

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

KIM JENSEN, as the adoptive parent and)	
legal guardian of, KJ, a disabled minor,)	
)	
Plaintiff,)	Case No. 18 CV 977
)	
-vs-)	
)	
CHADDOCK,)	
)	
Defendant.)	

COMPLAINT

NOW COMES the PLAINTIFF, KIM JENSEN., as the adoptive parent and legal guardian of K.J., a disabled minor, by and through her attorneys at THE COLLINS LAW FIRM, P.C. and the RAPIER LAW FIRM, and for her Complaint against Defendant, Chaddock, an Illinois not-for-profit corporation, Plaintiff states and alleges as follows:

BACKGROUND

Between September 2016 and September 2017, KJ resided at Chaddock, a 24-hour residential treatment facility for children and young adults who have experienced abuse, neglect, or other substantial trauma during the early years of their childhood development. KJ was admitted to Chaddock for treatment of childhood abuse and neglect suffered at the hands of her biological family, prior to her adoption. KJ’s adoptive mother, Kim, fought with state agencies and legislators in her home State of Iowa in order that KJ would be placed at Chaddock in Illinois, and treated at a facility with staff specially trained in providing attachment based therapy for victims of childhood abuse and neglect like KJ.

Chaddock’s self-proclaimed values include stewardship, accountability and taking responsibility for one’s own actions. Chaddock states that it is accountable for the children in its

care to ensure that disabled minors, like KJ, experience increased healing and health as a result of the services provided by Chaddock. Such services include housing clients in cottages, like Wesley Cottage, where KJ resided at the time of the occurrence described herein.

But, Chaddock did not make good on the promise it made to KJ and her adoptive family. KJ was not safe at Chaddock. KJ went to Chaddock to heal from childhood abuse, but she could not heal there because KJ was abused and sexually assaulted while at Chaddock.

Chaddock was aware that the children at Chaddock, including young girls like KJ, would walk out the front door of their cottages and into harm's way. Specifically, Chaddock was aware that the Quincy Police Department had responded to more than one hundred (100) calls in the year preceding September 2017 about minors who had "run" from Chaddock. While off-campus, the most vulnerable young and disabled girls at Chaddock were at times exposed to neglect, abuse and sexual assault by individuals residing near the Chaddock campus. Specifically, prior to August 27, 2017, when the events underlying this lawsuit occurred and which are more fully detailed below, Chaddock was aware that young girls "ran" off-site and were sexually assaulted by a group of men known by Chaddock to reside in the nearby community.

On the night of August 27, 2017, three young 14 to 15 year-old girls, including KJ, who was 15, walked out the front door of Wesley Cottage at about 11 p.m. The other two girls, both wards of DCFS and residents of Chaddock, were known by Chaddock and DCFS to have engaged in that type of behavior before. The two DCFS wards took KJ to a home in the community where the two other girls had been sexually assaulted previously. While at the home several hours, KJ was struck in the head and knee with a pipe; pornography was played on the television for the young girls; alcohol and drugs were provided to the disabled children; the men and girls were

having sex in front of KJ; and KJ was sexually assaulted. The other two girls left KJ at the home and the men brought KJ back to Chaddock the following morning.

Prior to August 27, 2017, Chaddock knew the other two girls, both wards of DCFS and aged 14 and 15, had gone off-campus and been sexually assaulted in precisely the same home where KJ was sexually assaulted. Still, Chaddock, exercising virtually no supervision, monitoring or security of any meaningful kind, allowed KJ and the other two young girls to walk out the front door of Wesley Cottage and be exposed yet again to local predatory men, who sexually assaulted the two other girls and KJ. As if the sexual assault of another young disabled girl who resided at Chaddock was not enough, Chaddock actually decided to make matters worse for KJ after she was sexually assaulted. When Kim confronted Chaddock, DCFS and the authorities about the sexual assault of her daughter, Chaddock retaliated against KJ. Instead of taking responsibility for its acts and omissions, as Chaddock stated it would as a part of its core values, Chaddock turned its back on KJ and discharged her from the facility, and thereby interrupted her treatment both for the historic childhood abuse KJ had endured and the sexual assault KJ suffered while a resident at Chaddock. Defendant's retaliation and interference with KJ's healing persists in Chaddock's refusal to release the medical and educational records the Jensen family months ago requested, are entitled to by law, and need in order to find an appropriate placement for KJ at another treatment facility.

