

\$21M awarded to child injured in foster care

3 DYFS workers, Sewell couple found negligent

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MOUNT HOLLY

A civil jury has returned a \$21 million negligence verdict against the state and a foster couple because a 3-month-old girl suffered brain and other injuries in 1999 while in foster care.

The verdict came Tuesday night against a same-sex couple from Sewell and three workers with the Division of Youth and Family Services in Camden and

Gloucester counties.

The jury found the workers guilty of negligence but the foster couple guilty of intentional tort — a more serious charge.

The couple, Rodney Marchione and Richard Allen, were assessed 70 percent of the \$21 million award for the girl, now 7 and living in Philadelphia with her father.

The state's share of the award will be about \$6.3 million, or 30 percent, for the negligence of workers Maria Jiminez and

Kathy Edmunds of the Camden County North office and Allison Morgan of the Gloucester County office.

"(The child) is living but can hardly function. She is blind and cannot walk or talk and has restricted movements. She is never going to be independent," said

one of her lawyers, Jeffrey Strauss of the Bergen County law firm of Weiner, Carroll and Strauss.

The jury found the state and the foster couple responsible for injuries to the girl during her two months in foster care in 1999. Strauss said it has never been determined exactly how and by whom the injuries were inflicted.

Strauss said the child was tak-

en from a single Lindenwold mother a few months after birth because the mother used cocaine and the baby tested positive for cocaine exposure. The mother regained custody in 2000 and cared for the child until this year.

Strauss and co-counsel Richard Weiner had argued that the workers violated state law and their own policy manual by taking the child without informing

the birth father and for not making adequate visits to check on the child.

Strauss said an investigation by the Gloucester County Prosecutor's Office did not result in any criminal charges. A state spokesman could not be reached for comment.

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