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Attorneys for Defendants,

MARTHA THOMPSON, JENNA BULIS, CHELSEA PAPCIAK, and BREAKINGCODESILENCE, INC.

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

BREAKING CODE SILENCE, a California Public Benefit Corporation,

Plaintiff,

VS.

CHELSEA PAPCIAK aka FILER, an individual, JENNIFER WALKER, an individual, JENNA BULIS, an individual, MARTHA THOMPSON, an individual, and BREAKINGCODESILENCE, INC., a Florida corporation

Defendants.

Case No.: 21-cv-0918-BAS (DEB)

DECLARATION OF CHELSEA PAPCIAK IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS PURSUANT TO FRCP 12(b)(6) AND MOTION TO STRIKE PURSUANT TO FRCP 12(f)

Date: September 13, 2021

Dept.: 4B

Judge: Hon. Cynthia A. Bashant

I, CHELSEA PAPCIAK, hereby declares the following:

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1. I am a defendant in the above-entitled matter. I have personal knowledge of the matters I have declared herein, and do hereby submit this declaration in support of the motion to strike and motion to dismiss filed by the Defendants herein. If called to testify I would do so in the same manner.

Declaration Regarding Meet and Confer Prior to Filing the Motion

- 2. I am a survivor of institutional child abuse within the "Troubled Teen" Industry, and as a youth advocate, I have a long history of involvement with the survivor community since 2004. I have dedicated my life's work over the last two decades to the mission of saving future generations from institutional child abuse.
- As part of my advocacy, I have created several informational websites to raise awareness and elevate the voices of the survivors who experienced abuse within these programs. I have focused heavily on writing and lobbying for both state and federal legislation that would aim to reform this troublesome industry. I have created the largest and most active Facebook support group dedicated to the survivors of WWASP Programs and routinely participate in social media postings in electronic message boards to support ongoing advocacy efforts. I have been posting steadily on Facebook since 2012 and have contributed to online databases, forums, books and studies in reference to the "Troubled Teen" Industry. I have given presentations, speaking engagements, media interviews and participated in the production of documentaries on this subject. I have most recently planned and presented in the educational webinar series hosted by the American Bar Association: Far from Home Far from Safe - A Troubled Industry.
- On August 19, 2014 I published the first #breakingcodesilence challenge on WWASPSurvivors.com/breakingcodesilence, a website/ domain that I solely own. A true and correct copy of the webpage where I first published the campaign in 2014 is attached hereto as Exhibit A, and incorporated fully herein by this reference.

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5. The campaign was a coalition effort between my organization WWASP Survivors and other survivor advocacy groups such as Survivors of Institutional Abuse Organization, and Safe Teen Schools. In 2015 the #breakingcodesilence campaign was used notably by SIA (an organization that I volunteered for) in several conferences, events and was featured in E! Network's original production Dash Dolls, with survivor Caroline Burt. In 2016-2017 #breakingcodesilence was utilized to raise awareness and garner support for the Protect Youth from Institutional Abuse campaign with SIA and the LA LGBT Center to pass the Community Care Facilities Act in CA as well as the re-introduction of the federal legislation Stop Child Abuse in Residential Programs for Teens Act of 2017

- I have continuously utilized the name BREAKING CODE SILENCE in 6. commerce since 2014, and continue to do so presently. In 2014 I created custom bracelets inscribed with the made mark #breakingcodesilence and WWASPSurvivors.com. I sold this merchandise and gave them away to raise donations at several events throughout the years. I also passed them out to the survivors that attended the Breaking Code Silence Rally in October 2020. A true and correct copy of the bracelets and their dissemination in commerce is attached hereto as **Exhibit B** and incorporated fully herein by this reference.
- 7. As a graphic artist, I made several custom made logos, T-shirt designs and marketing materials for Breaking Code Silence. We got a great response from the community, and we began to sell the merchandise on https://www.teepublic.com/user/breaking-code-silence-official site on November 26th 2020. A true and correct copy of the website with my logos is attached hereto as **Exhibit** C and incorporated fully herein by this reference.
- 8. One of those supporters was JOSH SCARPUZZI, who was also a survivor, writer, and social media presence with TTI. See Decl. Scarpuzzi, p. 2.

/// 28

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- 9. In February 2019 I gave JENNA BULIS express permission to revamp the #breakingcodesilence campaign and we began to work together to formalize it into a non-profit organization. As a team we created the Facebook pages, Twitter, and Facebook groups that became the hub for the movement. JEN WALKER aka ROBISON, created short videos, original logos, and our website breakingcodesilence.net.
- 10. WALKER was elected the president and CEO of BCS, I became the Chief Operations Officer (COO), MARTHA THOMPSON was the Chief Financial Officer and JENNA BULIS was the Senior Public Relations Coordinator.
- 11. August 2020 #breakingcodesilence was featured in Paris Hilton's documentary This is Paris. It was during this time that I and JENNA BULIS were working with Paris Hilton's producers and pitched #breakingcodesilence to be promoted on her documentary. Paris Hilton's support of #breakingcodesilence brought mass awareness and propelled our grassroots campaign into a formidable force for change.
- 12. September of 2020 I, and five others including JENNA BULIS and JENNIFER WALKER aka ROBISON, filed with the United States Patent and Trademark Office an application to trademark both "BREAKING CODE SILENCE," and "BREAKINGCODESILENCE." The printout in Exhibit A of the Request for Judicial Notice filed herewith is a true and accurate representation of the date the application was filed, trademark names, owners, and usage description that the six of us filed.
- 13. October 7, 2020 a fiscal sponsorship contract was established by myself and JENNIFER WALKER aka ROBISON with the National Youth Rights Association (NYRA) on behalf of the intended 501c3 under the name Breaking Code Silence Project, which allowed us to fundraise and operate as an informal organization while we worked towards building the infrastructure, management and articles of incorporation of the entity. A true and correct copy of the Fiscal

Sponsorship Agreement is attached hereto as **Exhibit D** and incorporated fully herein by this reference.

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14. In January 2021, a grant proposal was submitted to the Hilton Foundation for \$500,000 on behalf of BCS. The BCS Team had previously discussed and decided the direction and plan for how we could provide free tele-health services for survivors, explained this plan in detail to the grant writer and were under the impression that this plan would be what would be proposed to the Hilton Foundation. Communication about the grant was intercepted and limited thereafter to KATHERINE McNAMARA, and VANESSA HUGHES. The BCS Team was left out of the process of applying for this grant and was not allowed to view, discuss or approve the proposal before it was submitted to the Hilton Foundation. Once the grant had been filed and the rest of the BCS Team were able to obtain a copy of the grant proposal, several of us raised some concerns about the proposed project.

15. The application submitted was in fact very different from what we had originally proposed during the grant writing process. It included granting the entirety of the funds to VANESSA HUGHES and the University of North Carolina Wilmington. We were also concerned about the disbursement of the grant funds as the terms within the proposal were not exactly clear nor approved by BCS's administrative/ finance management team. When these concerns were addressed directly with VANESSA HUGHES, she stated that BCS would not be responsible for disbursement of the funds and would be required to accept the grant and immediately redirect the entirety of the grant funds into the account of a separate and unrelated non-profit; Vetitation, a non-profit of which VANESSA HUGHES is a board member and Executive Director of Operations. In order to avoid any conflict of interest, we agreed that we would need to maintain a degree of separation between BCS and VANESSA HUGHES. A true and correct copy of the Hilton Foundation Grant Application is attached hereto as **Exhibit E** and incorporated fully herein by this reference.

16. On March 9, 2021, one of the joint owners of our trademark, KATHERINE McNAMARA quit BREAKING CODE SILENCE due to a "disagreement in direction" of the organization and privately and publicly announced her resignation. Despite the fact that she had already quit, KATHERINE McNAMARA provided us with an ultimatum on March 10, 2021 that we would allow VANESSA HUGHES to direct BCS. Although we had previously agreed, given the fact that VANESSA HUGHES was the recipient of the grant, that we could not hire VANESSA HUGHES in any capacity. We reiterated that our decision to decline hiring VANESSA HUGHES was a prudent action to ensure that we would be in compliance and could be transparent to our donors and the IRS.

- 17. On March 14, 2021, during a meeting to discuss the election of a new CEO and the incorporation of BREAKING CODE SILENCE as a non-profit organization, KATHERINE McNAMARA exploited unauthorized access to our servers, disabled and revoked access to our emails, google drives, website, social media accounts, and downloaded and deleted sensitive data from our servers. Despite multiple requests to return our property and settle this matter amicably, KATHERINE McNAMARA and VANESSA HUGHES repeatedly refused.
- 18. We were able to recover a few of these accounts by reporting them as stolen to Squarespace and Google Workspace. Through an extensive investigation, we were proven to be the original owners of these accounts and our access was restored. Several accounts have not been recoverable because they were either taken over by KATHERINE McNAMARA or were disabled in a way that neither party has been able to recover.
- 19. KATHERINE McNAMARA neither created nor contributed to the establishment of BCS. She simply came on as a volunteer after her cameo in Paris Hilton's *This is Paris* documentary in 2020. She was elected into a leadership position thereafter, but had no right to hostile takeover BCS. BCS' bylaws explicitly established a formal procedure for the removal of any founder and that process was

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- Shortly after this incident, KATHERINE McNAMARA submitted a 20. new trademark application for BREAKING CODE SILENCE ACTION NETWORK in her name; this was the name we had considered to name our official non-profit. KATHERINE McNAMARA also filed for name reservations and incorporation under our name BREAKING CODE SILENCE which includes herself as the registered CFO, VANESSA HUGHES as CEO and JENNY MaGILL as secretary. Several subsequent trademarks on behalf of this "New BCS" were filed, falsely claiming that their use of the mark dates back to 2010. One of these new trademarks also claims first use in 2019, on the date that JENNIFER WALKER aka ROBISON created our website breakingcodesilence.net. As well, this trademark claims that we first used our mark in commerce on the same day, which is inaccurate because BCS did not use the mark in commerce until April 20, 2021. Both of these trademarks are erroneous as they claim use when it was impossible for their entity to have done so, as it did not exist. This trademark is a deliberate misrepresentation of ownership as it falsely claims use of the website and commerce accounts that this new entity neither created nor currently have access to.
- 21. On July 8, 2021, I was informed of a public post made by JOSH SCARPUZZI that described his experience with the New BCS, his concerns with their leadership and his reasoning for resigning as a volunteer for the organization. Among his claims was a statement that he felt he was used by this New BCS, and that he was manipulated and coerced into signing the rights to his literary works and

his associated IP (website and Facebook page) to the New BCS organization. He said he was uncomfortable with claiming copyright dating back to 2010 because in fact he did not brand his collection of poems Breaking Code Silence until 2018, 4 years after my original campaign was published. *See Decl. Scarpuzzi, p. 1*.

