

CAUSE NO. 005-03612-2026

ALEXUS BENAVIDEZ AND RAUF SCOTT,
INDIVIDUALLY AND AS NEXT FRIEND OF A.S.,
A MINOR CHILD,

PLAINTIFFS,

VS.

VRISE, INC. D/B/A KIDS R KIDS OF LAWLER
FARM,

DEFENDANT.

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IN THE COUNTY COURT

AT LAW NO. _____

COLLIN COUNTY, TEXAS

ORIGINAL PETITION AND JURY DEMAND

1. Like many parents across this country and the state of Texas, Alexis Benavidez and Rauf Scott, parents of three-year old A.S., a minor child, are working parents that relied on a daycare to provide a safe, caring, nurturing environment for their son. Alexis and Rauf trusted that their son would be safe at Kids R Kids for daycare.¹

2. Instead, Kids R Kids violated Alexis and Rauf's trust when it was discovered that their son had been repeatedly subjected to inappropriate discipline and mistreatment by Kids R Kids. Alexis Benavidez and Rauf Scott bring this lawsuit on their family's behalf asking for answers and asking that Kids R Kids accept responsibility for the serious physical, emotional, mental, and psychological injuries their son suffered.

¹ This petition refers to Defendant VRISE, Inc. d/b/a Kids R Kids of Lawler Farm as "Kids R Kids," a daycare facility owned and operated by Vijaykumar Selvaraj Elango, located at 7040 Independence Parkway, Frisco, Texas 75035, operating under Texas childcare license number 1794736.

STATEMENT OF FACTS

3. At Kids R Kids, parents are told that safety and quality care for every child is the top priority because “That’s the Kids R Kids Way.”² Kids R Kids markets its preschool program as a nurturing environment for three-year-olds—one designed to foster growth, safety, and learning.³ They promise a curriculum built on decision-making, problem-solving, character development, and social-emotional growth.⁴ Yet, behind these polished claims lies a stark contradiction. The daycare that vowed to shape healthy, happy, and well-adjusted children broke their promises. It was Kids R Kids’ job to keep three-year-old A.S. safe, and they failed.

4. One evening, in early July 2024, Alexis received disturbing news from a Kids R Kids management staff member. The Kids R Kids manager informed Alexis that she would be contacted by an abuse and neglect investigator from the Texas Department of Family and Protective Services (DFPS) the following day because A.S., along with several other children, was observed several weeks earlier being subjected to repeated inappropriate discipline and mistreatment by the Kids R Kids caregivers in his class.

5. Kids R Kids revealed they were aware of the incidents *several weeks earlier* when a parent reported observing the caregivers in the three-year-old classroom being aggressive with the children—resulting in the immediate withdrawal of their own child. Kids R Kids pulled video footage and observed what took place in the classroom, but instead of immediately reporting the incidents to DFPS or notifying the parents of the children involved, the Kids R Kids owner,

² Kids R Kids of Lawler Farm Website, <https://kidsrkids.com/lawler-farm/> (last visited November 11, 2025).

³ Kids R Kids of Lawler Farm Website, <https://kidsrkids.com/lawler-farm/programs/preschool-childcare-program/> (last visited November 11, 2025).

⁴ *Id.*

Vijaykumar Selvaraj Elango and his wife Vithya Selvaraj Elango, chose only to issue warnings to the caregivers while allowing them to remain in the classroom and continue business as usual. Mr. Elango informed his Kids R Kids manager that he had deleted the camera footage and instructed the manager to delete what she had saved as well – a clear cover-up was under way. It was then that the management staff member decided to take action into her own hands and report the incident to DFPS. The DFPS investigation confirmed that several children, including three-year-old A.S., had been subjected to repeated inappropriate discipline and mistreatment at Kids R Kids.