PARTIES

1. Plaintiff, Kim Jensen, is the adoptive mother and legal guardian of KJ, a disabled minor. Plaintiff resides in Cedar Falls, Iowa and is a citizen of the State of Iowa.
2. Defendant, Chaddock, is an Illinois not-for-profit corporation, with its principal place of business in Quincy, Adams County, Illinois. Chaddock owns and operates a Psychiatric

Residential Treatment Facility located at 205 South 24th Street, Quincy, Illinois (“the Facility”). Chaddock is a citizen of the State of Illinois.

VENUE AND JURISDICTION

3. Venue is proper in this Judicial District. Plaintiff elected to proceed with the litigation against the Defendant in this Judicial District. Counsel for both parties are located within this Judicial District. DCFS, who played a substantial role in the events underlying this case, and whose representatives will be key witnesses in this litigation, has its main operational offices in Chicago, Illinois.

4. This Court has jurisdiction over the subject matter of this action and the parties pursuant to 28 U.S.C. Sec. 1332 based on the diversity of citizenship of the parties, and the matter in controversy exceeds \$75,000.

GENERAL ALLEGATIONS OF FACT

5. Between approximately September 2016 and September 2017, KJ resided at the Facility where she received residential treatment services as part of a program which provided intensive twenty-four (24) hour clinical, educational and therapeutic training individually designed for KJ. At all times relevant to this Complaint, Chaddock owned and operated cottages at the Facility which housed residents, including KJ. At the time of the occurrence described herein, KJ resided at Wesley Cottage.

6. Chaddock is supposed to be a safe place – a place where every child deserves a chance. But for KJ, Chaddock made her worse, re-traumatized her and caused more suffering.

7. KJ presented to Chaddock with a host of debilitating diagnoses, including reactive attachment disorder, post-traumatic stress disorder, major depressive disorder with recurrent and sever psychotic symptoms, intermittent explosive disorder and anxiety. While at Chaddock, KJ

was also diagnosed with major neurocognitive disorder due to multiple etiologies with behavioral disturbance, autism spectrum disorder, severe language disorder, and persistent depressive disorder among other diagnoses.

8. KJ was 15 years old on August 27, 2017. Today, KJ is 16 years old, and continues to function at a second-grade level in her overall reading abilities; and at the third-fourth grade level in her general language.

9. Consequently, KJ needed the assistance and support required of someone much younger than her, and KJ resided at Chaddock in order that she would receive an individualized treatment plan in a safe and healthy environment.

10. KJ relied on Chaddock and its staff to supervise her, protect her from harm and provide a safe and healthy living environment.

COUNT I – NEGLIGENCE

11. Plaintiff repeats, re-alleges and incorporates by reference the allegations set forth in the Background section and Paragraphs 1 - 10, as though fully set forth herein. None of the allegations in this Complaint are intended to be, nor should they be interpreted as, allegations for any form of healing arts malpractice under any professional negligence statute or common law claim.

12. At all relevant times, it was the duty of Chaddock to exercise a reasonable degree of care for the safety of KJ and other individuals residing at the Facility.

13. At all relevant times, it was Chaddock's duty to operate its cottages in a reasonable manner so that residents, including KJ, would be safe from reasonably foreseeable harm.

14. Chaddock breached its duty to exercise reasonable and ordinary care by committing one or more of the following careless and negligent acts and/or omissions:

- a. failed to properly monitor residents at night, including KJ;
- b. failed to provide adequate staff to monitor residents at night, including KJ;
- c. failed to adequately secure the exit for Wesley Cottage in order to prevent disabled children from walking out the front door and into neighboring areas;
- d. failed to take reasonable steps to ensure KJ's health and safety, including taking reasonable precautions to prevent residents from leaving Wesley Cottage at night;
- e. failed to supervise residents who were known to leave the campus and take other younger or more vulnerable residents, like KJ, off-campus with them at night; and
- f. failed to provide a reasonably safe environment where KJ would be free from the threat of being taken off-campus by older or more savvy residents who were known by Defendant to engage in such behavior.

15. As a direct and proximate result of one or more of the foregoing negligent acts and/or omissions, KJ was sexually assaulted and suffered substantial injuries of a personal, pecuniary and permanent nature.

WHEREFORE, it is respectfully requested that judgment be entered in favor of the Plaintiff and against the Defendant, Chaddock, in an amount necessary to fully and fairly compensate KJ for the damages proximately caused by Defendant's negligence.