- 22. Due to the nature of this split and the dispute over ownership of the name and organization BREAKING CODE SILENCE, much confusion and controversy has been created with the public as to why a New BCS was created without the original founders. A deliberate smear campaign has been launched by this New BCS in an attempt to discredit the original founders of BCS, to justify these egregious actions and alienate us from our beloved community. I have personally suffered incredible cruelty, slander, stalking, harassment and attacks, not only upon my character, but also the reputation of my group, WWASP Survivors.
- 23. McNAMARA and this New BCS have no rights to take credit for the accomplishments of the original BCS nor claim ownership of our intellectual property. I am still the originator, founder and registered trademark owner of BREAKING CODE SILENCE and BREAKINGCODESILENCE and I reserve all my rights to use the mark to continue to manage the original #breakingcodesilence campaign.

I declare this is true and correct under penalty of perjury under the laws of the State of California.

CONTRERAS LAW FIRM

Date: August 2, 2021 By: /s/ CHELSEA PAPCIAK

Chelsea Papciak, Declarant

EXHIBIT A

Troubled Teen Industry Politics Videos Subscribe: Pasts / Comments

WWASP Survivors Awareness · Support · Advocacy

About WWASP Survivors

About WWASP =

WWASP Programs *

Survivor Testimony

Research *

Facebook Group

Donate

Fundraisers





The Truth Will Set Them Free! Share Your Story, Make a Difference.

SUBMIT TESTIMONY



August 19, 2014

13 Comments

#BreakingCodeSilence – The Challenge

WWASPSurvivors, SafeTeenSchools, the SIA Organization (Survivors of Institutional Abuse) and Shut Down Logan River have just launched the #BreakingCodeSilence Challenge, a challenge designed to bring awareness to the issues of institutional child abuse in residential treatment centers and teen behavior modification programs. As we speak, as we live and breathe and enjoy our everyday freedoms, there are thousands [...]

Continue reading...



Please Donate to WWASPSurvivors

This fund is to provide support, assistance and essential care packages for struggling survivors. Please donate today!









BREAKING CODE SILENCE

Each year, thousands of teenagers are held against



their will, in residential treatment centers.

These for-profit programs masquerade as therapeutic treatment centers and operate with impunity due to lack of government oversight. Teens can be held for years in facilities that claim to treat mental health and perform behavior modification but do not follow psychological guidelines for treatment.

The "treatment" these children receive is far from therapeutic. Instead, the abuse can leave survivors with lifelong trauma, including PTSD. This systemic abuse goes back decades – many of these programs have been shut down only to have others take their place.

Without government intervention, thousands of teens will continue to suffer abuse. Some have even died or taken their own life to escape the trauma. Countless victims have suffered after returning home from these facilities as a result of the lack of mental health treatment and unresolved trauma.



Paris Hilton joins #BreakingCodeSilence to speak candidly about trauma she experienced at Provo Canyon School in her new documentary This is Paris airing Sept. 14th 2020 on Youtube.

These programs exist globally and throughout the United States. They advertise themselves as premier rehab and treatment centers but are instead for-profit, privately-run detention centers. These programs deceive desperate parents and abuse the children they claim to help.

Please see our Red Flags list to learn to recognize abusive programs.

DETAILS

What is Breaking Code Silence

BACKGROUND

In the program, Code Silence is used to punish and demoralize students through forced social isolation. This oppressive silence can last for days, weeks, even months, up to years, if the student does not progress in the levels. This form of treatment causes feelings of frustration, abandonment and separation anxiety (the side effects have proven to result in complex trauma symptoms years after release). By literally taking student's voices away, the program takes away the child's right to express themselves, report abuse and make relationships with other students. Socialization and the developing brain of a teenager are extremely important. In a toxic totalitarian environment, the last thing a child needs is to be silenced. That silence ends today...

We will be silent no more.

#BREAKINGCODESILENCE

#BreakingCodeSilence was created to encourage survivors of institutional abuse to stand up and testify about the abuse in their programs. We speak out today not for ourselves but for all the victims suffering in these troubled programs, with no rights to call for help.

Breaking Code Silence is a testament to the realities of the troubled teen industry — by us, the survivors. We hope this demonstration of empowerment and support for all survivors will gain widespread awareness which will fuel legislative action. In previous years, we have fought to bring forward both statewide and Federal legislative reform. To this day, no such federal regulations exist to reign in the Troubled Teen Industry. We will continue to hold our lawmakers accountable and push for legislation that will end institutional abuse. By telling our stories, we will unify our voice that:

We are Breaking Code Silence. This cycle of abuse and corruption needs to stop, we are not disposable, we demand justice! 2015 ECONOMIC IMPACT STUDY **Utah's Troubled Teen Industry** LICENSED PROGRAMS KIDS IN PROGRAMS ANNUAL REVENUE **FEDERAL REGULATIONS** \$328M

SUBMIT TESTIMONY

Are you a survivor of institutional abuse?

Click here for more information about submitting testimony to

INSTRUCTIONS

Written Testimony

INSTRUCTIONS

WRITE ABOUT YOUR EXPERIENCE IN A PROGRAM OR

FACILITY IN ROUGHLY 800 WORDS.

Include the age you were taken, and the year(s) kept in program.

Write what was done to you and/or what you witnessed done to others. Please write only from your own experience and not of anything you've heard or read which you did not yourself witness or experience.

Have a photo which you are willing to share of you at the approximate age you were when taken. (if you have no photo, a current photo is fine. We can release stories

Tag #BreakingCodeSilence and end your story with your name, and "I am Breaking Code Silence"

with no photo at all, but having one is more impactful.)

Be aware of and willing to sign a permission and declaration of factual testimony.

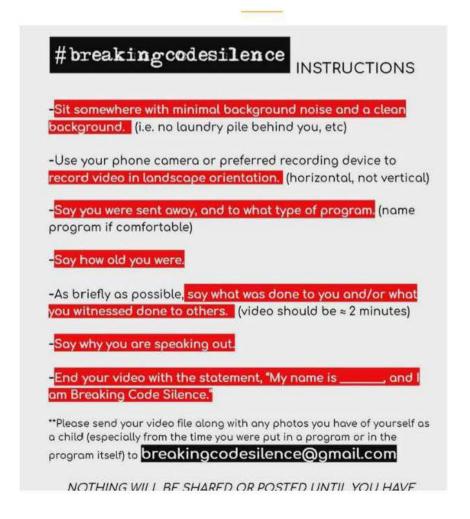
#BREAKING CODESILENCE

SUBMIT TESTIMONY

IFT STARTER

SUBMIT TESTIMONY

Video Testimony









INSTRUCTIONS

Photo Submissions

INSTRUCTION

Here's what you will need:

- 1 White Poster board (or you can do this on a letter sized piece of paper)
- Black Permanent Marker (thicker tipped markers are best)
- Duct Tape (red or silver/gray preferred)
- Scissors
- A Clean, Solid Background (ex: a neutral colored wall
 A clean, Solid Background)

STEP 1. Using your marker and LARGE, clear handwriting, fill out your poster board like the diagram below.

STEP 2. Cut the duct tape to cover your mouth. This is not fun, we know, but it will be worth it!

STEP 3. Stand in front of the background, and hold your

- Something Which Takes A Good Photo (ex: smartphone, digital camera, or good webcam)
- A Friend, to take the photo (if not you can use the timer feature on your device)

TIPS & TRICKS

The bolder your handwriting is, the better! Once you have your poster board, set yourself up for success. Find your clean background and set up your camera (or friend with camera) to take the photo. If you are doing it yourself, it helps to have the phone/camera/computer set up so you can see the screen and position yourself.

poster board so your hand is not covering the words. Try to keep the poster board as straight as you can.

STEP 4. It's up to you whether you want to leave the tape as it is or if you want to use one hand to act as if you are pulling the tape off, you are literally #breakingcodesilence!

STEP 5. Take (or have your friend take!) several photos, so you have options.

STEP 6. Once you have selected your favorite photo, send it to us at breakingcodesilence@gmail.com!

