

Judge rips AG in tot rape case

Chastises Healey: 'Who speaks for the children?'

By MATT INGERSOLL and MARIE SZANISZLO

A Superior Court judge yesterday scathingly rejected a bid by Attorney General Maura Healey's office to block a lawsuit by parents of children allegedly abused at a state university day care.

"Who speaks for the children in this case," Judge Dennis J. Curran wrote. "Not the Attorney General's office, charged with protecting the public safety, not a few university administrators who seem to have forgotten the original purpose of an educational institution: to seek the Truth. Instead, we see only petty bureaucrats scurrying to protect themselves."

Kyle Loughlin, a senior at Bridgewater State University and employee who worked at the Bridgewater State University Children's Center, pleaded not guilty last March to sexually assaulting two boys, ages 4 and 5. He faces charges including six counts of indecent assault and battery on a child under 14 and two counts each of aggravated statutory rape and aggravated rape of a child. Judith Ritacco, the center's director at the time, pleaded guilty to charges of reckless endangerment of a child, being a registered reporter failing to report child abuse and two counts of intimidating a witness. She was fired.

Carmen L. Durso and Kathy Jo Cook — the attorneys representing the parents of one girl and three boys who they say were sexually abused at the center — had requested records from the university regarding the alleged assaults and the failure of state-employed supervisors to report the behavior.

At Ritacco's arraignment, Plymouth Assistant District Attorney Amanda Fowle said a series of teachers had gone to Ritacco last March with concerns

that Loughlin was touching children inappropriately at the center, but she told the teachers not to contact authorities, saying she would "keep an eye on him."

The state, represented by Healey's office, had sought to dismiss the complaint, arguing the parents do not have grounds under the state's public records statute.

"These families have now been traumatized twice," Curran wrote yesterday, "once by the rape and molestation of their little children, and second, by certain government representatives who appear more concerned with protecting their own employees and preventing the truth from emerging into the light of day."

Curran added, in extraordinary language for a legal decision: "What has become of us, as a people. Where have we gone so terribly wrong. How have we allowed such cruelty, indifference and pettiness to rule us. This case is about little children — at least one of whom was allegedly raped with violence by a state-employed caregiver."

The judge denied the state's motion to dismiss the complaint. "Sunshine is a powerful disinfectant," he wrote.

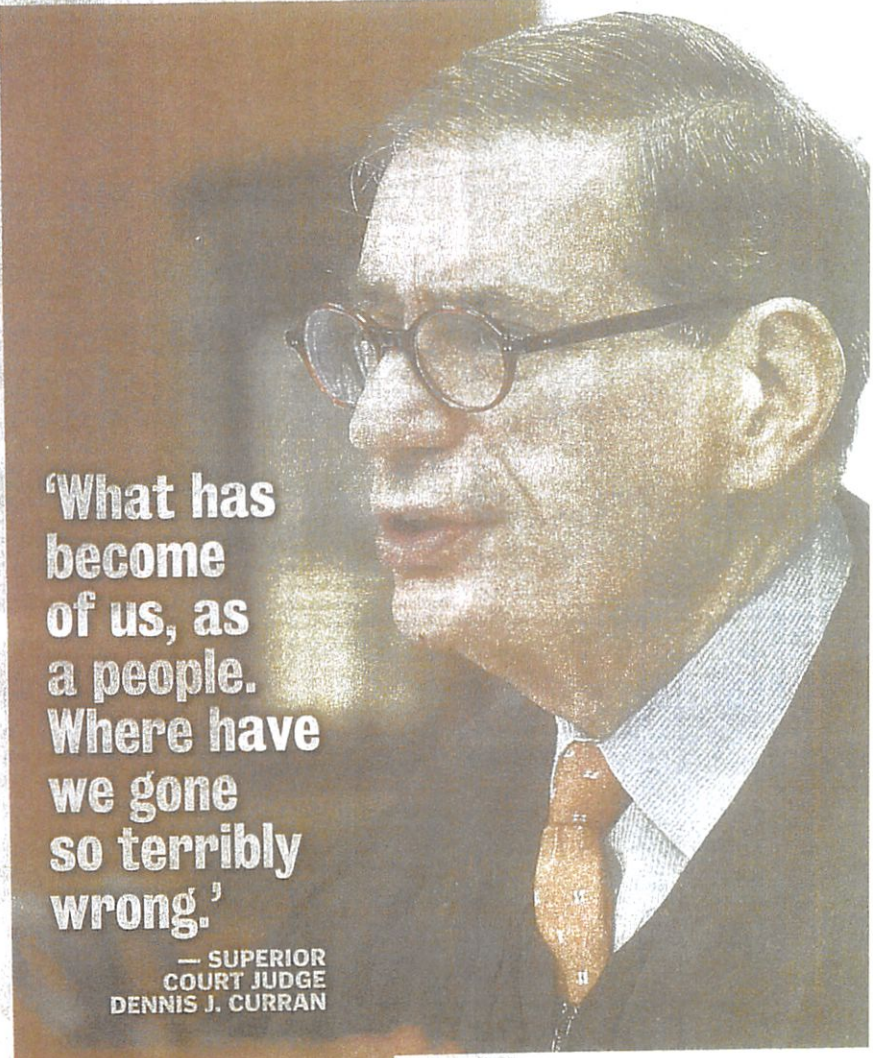
A spokeswoman for Healey said the office will comply with the ruling.

"This is a tragic case and we continue to work to ensure that the parents receive all the documents that they are entitled to," Cyndi Roy-Gonzalez said in a statement. "Immediately after receiving the parents' lawsuit, our office worked with the parents' counsel so that they could file a public records request with BSU and begin receiving documents from BSU. Based on the court's decision, we will continue to do everything we can to ensure that the parents receive any and all additional documents they are entitled to receive from BSU."

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KYLE LOUGHLIN

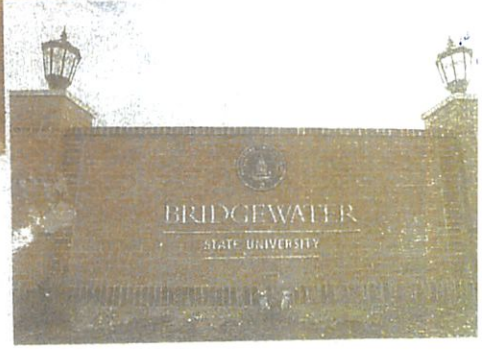


'What has become of us, as a people. Where have we gone so terribly wrong.'

— SUPERIOR COURT JUDGE DENNIS J. CURRAN

STAFF FILE PHOTOS, ABOVE, BY PATRICK WHITE; (LEFT) COURTESY OF BRIDGEWATER STATE UNIVERSITY; (RIGHT) BY STAFF

'HOW HAVE WE ALLOWED SUCH CRUELTY? Superior Court Judge Dennis J. Curran used extraordinary language to deny the state's request to block a lawsuit by parents of children allegedly abused while in a Bridgewater State University day care. 'We see petty bureaucrats scurrying to protect themselves,' he wrote.



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BOSTON HERALD TUESDAY, FEBRUARY 2, 2016