

KLINE & SPECTER, P.C.

BY: NADEEM A. BEZAR, ESQUIRE

KYLE B. NOCHO, ESQUIRE

ID No. 63577 / 319270

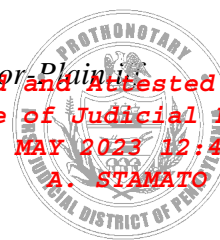
1525 Locust Street

Philadelphia, Pennsylvania 19102

(215) 772-1000

Attorneys for Minor Plaintiff

Filed and Attested by the
Office of Judicial Records
23 MAY 2023 12:44 pm
A. STAMATO



T.C., a minor, by his Guardian Ad Litem

WILLIAM A. CALANDRA, Esquire

c/o Kline & Specter, P.C.

1525 Locust Street

Philadelphia, PA 19102

Plaintiff

v.

TURNING POINTS CUA 9, LLC

415 South 15th Street

Philadelphia, PA 19146

AND

TURNING POINTS FOR CHILDREN

415 South 15th Street

Philadelphia, PA 19146

AND

THE TURNING POINTS FOR CHILDREN

CHARITABLE FOUNDATION

415 South 15th Street,

Philadelphia, PA 19146

AND

TURNING POINTS FOR CHILDREN

CUA 5, LLC

415 South 15th Street

Philadelphia, PA 19146

Defendants

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
CIVIL TRIAL DIVISION

NOVEMBER TERM, 2022
NO. 01386

JURY TRIAL DEMANDED

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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MINOR-PLAINTIFF'S COMPLAINT

PARTIES

1. Minor-Plaintiff T.C. (hereinafter "T.C." or Minor-Plaintiff) is a twelve-year-old boy who was the victim of sexual abuse described more fully herein. Minor-Plaintiff's name and address are not contained in the Complaint to protect T.C.'s privacy and identity. *See also* Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts § 7.0.

2. William A. Calandra, Esquire is a licensed attorney in the Commonwealth of Pennsylvania. His office is located at 1615 Jackson Street, Philadelphia, Pennsylvania 19145. William A. Calandra is the proposed Guardian Ad Litem selected to represent Minor-Plaintiff T.C.'s interests in this civil action.

3. Defendant Turning Points CUA 9, LLC (hereinafter "Turning Points CUA 9") is a Limited Liability Company with a principal place of business at 415 South 15th Street, Philadelphia, PA 19146. Defendant Turning Points CUA 9 regularly conducts business in Pennsylvania and Philadelphia County.

4. Defendant Turning Points for Children (hereinafter "Turning Points") is incorporated as a non-profit 501(c)(3) corporation under Pennsylvania law with a principal place of business at 415 South 15th Street, Philadelphia, PA 19146. Defendant Turning Points regularly conducts business in Pennsylvania and Philadelphia County.

5. Defendant The Turning Points for Children Charitable Foundation (hereinafter "Turning Points Charitable Foundation") is incorporated as a non-profit 501(c)(3) corporation with a principal place of business at 415 South 15th Street, Philadelphia, PA 19146. Defendant Turning

Points Charitable Foundation regularly conducts business in Pennsylvania and Philadelphia County.

6. Defendant Turning Points for Children CUA 5, LLC (“Turning Points CUA 5”) is a Limited Liability Company with a principal place of business at 415 South 15th Street, Philadelphia, PA 19146. Defendant Turning Points CUA 5 regularly conducts business in Pennsylvania and Philadelphia County.

7. At all material times hereto, Defendant Turning Points CUA 9 was an associated or affiliated corporation, member corporation, and/or a subsidiary corporation of Defendants Turnings Points, Turning Points CUA 5, and/or Turning Points Charitable Foundation.

8. At all material times hereto, Defendant Turning Points was an associated or affiliated corporation, member corporation, and/or a subsidiary corporation of Defendants Turnings Points Charitable Foundation, Turning Points CUA 5, and/or Turning Points CUA 9.

