)
 Christopher Willott, both Individually)
 and as Administrator of the Estate of)
 Sadence Willott,)
)
 Plaintiff,)
)
 v.)
)
 State of New Hampshire, Department of)
 Health and Human Services, Division of)
 Children, Youth, and Families (“DCYF”),)
)
 Defendant.)
 _____)

Civil Action No. _____

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

RILEE & ASSOCIATES, P.L.L.C.
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NOW COMES the plaintiff, Christopher Willott, both individually and as Administrator of the Estate of Sadence Willott, by and through his attorneys, Rilee & Associates, P.L.L.C., and respectfully submit the following Complaint and Demand for Jury Trial, stating in support thereof as follows:

PARTIES

1. The plaintiff, Christopher Willott, is an individual who resides in the County of Hillsborough, State of New Hampshire, is the biological father of the decedent minor child, Sadence Willott, and has been appointed the Administrator of the Estate of Sadence Willott, No. 316-2017-ET-02011, (N.H. 9th Circuit Court, Probate Division – Nashua). Pursuant to In Re N.B., 169 N.H. 265 (2016) and T.C., et al. v. State of New Hampshire, et al., #216-2016-CV-00743 (Hillsborough Cty. N., N.H., April 12, 2017 (Abramson, J.)), Mr. Willott hereby waives any applicable confidentiality provisions of RSA 169-C:25 and RSA 170-G:8-a for the express purpose

of publicly exposing DCYF's failures that caused Sadee's death to prevent future tragedies by promoting systemic changes within DCYF.

2. Defendant State of New Hampshire, Department of Health and Human Services, Division of Children, Youth, and Families is a New Hampshire state administrative agency with mailing address of 129 Pleasant Street, Concord, New Hampshire 03301 (hereinafter "DCYF").

JURISDICTION AND VENUE

3. This Honorable Court may properly exercise personal jurisdiction over the defendant because, at all times relevant to the allegations contained herein, the defendant was an agency of the State of New Hampshire, committed tortious acts in the State of New Hampshire, and/or was otherwise transacting business within or receiving money from within the State of New Hampshire.

4. Pursuant to N.H. R.S.A. 491:7, this Honorable Court has subject-matter jurisdiction over this action because this is a civil action arising out of acts that occurred in the State of New Hampshire.

5. Pursuant to N.H. R.S.A. 507:9, this Honorable Court is a proper venue for this action because, at all times relevant to the specific allegations of negligence contained herein, the plaintiff and defendant were both residents of the County of Hillsborough, State of New Hampshire.

FACTUAL ALLEGATIONS

6. Sadence Willott (hereafter "Sadee") was born on November 15, 2013. Her biological parents are Kaitlin Paquette (hereafter "Kaitlin") and the plaintiff, Christopher Willott (hereafter "Chris").

7. On November 19, 2013, when Sadee was four days old, DCYF received a report from the hospital in which Sadee had been born that she had tested positive for marijuana. Consequently, DCYF opened Assessment #561094.

8. Pursuant to N.H. Revised Statutes §169-C:34, II, for each report it receives DCYF must perform a child protective investigation to, among other things, "...determine whether there is probable cause to believe that any child in the family is abused or neglected, including a determination of harm or threatened harm to each child, the nature and extend of present or prior injuries, abuse or neglect, and any evidence thereof, and a determination of the person or persons apparently responsible for the abuse or neglect" as well as determine the immediate and long term risks to the child and any protective and ameliorative services "...that appear necessary to help prevent further child abuse or neglect and to improve the home environment and the parents' ability to adequately care for the children."

9. Although Assessment #561094 was opened on November 19, 2013, while Sadee was still at the hospital, the caseworker assigned to her case did not conduct the first face-to-face visit with Sadee and her parents until three days later, on November 22, 2013.

10. While Assessment #561094 was still open an additional report was received by DCYF on January 14, 2014 from an individual who alleged that Sadee was being left in dirty diapers, causing blisters on her skin, was often inappropriately dressed and that her parents were using drugs. This report was added to the still-open Assessment as Additional Information Report #566724.

11. Assessment #561094 was closed as "Unfounded" on February 21, 2014.

12. Before Assessment #561094 was closed, a new Assessment, #568882, was opened on January 30, 2014 based upon the report made by "Mandy Lancaster," an employee of the 99

Hanover Drop-In Program. Ms. Lancaster reported that when Chris stopped in with Sadee he claimed multiple times that Kaitlin was using drugs and that needles were found in Sadee's diaper bag. Ms. Lancaster also reported that Chris told him that he had been riding his bicycle with Sadee strapped to his chest in an infant carrier and that while carrying her in this fashion he had "wiped out" on the bicycle. Additionally, while there, Chris began to punch the wall, yell and bang his head, causing the police to be called. Ms. Lancaster also reported that Chris told him that he was no longer living with Kaitlin.