COUNT II – RESTATEMENT (SECOND) OF TORTS § 314A

16. Plaintiff repeats, re-alleges and incorporates by reference the allegations set forth in the Background section and in Paragraphs 1 - 10, as though fully set forth herein.

17. At all relevant times, a special relationship existed between Chaddock and KJ which gave rise to a duty to aid and protect KJ from harm.

18. Restatement (Second) of Torts Section 314A(4) states that “[o]ne who is required by law to take or who voluntarily takes the custody of another under circumstances such as to deprive the other of his normal opportunities for protection is under a similar duty to the other.” Chaddock took custody of KJ under circumstances which deprived KJ of the normal protection of

her parents. As KJ's custodian, Chaddock had a duty to protect KJ from reasonably foreseeable acts of neglect, abuse and sexual assault.

19. Based upon, *inter alia*, Chaddock's knowledge of other instances where young girls in Chaddock's custody went off-campus and were sexually assaulted, the occurrence described herein was reasonably foreseeable by Chaddock.

20. At all relevant times, and based upon the special relationship between Chaddock and KJ, it was the duty of Chaddock to exercise a reasonable degree of care for the protection of KJ.

21. Chaddock breached its duty to protect KJ by committing one or more of the following careless and negligent acts and/or omissions:

- a. failed to properly monitor residents at night, including KJ;
- b. failed to provide adequate staff to monitor residents at night, including KJ;
- c. failed to adequately secure the exit for Wesley Cottage in order to prevent disabled children from walking out the front door and into neighboring areas;
- d. failed to take reasonable steps to ensure KJ's health and safety, including taking reasonable precautions to prevent residents from leaving Wesley Cottage at night;
- e. failed to supervise residents who were known to leave the campus and take other younger or more vulnerable residents, like KJ, off-campus with them at night; and
- f. failed to provide a reasonably safe environment where KJ would be free from the threat of being taken off-campus by older or more savvy residents who were known by Defendant to engage in such behavior.

22. As a direct and proximate result of one or more of the foregoing negligent acts and/or omissions, KJ was sexually assaulted and suffered substantial injuries of a personal, pecuniary and permanent nature.

WHEREFORE, it is respectfully requested that judgment be entered in favor of the Plaintiff and against the Defendant, Chaddock, in an amount necessary to fully and fairly compensate KJ for the damages proximately caused by Defendant's negligence.

COUNT III – RESTATEMENT (SECOND) OF TORTS § 324

23. Plaintiff repeats, re-alleges and incorporates by reference the allegations set forth in the Background section and in Paragraphs 1 - 10, as though fully set forth herein.

24. Restatement (Second) of Torts Section 324 states that “[o]ne who, being under no duty to do so, takes charge of another who is helpless adequately to aid or protect himself is subject to liability to the other for any bodily harm caused to him by (a) the failure of the actor to exercise reasonable care to secure the safety of the other while within the actor's charge.

25. At all relevant times, Chaddock took charge and responsibility for KJ, who was helpless to adequately protect herself due to her age, medical conditions and disability.

26. Chaddock failed to exercise reasonable care to secure the safety of KJ, while KJ was within Chaddock's charge and responsibility by committing one or more of the following careless and negligent acts and/or omissions:

- a. failed to properly monitor residents at night, including KJ;
- b. failed to provide adequate staff to monitor residents at night, including KJ;
- c. failed to adequately secure the exit for Wesley Cottage in order to prevent disabled children from walking out the front door and into neighboring areas;
- d. failed to take reasonable steps to ensure KJ's health and safety, including taking reasonable precautions to prevent residents from leaving Wesley Cottage at night;
- e. failed to supervise residents who were known to leave the campus and take other younger or more vulnerable residents, like KJ, off-campus with them at night; and
- f. failed to provide a reasonably safe environment where KJ would be free from the threat of being taken off-campus by older or more savvy residents who were known by Defendant to engage in such behavior.

27. As a direct and proximate result of one or more of the foregoing negligent acts and/or omissions, KJ was sexually assaulted and suffered substantial injuries of a personal, pecuniary and permanent nature.

WHEREFORE, it is respectfully requested that judgment be entered in favor of the Plaintiff and against the Defendant, Chaddock, in an amount necessary to fully and fairly compensate KJ for the damages proximately caused by Defendant's negligence.