6. Review of video footage from June 2024, revealed a chaotic and uncontrolled classroom with children permitted to fight while both caregivers in the classroom carried out aggressive and inappropriate physical handling of the young children in the three-year-old classroom. Fifteen separate videos caught the two Kids R Kids caregivers using excessive physical force with multiple children — pulling, yanking, shoving, and striking them. Video footage from June 5, 2024, showed Kids R Kids’ caregivers inappropriately yanking three-year-old A.S. by his arms, spanking A.S., and smacking A.S.



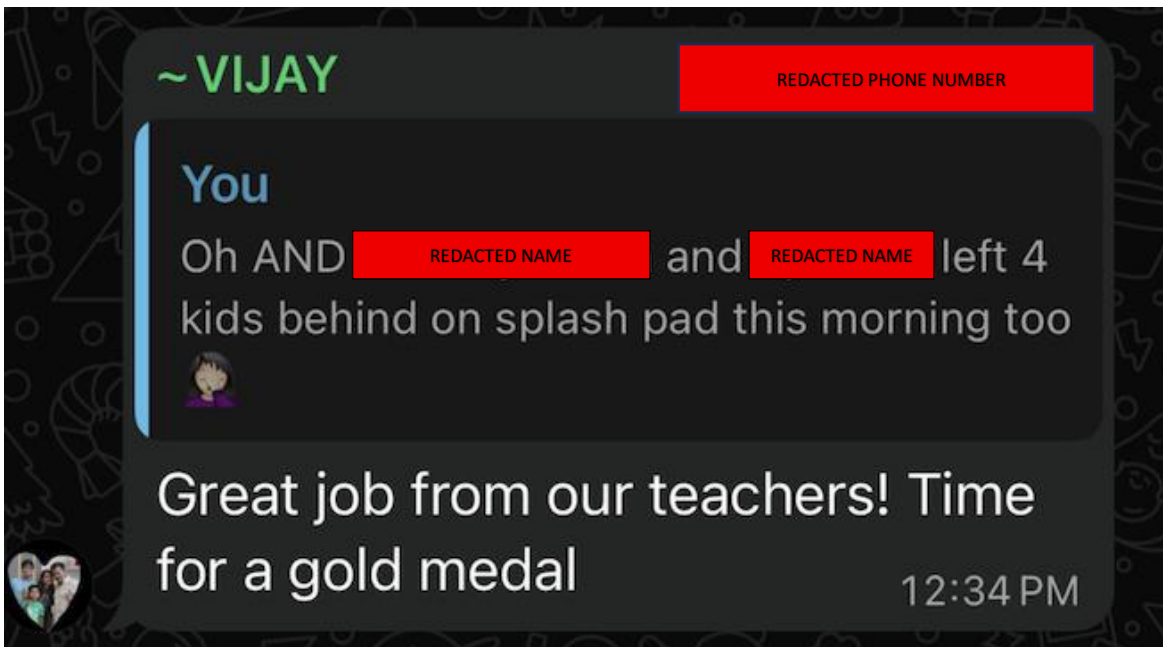
7. At one point, a Kids R Kids caregiver is seen forcefully shoving A.S. into a chair at a table, causing him to strike his leg, resulting in bleeding. The Kids R Kids caregiver ignores his cries and offers no assistance as A.S. is seen limping off to get his own paper towel to apply to his bleeding leg. The DFPS investigation concluded that the use of force observed in the footage from June 2024, posed a substantial risk of serious physical harm to the children.

8. Prior to learning about the incidents in the three-year-old classroom, Alexis and Rauf had begun noticing unexplained injuries and marks on A.S., including at one point a busted lip where his teeth had gone through the inside of his lip. When they asked Kids R Kids questions about injuries they were observing, they were never given clear answers but instead were reassured everything was normal, everyday injuries from kid play.



9. The DFPS investigation confirmed that Kids R Kids was fully aware of the incidents in June and had received reports of rough handling in the past. In fact, Kids R Kids admitted to having seen the video footage, receiving reports of concerns, and even issuing write-up warnings to its employees prior to DFPS getting involved. However, in an effort to preserve appearances and avoid getting into trouble, Kids R Kids chose not to notify parents, and chose not to notify DFPS, despite their mandatory reporting requirement under Texas law.