13. The DCYF caseworker assigned to Assessment #568882 visited Chris and Sadee the next day, on January 31, 2014 and urged him to have Sadee examined at the emergency room to be sure she had not been injured in the bicycle accident. Sadee was taken to the hospital where she was examined and found to be fine.

14. During this encounter, the caseworker asked Kaitlin about the incident at the Drop-In Program. At first Kaitlin confirmed that Chris was holding Sadee in the baby carrier when he was yelling and striking the wall, but later she denied this and said that Chris had handed Sadee to her. Kaitlin also denied any drug use.

15. According to the DCYF case file, the DCYF caseworker never spoke to Ms. Lancaster, who was, on information and belief, a professional employed by the 99 Hanover Drop-In Program. This was a violation of DCYF Policy 1190, which requires the caseworker to use "best efforts" to contact all reporters of information leading to the opening of an Assessment before meeting with the family and, if unable to contact the reporter, to document the efforts made by the caseworker to contact the reporter. By failing to do so, the caseworker was deprived of the opportunity to learn additional facts related to the incident that caused Ms. Lancaster to have sufficient concern for Sadee's safety to contact DCYF.

16. While this Assessment was still open, on February 4, 2014 an anonymous reporter contacted DCYF to report that both Chris and Kaitlin were actively using drugs. This report was added to the open assessment as Additional Information Report #569398.

17. Every time a new Assessment is opened, DCYF policy 1192 requires that a Safety Assessment be completed within 24 hours of a face-to-face contact with the alleged victim.

18. Policy 1192 states that “The immediate safety of the victim is of paramount importance. The Safety Assessment tool is completed before deciding to leave a child in the home and before returning a child to the home during an assessment.” (underscoring in original).

19. When a new allegation of abuse or neglect is made during an open Assessment, DCYF policy 1212 II(B)(4) requires that a new 24-Hour Safety Assessment be completed within 24 hours of the addition of the new allegation into the open assessment.

20. According to policy 1212, the purpose is to “...define how Child Protective Service Workers and supervisors will respond to information received regarding a new allegation of child abuse or neglect during an assessment and when to consult Central Intake for review and potentially a new assessment. Through this policy, all allegations should receive proper review to be addressed in the most efficient manner.”

21. In the introduction to policy 1212, DCYF states that “Through consistent practice in screening allegations and initiating new assessments when necessary, DCYF can determine if there is immediate danger to the child(ren)/youth, identify what the family needs to assure continued safety and promote the well-being of the child(ren)/youth and family, and connect them with resources to promote their well-being.”

22. There is no new Safety Assessment in the DCYF file following the addition of Additional Information Report #569398 to open Assessment #568882.

23. Assessment #568882 was closed as “Unfounded” on May 2, 2014.

24. On March 12, 2014 Zoe Eldridge, a social worker at the drop-in center, reported to DCYF that Chris and Kaitlin, who had Sadee with them, had come into the drop-in center showing signs of drug use: pinned eyes, nodding out, slurred speech, impaired motor skills and confusion. They were unable to walk in a straight line. As a result, Assessment #573378 was opened.

25. During the home visit of March 13, 2014 Kaitlin denied having been under the influence of drugs when she went to the drop-in center, but admitted that she had smoked “spice” in the morning.

26. On May 5, 2014, while Assessment #573378 was still open, DCYF received a report from Elliot Hospital that Chris had been found unconscious with a needle in his arm. This information was added to Assessment #573378 as Additional Information Report #579572. On May 14, 2014 yet another Additional Information Report, #580806, was added to Assessment #573378 following a report from the police that they had responded to the scene of a fight where they found Christopher bleeding from the mouth following an argument with another man in the presence of Kaitlin and Sadee. Following the fight, Kaitlin left with Christopher and Sadee.

27. DCYF policy 1208 provides that a Family Risk Assessment must be completed no later than sixty days from the receipt of the referral by the District Office. A Risk Assessment “...is a tool that obtains an objective appraisal of the likelihood that a family will maltreat their child(ren) in the next 12 to 18 months.” The Purpose of the policy is “To describe the process and requirements of assessing referrals of child abuse and neglect. The primary goal of the assessment process is to ensure the safety of the child(ren).”

28. The Risk Assessment for Assessment #573378 was not approved until September 2, 2014, one-hundred-and-seventy-four (174) days after the Assessment was opened. The Risk Assessment concluded: "Final Risk Level: High."

29. Assessment #573378 was closed as "Unfounded" on August 22, 2014, ten days before the Risk Assessment was approved.

30. On July 28, 2014, while Assessment #573378 was still open, a new Assessment, number 589238, was opened following a call placed to DCYF by a hospital social worker, who reported that several days earlier, on July 25th, Sadee, now eight months old, had been brought to the emergency room by her grandmother with severe bruising on her face and body and with an area of softness on top of her skull. According to the report, the injuries "...are not consistent with explanation. Injuries are consistent with blunt force trauma. Suspected abuse is nonaccidental." Kaitlin claimed that Sadee had received these injuries the day before when a fan fell off of a bureau and also when a three-year old who was not properly supervised kicked Sadee in the face. Sadee was admitted to the pediatric intensive care unit.

