



Nadeem Bezar, left, and Kyle Nocho, right, with Kline & Specter. Courtesy photos

NEWS

\$8M Settlement Reached in Wrongful Death, Negligence Suits Against Phila. Foster Agency

"In terms of information that was available about the house, I don't know that I've seen a worse placement before," said Kline & Specter's Nadeem Bezar about the agency's decision to place two girls in a home with a history of violence, among other concerns.

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Civil Procedure



By Riley Brennan

An \$8 million settlement was reached Friday on behalf of two girls who faced physical and sexual abuse after a Philadelphia child welfare agency allegedly placed them in a home with a known child sex offender, among other concerns, according to the plaintiffs' attorneys with Kline & Specter.

The Oct. 11 settlement in the Philadelphia County Court of Common Pleas stems from wrongful death and negligence suits filed against the Latino-based adoption and foster agency, Asociacion Puertorriquenos En Marcha and its subsidiary, Pradera Corp., on behalf of an 8-year-old girl identified as N.F., and her one-year-old sister, J.J., who died after ingesting fentanyl and the animal anesthetic xylazine.

The agency was accused of endangering the children by reuniting them with their mother Mariah Fuentes, and her boyfriend and J.J.'s father, Jonathan Jimenez, despite their criminal backgrounds, history of domestic violence, as well as mental health and substance abuse. The settlement was reached last week on the children's behalf, according to the plaintiffs' counsel, Nadeem Bezar, and co-counsel, Kyle B. Nocho, both of Kline & Specter.

"Defendants should never have allowed J.J. to be reunified with her parents, given Ms. Fuentes' untreated mental health and substance abuse issues, Mr. Jimenez's domestic violence history with Ms. Fuentes, and their demonstrated history of neglect for their children," J.J.'s complaint said. "Upon information and belief, defendants failed to follow required policies prior to reunification to ensure the children's safety, such as request required clearances to be run on Ms. Fuentes and Mr. Jimenez, which would have shown their criminal history and domestic relations court history."

The agency's insurance provider argued that the available insurance coverage was depleted by a prior settlement, and that the separate claims on behalf of the two children fell under the same policy, in an attempt to limit coverage. Nocho said that the insurance provider claimed that because both suits arose from similar perpetrators of abuse, the claims fell within the same policy, which had been depleted from a prior settlement in a separate case.

"In terms of information that was available about the house, I don't know that I've seen a worse placement before," Bezar said of the agency's decision to reunite the children with Fuentes and Jimenez.

The plaintiffs' complaints maintained that Philadelphia's Department of Human Services, Children and Youth Division had previously removed the children from the couple's care following numerous incidents. However, the agency allegedly advocated for the reunification, and for children to be removed from foster care, and the care of other family members. In response to the lawsuit, the defendants denied the claims in two, separate motions.

The complaints also claimed that Jimenez's lengthy criminal history includes having pleaded guilty to corruption of minors, felony statutory sexual assault, felony aggravated assault, and felony drug crimes. He was also allegedly arrested and charged with simple assault and recklessly endangering Fuentes, who is also alleged to have a criminal history.

Two months after the agency closed the children's case, J.J. was found dead at the home, testing positive for drugs. Her cause of death was

allegedly determined to be drug intoxication with the manner of death ruled a homicide. J.J. also had bruising and chemical burns on her body, according to the complaint.

N.F.'s complaint alleged that like J.J., she also suffered abuse at the hands of Fuentes and Jimenez, including physical and sexual abuse. According to the complaint, following J.J.'s death, N.F. disclosed that Jimenez had sexually assaulted her on at least two occasions. The plaintiffs maintained that the defendants knew or should have known the children were not safe with Jimenez and Fuentes, and failed to protect the children.

"It's hopeful to see how N.F. and her siblings will benefit from this settlement, now living with loving pre-adoptive caregivers. This settlement hopefully will benefit other children too by helping to shed light on the importance of looking into the background of potential caregivers. Thoroughly vetting any concerns about potential caregivers could save other children from future harm if done before placing children in a new home environment," Nocho said.

The defendants' attorney, William L. Banton Jr., of Marshall Dennehey in Philadelphia, did not immediately return a request for comment.
