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COURT GIVES FINAL APPROVAL TO MATTAWA CHILD CARE SETTLEMENT STATE TO CHANGE PRACTICES AND PAY COMPENSATION

Federal District Court Judge, Edward F. Shea, gave final approval today to a class-action settlement brought by family home child care providers against the State of Washington. The settlement, which requires the State to reform its investigative practices, was brought on behalf of more than 7,000 providers state-wide. The lawsuit arose out of a 2002 mass raid on more than 50 Latina providers in the small town of Mattawa, Washington. The providers claimed that State investigators, who are not police officers, violated their Constitutional rights by telling them they had court orders to enter their homes and immediately seize years of original business records and personal items. In fact, the investigators did not have a judicially-reviewed warrant; they had an administrative subpoena signed by their supervisor in Olympia. The lawsuit alleged the subpoenas were in English, never translated, and that investigators failed to follow agency policy that allows businesses 14 days to produce copies of records.

Under the terms of the settlement the State agrees to give providers prior notice of an investigation and inform them in writing they have a right to refuse entry. The State has also rewritten its rules to limit inspections to the areas of the home where childcare is provided, and to require that inspections take place only during business hours. The State has also agreed to pay more than \$2 million to settle individual civil rights claims against the 30 Mattawa childcare providers who participated in the case.

“I feel vindicated by this settlement with the State,” says Maria Fernandez, a plaintiff who represented the child-care providers. “On the day the investigators showed up at my door demanding my original records and threatening to take away my license, I knew this was wrong but I felt powerless to stop them. One investigator slammed his hand on my kitchen table and ordered me to stop working and get paperwork right now, when I was feeding children. Now I know my rights, and I hope this settlement will keep this from happening to other child care providers. No one deserves to be treated like we were in Mattawa.”

D. Ty Duhamel, attorney with Columbia Legal Services who represented the providers, stated, “Our State Constitution says, ‘No person shall be disturbed in [their] private affairs, or [their] home invaded, without authority of law.’ This settlement reinforces the Constitutional limits on the government’s power to enter private homes and businesses. The message of this lawsuit is that the Constitution applies in small towns like Mattawa, even if you are a recent immigrant in your community.”

Kay Frank, from the law firm of MacDonald Hogue & Bayless in Seattle, which also represents numerous Mattawa providers, was very pleased with the outcome. “We believe this settlement is an important step in our efforts to obtain justice for our clients. It is also important because it will assure that in-home child care providers across the State will not experience the treatment that Mattawa providers had to endure because of past State agency policies and practices.”

The class action and money damages portion of the case is now settled with the State, but the discrimination case against the Town of Mattawa will still go forward. The plaintiffs will request a trial date against the Town as soon as the court’s schedule will allow.

Columbia Legal Services is a non-profit law firm that provides civil legal assistance to low income and vulnerable people in Washington State. Columbia Legal Services is a member of a statewide network of public and private organizations dedicated to making the promise of equal justice a reality for those who cannot afford legal counsel on important civil legal matters.