31. Additional Information Report #589328 was added to Assessment #589238 on the same day, July 28th, in response to a report from the Manchester Police, who had responded to a "check condition" call on July 25, 2014. When the officer arrived, Sadee had already been transported by ambulance to Elliot Hospital. The officer was informed by the caller, Gail Lafond, that she had seen that Sadee had a black eye on the right and swelling and softness on the left side of her head. When she told Sadee's grandmother that Sadee needed medical attention, her grandmother called Kaitlin, who did not want Sadee to be seen. At that point, Ms. Lafond called the police.

32. During her hospital stay, Sadee was examined by Dr. Gwendolyn Gladstone, who listed Sadee’s injuries as consisting of healing abrasions on the right side of her scalp; a cluster of five small bruises on her mid to lower back (T12 – L1); a semicircular, interrupted bruise on her right knee; a bruise on the right front side of her scalp; ill-defined bruising of her left lower cheek at the jaw line; a bruise over the left upper shin/lower knee; a large area of bruising around her right eye; a bruise at her left eyebrow; a bruise at her left temple; and a large boggy area on the left side of the top of her scalp.

33. Dr. Gladstone noted that “...the overall number and distribution of her injuries are not explainable by normal accidental events in an infant of her developmental age and indicate inflicted trauma. Whether they were inflicted in part by three-year-old is possible but even that scenario, the level of supervision of the children would have been inadequate. Failing to bring an infant with her injuries for medical assessment is negligent.”

34. The DCYF caseworker did not speak to Dr. Gladstone or receive a copy of Sadee’s medical records until November 29, 2014. In the meantime, the caseworker conducted the 24-Hour Safety Assessment and Sadee was discharged to home on November 28, 2014.

35. On November 29, 2014 the DCYF caseworker received a copy of Sadee’s medical records, including Dr. Gladstone’s notes, and placed a copy of the medical records in Sadee’s file.

36. DCYF Policy 1151 provides that child neglect can consist of various conditions. Among those conditions are “Failure to Protect,” “Lack of Supervision” and “Medical or Dental neglect.”

37. Policy 1151 III(D) provides that “‘Failure to protect’ means any action or lack of action by a caregiver that fails to protect a child from actual physical abuse...or neglect or a substantial risk of this abuse or neglect being perpetrated upon the child by another adult or child.”

38. Policy 1151 III(E) provides that “Lack of supervision includes the following categories ... (b)(2) A medical professional observes a serious injury or a series of injuries that the medical professional suspects occurred because the child was not being properly supervised; (3) Law enforcement knows of a serious incident or series of incidences that cause risk of injury to a child and which law enforcement suspects are due to inadequate supervision...”

39. Policy 1151 III(F) provides that medical neglect includes “(b) A caregiver failing to seek, obtain or follow through with medical attention for a specific injury or illness...”

40. Policy 1152 defines “Physical Abuse” as “...a child who has been intentionally physically injured by other than accidental means...”

41. The Risk Assessment, approved on October 22, 2014—eighty-six days after the Assessment was opened—did not include Dr. Gladstone’s expressly noted concerns that “...the overall number and distribution of her injuries are not explainable by normal accidental events in an infant of her developmental age and indicate inflicted trauma...”; that, even if her injuries had been caused in part by a three-year old’s kick, then “...the level of supervision of the children would have been inadequate”; and that “[f]ailing to bring an infant with her injuries for medical assessment is negligent.” Instead, it attributed Sadee’s injuries to accidental causes.

42. DCYF Policy 1210 provides, in relevant part, “When the causes of child maltreatment or neglect are Emotional Illness, Marital Conflict, Family Conflict, or Alcohol/Drug Abuse, the decision to refer for treatment or to provide guidance by the CPSW is based on the severity of the condition: 1. If the condition is severe and directly impacting the child’s safety, a referral must be made to a behavioral health service provider; 2. If the condition is moderate or mild, and in the Supervisor’s judgment the CPSW has the skills to intervene, the worker may provide the direct services.”

43. Assessment #589238 was closed as “Unfounded” on October 27, 2014, with no protective and ameliorative services “...that appear necessary to help prevent further child abuse or neglect and to improve the home environment and the parents’ ability to adequately care for the children”¹ provided or recommended, and concluded that the Risk Level was High.

44. On October 3, 2014, while Assessment #589238 was still open, DCYF received a call that on September 29, 2014 the caller had been with Kaitlin and Sadee and some friends, including Kaitlin’s then boyfriend, Israel Santiago, when she observed that Sadee had bruises all over her head and a cut lip. In response, Assessment #597304 was opened.