9. At all material times hereto, Defendant Turning Points Charitable Foundation was an associated or affiliated corporation, member corporation, and/or a subsidiary corporation of Defendants Turnings Points, Turning Points CUA 5, and/or Turning Points CUA 9.

10. At all material times hereto, Defendant Turning Points CUA 5 was an associated or affiliated corporation, member corporation, and/or a subsidiary corporation of Defendants Turnings Points, Turning Points Charitable Foundation, and/or Turning Points CUA 9.

11. At all times material hereto, Defendants Turning Points CUA 9, Turning Points CUA 5, Turning Points, and Turning Points Charitable Foundation (hereinafter collectively referred to as “the Turning Points Defendants”) provided Community Umbrella Agency (“CUA”) services and/or Foster Family Care Agency services and licensed or certified foster parents

(“Resource Parents”) and foster homes (“Resource Homes”) and provided CUA case management services to children in Philadelphia County.

12. At all material times hereto, the Turning Points Defendants acted individually, and by and through their employees, actual or apparent agents, servants, and/or subcontractors, including but not limited to, social workers, caseworkers, case managers, supervisors, case aides, intake coordinators, outcome specialists, community and prevention directors, administrators, case management directors, CUA directors, certification specialists, and foster family care agencies all acting within the course and scope of their employment and agency.

13. There may be other employees or agents of the Turning Points Defendants with responsibilities for the care and safety of Minor-Plaintiff T.C. whose actions and/or omissions contributed to the injuries and damages suffered by Minor-Plaintiff T.C. The identities of additional such persons will be discerned through discovery and such persons will be joined as defendants, if and when appropriate.

FACTS COMMON TO ALL COUNTS

14. Paragraphs 1 through 14 are hereby incorporated by reference as if fully set forth herein.

15. 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.

16. 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 the Turning Points

Defendants to provide CUA case management services, foster agency services and/or kinship care services to children, including Minor-Plaintiff T.C.

17. Based on information and belief, the Defendants Turning Points, Turning Points Charitable Foundation, and Turning Points CUA 9 (collectively “CUA 9”) were contracted by DHS to provide CUA case management services for Minor-Plaintiff T.C.

18. Upon information and belief, in or about February 2022, he was placed in a foster home with the foster parent Penelope Holder (hereinafter “the Holder foster home”).

19. Minor T.C. was eleven years old when he was placed in the Holder foster home.

20. Upon information and belief, at least two other children lived in the Holder foster home during the time that minor T.C. lived in the home.

21. One of the children living in the foster home was a boy with the initials J.T.

22. One of the other residents of the Holder foster home was an older boy with the initials A.C. who was about seventeen years old at the time.

23. Upon information and belief, Defendant Turning Points CUA 5 (“CUA 5”) was assigned by DHS to provide CUA services to minor A.C. during the time that he lived in the Holder foster home with T.C.

24. At all times material hereto, CUA 9, by and through their employees, agents, and/or servants, owed Minor-Plaintiff T.C. a duty to assess his safety and wellbeing, ensuring that his health and behavioral needs were being met.

25. As a mandated reporter, CUA 5, by and through its employees, agents, and/or servants, had a duty to report suspected incidents of child abuse.

26. CUA 5 also had a duty to act to ensure the safety of children when CUA 5 received notice that children were unsafe who were living in homes that CUA 5 were monitoring.

27. Upon information and belief, T.C.'s foster parent notified staff for the Turning Points Defendants that she believed T.C.'s behavioral health needs were unable to be met by her, and he should be moved to a different placement.

28. Upon information and belief, the Turning Points Defendants also received notice during the same time that T.C. was being bullied and physically assaulted while living in the Holder foster home.

29. Upon information and belief, on June 21, 2022, DHS received a report that A.C. sexually molested the child J.T. who was living in the Holder foster home.