10. Sadly, Kids R Kids' failures do not end there. On the same day of the incidents involving the three-year-old classroom, it was also reported to the Kids R Kids owners that 4 children from another classroom were left outside unsupervised on the splash pad. Yet again, Kids R Kids owner, Vijaykumar Selvaraj Elango, chose not to report the incidents to child care licensing or to the parents of the children involved—instead choosing only to joke about the seriousness of the incident.



11. During the DFPS investigation into the incidents involving three-year-old A.S., it was discovered that *another* Kids R Kids caregiver in a *different* classroom was observed forcefully handling children and hitting a child on their back in frustration while yelling and cursing at other staff members. This Kids R Kids caregiver was fired after she returned from her break that day smelling like marijuana. Kids R Kids again chose to cover-up the incident themselves without notifying child care licensing or parents.

12. Alexis and Rauf bring this lawsuit asking the questions every parent is wondering: *What will it take for Kids R Kids to make the safety of children a priority? What must happen to a child before Kids R Kids will report a situation placing a child at risk of harm or injury?*

13. Kids R Kids is responsible for qualifying, hiring, training, and supervising its caregivers on safe and proper care conducive to the welfare of children, including ensuring caregivers are using proper methods of discipline and guidance and maintaining compliance with Texas' childcare safety laws. However, during DFPS interviews with Kids R Kids' employees, staff members reported that Kids R Kids discouraged reporting incidents to state licensing and that staff were selected based on willingness to accept low pay rather than qualifications or temperament. The investigation revealed that the Kids R Kids' owner lacked an understanding of licensing requirements and safety laws, rarely visited the facility, and left operational oversight entirely to others despite knowing of existing issues with Kids R Kids' employees and the overall risk to child safety these issues created.

14. Kids R Kids' reckless disregard for child safety was made even more obvious after it was discovered that Kids R Kids chose to ignore the DFPS safety plan requirements put in place during the course of the investigation. The safety plan prohibited a Kids R Kids caregiver from

caring for children without direct oversight and supervision – she was not allowed to be in charge of kids without another qualified and trained caregiver being the lead in the classroom. However, during a follow-up compliance inspection it was discovered that Kids R Kids had chosen not to follow the safety plan – the Kids R Kids’ caregiver had been placed in charge of supervising kids and had failed to notice they had gotten into a closet that they should not have been in. Kids R Kids also chose to ignore the DFPS requirements for notifying families of an active investigation occurring by obscurely “posting” the required notice in an area where it was covered by other posted items so that it would not be seen.

15. These events demonstrate a serious breakdown in Kids R Kids’ duty of care. Despite multiple warnings and visible evidence of mistreatment, management and ownership failed to act, protect the children, and inform parents and the state of what had occurred. The pattern of rough handling, denial, and concealment represents a grave violation of trust placed in those responsible for the safety and well-being of the children. No parent should have to fear how a daycare — an institution they pay for and entrust with their children—is treating their child. Had Kids R Kids prioritized the care and safety of the children over profit, these incidents would not have occurred. **Liability is clear.**

16. Kids R Kids negligently operated its facility and endangered the health and well-being of A.S. and others when they failed to provide a safe environment for a children in their care, negligently hired unqualified and untrained employees, failed to supervise its employees, and failed to report situations placing a child at risk of injury or harm to parents and the state, leaving three-year-old A.S. and other innocent children in the hands of incompetent, unqualified, irresponsible, untrained, and unsupervised caregivers.