45. A few days later, on October 6, 2014, DCYF received a report from the Manchester, N.H. police stating that they had responded to a call for help from a DCYF caseworker who had gone to check on Sadee at her home and found her to be bruised. The officer reported that Sadee had several bruises on her face. Kaitlin told the officer that Sadee sustained the bruises when she fell while trying to walk. She agreed to take Sadee to the hospital to be examined. This information was added to Assessment #597304 as Additional Information Report 597600.

46. The Risk Assessment was approved on March 31, 2015, one-hundred-and-seventy-nine days after the Assessment was opened; Assessment #597304 was closed as “Unfounded” on April 1, 2015.

47. On November 20, 2014, less than two months after Assessment #597304 had been opened, DCYF received a report from a Comcast worker who had been in the home and who had observed that Sadee had a large black eye. The worker also reported that there was a male in the home screaming at the child to “Shut the f—k up!” Assessment #603132 was opened in response.

¹ N.H. Revised Statutes §169-C:34, II

48. At a face-to-face meeting between the caseworkers and Kaitlin on November 21, 2014, Kaitlin claimed that Sadee received the black eye when she fell over a toy on November 15th, her birthday. The caseworkers expressed their concern that Kaitlin had not contacted Sadee's doctor following this injury, expressed their concerns about Mr. Santiago swearing at Sadee to "Shut the f—k up" and expressed their concerns about the "... ongoing concerns for Sade [sic] being injured."

49. The Risk Assessment was approved on March 31, 2015, one-hundred-and-thirty-one days after the Assessment was opened. Assessment #603132 was closed the next day, on April 1, 2015, as "Unfounded." In the Closing Letter, which also was the Closing Letter for Assessment #597304, the caseworker noted that Sadee had not been seen by her doctor since October 25, 2014 and encouraged Kaitlin to schedule an appointment; urged Kaitlin to contact Sadee's doctor if Sadee sustains any injuries or bruises; reminded her that it is important to ensure that Sadee is being properly supervised at all times and recommended that Kaitlin connect with the Child and Family Services Parenting Programs, although noting that Kaitlin had already indicated that she was not interested in these services.

50. On December 29, 2014, while Assessments #603132 and #597304 were still open, DCYF received a report from a hospital social worker that Sadee had been treated at the emergency room on December 26, 2014 for a proximal humerus fracture. The social worker reported that she felt that it was prudent to report this fracture in light of Sadee's history of multiple traumatic injuries. Assessment #607358 was opened.

51. Kaitlin reported that Sadee was injured when another child tripped over her.

52. During an unannounced home visit on February 6, 2015, the DCYF case worker expressed concern about the number of times Sadee had been brought to the emergency room with

injuries/bruises and her concern that Sadee had sustained so many injuries/bruises in a short period of time and suggested that it might be due to a lack of supervision. Kaitlin responded that she did not agree and refused any parenting help or referrals.

53. No 24-Hour Safety Assessment or Risk Assessment appear in the DCYF file for Assessment 607358.

54. Assessment #607358 was closed as “Unfounded” on April 1, 2015 in the same “Closing Letter” as Assessments #603132 and #597304, with the same notation that Sadee had not been seen by her doctor since October 25, 2014, the same advice that Kaitlin schedule an appointment; the same urging that Kaitlin contact Sadee’s doctor if Sadee should in the future sustain any injuries or bruises; and the same reminder that it is important to ensure that Sadee is being properly supervised at all times with a recommendation that Kaitlin connect with the Child and Family Services Parenting Programs, while also noting that Kaitlin had already indicated that she was not interested in these services.

55. On May 11, 2015 an anonymous reporter contacted DCYF to report concerns about Sadee, who the reporter understands spends all day in a playpen while adults smoke marijuana around her. Assessment #623632 was opened.

56. During an unannounced home visit on June 4, 2015 the caseworker was shown the bedroom where Sadee sleeps. The caseworker noted that the room smelled of marijuana, to which Kaitlin replied that the upstairs neighbor smoked and that sometimes the smell would seep down.

57. There is no 24-Hour Safety Assessment in the DCYF file for Assessment #623632.

58. By July 2015, eight separate assessments had been opened for suspected neglect and/or physical abuse regarding Sadee.

59. On July 29, 2015 DCYF received a report that Sadee had been brought to the hospital emergency room as a “Jane Doe” by someone who identified herself as the “daycare provider” and who did not know how to get in touch with her mother. Upon examination, Sadee was found to have a fractured tibia-fibula of the right leg; the reporter stated that the doctor had opined that the injury could have been caused by being hit with a table or by bending. Sadee underwent surgery and was placed in a cast. The reporter related that Sadee’s mother, who had arrived at the hospital when she got out of work, had been heard during the night to tell Sadee to stop crying and to lie down. Although the nurse encouraged her to hold Sadee until she fell asleep, the nurse came back five minutes later to find Sadee crying and Kaitlin absent from the room. In response to this report, Assessment #633262 was opened.