Type or Name of Program

Years Kept in Program (Ex: 2000-2003)

4 Points describing your experience and/or negative effects

- Physically Abused
- Held in Isolation for 30 daysNightmares
- · Diagnosed with PTSD

#breakingcodesilence





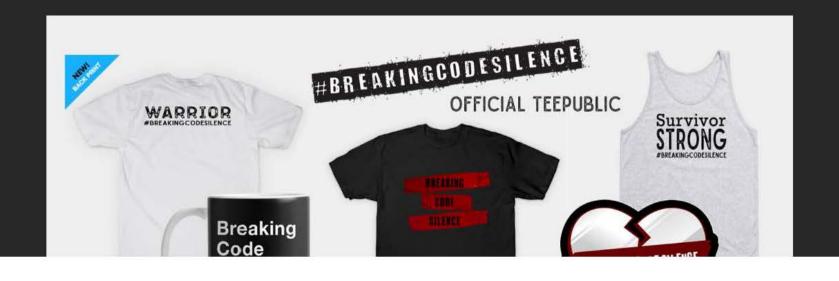


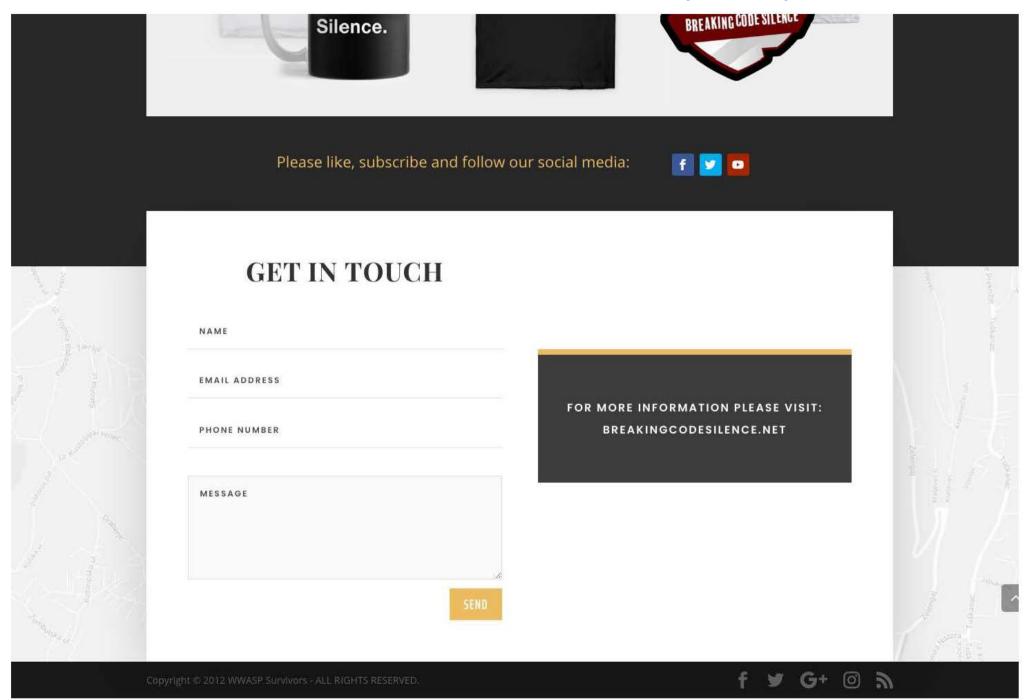


#BREAKINGCODESILENCE

SUBMIT #BCS PHOTO

GET STARTED







carolineburt . Follow















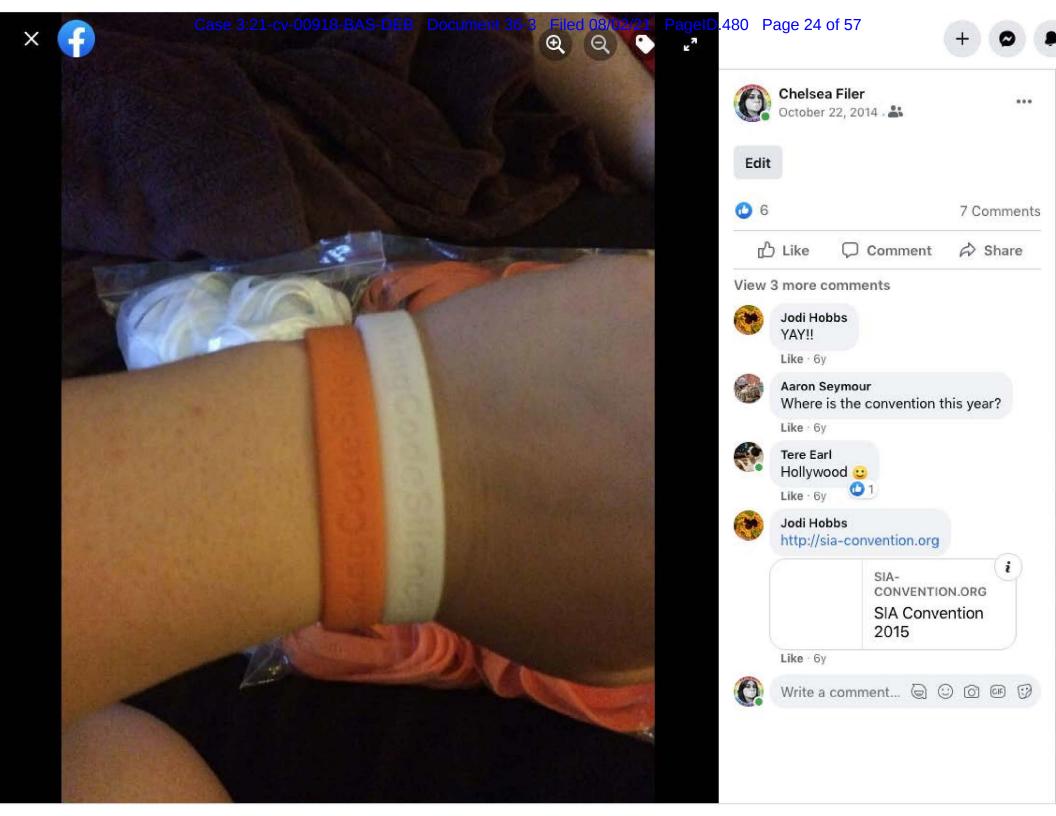


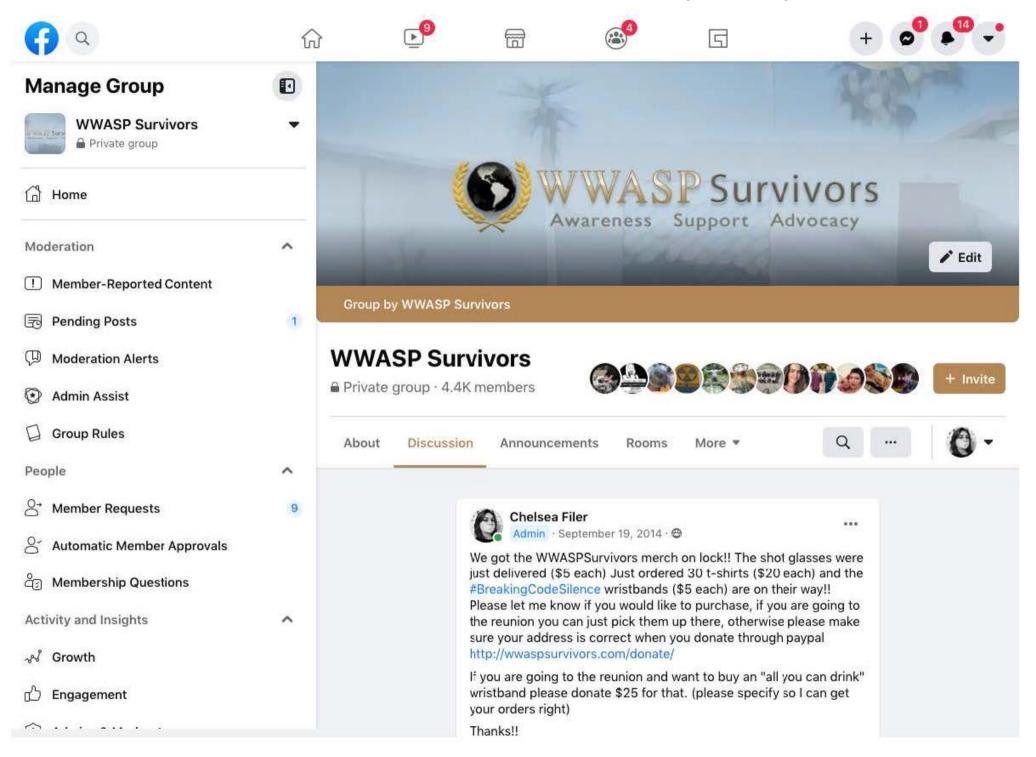
95 likes

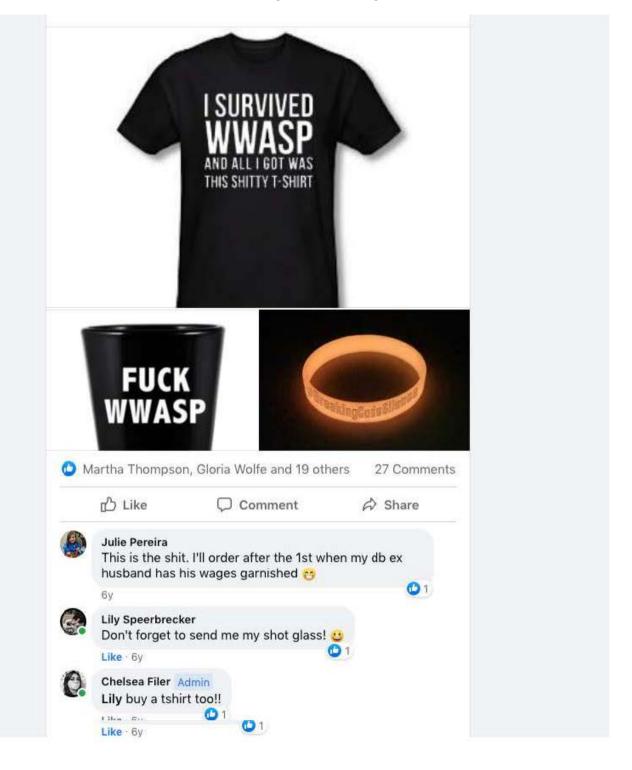
carolineburt I am so super excited about... more

