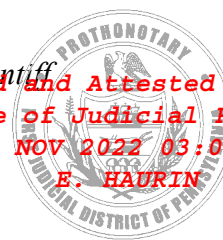


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Filed and Attested by the
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E. HAURIN



KRISTEN L. BEHRENS, ESQ., as Administrator	:	PHILADELPHIA COUNTY
of the ESTATE OF YASEEM JENKINS, a minor,	:	COURT OF COMMON PLEAS
o/b/o his Heirs-at-Law and Next-of-Kin,	:	CIVIL TRIAL DIVISION
N.J. and N.I., his minor siblings	:	
c/o Kline & Specter, P.C.	:	
1525 Locust Street, 19th Floor	:	
Philadelphia, PA 19102	:	
	:	NOVEMBER TERM, 2022
<i>Plaintiff</i>	:	
	:	NO.
v.	:	
	:	JURY TRIAL DEMANDED
TURNING POINTS FOR CHILDREN	:	
415 South 15th Street,	:	
Philadelphia, PA 19146	:	
	:	
AND	:	
	:	
TURNING POINTS FOR CHILDREN	:	
CUA 5, LLC	:	
415 South 15th Street,	:	
Philadelphia, PA 19146	:	
	:	
AND	:	
	:	
THE TURNING POINTS FOR CHILDREN	:	
CHARITABLE FOUNDATION	:	
415 South 15th Street,	:	
Philadelphia, PA 19146	:	
	:	
<i>Defendants</i>	:	

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

ADVISO

Le han demandado en corte. Si usted quiere defenderse contra las demandas nombradas en las paginas siguientes, tiene veinte (20) dias a partir de recibir esta demanda y notificacion para entablar personalmente o por un abogado una comparecencia escrita y tambien para entablar con la corte en forma escrita sus defensas y objeciones a las demandas contra usted. Sea avisado que si usted no se defiende, el caso puede continuar sin usted y la corte puede incorporar un juicio contra usted sin previo aviso para conseguir el dinero demandado en el pleito o para conseguir cualquier otra

Case ID: 221101335

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER (OR CANNOT AFFORD ONE), GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYERS REFERENCE SERVICE
One Reading Center
Philadelphia, PA 19107
(215) 238-6333, TTY(215) 451-6197

demanda o alivio solicitados por el demandante. Usted puede perder dinero o propiedad u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE ABOGADO (O NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO), VAYA EN PERSONA O LLAME POR TELEFONO LA OFICINA NOMBRADA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL. ESTA OFICINA PUEDE PROPORCIONARLE LA INFORMACION SOBRE CONTRATAR A UN ABOGADO.

SI USTED NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO, ESTA OFICINA PUEDE PROPORCIONARLE INFORMACION SOBRE AGENCIAS QUE OFRECEN SERVICIOS LEGALES A PERSONAS QUE CUMPLEN LOS REQUISITOS PARA UN HONORARIO REDUCIDO O NINGUN HONORARIO.

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of the ESTATE OF YASEEM JENKINS, a minor,	:	COURT OF COMMON PLEAS
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415 South 15th Street,	:	
Philadelphia, PA 19146	:	
	:	
<i>Defendants</i>	:	

COMPLAINT

Plaintiff Kristen L. Behrens, Esquire, as Administrator of the Estate of Yaseem Jenkins
("Decedent"), a minor, on behalf of his Heirs-at-Law and Next-of-Kin, N.J. and N.I., his minor

siblings, for this complaint against Defendants Turning Points for Children; Turning Points for Children CUA 5, LLC; and The Turning Points for Children Charitable Foundation, (collectively, “Turning Points Defendants”) alleges as follows:

PRELIMINARY STATEMENT

1. Since Decedent was born, Turning Points Defendants were responsible for ensuring his safety and well-being. They failed to do so, and thus caused or contributed to his death less than four years later.

2. Before Decedent celebrated his first birthday, his biological father brought him to an illegal drug deal, where he sustained multiple gunshot wounds that resulted in life-threatening injuries and serious medical needs. But Turning Points Defendants knew or should have known that an unreasonable threat to Decedent’s safety and well-being existed as long as his biological father had access to him, given his father’s prior guilty plea to a firearm-related felony.

3. After Decedent was shot, Turning Points Defendants knew or should have known that his medical needs required a heightened degree of care, such as an appropriate medical foster home. And they owed or undertook a duty to meet those needs through identifying, selecting, training, or supervising Decedent’s foster care placement.

4. Rather than meeting Decedent’s needs, Turning Points Defendants’ pattern of negligence continued in that he ultimately died from the gunshot wounds’ complications upon being placed in a non-medical foster home.