60. According to Kaitlin and her roommate, Mr. Santiago, Sadee was being watched by Mr. Santiago’s sister when another child ran over Sadee, following which Sadee’s leg turned red and began to swell. At that point, Mr. Santiago’s sister brought Sadee to the hospital.

61. “To help in the determination of whether neglect or abuse has occurred...” DCYF Policy 1205 requires caseworkers to make at least two collateral contacts during the course of an assessment. A collateral contact can include medical staff, schools, friends, relatives and the like.

62. During the course of her assessment, the DCYF caseworker did not meet with or speak to the physician who had treated Sadee and who had opined that the fracture could have been caused by being hit with a table or by bending. The only hospital employee with whom the caseworker discussed Sadee was the hospital social worker.

63. DCYF Policy 1152 II includes bone fractures among the conditions of child abuse. DCYF Policy 1151 III(D) provides that “‘Failure to protect’ means any action or lack of action by

a caregiver that fails to protect a child from actual physical abuse...or neglect or a substantial risk of this abuse or neglect being perpetrated upon the child by another adult or child.”

64. Policy 1151 III(E) provides that “Lack of supervision includes the following categories ... (b)(2) A medical professional observes a serious injury or a series of injuries that the medical professional suspects occurred because the child was not being properly supervised...”

65. There is no 24-Hour Safety Assessment in the DCYF file for Assessment 633262.

66. On September 8, 2015, while Assessment #633262 was still open, DCYF received a report that Sadee had been found unresponsive and had been brought to the Elliot Hospital emergency room by ambulance on September 5, 2015. According to the report, Sadee was found unresponsive by her babysitter/roommate, Sonya Perez, after napping for an extensive period of time. Upon examination she was found to have a subdural hematoma and bruising on both legs. DCYF was contacted due to the concern for child abuse. This report was added to the still open Assessment 633262 as Additional Information Reports #637472, #637486, #637686 and #637672.

67. Sadee died on September 6, 2015 at the age of 21 months. The cause of death was “Blunt impact head injuries.”

68. Upon autopsy, in addition to a skull fracture, subdural hematoma and their sequelae which were caused by the blunt impact head injuries, Sadee was found to have the following other injuries:

- Bilateral partially healed/healed posterior rib fractures;
- Bilateral healed/partially healed clavicle fractures;
- Bilateral healed/partially healed humerus fractures;
- Partially healed right metacarpal fracture;
- Healed left femur fracture;
- Partially healed right tibia/fibula fracture.

69. On or about January 3, 2017 Kaitlin pled guilty to second-degree murder and was sentenced to 21 to 42 years in prison.

70. Upon information or belief, immediately following Sadee's death, employees of DCYF were either detained, arrested and/or criminally investigated themselves relating to their failure to cooperate with the criminal investigation into Sadee's death.

71. During the course of the police investigation, on December 18, 2015 the Manchester Police interviewed caseworker Samantha Nolin. Ms. Nolin reported that she did two assessments regarding Sadee, one commencing on May 12, 2015 and the second commencing on July 29, 2015.

72. Ms. Nolin stated that while she knew from co-workers that there had been prior assessments for this family, she did not review the prior assessments because she had been trained by Donna St. Pierre not to review previous assessments prior to visiting with a family in order to avoid creating a bias. Ms. Nolin stated that she later learned it was written policy to review prior assessments.

73. Ms. Nolin also stated that during her open assessments she did not contact anyone outside of the family or hospital staff.

74. Ms. Nolin stated that she did not implement any written safety plans with the family during her assessments.

75. Ms. Nolin stated that she did not know of any other safety plans that may have been implemented during previous assessments.

76. On September 30, 2015, then Manchester Police Chief Nick Willard told the Manchester Union Leader that "[i]n the Willott homicide, DCYF failed to protect Sadie [*sic*]."

COUNT I
(Negligence)

77. The plaintiff hereby repeats, realleges, and incorporates by reference each and every factual allegation set forth in the preceding Paragraphs as though fully and completely set forth herein.

78. At all times relevant to the allegations contained herein, DCYF and its employees and agents owed the plaintiff a duty to exercise reasonable care to protect Sadee from unreasonable and foreseeable risks of harm, to provide for her physical and emotional well-being, to promptly and thoroughly investigate allegations, instances, and indications of physical and emotional abuse and neglect of not only Sadee but of other children as well, to follow, adhere to, and abide by the laws of the State of New Hampshire and by its own policies, practices and procedures to protect children from foreseeable risks of harm, and the duty to otherwise comport with basic notions of due care to avoid exposing Sadee to foreseeable risks of harm.

