

Arizona seeks qualified immunity for placing kids in foster home that ran child sex abuse rings

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Body

June 5th, 2023 ([Law and Crime](#) — Delivered by [Newstex](#))

Left: David Frodsham appears in an inmate photo. (image via Arizona Dept. of Corrections); Right: Arizona Department of Child Protection (screengrab via YouTube).

The state of Arizona [argued](#) Friday that it should have qualified immunity from a federal lawsuit seeking to hold it liable for placing children in a foster home that forced them into a sex abuse ring.

Trever Frodsham sued multiple state agencies and officials for placing his siblings and him in foster care with [former civilian military leader](#) David Frodsham, a prolific sex abuser who is now serving a 17-year prison sentence for leading a child sex abuse ring. In addition to exploiting the adopted children, authorities [said](#) the conspiracy put national security at risk by making David Frodsham vulnerable to blackmail. The Associated Press found in an investigation that Arizona and the U.S. Army "ignored red flags."

Arizona received nearly [20 complaints of misconduct](#) against David and his wife Barbara Frodsham, yet it still allowed the married couple to serve as foster parents to Trever and his siblings. Arizona has defended its conduct by shifting blame to its contracted agencies: Catholic Community Services and Arizona Partnership for Children, which investigated the relevant complaints but deemed them unfounded at the time that Trever was in the Frodshams' care.

Trever, now 20, alleges that David sexually abused him over a period of 12 years, beginning when Trever was two years old and only ending when David was arrested in 2016. Trever sued the state of Arizona, both of his former foster parents, and the agencies that placed the children in the foster home for negligence, emotional distress, assault, and battery.

In November, Trever moved for partial summary judgment, and Arizona argued that it and its caseworkers are entitled to qualified immunity. The Grand Canyon State says that caseworkers believed Trever's foster care placement to be "in the best interests of the child" and that the decision was merely an exercise of their professional judgment.

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"There's no reason a caseworker shouldn't have qualified immunity," argued Arizona's attorney Mark Lammers on Friday to U.S. District Judge G. Murray Snow, a George W. Bush appointee, according to Courthouse News. Lammers reportedly said caseworkers are sometimes "in a tough spot" and have to make "tough professional calls."

Trever's lawyer, **John Trebon**, argued that qualified immunity should be limited to situations in which caseworkers approve or revoke foster licenses and that its use is inappropriate to shield a state official for negligently placing a child or failing to investigate a complaint.

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Qualified immunity began as a judge-created concept that limits legal liability for government actors. Arizona codified qualified immunity into a [statute](#), which specifically grants immunity for decisions related to foster care licensing and certification. The state argues that even if it is not entitled to immunity under its statute, it is entitled to qualified immunity as a common law defense, and denounced Trever's claims as "nothing but vain attempt [sic] to remove Plaintiff's claims from the qualified immunity protections of [the statute]."

[Qualified Immunity](#) grants a government official immunity from liability for official actions unless a plaintiff can show that they were deprived of a right which was "clearly established" by case law or statute. The defensive doctrine has frequently faced criticism for [shielding law enforcement officers](#) in [excessive force cases](#). Supreme Justice Clarence Thomas has repeatedly [called for](#) a complete overhaul of qualified immunity, as the concept's use has strayed far afield of its original intent to bolster the Reconstruction-era Thirteenth, Fourteenth, and Fifteenth Amendments.

In court documents, Arizona called Frodsham's position on immunity "bizarre" and "misguided" and said it amounted to a request that the court "ignore the decades of caselaw" and adopt an "unprecedented narrow view" of its immunity which would render its statute meaningless.

By contrast, Trever argues that any "'benefits' of extending immunity 'are outweighed' by the risks of 'subjecting children to potentially devastating and life-long damages on an ill-advised adoptive relationship.'"

"'Accountability' is important," Trever reminded the court in filings.

Counsel for the parties did not immediately respond to request for comment.

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The post [Arizona seeks qualified immunity for placing kids in foster home that ran child sex abuse rings](#) first appeared on [Law & Crime](#).

[Link to the original story.](#)

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The Latest: Defense attorney worries over FBI 'trolling'

Associated Press State & Local

December 8, 2017 Friday 7:01 PM GMT

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Section: STATE AND REGIONAL

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Dateline: FLAGSTAFF, Ariz.

Body

FLAGSTAFF, Ariz. (AP) - The Latest on the FBI search for potential victims of sex abuse by Arizona man (all times local):

Noon

The attorney for a man accused of sexual abuse in a sweat lodge says he's surprised the FBI is "trolling" for victims.

The FBI says it believes others might have been victimized by Fydel Jones as far back as 2002. It's asking potential victims to fill out an online questionnaire.

Authorities say Jones approached a Canadian tourist and her friends on the Havasupai (hav-uh-SU'-peye) reservation in May, offering to conduct a sweat lodge ceremony. Once inside the small hut, authorities say Jones sexually assaulted a woman.

Jones has pleaded not guilty to several charges of abusive sexual contact and theft. He's scheduled for trial next year.

Jones' attorney, **John Trebon**, declined comment Friday on the criminal case. But he says soliciting potential victims is a dangerous practice that could procure false claims.

1 a.m.

The FBI is casting a wide net for potential victims of sexual abuse by a man who lives on a remote Arizona reservation world-renowned for its blue-green waterfalls.

Fydel Jones, of Supai, has pleaded not guilty to charges of abusive sexual contact and theft. He's scheduled to go on trial next year.

According to the FBI, Jones approached a Canadian tourist and her friends on the Havasupai (hav-uh-SU'-peye) reservation in May and offered to conduct a sweat lodge ceremony. Once in the small mud hut, authorities say Jones sexually assaulted a woman.

FBI Special Agent Brian Fuller says the agency has reason to believe others might have been victimized as far back as 2002.