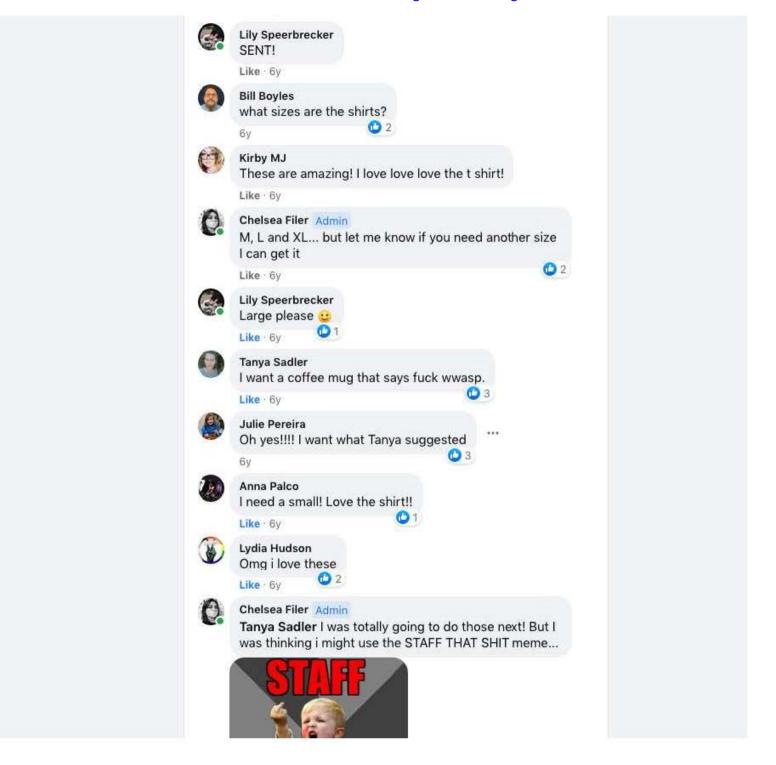
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EXHIBIT B

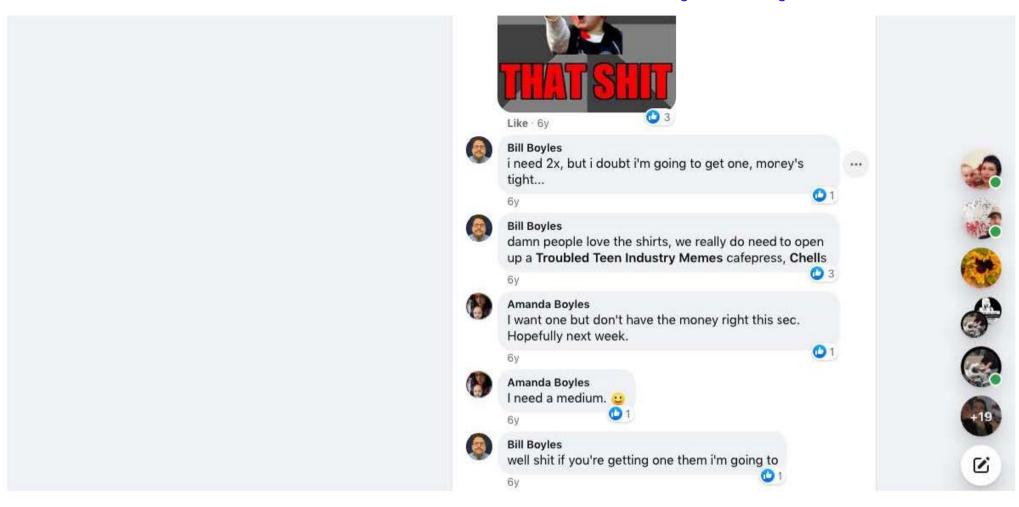


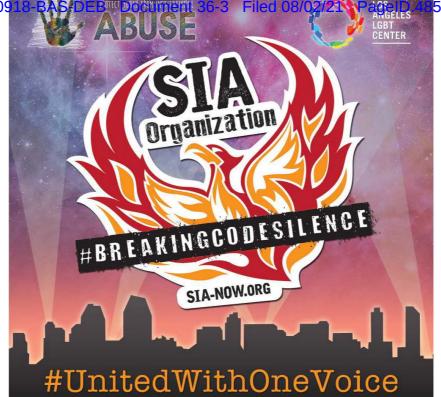






Case 3:21-cv-00918-BAS-DEB Document 36-3 Filed 08/02/21 PageID.484 Page 28 of 57

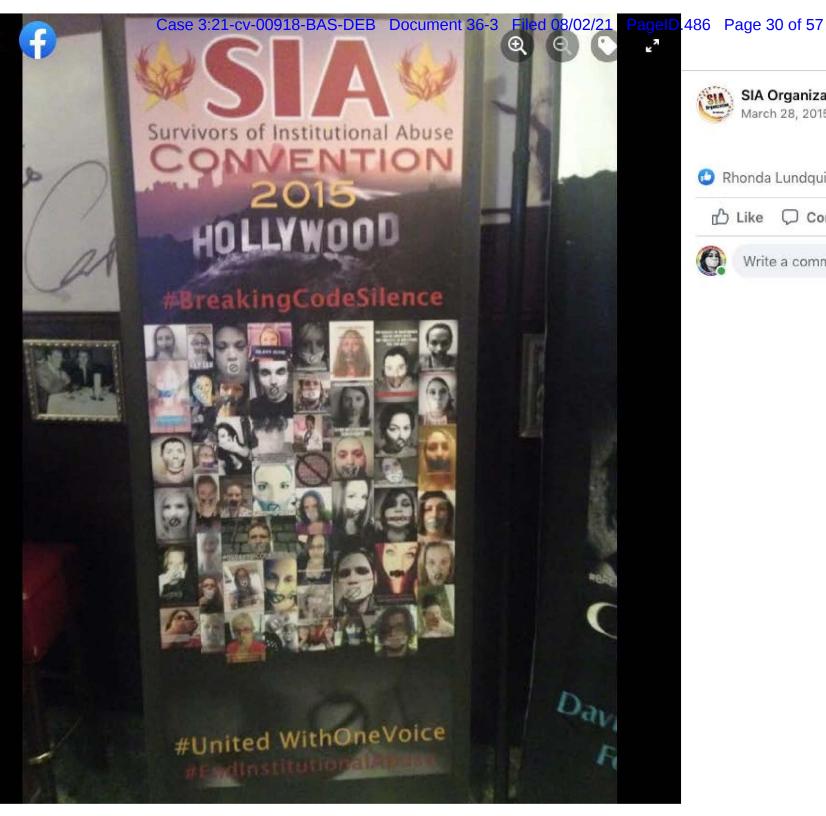






#EndInstitutionalAbuse

www.sia-now.org

















Write a comment... 😡 😊 🎯 🐨 🦁









Case 3:21-cv-00918-BAS-DEB Document 36-3 Filed 08/02/21 PageID 487 Page 31 of 57 Q ABUSE O - Punction















Write a comment...

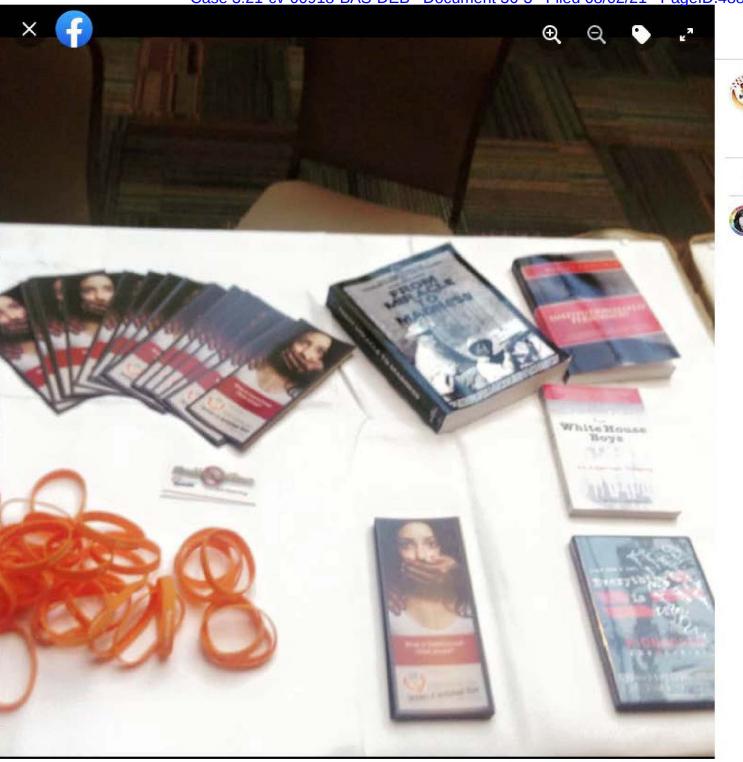
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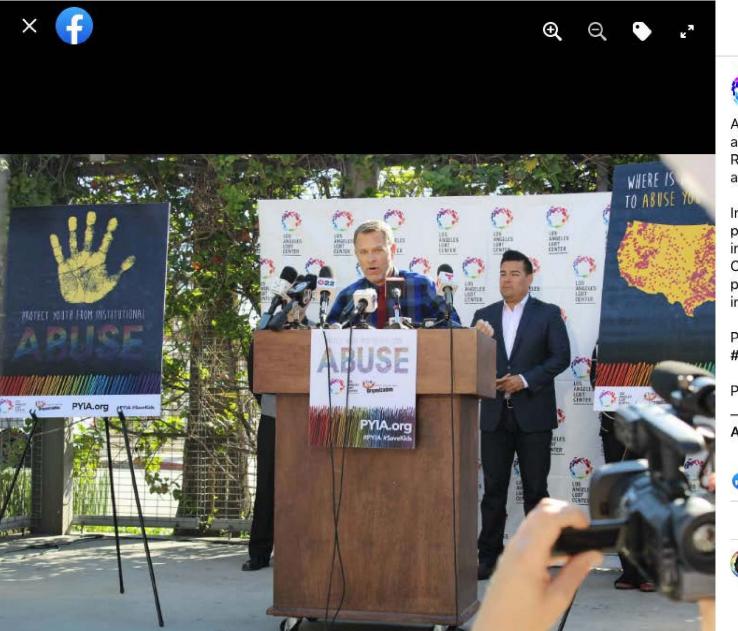


















