

\$11M Settlement Reached In Philly Child Abuse Case

By **P.J. D'Annunzio**

Law360 (July 7, 2023, 5:57 PM EDT) -- A Philadelphia-based child welfare agency has settled a lawsuit against it for \$11 million, resolving claims that its failure to oversee an infant enabled "catastrophic child abuse" leading to a traumatic brain injury that paralyzed and blinded the child, according to a statement from the child's attorneys Friday.

The suit filed by the eventual adoptive mother of A.A.E. — referred to only by her initials because she is a minor — alleged that the community umbrella agency Tabor Community Partners, which contracts with the Philadelphia Department of Human Services to provide child welfare services, failed to provide adequate in-home safety and case management services while A.A.E. was being abused by her biological parents.

While the settlement, announced by the plaintiffs' attorneys from Kline & Specter PC, resolves claims against Tabor, litigation continues against its co-defendant, the Children's Hospital of Philadelphia. The plaintiffs alleged that a hospital nurse practitioner and social worker failed to properly report suspected abuse and neglect.

"The criminal justice system punished the child's biological mother years ago. Now, the others responsible for her safety are being held accountable for their role in the injuries suffered by this defenseless, months-old child," the plaintiffs' attorneys Shanin Specter, Braden Lepisto and Aaron Dunbar said in a statement.

"Organizations that take on the public function of protecting at-risk children must be held publicly accountable when they don't do their job. We continue to work to hold CHOP accountable, as they also should have prevented this terrible outcome," they said.

An attorney for Tabor did not immediately respond to requests for comment. An attorney for CHOP also did not immediately respond to requests for comment.

The plaintiffs claim A.A.E.'s physical abuse and neglect occurred between December 2017 — shortly after she was born — and April 2018.

In its pretrial memorandum, Tabor pointed the finger at CHOP.

Tabor argued it had "handled case management services within a reasonable degree of skill and care. Moreover, the instant defendants contend that a proximate cause of harm to plaintiff was caused by (a) a failure of CHOP to act upon information suspecting plaintiff of being abused before Tabor was assigned case management services to the family, and (b) the malicious and criminal acts of both plaintiff's parents and former legal guardians."

Likewise, CHOP blamed Tabor, arguing in its own pretrial memorandum that Tabor caseworkers went to A.A.E.'s residence during the relevant time frame and made no reports of abuse.

"Plaintiff's injuries were the unfortunate and tragic result of abuse by one or both of her biological parents, not CHOP," the hospital said.

A.A.E. and her adoptive mother are represented by Shanin Specter, Braden Lepisto and Aaron Dunbar of Kline & Specter PC.

Tabor is represented by Michael Miller and Meghan Wynkoop of Margolis Edelstein.

CHOP is represented by Nicholas Centrella, Stacy Orvetz, and Nicholas C. Needle of Clark Hill PLC.

The case is A.A.E. et al. v. Children's Hospital of Philadelphia et al., case number 220601784, in the Philadelphia County Court of Common Pleas.

--Editing by Scott Russell.