17. The DFPS investigation into the actions and omissions by Kids R Kids has concluded. As a result of the failures of Kids R Kids to follow the law and basic principles of child safety, Kids R Kids has been issued numerous citations for the violation of Texas' childcare safety laws and regulations:

- **746.201(9) – Failing to Comply with Laws and Rules**
- **746.1201(4) – Failing to Ensure No Child Abused, Neglected, or Exploited**
- **746.1201(1) – Failing to Demonstrate Competency, Good Judgment, Self-control**
- **746.305(a)(6) – Failing to Report Situations Placing Children at Risk of Harm**
- **746.2805(1) – Using Prohibited Punishment Methods, Corporal Punishment**
- **746.307(a) – Failing to Comply with Parental Communication Requirements Regarding Notification of Allegations of Abuse, Neglect or Exploitation**

15 Despite Kids R Kids only being fully licensed since May 2024 under its current owner, the daycare has been cited by the state of Texas *numerous times* for failing to ensure that the operation and its caregivers meet the minimum standards, laws, and regulations in place to keep kids safe. A history of citations, inspections, investigations, and deficiencies from the state show the same conduct and failure to act that led to the incident and the injuries sustained by A.S. and others. Kids R Kids has a clear recent history of failing to qualify, train, and supervise employees, failing to follow the minimum standards, and failing to properly care for children.

16 **As of March 2026, Kids R Kids of Lawler Farm has received a total of 28 citations for failing to follow Texas' laws on child safety – including a citation for prohibited punishment as recently as March of this year.** The following is an overview of some of the most concerning citations Kids R Kids has been issued by the state of Texas' childcare licensing department:

- March 2026:
 - o Cited for the using prohibited methods of punishment.
- February 2026:
 - o Cited for exceeding the permitted child to caregiver ratio on a daily basis.
 - o Cited twice for placing newly hired caregivers with children without providing the required training.
- May 2025:
 - o Cited three times for staff members failing to complete the required annual training.
 - o Cited for allowing a staff member to be present at the operation with direct contact to children before receiving a cleared background check.
 - o Cited twice for failing to have written operational policies that address required materials.
- November 2024:
 - o Cited for failing to have a Food Allergy Emergency Plan on file for a child with known food allergies.
 - o Cited for failing to keep areas free from hazards.
- August 2024:
 - o Cited for failing to notify parents at the daycare of the deficiency citation received for abuse, neglect and exploitation.
- July 2024:
 - o Cited for on two separate occasions for failing to properly supervise children.
 - o Cited for failing to keep areas free from hazards.
- May 2024:
 - o Cited for failing to provide a parent with an incident report.
- April 2024:
 - o Cited for failing to keep areas free from hazards.
 - o Cited for failing to have a Food Allergy Emergency Plan on file for a child with known food allergies.

17 What happened to A.S. was preventable. As a direct and proximate result of the actions and/or omissions of Kids R Kids, Plaintiffs sustained injuries and damages.

DISCOVERY CONTROL PLAN & CLAIM FOR RELIEF

18 Discovery in this matter is intended to be conducted under Level 3 of the Texas Rules of Civil Procedure.

19 As required by the Texas Rule of Civil Procedure 47(c), Plaintiffs' counsel states that Plaintiffs seek monetary relief over \$250,000 but not more than \$1,000,000.00; however, the amount of monetary relief awarded will ultimately be determined by a jury.

PARTIES

20 Plaintiffs Alexis Benavidez and Rauf Scott are the biological parents of Plaintiff A.S., a minor, and are citizens and residents of Collin County, Texas.

21 Defendant VRISE, Inc. d/b/a Kids R Kids of Lawler Farm (hereinafter referred to as "Defendant") is a corporation doing business in the State of Texas, its state of formation. Defendant operates a daycare facility located at 7040 Independence Parkway, Frisco, Texas 75035, operating under Texas childcare license number 1794736. Defendant may be served with process by serving its registered agent, Vijaykumar Selvaraj Elango, located at 11353 La Salle Road, Frisco, Texas 75035, or wherever they may be found.

JURISDICTION & VENUE

22 The Court has subject matter jurisdiction over this lawsuit because the amount in controversy exceeds this Court's minimum jurisdictional requirements.

23 Venue is proper in Collin County, Texas, under Texas Civil Practices and Remedies Code Section 15.002(a) because this is the county where all or part of the events or omissions giving rise to the claim occurred.

