

# Child Injury Laws *Blog*

## \$10 Million Settlement For Child Abused By Foster Parent Demonstrates Lapses In Oversight System

Posted by **Jonathan Rosenfeld** on April 25, 2011

A significant settlement in a **foster care abuse lawsuit** demonstrated the defects in regulatory system meant to protect vulnerable children and infants. The lawsuit was brought on behalf of a 5-year-old boy who was placed into the foster care system after his birth mother was deemed unfit to care for the baby by her family.

From the time the boy was placed in the custody of his foster mother, he was repeatedly physically abused by the woman. An ancillary criminal trial of the foster mother demonstrated that repeated episodes of physical abuse resulted in a permanent brain injury to the boy.

At issue in the civil lawsuit against the District of Columbia, was the poor judgment of the regulatory agency that was responsible for ensuring the safety and health of children placed into a foster care setting. In this case, the Child and Family Services Agency failed to identify tell-tale problems of abuse-- that if identified earlier--- could like have prevented the boy's brain damage.

Though the foster mother had difficulty caring for another child placed in her care and was forced to return the child to the the state agency, months later she was recruited to care for this child. Even

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after the child placed in a potentially troubled environment, the agency failed to conduct regular assessments of the child's situation.

According to court documents, a social worker who was responsible for supervising the boys transition to the family, made a visit just once in the first 43 days that the boy was placed into custody compared with the weekly visits stated in the agencies protocols.

Similarly, the woman was accepted for the foster care program despite the fact that her finances were so significantly strained that she relied on government subsidies to provide food for her family.

The boy's **brain damage** will necessitate round-the-clock medical care and special accommodations to his families home to accommodate his physical needs. In order to ensure the the money from the settlement will last to provide this care, the judge overseeing the case has utilized a structured settlement arrangement.

I don't think there's a group more vulnerable to mistreatment than children placed in the foster care system. Many of the children who enter these programs already have a history of coming from troubled homes and deserve the assurance of not getting placed into another situation where they further put at risk.

Ensuring children get **proper care in a foster care situation** is an issue I feel passionate about. I plan on discussing how we can improve the foster care system in future Child Injury Law Blog entries.

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Children Lost Within the Foster Care System- Can Wraparound Service Strategies Improve Placement Outcomes? (PDF) Journal of Child and Family Studies, VoL 5, No. L 1996, pp. 39-54 Hewitt B. Clark, Ph.D., 1,3 Barbara Lee, Ph.D., 2 Mark E. Prange, Ph.D., 2 and Beth A. McDonald, M.A. 2

Illinois Department of Children and Family Services: Foster Care

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