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Jury orders Florida to pay \$15 million to Volusia girl tortured by parents

Law firm says award is among the largest in state history



A jury has awarded \$15 million to a Volusia County girl after she suffered abuse at the hands of her mother and stepfather.



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The Florida Department of Children and Families must pay \$15 million to a Volusia County girl for failing to protect her from horrific abuse at the hands of her mother and stepfather, a jury decided late Friday in a stunning rebuke of the state agency.

The department failed to investigate complaints that the mother was using drugs and endangering the girl, who was younger than 2 at the time and suffered “catastrophic” permanent injuries from severe abuse and neglect, according to a suit filed in Volusia County court.

Now 8, the child is “completely dependent on others for all aspects of her daily functioning,” according to a press release from the Kelley Kronenberg law firm, which represented her. She is identified by her initials, H.H., in the complaint.

The award is among the largest in state history for this kind of case, according to the firm. The jury’s verdict speaks to “the sheer magnitude and severity” of the girl’s injuries, attorney Stacie Schmerling said in the release.

“Our fight is to ensure that she will be able to live at home with her adoptive family and have the care, dignity, and resources that she deserves for the rest of her life,” Schmerling said in the press release. “Now that the jury has spoken, we are hopeful

that DCF and Florida's leaders will respect the jury's decision and now fight with us to help H.H."

A spokeswoman for DCF couldn't be reached for comment Friday evening.

The department received a report through its abuse hotline about H.H. and her brother in May 2017, according to the complaint. The caller said they were concerned about drug activity in the home and poor living conditions. In addition, the stepfather, who lived in the home and was a caregiver to H.H., had a criminal history that included arrests for violent crimes, the complaint says.

DCF's hotline received a second, similar complaint the following month that also alleged the parents were not supervising the children. However, state investigators failed to take any action to prevent the neglect and physical abuse of H.H., at the hands of her mother and stepfather, who were addicted to drugs.

DCF knew of the stepfather's criminal history that included charges related to drugs, alcohol, battery on a police officer and knew that he was on probation only seven months earlier, according to the suit.

In September 2017, H.H.'s mother brought her to the emergency room, saying she had difficulty waking the child that morning, according to the complaint. The child spent 109 days in the hospital.

H.H. had suffered horrific injuries including traumatic brain injury due to repeated head trauma. She suffers today from severe cerebral palsy, quadriplegia, epilepsy, ineffective airway clearance, restrictive lung disease, and sleep apnea. She requires a feeding tube and is unable to walk or talk.

Law enforcement found drugs, paraphernalia, firearms, ammunition, burglary tools and a pillowcase stained with blood in the hotel where the family was living, according to the complaint. The mother's cell phone contained several images and videos depicting her daughter's torture and text messages she exchanged with the girl's stepfather describing their abuse of the girl.

The girl's mother was convicted in a separate, criminal proceeding of three counts of aggravated child abuse and one count of child neglect causing great bodily harm and was sentenced to 40 years in prison, according to the complaint. The stepfather was convicted of possession of a firearm by a convicted felon, aggravated child abuse and child abuse and neglect causing great bodily harm and sentenced to 25 years in prison.

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