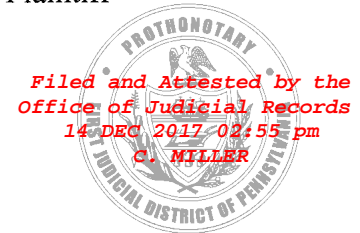


KLINE & SPECTER, P.C.

BY: NADEEM A. BEZAR, ESQUIRE
EMILY B. MARKS, ESQUIRE
KYLE B. NOCHO, ESQUIRE
ID No. 63577/204405/319270

1525 Locust Street
Philadelphia, Pennsylvania 19102
(215) 772-1000

Attorneys for Plaintiff



D.S., by his Guardian Ad Litem,	:	PHILADELPHIA COUNTY
WILLIAM A. CALANDRA, ESQ.	:	COURT OF COMMON PLEAS
1615 Jackson Street, Philadelphia, PA 19145	:	
v.	:	DECEMBER TERM, 2017
NORTHEAST TREATMENT CENTERS, INC.	:	NO.
499 N. 5 th Street, Ste. A, Philadelphia, PA 19123	:	
and	:	
NET TREATMENT SERVICES, INC.	:	
d/b/a NET COMMUNITY CARE	:	
499 N. 5 th Street, Ste. A, Philadelphia, PA 19123,	:	

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.

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

ADVISO

Le han demandado en corte. Si usted quiere defenderse contra las demandas nombradas en las paginas siguientes, tiene veinte (20) días a partir de recibir esta demanda y notificación 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 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.
SERVICIO de REFERENCIA LEGAL

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KLINE & SPECTER, P.C.

Attorneys for Plaintiff

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499 N. 5 th Street, Ste. A, Philadelphia, PA 19123,	:	

COMPLAINT IN CIVIL ACTION**THE PARTIES**

1. Minor-Plaintiff, D.S. is a citizen of and resides in the Commonwealth of Pennsylvania. Minor-Plaintiff was the victim of physical abuse and nearly died as a result, sustaining serious injuries as described more fully herein. Minor-Plaintiff can be contacted through his attorneys Nadeem Bezar and Emily Marks at Kline & Specter, P.C., 1525 Locust Street, Philadelphia, PA 19102.

2. William A. Calandra, Esquire is an adult individual who is a citizen of the Commonwealth of Pennsylvania and maintains a law office at 1615 Jackson Street, Philadelphia, PA 19145. William Calandra is the Guardian Ad Litem for Minor-Plaintiff, D.S.

3. Defendant Northeast Treatment Centers, Inc. (hereinafter "NET" and/or "Defendant NET") is a non-profit 501(c) (3) corporation existing under and by virtue of the laws of the Commonwealth of Pennsylvania with a registered office located at 499 North 5th Street,

Suite A, Philadelphia, PA 19123. Defendant NET regularly conducts business in Pennsylvania and Philadelphia County.

4. Defendant NET Treatment Services, Inc. d/b/a NET Community Care (hereinafter “NTSI” and/or “Defendant NTSI”) is a non-profit 501(c) (3) corporation existing under and by virtue of the laws of the Commonwealth of Pennsylvania with a registered office located at 499 North 5th Street, Suite A, Philadelphia, PA 19123. Defendant NTSI regularly conducts business in Pennsylvania and Philadelphia County.

5. At all material times hereto, Defendant NET was a parent entity, parent corporation, associated or affiliated corporation, member corporation and/or subsidiary corporation of Defendant NTSI.

6. At all material times hereto, Defendant NTSI was a parent entity, parent corporation, associated or affiliated corporation, member corporation and/or subsidiary corporation of Defendant NET.

7. At all material times hereto, Defendant NET was acting by and through its employees, agents and/or servants to provide in home protective services to Minor-Plaintiff, D.S. Accordingly, Defendant NET is liable for the acts and/or omissions of its employees, agents and/or servants which occurred in the course or providing in home protective services to Minor-Plaintiff, D.S. under theories of agency, master-servant, respondeat superior and/or right of control.

8. At all material times hereto, Defendant NTSI was acting by and through its employees, agents and/or servants to provide in home protective services to Minor-Plaintiff, D.S. Accordingly, Defendant NTSI is liable for the acts and/or omissions of its employees, agents and/or servants which occurred in the course or providing in home protective services to Minor-

Plaintiff, D.S. under theories of agency, master-servant, respondeat superior and/or right of control.

9. There may be other employees or agents of Defendant NET and/or of Defendant NTSI with responsibilities for the care and safety of Minor-Plaintiff, D.S. whose actions and/or omissions contributed to the injuries and damages suffered by Minor-Plaintiff, D.S. The identities of such persons will be discerned through discovery and such persons will be joined as defendants, if and when appropriate.

