

December 13, 2023

Jacksonville family awarded \$12.5 million for adoption that led to molestation



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Jacksonville Florida Times-Union

Published 11:46 a.m. ET Dec. 13, 2023 | Updated 1:56 p.m. ET Dec. 13, 2023



Closeup of gavel in courtroom /Getty Images/Stockphoto

A Jacksonville jury has awarded more than \$12 million to a family who sued an adoption agency for not warning them about psychological problems that make their adopted son unsafe to be around their daughters, one of whom was later molested.

The Tuesday evening decision in a lawsuit against Jewish Family and Community Services of Jacksonville validated claims by the boy's adoptive parents that the nonprofit failed to convey how risky it would be to place the boy in their home.

"They cannot escape accountability," attorney Justin Grosz told jurors during final arguments for the seven-day trial, which centered on whether Jewish Family staff failed before adoption to alert the couple to behavioral problems that could last a lifetime.

The boy had been diagnosed before his adoption with conditions including Reactive Attachment Disorder and Fetal Alcohol Syndrome that can create serious challenges to a child's upbringing, but the suit argued the parents weren't given the warning they deserved.

Jewish Family spokesman John Daigle said Wednesday that "we're very limited now in what we can say about this lawsuit as the legal case is far from over."

Daigle said the agency, which has worked on local adoptions for more than 60 years, remains focused on the well-being of the boy and his adoptive family.

“Florida’s child welfare system has been working with this family for years to help heal the impacts of the trauma from abuse that happened before we helped with the adoption in 2017,” he said.

The lawsuit argued the nonprofit “did not disclose his significant behavioral issues, abuse and neglect history, psychiatric hospitalization ... need for constant adult supervision, sexually inappropriate behaviors, and need for a safety plan to protect other children” when the boy arrived at the couple’s home as an 8-year-old foster child.

The couple formally adopted the boy three months later, and jurors were told a safety contract in records from his adoption said the boy “may never be placed in a bedroom with another child.”

He’s 14 now and has been in residential treatment programs — away from home — for most of the past four years. A series of incidents, including a molestation of a younger sister, happened by the time the boy was 10, Grosz said.

He’s currently living in a group home in Central Florida. A mental health worker who talked to him there told jurors last week his interest in the building’s ventilation system was worrisome.

“He’s a clever boy, so it’s kind of scary,” Teresa Guerard, a licensed mental health counselor, testified. “He could access victims through that vent.”

Jurors decided the combination of potential future costs for treatment and past and future pain and suffering by the adoptive parents was worth \$13.5 million in damages for what the lawsuit called “negligent misrepresentation” of the boy’s condition.

The jurors decided the parents should have examined records Jewish Family provided closer and said the couple carries 7.5 percent of the responsibility.

That reduced the adoption agency’s liability to just under \$12.5 million.

Grosz told jurors Jewish Family was legally obligated to tell prospective parents about the challenges posed by the adoption and praised the award for recognizing the responsibility adoption agencies carry.

“An adoption agency must never needlessly endanger the lives and safety of children and families by failing to fully disclose information it is legally required to disclose,” Grosz said after the verdict.

The jury’s decision might not be the final award in the case. Defense attorney John Rine argued after the verdict was announced that legal rules limit the liability to a much smaller sum, apparently a little over \$1 million. Circuit Judge Robert Dees told Rine to outline his argument in writing in the next 10 days so he could evaluate it.