

# The Legal Intelligencer

THE OLDEST LAW JOURNAL IN THE UNITED STATES 1843-2011

PHILADELPHIA, THURSDAY, OCTOBER 27, 2016

An **ALM** Publication

## Foster Care Agency Hit With \$5M Verdict Over Sex Abuse

**BY MAX MITCHELL**

*Of the Legal staff*

Presbyterian Children's Village has been hit with a more than \$5 million verdict for placing a child in a foster home where she was sexually abused, despite allegedly knowing that the foster home was being investigated for abuse allegations.

A jury on Thursday awarded the family of the abuse victim \$5 million in compensatory damages, and an additional \$350,000 in punitive damages. The award came down after two weeks of trial in front of Philadelphia Court of Common Pleas Judge Victor DiNubile, and about five hours of deliberation.

**Kline & Specter attorney Nadeem A. Bezar, who tried the case with Emily B. Marks, said the verdict reflected that the jury was both horrified by what the child endured and disappointed that nothing was done sooner to prevent the abuse.**

**"I think it's sending a clear message that any time there's a suspicion of abuse and it involves a child people need to do everything they can to ensure that**

**those children aren't harmed," Bezar said.**

**Bezar added that, despite expert testimony from both sides, walking the jury through the facts of the case, especially the alleged policy violations by case managers, was what primarily swayed the jury.**

**"Quite honestly, it was asking the jury to listen to factually what happened, asking if it was reasonable, and they came to the determination that it wasn't," Bezar said.**

According to the plaintiff's memo, B.N., who was born in May 2005, was placed in the custody of the state Department of Human Services in August 2012 following a family dispute. She was temporarily placed at the home of Deborah and Walter Scott from Nov. 9 through 12, 2012, and subsequently she was placed in the home of Anganell Murray.

The memo said B.N. then began exhibiting strange sexualized behavior, and in December 2012, she was examined by Dr. Jutta Vogt, a therapist. The memo said Murray told Vogt that Walter Scott had sexually abused B.N. Murray also told a case manager supervisor about the alleged abuse, but the supervisor told Murray to disre-

gard B.N.'s statements, the memo said.

According to the memo, another child came forward claiming that Scott had abused her. The state opened an investigation into the Scott home, and the home was closed on Feb. 19, 2013, pending the outcome of the investigation. However, the following day, according to the memo, B.N. was placed back at the Scott home, where she stayed until Feb. 25, 2013.

The memo said the day after B.N. left the Scotts' home she again reported the abuse, but this time Murray filed a report with the state's child abuse hotline, and an investigation was conducted. The allegations were substantiated, and Scott eventually pleaded guilty to sexually assaulting B.N. as well as two

other victims.

The plaintiff's memo said the Presbyterian Children's Village violated mandatory reporting laws and the standard of care for foster care agencies, and should not have placed B.N. back in the home in February 2012 after it was aware of the allegations against Scott. The memo further said the defendant failed to heed numerous red flags, including the failure of the

Scotts to report prior welfare fraud convictions.

Presbyterian Children's Village's pretrial memo, however, contended that B.N. was having emotional problems prior to her placement with the Scotts, and she was only placed with the Scotts after her initial foster parents felt her behavior was "out of control."

The memo, filed by Francis J. Deasey and Athena O. Pappas of Deasey, Mahoney & Valentini, said these emotional problems stemmed from ongoing family issues, including her mother being incarcerated for fraud and her father threatening to kill her mother during the custody battle that ensued after the mother was released from prison.

The memo also noted that the Scotts had passed all abuse clearances, they were thoroughly interviewed, and numerous children had lived at the home without any issues. The memo also said the defendant was never cited for violations, and contended that the welfare fraud violation was nearly 30 years old and would not fall in the list of offenses that would be screened for.

"This has been a very emotional case for all the parties involved. Obviously, myself, my firm and my partner have tremendous sympathy for the plaintiff," Deasey said. "We have the utmost respect for the judicial system, but we respectfully disagree with several elements of the verdict, and we're going to be evaluating our options going forward."