79. Despite and in breach of the aforesaid duties, DCYF's actions, by and through its agents, were negligent and breached minimum standards of care when it knew of allegations of concerning behavior of Sadee's caretakers, including, but not limited to, her mother Kaitlin, including but not limited to instances of physical and emotional abuse and neglect relating to Sadee and not only failed to properly investigate these allegations, but also specifically exposed Sadee to foreseeable harm, when it failed to appreciate the danger faced by Sadee and failed to follow its own policies and procedures regarding, *inter alia*, the performance of safety assessments, the performance of risk assessments, the review of prior assessments regarding reports of abuse and/or neglect, the investigation of open assessments regarding reports of abuse and/or neglect, the handling of subsequent reports of abuse and/or neglect, the cooperation with law enforcement

agencies, the referral and recommendation of intervention(s) for Sadee in order to protect her from abuse and/or neglect.

80. As a direct and proximate cause and result of the above negligence and breaches of care by DCYF and its employees and agents, during her lifetime Sadee was the subject of multiple separate incidents of serious physical and emotional abuse and neglect, including, but not limited to, beatings that caused serious bruising and broken bones.

81. Although each one of the individual incidents of physical and emotional abuse and neglect was serious, none of these incidents resulted in or caused Sadee's death.

82. As a direct and proximate cause and result of the above negligence and breaches of care by DCYF and its employees and agents, DCYF is liable to Estate of Sadee Willott for damages to compensate it for Sadee's pain and suffering during her life as a consequence of each one of the separate incidents of physical and emotional abuse and neglect that she suffered during her lifetime, within the minimum and maximum jurisdictional limits of the Superior Court, plus interest and costs.

COUNT II
(Negligent Supervision and Training—DCYF)

83. The plaintiff hereby repeats, realleges, and incorporates by reference each and every factual allegation set forth in the preceding Paragraphs as though fully and completely set forth herein.

84. At all times relevant to the allegations contained herein, DCYF owed the plaintiff a duty to exercise reasonable care in the training and supervision of its employees and agents including, *inter alia*, the duty to properly supervise, train, and control its employees and agents to promptly and thoroughly investigate allegations, instances, and indications of physical and emotional abuse of not only Sadee but of other children as well, the duty to follow, adhere to,

comply with and implement its own policies, practices, and procedures relative to proper training and supervision of its employees and agents to ensure that its employees and agents were trained to identify, report, and take appropriate action so that the children under its care would not be exposed to physical or emotional harm or neglect and to take appropriate action to remove them from reasonably foreseeable physical or emotional harm or neglect, to ensure that its employees and agents did not have the opportunity to commit acts or omissions that would cause harm to children in its custody, and the duty to otherwise comport with basic notions of due care in its training and supervision of its employees and agents.

85. Despite and in breach of the aforesaid duties, DCYF, as an organization and agency charged by statute with the protection of abused and neglected children in New Hampshire, was negligent and breached minimum standards of care in failing to properly train and supervise its workers to promptly and effectively respond to reports of suspected child abuse and neglect and in failing to effectively use the resources of its own and other allied organizations in responding promptly and effectively to reports of suspected child abuse and/or neglect, thereby resulting in multiple separate incidents of serious physical and emotional abuse and neglect of Sadee during her lifetime.

86. As a direct and proximate cause and result of the above negligence and breaches of care by DCYF and its employees and agents, during her lifetime Sadee was the subject of multiple separate incidents of serious physical and emotional abuse and neglect, including, but not limited to, beatings that caused serious bruising and broken bones.

87. Although each one of the individual incidents of physical and emotional abuse and neglect was serious, none of these incidents resulted in or caused Sadee's death.

88. As a direct and proximate cause and result of the above negligence and breaches of care by DCYF and its employees and agents, DCYF is liable to Estate of Sadee Willott for damages to compensate it for Sadee's pain and suffering during her life as a consequence of each one of the separate incidents of physical and emotional abuse and neglect that she suffered during her lifetime, within the minimum and maximum jurisdictional limits of the Superior Court, plus interest and costs.

COUNT III
(Breach of Fiduciary Duty)

89. The plaintiff hereby repeats, realleges, and incorporates by reference each and every factual allegation set forth in the preceding Paragraphs as though fully and completely set forth herein.

90. At all times relevant to the allegations contained herein, DCYF, its agents and employees undertook to protect Sadee and owed her a fiduciary duty to do so.

91. This relationship gave rise to a fiduciary duty on behalf of DCYF, its employees and agents to ensure an environment in which Sadee, at the very least, would be safe from neglect and/or abuse at the hands of her mother, who was suspected of neglecting and abusing her.

92. Despite and in breach of the aforesaid duty, DCYF failed in its fiduciary duty when it knew of allegations of concerning behavior and emotional and physical neglect and abuse by Kaitlin of Sadee, and further failed to properly investigate these allegations, and specifically exposed Sadee to foreseeable harm by failing to identify, report, and take appropriate action so that Sadee would not be exposed to physical or emotional harm or neglect and to recommend intervention(s) and/or to take appropriate action to remove Sadee from reasonably foreseeable physical or emotional harm or neglect.

