

Sex Assault Survivor Secures \$5M Settlement With Child Welfare Agency Over Foster Care Abuse

Kline & Specter attorneys Nadeem Bezar and Emily Marks said in a complaint that their client had exhibited behavior often associated with childhood sexual assault victims but the agency did not take needed steps to protect her.

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Litigation Reporter



Emily Marks, left, and Nadeem Bezar, right, of Kline & Specter. Courtesy photos

A Philadelphia-area child welfare agency has agreed to a settlement of over \$5 million with a girl who sought to hold the agency liable for sexual assault she experienced at the hands of her foster father.

The plaintiff, a minor identified as K.F., said that Delta Supports Inc. and Delta Family Services LLC did not adequately ensure that she would be safe with her foster family when they failed to follow up on their recommendation that a mental health provider investigate suspicions that K.F. was being abused.

According to the plaintiff's complaint, filed by Kline & Specter attorneys Nadeem Bezar and Emily Marks, Delta observed that K.F. exhibited behavior often associated with childhood sexual assault victims, such as a lack of physical boundaries, inappropriate touching and asking questions of a sexual nature at an unusually young age. A Delta caseworker documented the behavior in 2010, when K.F. was 7 years old, and advised that an organization specializing in assessing sexual abuse cases look into K.F.'s living situation.

That consultation, however, never happened.

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Shortly after, K.F.'s foster mother became her permanent legal custodian, ending Delta's involvement with the child.

The foster mother eventually ended her relationship with the man who abused K.F., according to the complaint. The foster mother said she was never told that the consultation had been recommended and was not aware that any abuse occurred.

Several years later, K.F. disclosed in a therapy session that her foster father had sexually abused her over the span of a three-year period, which led to an investigation. The foster father ultimately pleaded guilty to involuntary deviate sexual intercourse with a child, aggravated indecent assault of a child, and corruption of a minor.

After returning to live with her biological father, K.F. filed a complaint against Delta in 2018.

Delta, however, said it could not be held liable because the abuse only began after the permanent legal custodianship was granted and Delta was no longer responsible for ensuring K.F.'s well-being.

Bezar said one challenge in litigating the case was piecing together the facts of what occurred 10 years after the abuse occurred. That process involved collecting progress notes that documented that at the time of Delta's involvement with K.F., she had exhibited behavior that suggested she had been abused.

K.F. settled with Delta on Nov. 24 for \$5.05 million. Her complaint also includes counts of negligence, negligent and intentional infliction of emotional distress, and assault and/or battery against both foster parents.

Bezar said whether his client still intends to move forward with her claims against her former foster parents is yet to be determined. For now, a trial is scheduled for March 2022 in the Philadelphia Court of Common Pleas.

"It's very sad how much badness there is out there," said Bezar. "If anything, you just hope that these resolutions allow these young adults to find some hope out there and maybe have an opportunity to do good things or great things with their lives."

Attorneys with Eckert Seamans Cherin & Mellott represented Delta in the case and did not respond to requests for comment.

The case is captioned Calandra v. Delta Community Supports.