PARTIES

5. Decedent is a deceased minor who was born on November 13, 2018 and died on April 19, 2022. At all relevant times, he was a citizen of Pennsylvania.

6. Kristen L. Behrens, Esquire, is a licensed attorney in the Commonwealth of Pennsylvania with a business address at 1500 Market Street, Suite 3500E, Philadelphia, Philadelphia County, Pennsylvania 19102 and has been appointed to serve as Administrator of Decedent's estate.

7. Turning Points for Children ("Turning Points") is a Pennsylvania nonprofit corporation with a principal place of business at 415 South 15th Street, Philadelphia, Philadelphia County, Pennsylvania 19146 and regularly conducts business in Philadelphia County.

8. Turning Points for Children CUA 5, LLC ("Turning Points CUA 5") is a Pennsylvania limited liability company with a principal place of business at 415 South 15th Street, Philadelphia, Philadelphia County, Pennsylvania 19146 and regularly conducts business in Philadelphia County.

9. The Turning Points for Children Charitable Foundation ("Turning Points Charitable Foundation") is a Pennsylvania nonprofit corporation with a principal place of business at 415 South 15th Street, Philadelphia, Philadelphia County, Pennsylvania 19146 and regularly conducts business in Philadelphia County.

10. Together, Turning Points Defendants made up a corporate structure that included parent entities, parent corporations, franchisors, franchises, associated or affiliated corporations, member corporations, or subsidiary corporations.

11. At all relevant times, Turning Points Defendants acted, or failed to act, by and through their employees, agents, servants or subcontractors, including, but not limited to, social workers, case managers, case workers, case supervisors, directors or therapists, to facilitate, enable, or otherwise cause Decedent's death. Accordingly, they are liable for the acts or

omissions of their employees, agents, servants, subcontractors, or other representatives as set forth below, under theories of agency, master-servant, *respondeat superior*, or right of control.

JURISDICTION AND VENUE

12. The Court of Common Pleas of Philadelphia County has original jurisdiction over this action under 42 Pa. C.S. § 931(a), which vests unlimited original jurisdiction of all actions in the Court unless an appropriate statute or rule provides otherwise.

13. Philadelphia County constitutes a proper venue for three reasons: (1) Turning Points Defendants regularly conduct business in Philadelphia County. (2) The cause of action arose in Philadelphia County. (3) A transaction or occurrence out of which the cause of action arose took place in Philadelphia County. *See* Pa. R. Civ. P. 2156(a), 2179(a).

STATEMENT OF FACTS

14. The City of Philadelphia established the Department of Human Services, Children and Youth Division (“DHS”) to “provide and promote safety, permanency, and well-being for children and youth at risk of abuse [and] neglect.” *See* City of Philadelphia, <https://www.phila.gov/departments/departments-of-human-services/> (last visited Nov. 7, 2022).

15. Under Pennsylvania’s Child Protective Services Law, 23 Pa. C.S. § 6301, *et seq.*, DHS may purchase and use the services of any public or private agency to provide services to children, youth, and families involved with Philadelphia’s child welfare system, including in-home protective services, kinship services, and foster care services.

16. At all relevant times, DHS purchased and used, or otherwise availed itself of, Turning Points Defendants’ services as a community umbrella agency (“CUA”).

17. About seven years before Decedent’s birth, his biological father, Nafis Monroe a/k/a Nafes Monroe, was arrested and charged with two firearm-related offenses, including a top

count of carrying a firearm without a license (a third-degree felony). In response, Monroe pled guilty and received a sentence highlighted by six to twelve months of confinement. *See Commw. v. Monroe*, CP-51-CR-014203-2012 (Phila. Cnty. Ct. Com. Pl.).

18. About six years later and thus about one year before Decedent's birth, DHS referred Decedent's family, including his biological mother Tiffany Jenkins, for CUA services. Following the referral, Turning Points Defendants began providing the same to the family.

19. As Turning Points Defendants provided their services to the family, Jenkins gave birth to Decedent on November 13, 2018.

20. In so providing, Turning Points Defendants owed or undertook a duty to ensure Decedent's safety and well-being.

21. At or around the time of Decedent's birth, Jenkins positively showed several significant risk factors, which, individually or in any combination, undermined her ability to adequately care for Decedent: (1) She received no prenatal care. (2) She admitted ingesting illegal drugs during her pregnancy. (3) She disregarded professionally recommended mental health treatment.

22. After Decedent's birth, Jenkins' poor decision making continued, as she allowed Decedent's biological father to have access to Decedent, even though he had been convicted of a firearm-related felony.

23. In permitting such access, on October 19, 2019, then-less-than-one-year-old Decedent was shot multiple times during a drug deal gone awry after his biological father tried to use counterfeit currency.