93. As a direct and proximate cause and result of the breach of fiduciary duty by DCYF, and its employees and agents, during her lifetime Sadee was the subject of multiple separate incidents of serious physical and emotional abuse and neglect, including, but not limited to, beatings that caused serious bruising and broken bones.

94. Although each one of the individual incidents of physical and emotional abuse and neglect was serious, none of these incidents resulted in or caused Sadee's death.

95. As a direct and proximate cause and result of the above negligence and breaches of care by DCYF and its employees and agents, DCYF is liable to Estate of Sadee Willott for damages to compensate it for Sadee's pain and suffering during her life as a consequence of each one of the separate incidents of physical and emotional abuse and neglect that she suffered during her lifetime, within the minimum and maximum jurisdictional limits of the Superior Court, plus interest and costs.

COUNT IV
(Wrongful Death / Loss of Consortium)

96. The plaintiff hereby repeats, realleges, and incorporates by reference each and every factual allegation set forth in the preceding Paragraphs as though fully and completely set forth herein.

97. At all times relevant to the allegations contained herein, DCYF and its employees and agents owed the plaintiffs a duty to exercise reasonable care to protect Sadee from unreasonable and foreseeable risks of harm, to provide for her physical and emotional well-being, to promptly and thoroughly investigate allegations, instances, and indications of physical and emotional abuse and neglect of not only Sadee but of other children as well, to follow, adhere to, and abide by the laws of the State of New Hampshire and by its own policies, practices and

procedures to protect children from foreseeable risks of harm, and the duty to otherwise comport with basic notions of due care to avoid exposing Sadee to foreseeable risks of harm.

98. Despite and in breach of the aforesaid duties, DCYF's actions, by and through its agents, were negligent and breached minimum standards of care when it knew of allegations of concerning behavior of Sadee's caretakers, including, but not limited to, her mother Kaitlin, including but not limited to instances of physical and emotional abuse and neglect relating to Sadee and not only failed to properly investigate these allegations, but also specifically exposed Sadee to foreseeable harm, when, following multiple separate incidents of physical and emotional abuse and neglect suffered by Sadee it continued to fail to appreciate the danger faced by Sadee and failed to follow its own policies and procedures regarding, *inter alia*, the performance of safety assessments, the performance of risk assessments, the review of prior assessments regarding reports of abuse and/or neglect, the investigation of open assessments regarding reports of abuse and/or neglect, the handling of subsequent reports of abuse and/or neglect, the cooperation with law enforcement agencies, the referral and recommendation of intervention(s) for Sadee in order to protect her from abuse and/or neglect, resulting in a final incident of physical abuse so severe that it caused Sadee's death.

99. As a direct and proximate cause and result of the above negligence and breaches of care by DCYF and its employees and agents, DCYF is both directly and vicariously liable to the Estate of Sadee Willott for her wrongful death, including her conscious suffering, the mental and physical pain suffered by her in consequence of her injuries, the reasonable expenses caused to her estate by her injuries, the probable duration of her life but for her injuries and her capacity to earn money during her probable working life had she survived; additionally, as a direct and foreseeable consequence of the defendants' negligence, Christopher Willott has suffered the loss of his

familial relationship with his minor daughter, Sadee, including the loss of her comfort, society, affection, guidance and companionship, within the minimum and maximum jurisdictional limits of the Superior Court, plus interest and costs.

COUNT V
(Negligent Training and Supervision Causing Death)

100. The plaintiff hereby repeats, realleges, and incorporates by reference each and every factual allegation set forth in the preceding Paragraphs as though fully and completely set forth herein.

101. At all times relevant to the allegations contained herein, DCYF owed the plaintiff a duty to exercise reasonable care in the training and supervision of its employees and agents including, *inter alia*, the duty to properly supervise, train, and control its employees and agents to promptly and thoroughly investigate allegations, instances, and indications of physical and emotional abuse of not only Sadee but of other children as well, the duty to follow, adhere to, comply with and implement its own policies, practices, and procedures relative to proper training and supervision of its employees and agents to ensure that its employees and agents were trained to identify, report, and take appropriate action so that the children under its care would not be exposed to physical or emotional harm or neglect and to take appropriate action to remove them from reasonably foreseeable physical or emotional harm or neglect, to ensure that its employees and agents did not have the opportunity to commit acts or omissions that would cause harm to children in its custody, and the duty to otherwise comport with basic notions of due care in its training and supervision of its employees and agents.

102. Despite and in breach of the aforesaid duties, DCYF, as an organization and agency charged by statute with the protection of abused and neglected children in New Hampshire, was negligent and breached minimum standards of care in failing to properly train and supervise its

workers to promptly and effectively respond to reports of suspected child abuse and neglect and in failing to effectively use the resources of its own and other allied organizations in responding promptly and effectively to reports of suspected child abuse and/or neglect, thereby resulting in the physical and emotional abuse and neglect of Sadee, ending in her death.

