



Jury awards \$4.5 million to Philly twins for spankings in Lancaster foster home

The Philly public defenders' office was found liable for spankings given to the children by the foster parents, but the parents' attorney says it was just traditional corporal punishment.

A Court of Common Pleas jury recently awarded a \$4.5 million verdict in the case of two young twins from Philadelphia who were spanked repeatedly over three years while living in a foster home in a predominantly Mennonite section of Lancaster County.

"This is a landmark decision," said attorney **Nadeem Bezar, of Kline & Specter, P.C.**, who filed the lawsuit on behalf of the twins and their biological father. "Innocence lost is a tragedy. These kids were just beaten. They were beaten under the guise of punishment."

In its verdict reached on Nov. 21, the jury split liability between Bethanna, the foster care agency that placed the then 3-year-old twins in the home (20 percent); the foster parents, Wayne and Rosella Keeny (20 and five percent, respectively), and the Defender Association of Philadelphia, whose child advocate was representing the children in court (55 percent).

Bezar said that the abuse of the twins, now 8, included being regularly laid on top of a freezer in the basement and spanked for three years by their foster parents, with their hands or implements like a ruler or plastic coat hanger.

But some defendants still dispute the jury's decision of the facts, and the Defender Association is planning to appeal the verdict.

Matthew Menges, an attorney with Trinity Law firm who represented the Keenys, said that the spankings his clients admitted to would likely be considered culturally acceptable in the mostly-Mennonite Lancaster County community they inhabit.

"This is not something that was done in anger or frustration," Menges said. "They talked with the children about the behavior that led to the spanking, they administered the spanking, when they were done they sat down again and talked with the children. This is not taking kids into a dungeon basement and stringing them up to beat them."

After the children, identified in court as Z1 and Z2, were reunited with their biological father in 2015, he learned they had experienced corporal punishment and contacted authorities. In 2016, charges of unlawful contact and endangering the welfare of a child were filed against the Keenys, while the Lancaster County Children and Youth Agency investigated the allegations. But the charges were withdrawn later that year, court records show.

Bezar countered that the Keenys never gave a clear reason for why the then 3-year-old twins needed to be spanked – and said the withdrawal of the charges does not prove the children were not abused.

"They weren't acquitted, the charges were withdrawn, and that might have been because the children were so intimidated," he said. "Kids in alternate placement settings, they're so scared of uproot, they just want stability, they're willing to stay silent and be abused before they're willing to load up all their stuff into a garbage bag and be transported somewhere else."

The Defenders Association of Philadelphia strongly disputed being assigned 55 percent of the liability.

"We believe that the facts were manipulated to fit a narrative that was neither complete nor correct," Chief Defender Keir Bradford-Grey said in a statement. "While I was not yet serving as Chief Defender at the time of or representation, after exploring the facts of the case, I know our child advocates who represented the young children from 2011-2014 did not breach their duty of care. The foster parents have been cleared by all investigative agents of sexual abuse, but this unfortunately was not explored in the course of the trial. Our child advocate unit works hard to provide the best representation to youth in the dependent system and we will continue to do so."

Bezar said their child advocate representing the foster kids should "followed up" on information presented in a 2014 dependency hearing that the female child had been sitting on the floor with no underwear on in front of her foster father.

Bethanna entered into a settlement prior to trial without acknowledging any negligence. "Bethanna reached a confidential settlement with plaintiffs prior to trial," said their attorney, Christopher P. Coval.

Menges said his clients have not yet decided whether to appeal the verdict, but argued that the case comes down to differing views of corporal punishment.

"It's a difference in culture," Menges said. "If the case had taken place in Lancaster County, I don't think the child would have been awarded anything, because I think the use of corporal punishment, of spanking, is much more accepted in Lancaster County than in Philadelphia."

But to Bezar, who frequently handles case related to abuses within the foster care system around Philadelphia and has won several large settlements for clients, the children were clearly trapped in an abusive situation.

"You take a Philly kid way from home," he said. "They're far away, they're not near their family, and anytime there's an opportunity to connect, it might be lost because they're 100 miles away in Lancaster County. Add to that an environment where corporal punishment and physically disciplining kids is an accepted practice, and you create a bad situation."