CAUSES OF ACTION

Count One – Negligence

24 Plaintiffs incorporate by reference the preceding paragraphs as if stated fully herein.

25 The occurrence made the basis of this suit, reflected in the above paragraphs, and the resulting injuries and damages of Plaintiffs were proximately caused by the negligent conduct of Defendant. Defendant was negligent by breaching the duty that was owed to Plaintiffs, to exercise ordinary care in one or more of the following acts or omissions, constituting negligence:

- a. Failing to exercise the care that was necessary under the circumstances;
- b. Failing to do what a reasonable daycare would have done under the circumstances;
- c. Failing to maintain a safe environment for children;
- d. Failing to ensure that prohibited discipline methods were not being used against children;
- e. Failing to ensure that proper discipline methods were being used on children;
- f. Failing to properly hire, qualify, train, and supervise its employees trusted with the care of minor Plaintiff A.S.;
- g. Choosing to continue to employ an unqualified, untrained, and unsupervised caregiver;
- h. Failing to ensure employees demonstrate competency, good judgment, and self-control;
- i. Failing to ensure no child is abused, neglected, or exploited; and
- j. Failing to adhere to the Texas Minimum Standards for Childcare.

26 Defendant had a duty to exercise ordinary care in caring for, handling, and disciplining the children in its care so as to prevent injury to minor child A.S. and other children similarly situated.

27 Defendant had a duty to maintain a safe environment for children in its care so as to prevent injury to A.S., and other children similarly situated.

28 Defendant had a duty to hire, train, and supervise employees to ensure that children in their care were safe so as to prevent injury to Plaintiff A.S. and other children similarly situated.

29 Defendant breached the duty of care by failing to properly care for the children; failing to safely and properly discipline children; failing to exercise competency, good judgment, and self-control in disciplining children; failing to properly train, hire, and supervise its employees; and failing to maintain a safe environment for children.

30 Defendant's negligent acts and/or omissions, and breach of duties, directly and proximately caused injury to Plaintiffs, which resulted in significant damages.

Count Two – Negligence Per Se

31 Plaintiffs incorporate by reference the preceding paragraphs as if stated fully herein.

32 Defendant failed to exercise the mandatory standard of care in violation of the Texas Department of Family and Protective Services, Minimum Standards for Child-Care.

33 In the foregoing claims of negligence per se, Plaintiffs were, at all times, members of the class that the statutes the Defendant violated were designed to protect.

34 Defendant's violation of the statutes was the proximate cause of the Incident in question.

35 As a result of the Defendant's acts and/or omissions in violating the statutes, Plaintiffs sustained damages.

Count Three – Gross Negligence

36 Plaintiffs incorporate by reference the preceding paragraphs as if stated fully herein.

37 Defendant's conduct was more than momentary thoughtlessness or inadvertence. Rather, the acts and/or omissions by Defendant in the preceding paragraphs constitute gross negligence as that term is defined in Texas Civil Practices and Remedies Code §41.001(11).

38 Defendant's conduct involved an extreme degree of risk, considering the probability and magnitude of potential harm to the Plaintiffs. Defendant had actual, subjective awareness of the risk involved, but, nevertheless, proceeded in conscious indifference to the rights, safety, or welfare of Plaintiffs or of others similarly situated.

39 The above acts and/or omissions were singularly and cumulatively the proximate cause of the occurrence in question and the resulting injuries and damage sustained by Plaintiffs.

Count Four – Negligent Activity

40 Plaintiffs incorporate by reference the preceding paragraphs as if stated fully herein.

41 Defendant was the owner, operator, and/or possessor of the daycare premises located at 7040 Independence Pkwy, Frisco, TX 75035, operation license number 1794736, during the time of this incident.

42 At the time of the Incident, A.S. was a minor child placed in the care of Defendant and was thus an "invitee" to whom Defendant owed a duty to exercise ordinary care.

43 Plaintiffs' injuries were the direct and contemporaneous result of Defendant's ongoing negligent activity on the premises at the time of the injuries and damages sustained.