COUNT IV – RESTATEMENT (SECOND) OF TORTS §318

28. Plaintiff repeats, re-alleges and incorporates by reference the allegations set forth in the Background section and in Paragraphs 1 - 10, as though fully set forth herein.

29. Restatement (Second) of Torts Section 318 states that “[i]f the actor permits a third person to use land or chattels in his possession otherwise than as a servant, he is, if present, under a duty to exercise reasonable care so to control the conduct of the third person as to prevent him from intentionally harming others or from so conducting himself as to create an unreasonable risk of bodily harm to them, if the actor: (a) knows or has reason to know that he has the ability to control the third person, and (b) knows or should know of the necessity and opportunity for exercising such control.”

30. At all relevant times, Chaddock had a duty to exercise ordinary care so to control the conduct of the other residents in Wesley Cottage to prevent them from harming KJ or conducting themselves in a way that created an unreasonable risk of bodily harm to KJ, knowing that Chaddock could have either moved the other girls into another cottage and away from KJ or supervised the girls during the night so that they could not take KJ off-campus.

31. Chaddock failed to exercise reasonable care so to control the conduct of the girls by committing one or more of the following careless and negligent acts and/or omissions:

- a. failed to properly monitor residents at night, including KJ;
- b. failed to provide adequate staff to monitor residents at night, including KJ;
- c. failed to adequately secure the exit for Wesley Cottage in order to prevent disabled children from walking out the front door and into neighboring areas;
- d. failed to take reasonable steps to ensure KJ's health and safety, including taking reasonable precautions to prevent residents from leaving Wesley Cottage at night;
- e. failed to supervise residents who were known to leave the campus and take other younger or more vulnerable residents, like KJ, off-campus with them at night; and
- f. failed to provide a reasonably safe environment where KJ would be free from the threat of being taken off-campus by older or more savvy residents who were known by Defendant to engage in such behavior.

32. As a direct and proximate result of one or more of the foregoing negligent acts and/or omissions, KJ was sexually assaulted and suffered substantial injuries of a personal, pecuniary and permanent nature.

WHEREFORE, it is respectfully requested that judgment be entered in favor of the Plaintiff and against the Defendant, Chaddock, in an amount necessary to fully and fairly compensate KJ for the damages proximately caused by Defendant's negligence.

COUNT V – RESTATEMENT (SECOND) OF TORTS §319

33. Plaintiff repeats, re-alleges and incorporates by reference the allegations set forth in the Background section and in Paragraphs 1 - 10, as though fully set forth herein.

34. Restatement (Second) of Torts Section 319 states that “[o]ne who takes charge of a third person whom he knows or should know to be likely to cause bodily harm to others if not controlled is under a duty to exercise reasonable care to control the third person to prevent him from doing such harm.”

35. At all relevant times, Chaddock had a duty to exercise reasonable care to control residents of the Facility who Chaddock knew or should have known to be likely to cause bodily harm to other residents, including KJ.

36. Chaddock failed to exercise reasonable care so to control other residents by committing one or more of the following carless and negligent acts and/or omissions:

- a. failed to properly monitor residents at night, including KJ;
- b. failed to provide adequate staff to monitor residents at night, including KJ;
- c. failed to adequately secure the exit for Wesley Cottage in order to prevent disabled children from walking out the front door and into neighboring areas;
- d. failed to take reasonable steps to ensure KJ's health and safety, including taking reasonable precautions to prevent residents from leaving Wesley Cottage at night;
- e. failed to supervise residents who were known to leave the campus and take other younger or more vulnerable residents, like KJ, off-campus with them at night; and
- f. failed to provide a reasonably safe environment where KJ would be free from the threat of being taken off-campus by older or more savvy residents who were known by Defendant to engage in such behavior.

37. As a direct and proximate result of one or more of the foregoing negligent acts and/or omissions, KJ was sexually assaulted and suffered substantial injuries of a personal, pecuniary and permanent nature.

WHEREFORE, it is respectfully requested that judgment be entered in favor of the Plaintiff and against the Defendant, Chaddock, in an amount necessary to fully and fairly compensate KJ for the damages proximately caused by Defendant's negligence.

COUNT VI – RESTATEMENT (SECOND) OF TORTS §320

38. Plaintiff repeats, re-alleges and incorporates by reference the allegations set forth in the Background section and in Paragraphs 1 - 10, as though fully set forth herein.