FACTS COMMON TO ALL COUNTS

10. Paragraphs 1 through 9 are hereby incorporated by reference as if fully set forth herein.

11. The City of Philadelphia established the Department of Human Services, Children and Youth Division (hereinafter "DHS") to, *inter alia*, protect Philadelphia Children from abuse, neglect and delinquency; provide services in partnership with community organizations to strengthen the overall well-being of Philadelphia; and develop and implement policies and programs to provide children services.

12. Under the Child Protective Services law, 23 Pa. C.S.A. § 6301, *et seq.*, DHS may purchase and utilize the services of any public or private agency, such as Defendants Northeast Treatment Centers and/or NET Treatment Services, Inc. to provide services to children.

13. At all material times hereto, Defendants were retained by DHS to provide in-home services and/or case management services to Minor-Plaintiff, D.S. in the home of his biological mother Felicia Hickson, at 2009 Diamond Street, Philadelphia, PA 19121.

14. On March 9, 2011, DHS received a GPS report that Felicia Hickson tested positive for methadone at the birth of D.S.' older sibling, N.S. This report was substantiated by DHS' subsequent investigation.

15. On August 6, 2012, DHS received another GPS report that Felicia Hickson tested positive for cocaine and marijuana at the birth of D.S. older sibling, C.S., and that Hickson had a history of substance abuse. This report was substantiated by DHS' subsequent investigation.

16. From October 10, 2012 through July 25, 2013, DHS contracted with Tabor Children's Services to provide in-home protective services in Felicia Hickson's home.

17. On May 28, 2013, DHS obtained Orders of Protective Custody for N.S. and C.S., because Ms. Hickson and the boys' father, Ramondo Scruggs, were not compliant with drug treatment services and had a history of domestic violence.

18. On June 6, 2013, N.S. and C.S. were adjudicated dependent and committed to the care and custody of DHS, and placed in foster care since removal from Felicia Hickson's home on May 28, 2013.

19. On December 30, 2014, Defendants NET and/or NTSI (collectively, "NETC") began providing in home protective services to Felicia Hickson, including parenting skills, family planning and preventive health care.

20. In December of 2014, Felicia Hickson gave birth to Minor-Plaintiff, D.S.

21. From December 31, 2014 through January 10, 2017, Felicia Hickson and baby D.S. continued to receive in home protective services through NETC.

22. On November 3, 2015, a GPS report alleged that Felicia Hickson had failed to take D.S. to his medical appointments and that D.S. presented with developmental delays, could not sit up or crawl and had no facial responses.

23. In May 2016, a similar GPS report was filed and the investigator determined the report valid. Felicia Hickson had missed at least eight of D.S.' medical appointments between 12/8/15 and 4/12/16. The GPS report was determined valid on 7/12/16.

24. On July 21, 2016, both Felicia Hickson and Ramondo Scruggs' parental rights were involuntarily terminated as to both N.S. and C.S.

25. Despite Felicia Hickson's known history of illegal drug use for which she was not receiving treatment, mental illness and violent behavior, following his birth D.S. was allowed to remain in Felicia Hickson's care and no attempt was made by NETC to have D.S. removed from his mother's care.

26. In January 2017, NETC closed D.S.' case although Felicia Hickson was non-compliant with her case plan objective and goals.

27. On March 8, 2017, reportedly under the influence of Phencyclidine ("PCP"), Felicia Hickson jumped from the second floor window of her home, either holding two-year-old D.S. or having thrown D.S. out of the window.

28. D.S. was transported to St. Christopher's Hospital and admitted to the ICU in critical condition, diagnosed with an orbital fracture, multiple skull fractures, head and brain bleeding, and other injuries. The St. Christopher's attending physician determined D.S.' condition to be a near-fatality.

29. At St. Christopher's Hospital a CY-47 was filed by hospital personnel.

30. While at St. Christopher's following the incident on March 8, 2017, a drug screen determined that D.S. , who was two years old at the time, had cocaine and opiates in his system.

31. Following the incident, D.S. was admitted into St. Christopher's Hospital ICU in critical condition, was placed on a ventilator, had to wear a neck brace, underwent multiple surgeries, had a skin graft performed on his face to treat scar tissue from the incident, and was placed on anti-seizure medication.

32. On March 13, 2017, D.S. was discharged from St. Christopher's Hospital, adjudicated dependent and placed in foster care.

