

State to pay \$5 million in child abuse lawsuit

By Megan DeMarco
STATEHOUSE BUREAU

The state will pay \$5 million in damages for the physical and sexual abuse a Pennsylvania family says their adopted daughter suffered as a baby while under the care of New Jersey's Division of Youth and Family Services.

The state settled with the family yesterday after a jury awarded damages, plus attorney's fees. Because the state chose to settle, the jury's verdict is vacated.

The settlement is one of the largest DYFS has ever paid for a single child. The largest settlement was \$12.5 million, paid in 2005 to four brothers who nearly starved in a Collingswood foster home. Child welfare advocates say it is rare that a court case against DYFS goes for a full trial.

The child in this case, identified only as S.A., was placed in her biological father's home by DYFS in 2000, after her biological mother abandoned her.

During a five-month period in the Asbury Park apartment, the baby was brought to the emergency room twice, was burned and was later found to have been sexually abused.

The family's lawyer, David Mazie, said the baby should have never been placed with her biological father.

He argued in a trial that began Dec. 5 in Trenton that three DYFS caseworkers who handled S.A.'s case could have stopped the abuse by checking on her once a month, as they were supposed to, or by removing her when a neighbor reported to DYFS the baby was being abused. There were also court-ordered requirements, such as day care, that DYFS didn't follow through with, he said.

She was removed from the

home, Mazie said, after she was found beaten, with her hands tied, hanging from a hook.

"The liability here is overwhelming," Mazie told the jury on Wednesday during closing arguments. "Consider how this is going to affect her, her whole life. It just broke her."

After the child was removed, DYFS took several years to provide doctor-recommended therapy, Mazie said.

The lawyer hired by the state, Elliot Abrutyn, said the caseworkers were following protocol and were not responsible. They had no reason to believe the girl's father would harm her, he said. "At the time of placement, it wasn't foreseeable what this man would do to his child," he told the jury. "There is the right of a parent to parent their child — that is a constitutional right."

A spokeswoman for DYFS referred questions to the Attorney General's office, which declined to comment. The girl, now 13, was in DYFS' care from 1999 to 2006, when she was adopted. During this period, DYFS began a massive overhaul that has cost the state more than \$1 billion.

On Tuesday, a federally appointed monitor issued her 10th report on DYFS reforms. It said the agency has improved but caseloads are rising again and workers need to do a better job helping troubled families under their supervision.

Mazie said the case indicates DYFS is still damaged "from top to bottom."

"She was robbed of her childhood," he said. "This burden of what she went through will be with her for her entire life."

Susan K. Livio contributed to this report.

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the family's lawyer*