Los Angeles LGBT Center

March 27, 2015 · Los Angeles · €

At a press conference this morning, the Center announced legislation introduced by Senator Ricardo Lara to protect youth from institutional abuse.

In just one year, 1,619 employees of youth programs in 33 states were involved in incidents of abuse. Even worse, the SIA Organization reports more than 300 young people have died from abuse in these institutions or have killed themselves.

Please join us in signing the Center's petition to #SaveKids. http://bit.ly/HelpPYIA

Phot... See More

— at The Village at Ed Gould Plaza - Los Angeles LGBT Center.

Jodi Hobbs and 8 others

8 Shares











Write a comment...

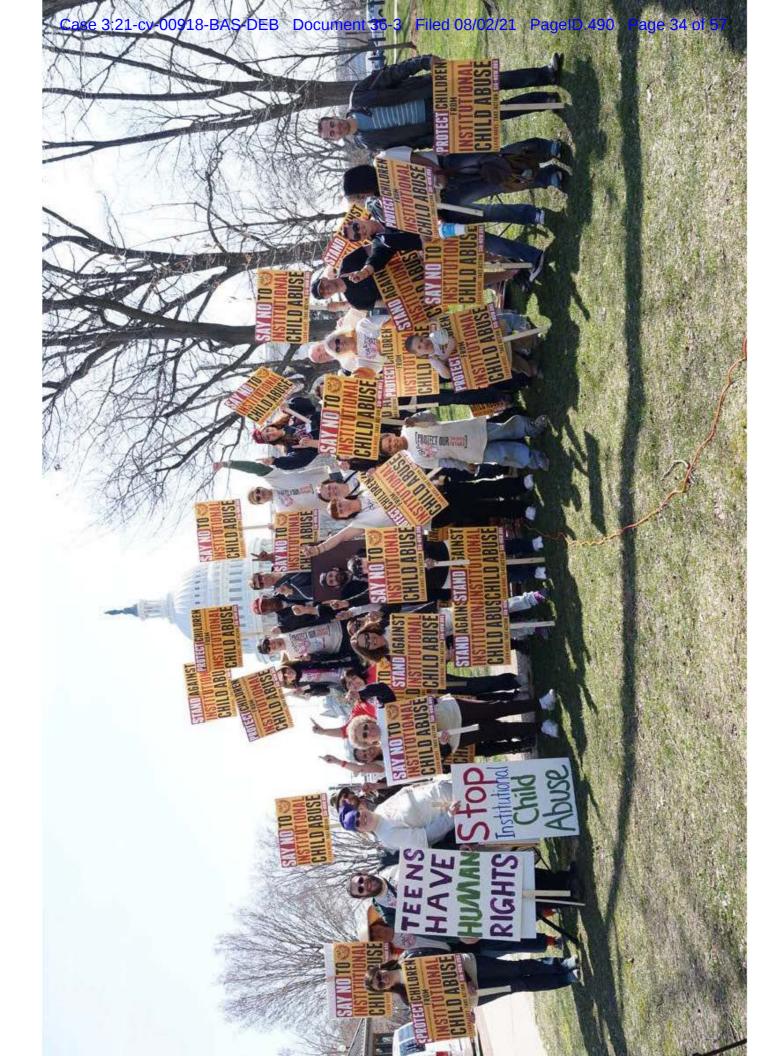
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Paris Hilton leads rally against Provo Canyon School

By Jessica Miller | Oct. 9, 2020, 2:20 p.m. | Updated: Oct. 12, 2020, 9:48 a.m.



(Rick Egan | The Salt Lake Tribune) Paris Hilton speaks to survivors during a rally and march to continue her calls for the closure of Provo Canyon School, a residential treatment center in Utah she attended when she was a teen Friday, Oct. 9, 2020.













Paris Hilton leads rally against Provo **Canyon School**

By Jessica Miller | Oct. 9, 2020, 2:20 p.m. | Updated: Oct. 12, 2020, 9:48 a.m.



(Rick Egan | The Salt Lake Tribune) Paris Hilton leads a march to the Provo Canyon School, during a rally calling for the closure of Provo Canyon School, a residential treatment center in Utah she attended when she was a teen, on Friday, Oct. 9, 2020.















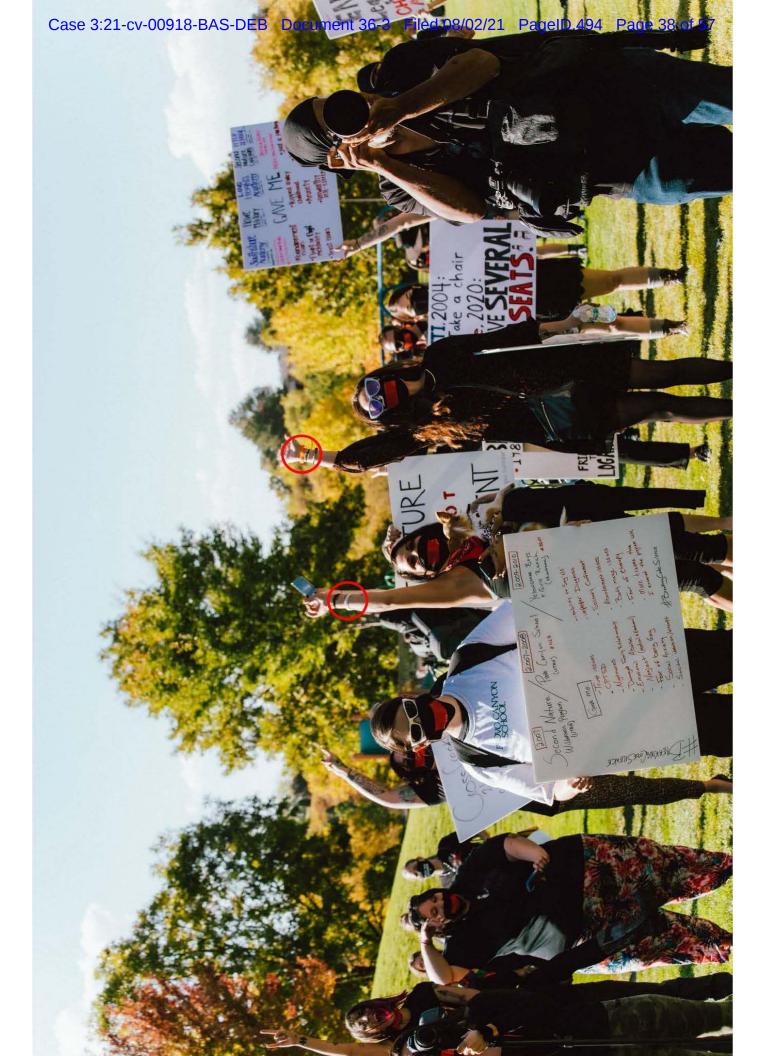
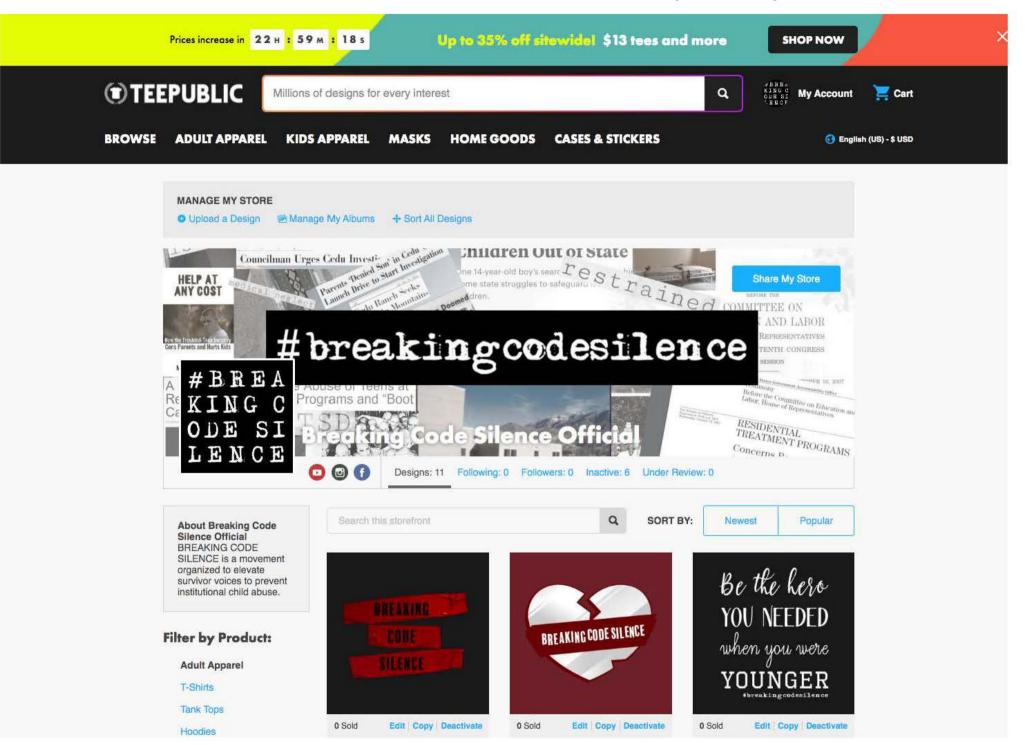




