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Child Welfare Agency Is Under Fire Again

New Jersey Ignored Signs Girl Was Abused, Lawsuit Contends

By TINA KELLEY

NEWARK, April 24 — The girl, identified in a lawsuit as S. A., is 8 now, with a loving adoptive mother. But throughout most of her life, the people who were supposed to protect her failed to do so, according to the suit filed on Tuesday against New Jersey's child welfare agency.

In the suit, the adoptive mother says the girl was abandoned at 10 months by her 15-year-old mother, and later placed into the custody of her 21-year-old father, who she claims tortured the girl by burning her feet and genitals.

By the time the girl was adopted last year, she had lived in four foster homes.

Through her hardships, the state ignored several telltale signs of abuse, according to the lawsuit, which was filed on the girl's behalf in Mercer County Superior Court. The suit, against the State Division of Youth and Family Services, seeks unspecified damages and the cost of future medical care.

"I really want the system to get much better for the kids," the adoptive mother, identified in court papers as L. A., said in a telephone interview. She said she was withholding their identities to protect her daughter.

It is the latest set of allegations to surface against the state agency. In 1999, the agency was sued by Children's Rights, a child advocacy group, charging that New Jersey endangered the safety of children in its care because of an inadequate child welfare system.

Since 2003 — when the remains of a 7-year-old boy were found in a Newark basement — the agency has operated under a court-ordered reform plan. The boy's family had been investigated for child abuse or neglect 10 times over as many years, but an overwhelmed caseworker had failed to follow up on a report several months before the boy was found

that the boy's brothers were being beaten and burned.

Not long afterward, four adopted boys were found starving in Camden County, even though caseworkers had visited the home 38 times in the two previous years.

An independent monitor overseeing the reforms said in a February report that some progress had been made in improving the agency.

But Susan Lambiase, the associate director of Children's Rights, said Tuesday that the agency "was dilapidated for 20 years, and you can't rebuild that in one or two years. It's at least a 5- or 10-year process, unfortunately, so more kids are safer now, but not everyone is safe."

A spokeswoman for the Department of Children and Families, which oversees the Division of Youth and Family Services, said the agency had not received the S. A. suit and referred questions to the state attorney general's office.

A spokesman for the attorney general said the office had not yet been served with a complaint, and could not comment on lawsuits related to the child welfare cases.

According to the suit, after the baby was abandoned, she lived with a foster family. Then she was placed with her father from November 2000 to April 2001, even though, the suit contends, the state knew that the father had committed statutory rape by impregnating the baby's mother.

During the time the girl spent with her father, according to the suit, she was taken to Jersey Shore University Medical Center in Neptune vomiting, lethargic and unable to walk.

A blood test showed that the girl had a blood alcohol level of 0.035 percent, the lawsuit said, about half the legal limit for drivers. But doctors at the hospital, which is also named in the suit, did not report suspicions of abuse to the state, the suit contends. A medical center spokesman declined to comment.

Weeks later, according to the suit, the state ignored a report it received that the girl had suffered burns.

After a second report was filed with the child welfare agency, the suit says, a caseworker went to the home, where he found the girl with burns on her legs and in the vaginal area.

It was not until three weeks later that she was removed from the home, the suit says, and even then the state never treated her injuries or evaluated her for sexual abuse. No criminal charges were filed against the father, said the adoptive mother's lawyer, David A. Mazie of Roseland, N.J.

"They gave the child to him, they were aware of what was going on, and when they took the child away, they never did anything to him," Mr. Mazie said.

From there, the suit says, the girl was placed in two foster homes, and she reported that she had been hit in both of them. She was then placed with a foster mother who could barely get out of bed, the suit says, and who died the day after the girl was removed.

L. A., a single mother who lives in Pennsylvania, had expressed interest in adopting a special-needs child, and the state made the match with S. A.

L. A. said that child welfare workers described S. A. as "a very happy child" who was progressing in school normally, and never mentioned the extent of the trauma she had suffered.

The state has refused to pay for counseling for post-traumatic stress and trauma, L. A. says in the suit.

"There's a daily reminder when she puts a sock on the burn on the top of her right foot, it makes her remember what she endured," her mother said. "The first year I had her, that first Christmas she asked Santa Claus for matching feet so that she would look cute in her flip-flops."