44 Defendant owed Plaintiffs a legal duty to ensure A.S.'s safety in maintaining proper care over the children; ensuring that employees are necessarily hired, trained, supervised, and

terminated in order to maintain a safe environment for children; and ensuring that serious injuries are recorded and reported. Defendant breached these duties by failing to properly supervise and monitor the children in their care, by failing to immediately terminate caregivers who posed a serious risk to the safety and wellbeing of children, and by failing to immediately report incidents to the appropriate state entity and parents for the injuries A.S. sustained.

45 Such negligent activity on the part of the Defendant proximately caused the injuries and other damages suffered by Plaintiffs.

RESPONDEAT SUPERIOR

46 Plaintiffs incorporate by reference the preceding paragraphs as if stated fully herein.

47 The negligence, carelessness, and callousness of Defendant's employees proximately caused the damage and losses suffered by Plaintiffs as a result of the injury. At all times material to this action, Defendant's employees were acting in the course and scope of their employment. Accordingly, Defendant may be held responsible for its employees' negligence under the doctrine of respondeat superior.

DAMAGES

48 Plaintiffs incorporate by reference the preceding paragraphs as if stated fully herein.

49 As a direct and proximate cause of Defendant's negligent acts and/or omissions, Plaintiffs Alexis Benavidez and Rauf Scott, individually, and as next friends and parents of Plaintiff A.S., a minor child, suffered damages and injuries that include, but are not limited to:

- a. Physical pain and suffering in the past;
- b. Physical pain and suffering, in reasonable probability, sustained in the future;
- c. Mental anguish in the past;

- d. Mental anguish, in reasonable probability, sustained in the future;
- e. Reasonable and necessary medical expenses in the past;
- f. Reasonable and necessary medical expenses, in reasonable probability, sustained in the future;
- g. Loss of wages in the past;
- h. Loss of wages, in reasonable probability, sustained in the future;
- i. Loss of wage-earning capacity in the past;
- j. Loss of wage-earning capacity, in reasonable probability, sustained in the future;
- k. Physical impairment in the past;
- l. Physical impairment, in reasonable probability, sustained in the future;
- m. Loss of the normal enjoyment of the pleasure of life in the past;
- n. Loss of the normal enjoyment of the pleasure of life, in reasonable probability, sustained in the future;
- o. Costs of suit; and
- p. All other relief, in law and equity, to which Plaintiffs may be entitled.

50 Plaintiffs' damages clearly exceed the minimum jurisdictional requirements for this Court. Plaintiffs, therefore, seek compensation by the Court and jury for their damages, in an amount to be determined by the jury.

EXEMPLARY DAMAGES

51 Plaintiffs incorporate by reference the preceding paragraphs as if stated fully herein.

52 Plaintiffs would further show that the acts and/or omissions of the Defendant complained of herein were committed knowingly, willfully, intentionally, with actual awareness,

and with the specific and predetermined intention of enriching said Defendant at the expense of Plaintiffs.

53 The grossly negligent conduct of Defendant, as described herein, constitutes conduct for which the law allows the imposition of exemplary damages. Accordingly, Plaintiffs seek the award of exemplary damages against Defendant pursuant to Chapter 41 of the Texas Civil Practices and Remedies Code.

JURY TRIAL

54 Plaintiffs demand a jury trial and have tendered the appropriate fee with the filing of this Original Petition.

U.S. LIFE TABLES

55 Notice is hereby given that Plaintiffs intend to use the U.S. Life Tables as prepared by the Department of Health and Human Services.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendant be cited to appear and answer herein and upon final hearing hereof, they take, have and recover, of and from said Defendant, the above damages, exemplary damages, costs of court, pre-judgment interest, post-judgment interest, and for such other and further relief to which they may show themselves justly entitled.

Dated: May 1, 2026.

Respectfully submitted,

THE BUTTON LAW FIRM

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Russell Button on behalf of Russell Button

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Filing Code Description: Petition for Injury Damage - Non Motor Vehicle (OCA)

Filing Description:

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