EXHIBIT C



Crewneck Sweatshirts

Long Sleeve T-Shirts

Baseball T-Shirts

Kids Apparel

Kids T-Shirts

Kids Hoodie

Kids Long Sleeve T-Shirt

Onesie

Masks

Masks

Home Goods

Wall Art

Notebooks

Mugs

Pillows

Totes

Tapestries

Pins

Cases & Stickers

Phone Cases

Laptop Cases

Stickers

Magnets

Breaking Code Silence T-Shirt \$20 \$13 23:13:59



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Survivor Strong - #breakingcode... \$20 \$13 23:13:59

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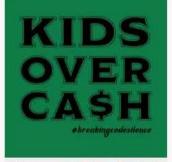
Breaking Code Silence. T-Shirt \$20 \$13 23:13:58 BREAKING CODE SILENCE - Bro... \$20 \$13 23:13:59



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Every Child Deserves to Be Safe ... \$20 \$13 23:13:59



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#breakingcodesilence Kids Over ... \$20 \$13 23:13:59 Be the hero you needed when yo... \$20 \$13 23:13:59



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Be the hero you needed when yo... \$20 \$13 23:13:59



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#breakingcodesilence - Warrior T... \$20 \$13 23:13:59



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Breaking Code Silence BOLD T-... \$80 \$13 23:13:58

Case 3:21-cv-00918-BAS-DEB Document 36-3 Filed 08/02/21 PageID.499 Page 43 of 57

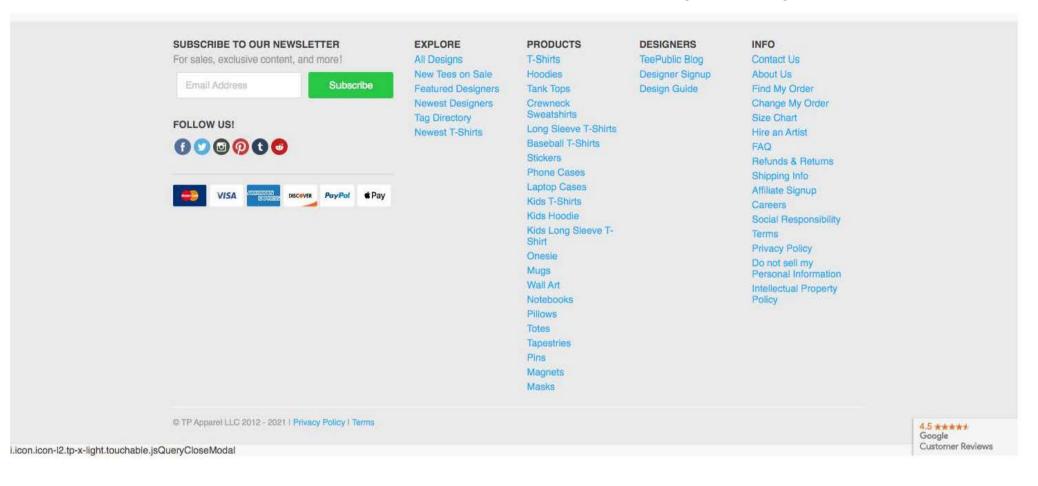


EXHIBIT D

FISCAL SPONSORSHIP AGREEMENT

Between

Breaking Code Silence

And the

National Youth Rights Association

This Agreement is made by and between the National Youth Rights Association (NYRA) and Breaking Code Silence. NYRA is a Maryland nonprofit public benefit corporation, qualified as exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code (IRC). Breaking Code Silence is a California based organization. Margaret Zheng is the current president of NYRA. Breaking Code Silence is a project of NYRA and has some measure of independence (separate board of directors, separate bylaws).

RECITALS

- A. NYRA agrees to serve as the fiscal agent for support of the Project known as Breaking Code Silence (the Project) and to make disbursements of grant funds and donations earmarked for the furtherance of the Projects mission. Margaret Zheng, president of NYRA, is ultimately charged with the authority to manage fiscal sponsor responsibilities.
- B. NYRA desires to act as the fiscal sponsor of the Project by receiving assets and incurring liabilities identified with the Project beginning on the effective date and using them to pursue the objectives for which the Project is being established. NYRAs board has determined that these objectives will further the charitable and educational goals of NYRA. Breaking Code Silence desires to manage itself under the sponsorship of NYRA.

NOW, THEREFORE, THE PARTIES HEREBY AGREE AS FOLLOWS:

- 1. <u>Term of Agreement</u>. This Agreement and all terms herein shall apply beginning to October 7, 2020. NYRA assumes the fiscal operation of the Project, which operation shall continue in effect unless and until terminated under Paragraph 5 below.
- 2. Project Activities and Sponsorship Policies. All community programs, public information work, fundraising events, processing and acknowledgment of cash and noncash revenue items, accounts payable and receivable, negotiation of leases and contracts, disbursements of Project funds (including grants), and other activities planned by the Project shall be the ultimate responsibility of NYRA and shall be conducted in the name of NYRA beginning on the effective date. Unless otherwise agreed, and subject to their consent, all personnel to be compensated for working on the Project shall become at-will employees of NYRA on the effective date and shall be subject to the same personnel policies and benefits as are required by law to apply to all employees of NYRA. Unless otherwise agreed, any tangible or intangible property, including copyrights, obtained or created in connection with the Project shall be the property of NYRA while this Agreement is in effect. Authority to manage the program activities of the Project is delegated to Breaking Code Silence, subject at all times to the ultimate direction and control of the NYRA board of directors. Breaking Code Silence shall abide by the Sponsorship Policies of NYRA set forth on the attached Exhibit 1, which may be amended from time to time with the consent of Breaking Code Silence and which include administrative fees to be paid from the restricted fund described in Paragraphs 3 and 4 below.
- 3. Restricted Fund. Beginning on the effective date, NYRA shall place all gifts, grants, contributions, and other revenues received by NYRA and identified with the Project into a restricted fund to be used for the sole benefit of the Projects mission as that mission may be defined by Breaking Code Silence from time to time with the approval of NYRA. NYRA retains the unilateral right to spend such funds as to accomplish the purposes of the Project as nearly as possible within NYRAs sole judgment, subject to any donor-imposed restrictions, as to purpose, on the charitable use of such assets. The parties agree that all revenue and the fair market value of all property, in the restricted fund be reported as income for NYRA, for both tax purposes and for purposes of NYRAs financial statements.
- 4. Restricted Fund Management / Performance of Charitable Purposes. All of the assets received by NYRA under the terms of this Agreement shall be devoted to the purposes of the Project as long as they remain within the tax-exempt purposes of NYRA. Any attempts by the Project to influence legislation within the meaning of IRC Section 501(c)(3) shall not exceed 10% of the Projects funds, staff time, and activities. NYRA shall not use any portion of the assets to participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office, to induce or encourage violations of law or public policy, to cause any private inurement or improper private benefit to occur, nor to take any other action inconsistent with IRC Section 501(c) (3).