24. That Decedent was shot in the first instance underscores Turning Points Defendants' negligence, which directly and proximately caused Decedent's death: They failed to

identify, assess, and respond to the serious risk of harm to Decedent as long as Monroe had access to him.

25. After emergency responders rendered immediate medical aid, Decedent required high-level medical care for over six months from several providers, including St. Christopher's Hospital for Children, Children's Hospital of Philadelphia, and Seashore House.

26. Upon being discharged, Turning Points Defendants knew or should have known that Decedent's serious medical needs required him to be placed in a setting that could meet those needs, such as an appropriate medical foster home. And Turning Points Defendants remained responsible for Decedent's safety and well-being in this setting, including but not limited to (1) identifying it; (2) selecting it; (3) placing Decedent in it, or causing Decedent to be placed in it; (4) training the medical foster parent; or (5) otherwise supervising or overseeing the placement.

27. Decedent was thus placed in the medical foster home of Wisdith Civil.

28. But Civil could not adequately meet Decedent's serious medical needs, in that she engaged in behavior that both compounded his already-serious medical needs and reflected her unfitness as Decedent's foster parent: At least once, she refused to come out of her home with Decedent. She also refused to let Turning Points Defendants transport Decedent to a visit with his biological mother. And she arrived late for a visit because she got stuck at a "stop sign" on Interstate 95, which has no stop signs.

29. As a result, Decedent was removed from Civil's care or custody, and he was placed in the home of a non-medical foster parent, Lenora Seyes, who resided at 6501 North 7th Street, Philadelphia, Philadelphia County, Pennsylvania 19126.

30. Because Decedent's serious medical needs persisted, so too did the need for a placement that could meet those needs, which Seyes' non-medical foster home was not.

31. Indeed, Seyes herself was not certified or trained as a medical foster parent. Thus, Decedent's placement in her home was inappropriate.

32. Turning Points Defendants' systemic negligence reached a tipping point on April 19, 2019: Seyes found Decedent inside his crib with vomitus and aspiration after eating, and later he was pronounced dead due to complications from the gunshot wounds and improper supervision.

33. At all relevant times, Turning Points Defendants knew or should have known of the foreseeable and unreasonable threat to Decedent's safety and well-being that existed as long as his biological father had access to him because such access could directly and proximately cause serious injuries, including death.

34. At all relevant times, Turning Points Defendants knew or should have known of the heightened degree of medical care that Decedent required due to his serious medical needs, and that improperly identifying, selecting, training, or supervising his placement, like a non-medical foster home, could directly and proximately cause serious injuries, including death.

35. In sum, the foreseeable and unreasonable risk of harm manifested itself when Decedent died from the risk that demanded a heightened degree of medical attention, the gunshot wounds.

36. But for Turning Points Defendants' actions or inactions, including the same of their employees, agents, servants, or other representatives, Decedent would not have died on April 19, 2022.

37. Turning Points Defendants' negligence solely and exclusively caused Decedent's death.

38. No act or omission by Decedent contributed to the same.

COUNT I – NEGLIGENCE

Plaintiff Kristen L. Behrens, Esquire, as Administrator of the Est. of Yaseem Jenkins, a Minor, on behalf of his Heirs-at-Law and Next-of-Kin, N.J. and N.I., his minor siblings v. Turning Points Defendants

39. Plaintiff incorporates the preceding paragraphs as if set forth fully.

40. The negligence of Turning Points Defendants, individually and through their employees, agents, servants, or representatives, actual or apparent, including case workers, case managers, supervisors, social workers, therapists, or counselors, included, but was not limited to:

- a. Failing to adequately identify, assess, or respond to Decedent's parents' inability or inappropriateness as caregivers or parents;
- b. Failing to timely remove Decedent from, or cause Decedent to be removed from, his biological parents' care, custody, or access before he was shot;
- c. Failing to adequately identify, assess, or respond to the risk of harm to Decedent's safety and well-being as long as Decedent's biological father had access to him;
- d. Failing to adequately investigate, evaluate, or re-evaluate the appropriateness of kinship/foster care services for Decedent;
- e. Failing to adequately identify, select, train, or supervise Decedent's placement in an appropriate medical foster home;
- f. Failing to prevent Decedent from being placed in a non-medical foster home;
- g. Failing to timely remove Decedent from a non-medical foster home, or failing to cause him to be removed from the same;
- h. Failing to adequately identify, assess, or respond to threats to Decedent's safety and well-being;
- i. Failing to adequately conduct a Safety Assessment for Decedent;

- j. Failing to adequately develop and implement a Safety Plan for Decedent;
- k. Failing to adequately communicate with Decedent's caregivers;
- l. Failing to adhere to the CUA Practice Guidelines as to Decedent;
- m. Failing to adequately hire, train, and supervise the employees, agents, servants, or representatives providing services to Decedent;
- n. Failing to prevent Decedent's death; and
- o. Failing to adhere to the principles of Restatement (Second) of Torts § 323.