33. D.S.' diagnoses on discharge were bilateral frontal skull fracture, subarachnoid hemorrhage, frontal contusion, bilateral superior orbital roof fracture, right lateral orbital wall fracture, and bilateral nasal bone fracture. Follow up appointments were scheduled for primary care, plastic surgery, neurosurgery, urology and ophthalmology.

34. Two weeks following the incident, D.S.' occupational therapist determined D.S. had regressed in his development.

35. On March 8, 2017, Felicia Hickson was arrested and charged with criminal attempted murder, aggravated assault, endangering the welfare of children, simple assault, and reckless endangerment wherein D.S. was the complainant.

36. Felicia Hickson is currently incarcerated at Riverside Correction Facility, awaiting criminal trial on charges of Criminal Attempt – Murder (18 Pa. C.S. §901), Aggravated Assault (18 Pa. C.S. §2702), Endangering Welfare of Children (18 Pa. C.S. §4304), Simple Assault (18 Pa. C.S. §2701) and Recklessly Endangering Another Person (18 Pa. C.S. §2705).

37. On May 11, 2017, both Felicia Hickson and Ramondo Scruggs' parental rights were involuntarily terminated as to D.S.

38. On September 7, 2017, the Pennsylvania Department of Human Services issued an Act 33 near-fatality report regarding D.S., and found that the NETC Case Management Team

did not follow DHS' policies and procedures or good social work practice, that proper supervision of the case was severely lacking, that the CUA case manager ignored the case history and did not assess D.S.' wellbeing within the context of his siblings' circumstances, and that D.S. should not have remained in the care of Felicia Hickson.

39. The PA DHS Act 33 Team found that NETC should have started providing services to D.S. immediately after his birth in December 2014, but only began providing services to D.S. in June 2016.

40. Further, the Act 33 team found that NETC failed to appropriately assess D.S.' safety during the course of in-home services, because the same safety issues that resulted in the removal of D.S.' siblings existed for D.S. too.

41. The NETC case manager identified D.S.' older siblings as unsafe in Felicia Hickson's care and determined that these safety threats prohibited reunification with their biological mother. Yet, the NETC case manager implausibly failed to identify the safety threats for D.S. to remain in Felicia Hickson's care.

42. During the May 2016 GPS investigation, the Philadelphia DHS Intake Social Work Services Manager ("SWSM") informed the NETC case manager that no services had been provided to D.S. to date and that a case needed to be opened. The NETC case manager had informed the Intake SWSM that Felicia Hickson was not in compliance with her Single Case Plan objectives regarding D.S.' older siblings.

43. The DHS Act 33 Team found that if Felicia Hickson was not in compliance with her service objectives regarding her older children, then there was no acceptable explanation for allowing D.S. to remain in her care.

44. The DHS Act 33 Team found that the NETC case managers compartmentalized their work on the individual children and failed to assess globally the mother's issues to determine their impact on safety and well-being on Destine.

45. Further, the DHS Act 33 Team noted that the NETC case manager failed to obtain a consultation with a psychologist, despite the fact that Felicia Hickson's history of substance abuse met the criteria for a mandatory consultation.

46. At an October 2016 conference, the NETC case manager was directed to consult with the case management director to determine if closing D.S.' case was appropriate, but the DHS Act 33 Team found it was unclear if this consultation ever occurred prior to closing the case in January 2017, two months prior to D.S.' near-fatal injuries.

47. The DHS Act 33 Team also reported that the family should have been receiving in-home safety services, not the insufficient services provided by the NETC case manager. As a result, the NETC case manager failed to visit D.S. weekly or to assess D.S.' safety at the intervals required by DHS policy.

48. The DHS Act 33 Team found, further, that the NETC case manager failed to assess Felicia Hickson's ability to safely parent and failed to seek collateral information to confirm Felicia Hickson's compliance with services or random drug screens.

49. At all material times hereto, NETC's failure to monitor, supervise, investigate and take protective action pursuant to the conduct and conditions within the Felicia Hickson home resulted in the near-fatal injuries to D.S.

50. NETC was aware that D.S.' older siblings removed from Hickson's care because of threats to their safety due to Felicia Hickson's known history of substance abuse and lack of compliance with mental health and addiction treatment services.

51. In reckless disregard to D.S.' safety and wellbeing, NETC took no steps to remove D.S. from Felicia Hickson's home, despite having actual knowledge of the severe threat to D.S.' safety by allowing him to remain in the care of Felicia Hickson.

52. At all times material hereto, NETC took no action protect D.S. from the known threat of harm to his safety and wellbeing by Felicia Hickson.

