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Phila. Public Defenders, Lancaster Co. Foster Parents Hit With \$4.5M Judgment in Child Abuse Case

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Of the Legal staff

The Defender Association of Philadelphia, a foster care agency and two Lancaster County foster parents have been found liable for the abuse of a twin brother and sister, a case resulting in a \$4.5 million jury verdict in favor of the children.

For a period of three-and-a-half years, the children were taken to the basement of the Lancaster County home in which they lived, were told to lie down on a freezer, and were beaten by hand or with objects, according to court papers.

After a nearly two-week trial, the Philadelphia jury late Nov. 21 found the Defender Association 55 percent liable in the case; Bethanna, the foster agency, 20 percent liable; Wayne Keeny, the foster father, 20 percent liable; and foster mother Rosella Keeny 5 percent liable for child abuse.

The children, now both 8 years old, were removed from their mother's home in Philadelphia because she could no longer care for them. However, their biological father learned of their whereabouts and sought reunification. They are now in his care.

After learning of the beatings, the biological father filed a lawsuit alleging that the child advocacy unit of the Defender Association, which represented the children in court, failed to act after discovering the abuse. The lawsuit, handled by Kline & Specter attorneys **Nadeem Bezar** and **Emily Marks**, also

alleged Bethanna failed to properly vet the Keenys as foster parents.

Bethanna is a Community Umbrella Agency, or CUA, which is often used by the Philadelphia Department of Human Services for placing children in foster homes. A recent Legal Intelligencer article detailed how CUAs, through providing inadequate services, have endangered children.

"As a general rule when we fail to monitor our kids carefully and we fail to treat them like individuals and understand what they are experiencing, bad things are going to happen," Bezar said.

Bezar added that moving into a foster home is traumatic for children and that if they are far from biological family members, they are less likely to complain of abuse—especially if it means being moved again.

"Having to put all your belongings into a green garbage bag thrown into the back of a case manager's car as you're transported elsewhere is so traumatic for the kid that they'll just take the abuse and they won't complain. It's horrible," Bezar said.

The Defender Association did not return a call seeking comment for this article.

In court papers the Defender Association said it "acted at all times within the applicable

standards of professional care, and the defendants deny all liability for the minor plaintiffs'

alleged injuries and damages. There were multiple social workers from mul-

tiple organizations, in addition to physicians and other adults who had seen and interacted with the minor plaintiffs

during their time in the Keeny home, and there was never any corroboration of any of the issues raised by" the biological father.

Bethanna's attorney, William Banton of Marshall Dennehey Warner Coleman & Goggin, said the agency entered into a settlement prior to the verdict. In court papers, Bethanna denied any negligence and said that the biological father's complaints were always investigated by the agency and were determined to be unfounded.

The Keenys' attorney, Matthew Menges of Trinity Law, did not return a call seeking comment.

The couple faced criminal charges in 2016, but those charges were ultimately withdrawn.

"Keenys have admitted they used corporal punishment against the twins while in foster

care in their home. The use of corporal punishment did not injury sic the twins either physically or emotionally," their court papers said.