30. Upon information and belief, the Turning Points Defendants received notice of the June 21, 2022 report of child abuse involving the child J.T. who was living in the Holder foster home.

31. Despite knowledge of the June 21, 2022 report, the Turning Points Defendants allowed A.C. to remain in the Holder foster home.

32. The Turning Points Defendants allowed A.C. to remain in the Holder foster home, despite knowing that vulnerable children like T.C. also lived in the foster home.

33. The Turning Points Defendants did not seek A.C.'s removal from the foster home to a different placement to protect T.C. and other children in the Holder foster home.

34. The Turning Points Defendants did not seek to move T.C. temporarily to a different placement to protect him and other children from A.C. during the investigation of the June 21, 2022 report.

35. On June 30, 2022, DHS received a Child Protective Services ("CPS") report that A.C. sexually assaulted T.C.

36. After the June 30, 2022 CPS report, T.C. took part in a forensic interview at Philadelphia Children's Alliance.

37. When interviewed at Philadelphia Children's Alliance, T.C. confirmed the allegations of the report, disclosing that A.C. raped him.

38. During the interview at Philadelphia Children's Alliance, T.C. reported that A.C. came into T.C.'s bedroom and penetrated T.C.'s anus with his penis.

39. Upon information and belief, the child J.T. was also interviewed at Philadelphia Children's Alliance, and J.T. also disclosed being sexually abused by A.C. while living in the Holder foster home.

40. The Turning Points Defendants were responsible for evaluating the ongoing safety of the Holder foster home and monitoring the overall safety and physical wellbeing of the children living in the home.

41. However, despite the Turning Points Defendants' duty to act to ensure safety of children, they failed Minor-Plaintiff T.C., by allowing him to remain in the foster home where he was at risk of sexual abuse perpetrated by A.C.

42. The Turning Points Defendants ignored known risks to minor T.C.'s safety posed by A.C. residing in the Holder foster home with other children.

43. Despite a report of suspected child abuse occurring in the Holder foster home being made, the Turning Points Defendants allowed T.C. to remain in the Holder foster home during the investigation of the report.

44. As a result, minor T.C. suffered sexual abuse at eleven years old while living in the Holder foster home.

45. But for the negligence of the Turning Points Defendants, Minor-Plaintiff T.C. would not have been sexually abused while in foster care.

46. But for the acts and/or omissions of the Turning Points Defendants, Minor-Plaintiff T.C. would not have endured incidents of sexual abuse as a child.

47. The aforementioned incidents were caused solely and exclusively by the negligence of the Turning Points Defendants, individually, and by and through their employees and/or agents and in no manner was it due to any act or failure to act on the part of Minor-Plaintiff T.C.

COUNT I – NEGLIGENCE
MINOR-PLAINTIFF T.C. v. TURNING POINTS CUA 9, LLC, TURNING POINTS FOR
CHILDREN, THE TURNING POINTS FOR CHILDREN CHARITABLE
FOUNDATION, AND TURNING POINTS FOR CHILDREN CUA 5, LLC

48. Paragraphs 1 through 48 are hereby incorporated by reference as if fully set forth herein.

49. The negligence and recklessness of the Turning Points Defendants, individually and by and through their employees, servants, and/or agents, actual or apparent, including but not limited to social workers, caseworkers, case managers, supervisors, case aides, outcome specialists, intake coordinators, community and prevention directors, administrators, case management directors, CUA directors, and foster family care agencies, included the following:

- a. Failing to transfer minor T.C. from the Holder foster home to a different foster home to protect him from the threat to his safety presented by A.C.;
- b. Failing to remove minor T.C. from the Holder foster home when learning about incidents of T.C. being bullied and physically abused;
- c. Failing to seek A.C.'s removal from the Holder foster home to protect T.C. when learning of A.C. sexually abusing a different child in the foster home;
- d. Failing to assess Minor-Plaintiff T.C.'s situation, safety, needs, well-being and/or experience while he resided at the Holder foster home;
- e. Failing to maintain adequate supervision and inspection of the Holder foster home;