53. But for the acts and omissions of Defendants Northeast Treatment Centers, Inc. and/or NET Treatment Services, Inc. and their employees, agents, and/or servants, Minor-Plaintiff D.S. would not have suffered near-fatal injuries on March 8, 2017.

54. The aforementioned incidents were caused solely and exclusively by the negligence of Defendants NETC, individually and by and through their employees, agents and/or servants, and in no manner was it due to any act or failure to act on the part of Minor-Plaintiff D.S.

COUNT I – NEGLIGENCE

MINOR-PLAINTIFF, D.S. v. DEFENDANT NORTHEAST TREATMENT CENTERS, INC.

55. Plaintiff hereby incorporates by reference the averments of Paragraphs 1 through 54 as if fully set forth at length herein.

56. The negligence of Defendant Northeast Treatment Centers, Inc., individually and by and through its employees, servants, and/or agents, actual or apparent, including, but not limited to, caseworkers, case managers, social workers, supervisors, directors, and therapists, consisted of the following:

- a. Failing to visit and inspect the Felicia Hickson home;
- b. Failing to assess D.S.' situation, needs, well-being and/or experience while in the care of Felicia Hickson;

- c. Failing to assess D.S.' safety and wellbeing in the care of Felicia Hickson in the context of the case history of his older siblings being removed from Felicia Hickson's care due to the safety threat;
- d. Allowing D.S. to remain in the care of Felicia Hickson knowing that Felicia Hickson was not in compliance with her Single Case Plan objectives regarding D.S.' older siblings;
- e. Allowing D.S. to remain in the Felicia Hickson home after his older siblings were removed from Felicia Hickson's home due to her inability to care for them, substance abuse, lack of compliance with services and safety threat;
- f. Allowing D.S. to remain in the care of Felicia Hickson, a known substance abuser who was non-compliant with treatment;
- g. Failing to have D.S. removed from Felicia Hickson's home although Felicia Hickson repeatedly missed D.S.' medical appointments;
- h. Failing to identify an active safety threat to D.S. by allowing him to remain in the care of Felicia Hickson;
- i. Failing to provide in home protective services to D.S. immediately after his birth;
- j. Delaying providing case management services and/or in home protective services to D.S. for more than a year after his birth;
- k. Providing inadequate case management services to D.S.;
- l. Failing to visit D.S. weekly while in the Felicia Hickson home or to assess D.S.' safety at intervals required by DHS policy;
- m. Failing to obtain a consultation with a psychologist for Felicia Hickson given her known history of substance abuse, which met the DHS criteria for a mandatory consultation;
- n. Failing to assess Felicia Hickson's ability to safely parent and failing to seek information regarding Felicia Hickson's compliance with services or random drug screens;
- o. Closing D.S.' CUA case in January 2017 without determining if closing the case was appropriate, two months before D.S.' near-fatal injuries;
- p. Failing to conduct Safety Assessments for D.S.;
- q. Failing to implement Safety Plans for D.S.;

- r. Failing to implement a Safety Plan indicating that D.S. was unsafe and that removal from the Felicia Hickson home was necessary;
- s. Failing to conduct and act upon Safety Assessments and/or Safety Plans for D.S.;
- t. Failing to identify and act upon circumstances indicating a known risk of harm to D.S.;
- u. Failing to take timely action to notify DHS and/or the Pennsylvania Department of Human Services that D.S. was in danger;
- v. Failing to take action to remove D.S. from the Felicia Hickson home;
- w. Failing to evaluate D.S.' physical and mental well being;
- x. Failing to prevent near-fatal injuries to D.S.;
- y. Failing to prevent D.S. from suffering grievous and permanent physical, emotional, and psychological injuries;
- z. Violating the principles of the Restatement (Second) of Torts § 323; and
- aa. Failing to train employees, agents, and/or servants to identify and act upon signs of dangers threatening the health and safety of D.S..

57. As a direct result of Defendant Northeast Treatment Centers, Inc.'s negligence and reckless disregard for D.S.' safety and wellbeing, Minor-Plaintiff D.S. suffered near-fatal injuries causing him medical, physical, developmental and psychological injuries and medical costs that will continue to impact him for the rest of his life.

WHEREFORE Plaintiff demands judgment in his favor and against Defendants Northeast Treatment Centers, Inc. and NET Treatment Services, Inc., and demand compensatory damages in excess of Fifty Thousand (\$50,000.00) Dollars exclusive of prejudgment interest, punitive damages, costs, and damages for pre-judgment delay.

COUNT II – NEGLIGENCE

MINOR-PLAINTIFF, D.S. v. DEFENDANT
NET TREATMENT SERVICES, INC.

