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DYFS failed to protect daughters from dad's raping while son watched: Lawsuit

By David Foster, *The Trentonian*

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TRENTON >> A state agency tasked with protecting children is accused of “turning a blind eye” to a child molester.

According to a new civil suit filed on Aug. 15 by the law firm of Mazie Slater Katz & Freeman, the New Jersey Department of Children and Families Division of Child Protection and Permanency (DCPP), formerly known as the Division of Youth and Family Services (DYFS), allowed a father who had raped his 14-year-old daughter to return home, which he then continued to abuse his three children for a couple more years. The state agency was supposed to be supervising and maintaining the care of his children during the abuse period, the lawsuit states.

“Over the next two years, the father brutalized the children DYFS was charged with protecting,” attorneys David Mazie and Beth Baldinger, of Mazie Slater Katz & Freeman, said Tuesday in a press release. “The girls were sexually abused and raped by the father, who often made his son watch.”

In April 2008, DCPP received a report that the father was sexually abusing his 14-year-old daughter. The father was prohibited from the family home and not permitted to have any unsupervised contact with his children, court documents indicate.

The following month, a medical evaluation determined the allegations of sexual abuse by the father were clinically supported, the lawsuit reads. In February 2009, the father was substantiated as the child molester of the 14-year-old girl, who was placed to live in the care of her aunt.

Additionally, in August 2008, the father admitted in court that he used a belt to discipline his son, according to court documents.

But in March 2009, family court ordered that the father could return to the Bergen County home under the condition that DCPP continued to provide care and supervision of the children, the lawsuit indicates.

The lawsuit accuses DCPP of not identifying the case as “high risk,” which factors include previous sexual and physical abuse of children, according to the agency’s policies.

Shortly after the father returned home, one of his daughters from a previous relationship, then 15, also started living in the residence. The lawsuit alleges DCPP should have known his 15-year-old daughter was living there and that she was about the same age as the daughter he raped.

And that’s when the “nightmare” as described by prosecutors continued for the children. The lawsuit states:

- Between April 2009 through May 2011, the father sexually abused his daughter, who was then 5 to 7 years old, and at times while the mom was home.

- Starting around September 2009, and continuing for several years, he raped his other daughter, who was then 15 to 17.
- Between April 2009 through May 2011, the father emotionally tormented and abused his son by forcing him to be present in the same room and witness the rape of his two sisters. He also violently beat his son, who was then 8 to 10 years old.
- In February 2011, it is believed the 17-year-old daughter made a report to police that her father was raping her. A year later, the father started pimping out his daughter as a prostitute when she was 18 and forced her to have sex with other men.

But out of all these allegations, the one that removed the children from the home was that they were found alone and locked inside the house with no power in May 2011.

After the son gave a sworn statement to the Bergen County Prosecutor's Office in January 2014, the father was arrested. He pleaded guilty on Aug. 7, 2015 to endangering the welfare of a child for beating his son during supervised visitation between May 27, 2012 and Nov. 30, 2012. He also pleaded guilty to criminal sexual assault, which included raping his daughter on multiple occasions in the family home or at public parks, the lawsuit states.

The father is currently serving a sentence of six years in jail.

The father's name is not being released to protect the identity of the children.

During sentencing, both the judge and prosecutors remarked about the case's circumstances.

"He was supposed to be supervised," Judge Frances McGrogan said during sentencing of the father, according to the suit. "He circumvented the supervision requirement and abused both his daughter and his son. There's certainly a strong need to deter both this defendant and other from both sexually and physically abusing their children."

The prosecutor called the situation a "nightmare," especially since some of the abuse came during supervised visitation.

"That's just terrifying on so many levels," the prosecutor said at sentencing, according to the suit. "And the sexual abuse ... also occurred when he was to have no contact with her. DYFS had been in and out of this household so many times. He was not supposed to even see his daughter. Let alone — let alone see her unsupervised. But, yet, he would make arrangements to meet her in parks where they would have sex in cars."

After being in an out of several foster homes, adoption for the children was finalized on Oct. 24, 2014. The parental rights of the biological parents were terminated in June 2014.

The plaintiffs in the suit are the adoptive parents, who live in Essex County, where the lawsuit was filed. The attorneys for the plaintiffs, Mazie Slater Katz & Freeman, have previously scored a major \$166 million verdict against DYFS for failing to protect a 4-month-old from child abuse, which left him with brain damage.

A spokeswoman for the Department of Children and Families said the agency does not comment on pending litigation.

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