- **Termination**. This Agreement shall terminate when the objectives of the Project can no longer reasonably be accomplished by NYRA. If the objectives of the Project can still be accomplished but either Breaking Code Silence or NYRA desires to terminate NYRAs fiscal sponsorship of the Project, the following understandings shall apply. Either NYRA or Breaking Code Silence may terminate this Agreement on 60 days written notice to the other party, so long as another nonprofit corporation which is taxexempt under IRS Section 501(c) (3), and is not classified as a private foundation under Section 509(a) (a Successor), is willing and able to sponsor the Project and is approved in writing by both parties by the end of the 60-day period. If the parties cannot agree on a Successor to sponsor the Project, Breaking Code Silence shall have an additional 60 days to find a Successor willing and able to sponsor the Project. If a Successor is found, the balance of assets in NYRAs restricted fund for the Project, together with any other assets held or liabilities incurred by NYRA in connection with the Project, shall be transferred to the Successor at the end of the notice period or any extension thereof, subject to the approval of any third parties that may be required. If Breaking Code Silence has formed a new organization qualified to be a Successor as set forth in this Paragraph, such organizations shall be eligible to receive all such assets and liabilities so long as such organization has received a determination letter from the Internal Revenue Service indicating that such qualifications have been met no later than the end of the notice period or any extension thereof. If no Successor is found, NYRA may dispose of the Project assets and liabilities in any manner consistent with applicable tax and charitable trust laws. Either party to this Agreement may terminate this Agreement based upon a material breach of this Agreement by the other party by giving 30 days written notice to the other party.
- 6. <u>Miscellaneous</u>. In the event of any controversy, claim, or dispute between the parties arising out of or related to this Agreement, or the alleged breach thereof, the prevailing party shall, in addition to any other relief, be entitled to recover its reasonable attorneys fees and costs of sustaining its position. Each provision of this Agreement shall be separately enforceable, and the invalidity of one provision shall not affect the validity or enforceability of any other provision. This Agreement shall be interpreted and construed in accordance with the laws of the State of Maryland.
- 7. **Arbitration**. In the event of any dispute under this Agreement, the parties shall attempt to resolve the matter themselves in an amicable manner. Failing such resolution, any dispute under this Agreement shall be resolved by binding arbitration in Washington, DC in accordance with commercial arbitration rules of the Judicial Arbitration and Mediation Services (JAMS) then in effect, or any other rules mutually agreed to by the parties. Any award or order made in any such arbitration may be entered as a judgment in a court of competent jurisdiction. Any dispute, and the resolution thereof in any manner, shall be and remain confidential information, and all parties shall protect the confidential information from public disclosure using any and all reasonable legal and technical means.

| 8. Entire Agreement. This Agreement constitutes the only agreement and |
|---|
| supersedes all prior agreements and understandings, both written and oral, among the |
| parties with respect to the subject matter hereof. All Exhibits hereto are a material part of |
| this Agreement and are incorporated by reference. This Agreement, including any |
| Exhibits hereto, may not be amended or modified except in writing signed by all parties |
| to this Agreement. |

IN WITNESS WHEREOF, the parties have executed this Fiscal Sponsorship Agreement effective on October 7, 2020.

Jennifer Walker

Breaking Code Silence

Margaret Zheng

National Youth Rights Association

Date: 16/7 2020

Date: 7 Oct. 2020

EXHIBIT 1

NYRA will retain the interest accrued on all restricted funds for which it serves as a fiscal sponsor as a partial offset of administrative expenses. NYRA also charges an administrative fee for its fiscal sponsorship services. That fee is a percentage of the total dollar amount NYRA handles on behalf of those projects it sponsors. The percentage varies from 0 to 15 percent depending on the nature of the project and its concordance with the mission of NYRA. The administrative fee charged to Breaking Code Silence is 10 percent.

As part of its fiscal sponsorship services, NYRA will keep detailed financial records, create account statements on a regular basis, process checks for expenses and payroll, deal with tax reporting obligations, administer benefits, and provide other administrative support as needed. As fiscal sponsor, NYRA is ultimately responsible for all Project activities, including fundraising. In practice, the NYRA board and executive team will delegate certain duties to other NYRA staff members and to Breaking Code Silence. NYRA will handle financial records and payroll. Breaking Code Silence will handle direct employee relations, including hiring, firing, and performance reviews, and coordinate fundraising activities. All fundraising activities shall be conducted in the name of NYRA and are subject to the approval of Margaret Zheng, president of NYRA.

Breaking Code Silence understands that NYRA will not authorize any expenditure from the Projects restricted fund if such expenditures would cause the balance in the Projects restricted fund to fall below zero. Exceptions to this rule may be made at the discretion of the NYRA president if and only if the Breaking Code Silence board of directors accepts full responsibility for repayment of any deficit spending in the event that fundraising for the Project is unsuccessful. In any case, Cash-flow loans made by NYRA to the Projects restricted fund shall not exceed \$1,000.

EXHIBIT E

I - Organizational Background

Breaking Code Silence (BCS) is a nonprofit organization and movement organized by a network of hundreds of survivors including Paris Hilton to raise awareness of the problems in the Troubled Teen Industry (TTI) and the need for change in how society responds to children and youth from vulnerable backgrounds and circumstances. In addition to raising awareness, BCS investigates facilities, reports abuse when discovered, develops research to understand the effect of abuse on child abuse survivors, and actively pursues policy change.

To date, 19 million people have viewed Paris Hilton's documentary This is Paris which has significantly increased public awareness of the abuse endured in residential treatment facilities. Since it debuted, Paris has dedicated her platform and resources to ensuring no more children suffer at the hands of systemically abusive institutions. Alongside BCS, she was accepted to RISE Justice Labs, the world's first civil rights accelerator. In 2021, federal legislation aimed to protect youth in congregate care settings will be introduced. Her efforts as a result of the documentary, such as the peaceful gathering she organized in Provo, Utah that hundreds of survivors from around the country attended, and her change.org petition that resulted in 185,000 signatures have been covered in the USA Today, Good Morning America, Salt Lake Tribune, Fox News, and hundreds of other outlets.

Paris and the BCS Team also recognize the grave need for mental health assistance for this community. This proposed pilot project will be led by Breaking Code Silence with key support from the University of North Carolina Wilmington and the Trauma Resiliency Institute. The project will be led by a team of mental health professionals, academics, and community leaders all of whom are survivors of institutional child abuse within the TTI. This team has collectively more than 8 decades of professional experience providing services to survivors of trauma.

III - Targeted Need

The "Troubled Teen Industry" includes an expansive network of residential programs and facilities which claim to treat, reform, or rehabilitate youth who need additional care due to family circumstances, traumatic experiences, disabilities, social problems, medical conditions, or learning differences. States, school districts, county social service providers, tribal authorities, struggling parents, and the federal government rely on these private for-profit institutions to provide residential care for these youth.

More than 120,000 children are placed in institutional care each year. Nearly all belong to one or more vulnerable groups: people with mental or physical difficulties, children involved in juvenile justice, special education, and/or child welfare systems, lesbian/gay/bisexual/ transgender (LGBTQ) identified, or members of a Native American tribe. An additional vulnerability includes those of cultural or racial ethnic background (for example, a third of the children sent to out of state TTI facilitates by the State of California in 2019 were Black or Latino though this population comprises only 6% of California's special education students).

Separated from the protective oversight of their families, institutionalized youth are particularly vulnerable to neglect, maltreatment, and/or violence. The Government Accountability Office investigations identified systemic issues within these programs that played a significant role in the deaths of youth, including:

- ❖ Basic human rights violations and inhumane, degrading discipline
- Inappropriate restraints (physical, mechanical, and chemical) and social isolation rooms

- Forcing sedatives or psychiatric medication without psychiatric evaluation
- ❖ Denial of proper nutrients, outdoor recreation, and critical medical care
- Substandard or restricted education
- Conversion and aversion therapy
- Severe restrictions of communication and access to parents, lawyers, and advocates
- * Restricted peer to peer relationships
- Sexual assault, harassment, grooming by staff and peers
- ❖ Financial opportunism and deceptive marketing

Minimal and poor regulation, lack of consistent policies, inconsistent oversight, and an overreliance on profit-driven mental health companies have all contributed to an environment where youth are systematically abused in the very institutions that purport to care for them.

Adult survivors of institutional child abuse have remarkably poor outcomes. These negative impacts are numerous, interconnected, and pervasive. They may be diagnosed with post-traumatic stress disorder, addiction, and other mental health problems. Survivors are more likely to both commit crimes and be crime victims as adults. Death by suicide, murder, and overdose for this population are well above the national norms. As adults, survivors are more likely to have physical health problems due to the complex trauma endured. The educational and economic trajectories of survivors are also impacted. In addition, familial support is often not available for survivors.

Peer Education and Support

As a result of traumatic experiences in the context of a mental health program, TTI alumni are often reluctant to seek psychosocial assistance from traditional mental health programs as they are perceived as untrustworthy or threatening. Therefore, implementing survivor-led opportunities circumvents the need to establish clinical rapport. During the first year of this pilot project, 50 survivors will be recruited and vetted through a comprehensive assessment and interview process to be trained as peer educators using the Community Resilience Model (CRM). CRM is an established peer education training model widely used by community leaders and paraprofessionals to assist community members in coping with trauma and crisis. Peer educators will provide education and psychosocial support to cope with past trauma and current crises to a minimum of 500-1,000 survivors each year. Utilizing an evidence-based social support model (eg. Alcoholics Anonymous), daily virtual 75-minute sessions will be available to those of all ages within the international survivor community. Through a secure online tool, data will be collected and additional information including an emergency contact number and their location will be required when signing up.

The purpose of this pilot program is to train and empower survivor leaders to teach survivors self-applied interventions to decrease trauma symptoms and increase functioning as they navigate their career, relationships, and more. Peer educators will:

- Lducate survivors about trauma and identify its neurophysiological impact on the mind and body
- Teach concrete tools and skills to re-regulate the nervous system in response to emotional cues
- Provide opportunities for social support and relational engagement between participants

An additional 15 survivors will be trained as peer support specialists using a curriculum specifically designed to focus on the needs of institutional child abuse survivors. Peer support specialists have been incorporated into the mental health recovery systems of care since the 1970s and have a strong evidence base for effective treatment delivery with hard-to-reach populations, including former foster youth, veterans, refugees, sexual assault and trafficking survivors, and people experiencing homelessness. Each specialist will serve an estimated 80 individuals annually over two years, assisting peers with navigating

the adult mental health system, accessing needed services from local agencies, obtaining documents and records, securing housing and employment, transportation back to their home state after aging out of institutional care, transition to adulthood planning, life skills coaching, and access to emergency assistance.

