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Pa. family receives \$5M in damages for abuse adopted daughter suffered under N.J. DYFS's care

Published: Friday, December 16, 2011, 10:15 PM Updated: Saturday, December 17, 2011, 8:57 AM



By Megan DeMarco/Statehouse Bureau Follow

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TRENTON — The state will pay a Pennsylvania family \$5 million in damages for the physical and sexual abuse 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 today 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 removing her when a neighbor reported the baby was being abused to DYFS. There were also court-ordered requirements, like daycare, that DYFS didn't follow through with, he said.

They finally removed her from the home, Mazie said, when 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.



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Star-Ledger file photo

Attorney David Mazie, shown in this 2006 file photo, represents the family who was awarded \$5M in damages in a settlement with DYFS for neglecting to get their adopted child proper mental treatment after alleged sexual and physical abuse occurred under the organization's supervision.

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"Consider how this is going to affect her her whole life. It just broke her."

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After she was removed, doctors recommended therapy that took DYFS several years to provide, 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 in reforms.

On Tuesday, a federally-appointed monitor issued her tenth report on DYFS' reforms that said it has improved, but that caseloads are rising again and workers still 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 with her for her entire life."

Staff Writer Susan K. Livio contributed to this report.

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mose908 ~~mose~~ December 16, 2011 at 10:25PM

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Again, it is ridiculous that the state takes this liability on to themselves. She was abused, by her biological father. The state/DYFS goes out of its way to try to help children and help families, but it/they are not perfect. However, it does what it can to try to help abandoned children like this. There was no way to foresee that her biological father would abuse her and, honestly, it is the parents right to raise and provide for a child, not the state's. To make the taxpayers suffer, when they, as represented by the state, were only trying to provide assistance, is ludicrous.

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ah-sunshine ~~ah-sunshine~~ December 18, 2011 at 12:06AM

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You are completely right. Ridiculous.

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qdamager ~~qdamager~~ December 16, 2011 at 10:40PM

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You lost me at DYFS goes out of their way. LOL. Get a clue.

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frodo18436 ~~frodo18436~~ December 16, 2011 at 11:53PM

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I agree with you. I am at a loss why anyone would say that DYFS went out of it's way. All they had to do was perform the once a month check on the child, ONCE A MONTH that they were suppose to do! What is upsetting is that after a \$1 billion overhaul, the same problems are starting to re-occur, AND the present director HAS NOT BEEN FIRED! What, we have to wait for the next baby top be terribly hurt?

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1369001369 December 17, 2011 at 3:24AM

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this happened from 1999-2006. do you have any proof that the same stuff is starting to re-occur? if so, please provide it.

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k12athome ~~k12athome~~ December 19, 2011 at 2:53PM

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Irvington, this summer. Kid died under DYFS supervision, and after several calls to the *new and improved!* DYFS hotline were ignored.

Nothing has changed, sadly.

But don't worry, the state needs to regulated homechoolers to keep them safe, because government intervention always fixes things! (sarcasm)

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njcitizen17 ~~citizen17~~ December 16, 2011 at 11:34PM

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The abuse suffered by this child was horrific. I hope she receives the help she needs to try and overcome the damage her parents inflicted.

That said, if the State and its taxpayers are responsible for this, then the State and its taxpayers should have some say about who can continue to procreate. IMO, if you abuse a child, you should forfeit your right/privilege to have any more children.

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Reedik ~~Reedik~~ December 16, 2011 at 11:54PM

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Don't forget NEGLECT your child. Abuse and NEGLECT. Procreate all you want. Not supporting your offspring is NEGLECT in my world. Everyone who brings life into the world, and fails to support them is guilty of NEGLECT...right? If not,tell me how they aren't. Men and Women.

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dianec_ripping December 17, 2011 at 1:58PM

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Is the father in jail,this is typical of people who have jobs created for them for political reasons ,now you expect them to work,this agency should go out to private enterprise ,if something goes wrong because of employees they can fire them, were the people responsible for the followup on this child fired???

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Reedikuleusikulous December 16, 2011 at 11:52PM

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This Taxpayer funded agency can not win. They only make the news when something bad happens. And then a Senator or federal monitor scolds them for not making sure everyone is SAFE. DYFS should go political on these stories. Tell the people of about the millions of dollars they spend every year (of TAXPAYERS MONEY) in an effort to keep children safe. It only takes on incident for a headline..... I would love to know what THE DCF could have done differently to prevent that animal from throwing her daughter to her death? Besides putting an armed guard next to the child. Some parts of society are filled with ANIMALS. There is nothing that will change them. I'll bet a democrat wants an expensive INVESTIGATION into DYFS's work. Which you will all pay for.

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AccordingToWho December 17, 2011 at 12:13AM

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So what was the person who abused her responsible for? Did he get off scott free because DYFS took responsibility for the child? The abuse this poor child must have suffered is just horrible, but didn't the people who adopted her know about all of this when they decided to adopt her? I thought adoptions are supposed to be sealed, but apparently not in this case if they were able to acquire all of the information they had. Why is it the government and taxpayers responsibility and not the mother who abandoned her or the father who abused her? I don't see how the family should have been awarded any money at all--the child is the one who suffered and if money was being awarded it should have been in trust of only that child. The family has not suffered, did not take part in, and were not there or party to any of the abuse. Adopting a child is the same thing as giving birth to your own child--you don't get to pick what you get, what medical issues might arise, or emotional trauma that might happen, you are just supposed to love and protect them no matter what.

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quadbubbles December 17, 2011 at 1:10AM

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The State of New Jersey simply cannot afford these multi-million dollar payouts. Someone has to be the grown up and say enough is enough. I imagine the trial lawyers will try to keep this type of gravy train going indefinitely.

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imam imam December 17, 2011 at 2:15PM

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You ain't seen nothin' yet. Wait till our legislators open a window of one or two years on the statute of limitation for sexual abuse crimes committed in private and public institutions that house, care and educate children that have been sexually abused by teachers and other employees. The lawyers are gonna have a feeding frenzy at the taxpayers' expense. Get ready for more and higher taxes everyone.

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bongar33739 December 17, 2011 at 1:43AM

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as they should.i was a foster home for 15yrs,adopted 5 through their agency,called dyfs several times for suspecting my x of sexual misconduct with my children,they said i was a jealous mother,jealous of the relationship between my girls and their father,but i knew something was happening i finally caught him with my handicapped daughter,he was arrested that same night,he was sent to prison admitted everthing,and my girls who are now women are scared by him forever.of course i divorced him,got him for extreme mental cruelty,he is out now lives in alpha nj,and is a very lonely man,i have seen him 2times since this happened and he is still crazy,and he does not need to register with megans law,dont understand that.my girls want nothing to do with him,he is now a grandfather and dont know the kids..

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ck986 ck986 December 17, 2011 at 2:13AM

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They should just shut the department down if it can't do any good and continues to be the paying end of multi million dollar lawsuits. I still don't get why the taxpayer is liable for her fathers actions. They should put him to work to pay off his debt to NJ.

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