41. As a direct and proximate result of Turning Points Defendants' negligence, Decedent suffered foreseeable and preventable physical, mental, and emotional injuries including gunshot wounds and death.

42. As a direct and proximate result of Turning Points Defendants' negligence, Decedent suffered embarrassment, humiliation, shame, fear, and loss of enjoyment of life.

43. As a direct and proximate result of Turning Points Defendants' negligence, Decedent suffered a loss of earning capacity.

44. As a direct and proximate result of Defendants' negligence, Decedent endured physical, mental, and emotional pain and suffering.

WHEREFORE, Plaintiff requests judgment in her favor and against Defendants, and further demands compensatory damages in excess of Fifty Thousand (\$50,000.00) Dollars, exclusive of prejudgment interest, costs, and damages for prejudgment delay.

COUNT II – WRONGFUL DEATH

Plaintiff Kristen L. Behrens, Esquire, as Administrator of the Est. of Yaseem Jenkins, a Minor, on behalf of his Heirs-at-Law and Next-of-Kin, N.J. and N.I., his minor siblings v. Turning Points Defendants

45. Plaintiff incorporates the preceding paragraphs as if set forth fully.

46. As a direct and proximate result of Turning Points Defendants' negligence, Decedent died on April 19, 2022.

47. Plaintiff Kristen L. Behrens, Esquire, as Administrator of Decedent's estate, brings this claim under the Wrongful Death Act, 42 Pa. C.S. § 8301.

48. Under the Act, Decedent's beneficiaries include his minor siblings, N.J. and N.I.

49. Plaintiff, Kristen L. Behrens, Esquire, on behalf of Decedent's beneficiaries, claims all damages resulting from Turning Points Defendants' negligence, which caused Decedent's death, including pecuniary losses such as medical expenses, funeral and burial expenses, and other expenses stemming from his death.

50. Plaintiff, Kristen L. Behrens, Esquire, on behalf of Decedent's beneficiaries, further claims all damages for the loss of earnings, maintenance, support, comfort, care, society or other losses recognized under the Wrongful Death Act, which the beneficiaries would have received from Decedent had his death not occurred.

WHEREFORE, Plaintiff requests judgment in her favor and against Turning Points Defendants, and further demands compensatory damages in excess of Fifty Thousand (\$50,000.00) Dollars, exclusive of prejudgment interest, costs, and damages for prejudgment delay.

COUNT III – SURVIVAL ACT

Plaintiff Kristen L. Behrens, Esquire, as Administrator of the Est. of Yaseem Jenkins, a Minor, on behalf of his Heirs-at-Law and Next-of-Kin, N.J. and N.I., his minor siblings v. Turning Points Defendants

51. Plaintiff incorporates the preceding paragraphs as if set forth fully.

52. Plaintiff Kristen L. Behrens, Esquire, as Administrator of Decedent's estate, brings this claim to recover damages to the Estate under the Survival Act, 42 Pa. C.S. § 8302.

53. As a direct and proximate result of Turning Points Defendants' negligence, Decedent suffered serious physical, mental, and emotional injuries, including death.

54. Plaintiff Kristen L. Behrens, Esquire, as Administrator of Decedent's estate, claims all recoverable damages under the Act, including damages for Decedent's conscious pain and suffering as a result of Turning Points Defendants' negligence including even the time of his death, the net amount of money Decedent would have earned between the date of his death and today, and the amount of money Decedent would have earned between today and the end of his life expectancy.

WHEREFORE, Plaintiff requests judgment in her favor and against Turning Points Defendants, and further demands compensatory damages in excess of Fifty Thousand (\$50,000.00) Dollars, exclusive of prejudgment interest, costs, and damages for prejudgment delay.

Respectfully,

KLINE & SPECTER, P.C.



BY:

NADEEM A. BEZAR, ESQUIRE
MICHAEL J. WOZNIAK, ESQUIRE
Attorneys for Plaintiff

VERIFICATION

I, Kristen L. Behrens, Esquire, hereby state that I am the Administrator of the Estate of minor decedent, Y.J. in this matter, and I am authorized to take this Verification. I hereby verify that I have reviewed the foregoing Complaint, which was prepared with the assistance of counsel, and that while I do not have personal knowledge of all of the facts and representations therein, the averments appear to be true and correct to the best of my knowledge, information, and belief.

The undersigned understands that the statements contained therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



KRISTEN L. BEHRENS, ESQUIRE
Administrator of the Estate of Y.J., a minor