Peer support specialists and peer educators will serve as volunteers, for a minimum of 8 hours per month, for two years. They will receive biweekly supervision from a trained and licensed mental health practitioner. Additionally, a licensed social worker and social work staff will be on hand to support and encourage the specialists and educators and to provide direct assistance with complex cases and situations.

Education of Mental Health Professionals

A series of introductory, beginning, intermediate, and advanced training courses will be created to educate mental health and substance abuse professionals, medical providers, and child/youth/community service providers on the needs, experiences, and common challenges reported by the TTI survivor population. This type of training does not currently exist. Despite standard curricula mentioning that institutionalized abuse populations exist, public health, counseling, nursing, recreational therapy, occupational therapy, and psychology students receive no instruction regarding this population. Students who complete an MSW in clinical social work practice receive less than 15 minutes of instruction during their two-year program on the problem of abuse in institutional care and no instruction on how to respond to the trauma this causes.

Participants will be guided in empowering methods for engaging with this population in a way that promotes dignity and self-determination of survivors. Topics will include ethical concerns, trauma-informed care, the physical and psychological sequela of torture/institutional abuse common among TTI survivors, treatment protocols, and strategies for empowering psychological interventions with survivors. Key concepts will be introduced in discipline specific language which builds connections to established research and existing professional knowledge. Opportunities for continuing education units and certification of the training will be provided to encourage participation from a wide variety of professionals. We plan to engage professionals through word of mouth, presentations and panels at psychotherapy conferences, and through publications.

Professionals who complete a set number of training hours will be invited to apply to be "endorsed" by the project. This process will include a panel interview, background check, agreement to adhere to ethical standards, and ongoing contact to assure that those vetted are committed to providing high quality support services to survivors. A referral list of endorsed professionals will be provided online and used by our peer support specialists and peer educators when referring survivors for specialized or intensive care.

Trauma Intervention Retreat

Lastly, a program incorporating cutting edge trauma interventions will be organized for 40 survivors to take place in person over a six-day retreat when COVID restrictions are lifted. As a pilot retreat, the program will incorporate neurophysiologically-based practices demonstrated through research to reduce trauma symptoms and improve daily and social functioning and increase life-satisfaction including psychosensory therapy and neural therapy. CRM Peer Educators will facilitate and assist education groups, therapeutic recreational opportunities (e.g., equine facilitated therapy, mediation, yoga, etc.), and other psychosocial components to promote healing, relational connection, and personal empowerment. Retreat participants will be intentionally recruited so that they reflect the diversity of those who experience institutional abuse including foster care alumni, individuals who are impacted by the juvenile

justice and special education systems, people who identify as LGBTQ, and those who were placed in institutional care through Native American tribal authorities.

Research

The project as a whole will be evaluated during and after the realization of project outputs to assure that the aim of the project was met, and that key metrics were achieved. Data collection for CRM participants will assess an increase or decrease in functioning, mental health symptoms (PTSD, mood, anxiety, depression), utilization of public resources, contribution to society, utilization of medical care, interactions with police or social services, utilization of food stamps, and more.

During the program assessment period, we will also identify the reliability of the retreat model to see if it drastically reduced symptoms and increased functioning. This evaluation process will serve to build on and expand our professional understanding of trauma interventions with this particular community, contributing to the growing body of published works on evidence-based interventions for trauma survivors.

Conclusion

With support from The Conrad N. Hilton Foundation, Paris Hilton and Breaking Code Silence can (1) implement a data-driven pilot program which will provide direct services including peer-led psychosocial support, case management, trauma education, and trauma resolution techniques to establish an evidenced-based recovery model for survivors of institutional child abuse, and (2) increase access to high quality professional psychological support by trained therapists. With approximately 120,000 youth currently in congregate care settings and thousands of survivors facing insurmountable amounts of challenges including a disproportionately high number of overdoses and suicides due to the current lack of care, providing services to impact this vulnerable community is of vital importance and will enhance this movement substantially.

Annex A - Timeline over Three Years

| First 6 months | Following 2 years | Final 6 months |
|----------------|-------------------|----------------|
|----------------|-------------------|----------------|

| Program Development, Screening & Training of CRM Peer Specialists | CRM Daily sessions & Retreat | Data Review & Research Evaluation |
|---|---------------------------------|--------------------------------------|
|---|---------------------------------|--------------------------------------|

Annex B - Proposed Budget over Three Years

| Cost | Project Component | Cost |
|---|---|-----------|
| Key Personnel Salaries and Fringe (2 part time co-directors) | Peer education and support - 70%; Education - 8%; Administration - 2%; Retreat - 20% | \$64,406 |
| Assistant #1 - Salary and Fringe | Peer education and support (50%); Education of mental health professionals (50%) | \$47,914 |
| Assistant #2 - Salary and Fringe | Trauma intervention retreat | \$14,700 |
| Assistant #3 - Salary and Fringe | Peer education and support (60%); Trauma intervention retreat (30%); Project coordination (10%) | \$14,700 |
| Consultants and short-term professional staff | Peer education and support | \$43,400 |
| Consultants and short-term professional staff | Education of mental health professionals | \$18,000 |
| Survivor emergency fund | Peer education and support | \$20,000 |
| Retreat programming costs | Trauma intervention retreat | \$128,700 |
| Retreat participant travel | Trauma intervention retreat | \$32,400 |
| CRM training and certification | Peer education and support | \$74,836 |
| Supplies and incidentals | Peer education and support | \$3,000 |
| Indirects | | \$37,821 |
| | TOTAL: | \$499,877 |

^{*}The UNCW College of Health and Human Services will physically house and fund the research element of this project and provide institutional guidance and consultation. IRB approval has already been received and access to statisticians and research and graduate assistants to compile editors for publications is available.

Annex C - Biographies of Project Leaders

Project Co-Directors

Athena Kolbe, PhD, LCSW - Assistant Professor, University of North Carolina Wilmington

Raised in California, Kolbe spent years in the Los Angeles foster care system before being sent to a TTI facility in Utah at the age of 15. After aging out of foster care she spent several years living on the streets before attending community college and eventually earning her bachelor's degree in from Skidmore College (New York). Kolbe worked in public radio and lived for several years in Haiti, where she helped establish a children's radio station. After a decade in journalism, Kolbe returned to graduate school, earning degrees in Theology, Social Work, and Political Science.

She is a seasoned clinical therapist with extensive training in the treatment of complex trauma with adolescents and adults from vulnerable populations including foster care alumni, youth and adults involved in the mental health and criminal justice systems, LGBTQ youth, and people experiencing homelessness. In 2008, Kolbe returned to graduate school at the University of Michigan Ann Arbor, where she earned PhDs in Social Work and Political Science. In addition to teaching and mentoring new clinical therapists in the social work program, she conducts research in the US and abroad focusing on post-traumatic stress disorder, the mental health impacts of natural and man-made disasters, and the needs and experiences of transition aged youth.

Vanessa Hughes PhDc, MA, MFT, MAICS, MAT, SEP is a survivor of a WWASP program. After serving as a firefighter in the United States Marine Corps, she went on to obtain Graduate degrees in Marriage and Family Therapy, Clinical Psychology, Theology, and Intercultural Studies. She will obtain her doctorate in clinical psychology in July.

Vanessa is a trauma expert with extensive experience working with individuals with severe PTSD. She provides training for fellow therapists who work with trauma and teaches in a graduate therapy program as an adjunct professor.

Vanessa developed a body-based treatment approach for Military Sexual Trauma which has been researched and implemented in several treatment programs and is published in a textbook for treating Military Sexual Trauma. She has been invited to help create various wellness and treatment programs, research studies, and wellness retreats for traumatized individuals. She serves as the Executive Director of Organizational Development at Vetitation, a fully funded wellness retreat program for Veterans with PTSD. In 2015, she was recognized as Woman of the Year by Senator Carol Liu for her trauma-informed work in the community.

Leadership Team Members

Jen Robison is a children's rights advocate, raised in the Los Angeles area and now residing in Southern Oregon. As a survivor of institutional child abuse during her time at Provo Canyon School (Utah) from 2003-2005, she has been a clear and outspoken voice for the rights and safety of children held in residential treatment programs since 2008.

Jen has been a guiding force in the development of the #BreakingCodeSilence movement, helping to brand its identity, create calls to action, and create the platform for survivors to make their stories public in order to spread awareness of the abuses within the "troubled teen" industry. In 2020 she was elected by her team members to serve as the Director/CEO of Breaking Code Silence, where she oversees the activist network and current projects relating to public awareness, education, research, survivor support, active program investigation, and legislative reform of the industry.

Notes for Hilton Foundation (not a part of application)

- Paris's Change.org petition (185k signatures)
- 60 Million views of #breakingcodesilence across media channels
- Disability Law Center Utah announces they are investigating all facilities in Utah
- Tens of parents have pulled youth out of abusive programs since September
- Hundreds of survivors gathered with Paris in Provo, Utah for a silent march in October 2020
- The Salt Lake Tribune's fundraiser to release state reports of abuse and neglect at residential treatment facilities in Utah hit its goal in 12 hours with Paris support
- All proceeds of Paris single "I Blame You" donated to Breaking Code Silence
- Official partnership with American Bar Association (ABA) to host monthly panels on the industry and activate lawyers on behalf of the movement
- Paris Hilton publishes https://www.survivorsbreakingsilence.com/ to amplify survivor voices
- California decertified all out of state residential care placements for child welfare and juvenile justice youth and Missouri proposes legislation to regulate unlicensed reform schools
- Tons of coverage on the industry: New York Post, ABC, Vanity Fair, USA Today and more.