39. Restatement (Second) of Torts Section 320 states that “[o]ne who is required by law to take or who voluntarily takes the custody of another under circumstances such as to deprive the other of his normal power of self-protection or to subject him to association with persons likely to harm him, is under a duty to exercise reasonable care so to control the conduct of third persons as to prevent them from intentionally harming the other or so conducting themselves as to create an unreasonable risk of harm to him, if the actor (a) knows or has reason to know that he has the ability to control the conduct of the third persons, and (b) knows or should know of the necessity and opportunity for exercising such control.”

40. At all relevant times, Chaddock had a duty to exercise reasonable care so to control the conduct of residents as to prevent them from intentionally harming other residents, including KJ, or so conducting themselves as to create an unreasonable risk of harm to KJ.

41. Chaddock failed to exercise reasonable care so to control other residents by committing one or more of the following careless and negligent acts and/or omissions:

- a. failed to properly monitor residents at night, including KJ;
- b. failed to provide adequate staff to monitor residents at night, including KJ;
- c. failed to adequately secure the exit for Wesley Cottage in order to prevent disabled children from walking out the front door and into neighboring areas;
- d. failed to take reasonable steps to ensure KJ’s health and safety, including taking reasonable precautions to prevent residents from leaving Wesley Cottage at night;
- e. failed to supervise residents who were known to leave the campus and take other younger or more vulnerable residents, like KJ, off-campus with them at night; and
- f. failed to provide a reasonably safe environment where KJ would be free from the threat of being taken off-campus by older or more savvy residents who were known by Defendant to engage in such behavior.

42. As a direct and proximate result of one or more of the foregoing negligent acts and/or omissions, KJ was sexually assaulted and suffered substantial injuries of a personal, pecuniary and permanent nature.

WHEREFORE, it is respectfully requested that judgment be entered in favor of the Plaintiff and against the Defendant, Chaddock, in an amount necessary to fully and fairly compensate KJ for the damages proximately caused by Defendant's negligence.

COUNT VII – GROSS NEGLIGENCE / WILLFUL AND WANTON MISCONDUCT

43. Plaintiff repeats, re-alleges and incorporates by reference the allegations set forth in the Background section and in Paragraphs 1 - 10, as though fully set forth herein.

44. Chaddock acted with deliberate indifference and reckless disregard for the safety and well-being of KJ, in one or more of the following ways, knowing that the two other girls who walked out the front door of Wesley Cottage with KJ on the night of August 27, 2017 had previously been sexually assaulted in a neighboring residential area:

- a. carelessly failed to monitor residents at night, including KJ;
- b. carelessly failed to provide staff to monitor residents at night, including KJ;
- c. carelessly failed to secure the exit for Wesley Cottage in order to prevent disabled children from walking out the front door and into neighboring areas;
- d. carelessly failed to take steps to ensure KJ's health and safety, including taking precautions to prevent residents from leaving Wesley Cottage at night;
- e. carelessly failed to supervise residents who were known to leave the campus and take other younger or more vulnerable residents, like KJ, off-campus with them at night; and
- f. carelessly failed to provide a safe environment where KJ would be free from the threat of being taken off-campus by older or more savvy residents who were known by Defendant to engage in such behavior.
- g. suddenly and prematurely discharged KJ from Chaddock, and then refused to return to her family KJ's medical records necessary to her future treatment, all in

retaliation for Kim Jensen's complaints about Chaddock's failures to protect her daughter.

45. As a direct and proximate result of one or more of the foregoing willful and wanton acts and/or omissions, KJ was sexually assaulted and suffered substantial injuries of a personal, pecuniary and permanent nature.

46. Compensatory damages would not deter Chaddock from continuing to put disabled young girls in harm's way. The only appropriate method for deterring Chaddock from continuing its deliberate indifference towards the disabled young children in its custody and for whom Chaddock is charged with protecting, would be to punish and sanction Chaddock with substantial punitive damages.

WHEREFORE, it is respectfully requested that judgment be entered in favor of the Plaintiff and against the Defendant, Chaddock, in an amount necessary: to deter Chaddock from engaging in future conduct that would proximately cause the sexual assault of another disabled minor in its custody and care; and punish Chaddock for causing the sexual assault of KJ knowing that two other girls had previously been sexually assaulted when they were allowed to walk out the front door of Wesley Cottage and into a neighboring residential area.

Dated: February 7, 2018

Respectfully submitted,

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KIM JENSEN, as the adoptive parent and
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By: /s/ Aaron W. Rapier
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