58. Plaintiff hereby incorporates by reference the averments of Paragraphs 1 through 57 as if fully set forth at length herein.

59. The negligence of Defendant NET Treatment Services, Inc., individually and by and through its employees, servants, and/or agents, actual or apparent, including, but not limited to, caseworkers, case managers, social workers, supervisors, directors, and therapists, consisted of the following:

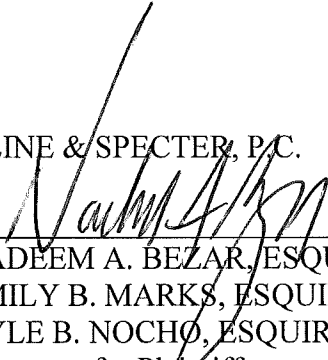
- a. Failing to visit and inspect the Felicia Hickson home;
- b. Failing to assess D.S.' situation, needs, well-being and/or experience while in the care of Felicia Hickson;
- c. Failing to assess D.S.' safety and wellbeing in the care of Felicia Hickson in the context of the case history of his older siblings being removed from Felicia Hickson's care due to the safety threat;
- d. Allowing D.S. to remain in the care of Felicia Hickson knowing that Felicia Hickson was not in compliance with her Single Case Plan objectives regarding D.S.' older siblings;
- e. Allowing D.S. to remain in the Felicia Hickson home after his older siblings were removed from Felicia Hickson's home due to her inability to care for them, substance abuse, lack of compliance with services and safety threat;
- f. Allowing D.S. to remain in the care of Felicia Hickson, a known substance abuser who was non-compliant with treatment;
- g. Failing to have D.S. removed from Felicia Hickson's home although Felicia Hickson repeatedly missed D.S.' medical appointments;
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- r. Failing to implement a Safety Plan indicating that D.S. was unsafe and that removal from the Felicia Hickson home was necessary;
- s. Failing to conduct and act upon Safety Assessments and/or Safety Plans for D.S.;
- t. Failing to identify and act upon circumstances indicating a known risk of harm to D.S.;
- u. Failing to take timely action to notify DHS and/or the Pennsylvania Department of Human Services that D.S. was in danger;
- v. Failing to take action to remove D.S. from the Felicia Hickson home;
- w. Failing to evaluate D.S.' physical and mental well being;
- x. Failing to prevent near-fatal injuries to D.S.;
- y. Failing to prevent D.S. from suffering grievous and permanent physical, emotional, and psychological injuries;
- z. Violating the principles of the Restatement (Second) of Torts § 323; and
- aa. Failing to train employees, agents, and/or servants to identify and act upon signs of dangers threatening the health and safety of D.S..

60. As a direct result of Defendant NET Treatment Services, Inc.'s negligence and reckless disregard for D.S.' safety and wellbeing, Minor-Plaintiff D.S. suffered near-fatal injuries causing him medical, physical, developmental and psychological injuries and medical costs that will continue to impact him for the rest of his life.

WHEREFORE Plaintiff demands judgment in his favor and against Defendants Northeast Treatment Centers, Inc. and NET Treatment Services, Inc., and demand compensatory damages in excess of Fifty Thousand (\$50,000.00) Dollars exclusive of prejudgment interest, punitive damages, costs, and damages for pre-judgment delay.

KLINE & SPECTER, P.C.



NADEEM A. BEZAR, ESQUIRE
EMILY B. MARKS, ESQUIRE
KYLE B. NOCHO, ESQUIRE
Attorneys for Plaintiff

DATE: December 14th, 2017

VERIFICATION

I, NADEEM A. BEZAR, hereby state that I am the Attorney in the within matter, and as such verify that the statements made in the foregoing are true and correct to the best of my knowledge, information and belief. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.



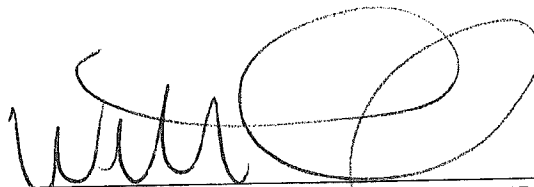
NADEEM A. BEZAR

DATE: December 14th. 2017

VERIFICATION

I, William A. Calandra, Esquire, hereby state that I am the Guardian Ad Litem for Minor-Plaintiff, D.S. , in this matter, and I am authorized to take this Verification on behalf of Minor-Plaintiff, D.S. . I hereby verify that I have reviewed the foregoing Plaintiffs' 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 that the statements contained therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read 'William A. Calandra', written over a horizontal line.

WILLIAM A. CALANDRA, ESQUIRE
Guardian Ad Litem