103. As a direct and proximate cause and result of the negligent training and supervision and breaches of care by DCYF, Sadee was physically and emotionally neglected and abused and was consequently murdered, for which wrongful death DCYF is liable, including her conscious suffering, the mental and physical pain suffered by her in consequence of her injuries, the reasonable expenses caused to her estate by her injuries, the probable duration of her life but for her injuries and her capacity to earn money during her probable working life had she survived; additionally, as a direct and foreseeable consequence of the defendants' negligence, Christopher Willott has suffered the loss of his familial relationship with his minor daughter, Sadee, including the loss of her comfort, society, affection, guidance and companionship, within the minimum and maximum jurisdictional limits of the Superior Court, plus interest and costs.

COUNT VI
(Breach of Fiduciary Duty Causing Death)

104. The plaintiff hereby repeats, realleges, and incorporates by reference each and every factual allegation set forth in the preceding Paragraphs as though fully and completely set forth herein.

105. At all times relevant to the allegations contained herein, DCYF, its agents and employees undertook to protect Sadee and owed her a fiduciary duty to do so.

106. This relationship gave rise to a fiduciary duty on behalf of DCYF, its employees and agents to ensure an environment in which Sadee, at the very least, would be safe from neglect and/or abuse at the hands of her mother, who was suspected of neglecting and abusing her.

107. Despite and in breach of the aforesaid duty, DCYF failed in its fiduciary duty when it knew of allegations of concerning behavior and emotional and physical neglect and abuse by Kaitlin of Sadee, and further failed to properly investigate these allegations, and specifically exposed Sadee to foreseeable harm by failing to identify, report, and take appropriate action so that Sadee would not be exposed to physical or emotional harm or neglect and to recommend intervention(s) and/or to take appropriate action to remove Sadee from reasonably foreseeable physical or emotional harm or neglect.

108. As a direct and proximate cause and result of the breach of fiduciary duty by DCYF, Sadee was physically and emotionally abused and neglected and was subsequently murdered, for which wrongful death DCYF is liable, including her conscious suffering, the mental and physical pain suffered by her in consequence of her injuries, the reasonable expenses caused to her estate by her injuries, the probable duration of her life but for her injuries and her capacity to earn money during her probable working life had she survived; additionally, as a direct and foreseeable consequence of the defendants' negligence, Christopher Willott has suffered the loss of his familial relationship with his minor daughter, Sadee, including the loss of her comfort, society, affection, guidance and companionship, within the minimum and maximum jurisdictional limits of the Superior Court, plus interest and costs.

COUNT VII
(Enhanced Compensatory Damages – Wanton or Oppressive Conduct)

109. The plaintiff hereby repeats, realleges, and incorporates by reference each and every factual allegation set forth in the preceding Paragraphs as though fully and completely set forth herein.

110. DCYF failed to fully and vigorously follow-up on reports expressing serious concerns about Sadee's safety and wellbeing while in the care of her mother, preferring instead to

accept at face value the excuses and explanations provided by her mother for the many hospital visits and injuries.

111. DCYF's failure to investigate promptly and vigorously the allegations of concern regarding Kaitlin's ability to safely care for Sadee and the reports regarding allegations of abuse and neglect was wanton or oppressive conduct, thereby warranting an assessment of enhanced compensatory damages.

WHEREFORE, the plaintiff respectfully seeks the following relief:

A. Judgment against the defendants for monetary damages including but not necessarily limited to compensation to the Estate of Sadee Willott pursuant to RSA §556:9 and 11;

B. Judgment against the defendants for monetary damages including but not necessarily limited to compensation to the Estate of Sadee Willott pursuant to RSA §556:12,I;

C. Judgment against the defendants for monetary damages including but not necessarily limited to compensation to Christopher Willott pursuant to RSA §556:12,III;

D. Enhanced compensatory damages to Estate of Sadee Willott against the defendants for their willful, wanton, and reckless conduct; and

E. Such other and further relief as the Court deems equitable and just.

DEMAND FOR JURY TRIAL

The plaintiff hereby demands a trial by jury.

As discovery is ongoing, the plaintiff expressly reserves the right to amend and/or supplement this Complaint and Demand for Jury Trial and does not waive any other or further claims available to him.

Respectfully Submitted,

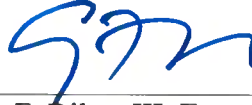
**CHRISTOPHER WILLOTT, BOTH
INDIVIDUALLY AND AS ADMINISTRATOR
OF THE ESTATE OF SADENCE WILLOTT,**

By His Attorneys,

RILEE & ASSOCIATES, P.L.L.C.

Date: August 13, 2018

By:



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