

Philly Foster Agency Settles Abuse, Death Case For \$8M

By **P.J. D'Annunzio**

Law360 (October 15, 2024, 7:13 PM EDT) -- A Philadelphia-based foster care and child welfare agency has agreed to pay \$8 million to settle a lawsuit claiming it endangered two sisters by allowing them to remain in a home where they were abused and, in the case of the younger girl, killed at the age of 1 year old, according to their attorneys.

The suit against Asociación Puertorriqueños en Marcha Inc., a community umbrella agency, was reached Friday and resolved **claims** filed by representatives of the plaintiffs, who are identified in court filings only as N.F. and J.J., said Nadeem Bezar of Kline & Specter PC, who represents the two children.

Representatives for N.F. and J.J. claimed in their suit that APM allowed the children to stay at their parents' home despite not investigating their history of substance abuse, domestic violence and criminal records.

Kyle Nocho, who handled the case with Bezar, said in an emailed statement that liability in the case was clear, but one obstacle the attorneys had to deal with were APM's contention that coverage money was short because of a prior settlement.

"J.J.'s death and N.F.'s abuse could have been prevented if the child welfare agency did not negligently seek the children's placement in the home of a known dangerous caregiver," Nocho said. "With clear liability in this case, the insurance provider for the child welfare agency made arguments about the available insurance being depleted by a prior settlement and also attempted to collapse policies for different years into one, trying to limit the available coverage."

The attorneys said \$8 million represented the available insurance coverage.

The complaint, filed in the Philadelphia Court of Common Pleas in December 2023, said that the parents had a "long history" of involvement with the city's child welfare system over abuse and neglect allegations.

Despite that, N.F. was allowed to remain at the home and J.J. was ultimately sent back there from her paternal grandmother's care in April or May of 2021 without objection from APM, the complaint said. APM closed its case file on the family in October of that year.

On Dec. 16, 2021, J.J. was found dead at the home, the cause of death was found to be drug intoxication, according to the complaint. Prior to J.J.'s death, N.F. claimed to have seen her mother force-feeding her infant sister hot sauce and holding her to the floor, the complaint said.

"The Philadelphia Medical Examiner's Office conducted an autopsy of J.J. which determined that the child had multiple bruises on her body with old and recent injuries. J.J. also had chemical burns near her mouth," the complaint said. "A toxicology analysis revealed in J.J.'s system the presence of fentanyl and the drug xylazine, which is an anesthetic that is used only on animals and not prescribed by doctors to people. The cause of death was determined to be drug intoxication with the manner of death homicide."

APM did not immediately respond to a request for comment Tuesday, nor did one of its attorneys.

N.F. and the administrator of J.J.'s estate is represented by Nadeem A. Bezar and Kyle B. Nocho of Kline & Specter PC.

APM is represented by William L. Banton Jr., Adam J. Fulginiti and Tara B. Fung of Marshall Dennehey Warner Coleman & Goggin PC.

The case is Kristen L. Behrens, Esquire, as Administratrix of the Estate of J.J. v. Asociación Puertorriqueños en Marcha Inc., case number 231103030, in the Court Of Common Pleas of Philadelphia County, Pennsylvania.

--Editing by Andrew Cohen.