- f. Failing to conduct Safety Assessments for Minor-Plaintiff T.C.;
- g. Failing to implement Safety Plans for Minor-Plaintiff T.C.;
- h. Failing to implement a Safety Plan indicating Minor-Plaintiff T.C. was unsafe and that removal from the Holder foster home was necessary;
- i. Failing to identify and act upon circumstances indicating a risk of harm and abuse to Minor-Plaintiff T.C.;
- j. Failing to evaluate Minor-Plaintiff T.C.'s physical and mental wellbeing while living at the Holder foster home;
- k. Failing to move Minor-Plaintiff T.C. to a placement that could meet his needs;
- l. Violating the principles of the Restatement (Second) of Torts § 323;
- m. Negligently retaining the members of the case management team assigned to provide services to Minor-Plaintiff T.C.;
- n. Negligently supervising the members of the case management team assigned to provide services to Minor-Plaintiff T.C.;
- o. Failing to follow up and promptly respond to notice of dangers to Minor-Plaintiff T.C.'s health, safety, and wellbeing;
- p. Failing to monitor and ensure compliance with the CUA Practice Guidelines for the members of the case management teams monitoring the Holder foster home, and;
- q. Failing to train employees, agents, and/or servants to identify and act upon signs of abuse and neglect in the Holder foster home.

50. Because of the Turning Points Defendants' negligence, Minor-Plaintiff T.C. was forced to endure sexual abuse as a child.

51. Because of the Turning Points Defendants' negligence, Minor-Plaintiff T.C. suffered severe physical pain and mental anguish, which T.C. will endure for the rest of his life.

52. Because of the Turning Points Defendants' negligence, Minor-Plaintiff T.C. has in the past and will in the future suffer a loss in the enjoyment of life.

53. Because of the Turning Points Defendants' negligence, Minor-Plaintiff T.C. has in the past and will in the future suffer otherwise unnecessary medical and psychological treatment, medical costs, and other costs.

54. Because of the Turning Points Defendants' negligence, Minor-Plaintiff T.C. has in the past and will in the future suffer embarrassment, humiliation, shame, and fear.

55. Because of the Turning Points Defendants' negligence, Minor-Plaintiff T.C. suffered an impairment of his earning capacity.

WHEREFORE, Minor-Plaintiff T.C. demands judgment in his favor and against the Defendants Turning Points for Children, Turning Points CUA 9, LLC, Turning Points for Children CUA 5, LLC, and The Turning Points for Children Charitable Foundation and demands compensatory damages in excess of Fifty Thousand (\$50,000.00) Dollars exclusive of prejudgment interest, costs, and damages for pre-judgment delay.

COUNT II – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
MINOR-PLAINTIFF T.C. v. TURNING POINTS CUA 9, LLC, TURNING POINTS FOR
CHILDREN, THE TURNING POINTS FOR CHILDREN CHARITABLE
FOUNDATION, AND TURNING POINTS FOR CHILDREN CUA 5, LLC

56. Paragraphs 1 through 56 are hereby incorporated by reference as if fully set forth herein.


57. The Turning Points Defendants, individually and through their actual or apparent agents, servants and employees, negligently committed the acts averred in the Complaint against Minor-Plaintiff T.C. and thereby caused him to suffer fear, depression, mental anguish and severe physical and emotional distress, directly and proximately causing harm and damages to Minor-Plaintiff T.C.

58. As a result of the negligent acts and omissions of Defendants as set forth in this Complaint, Minor-Plaintiff T.C. has in the past and will in the future suffer severe emotional distress and psychological and physical injuries.

WHEREFORE, Minor-Plaintiff T.C. demands judgment in his favor and against the Turning Points Defendants and demands compensatory damages in excess of Fifty Thousand (\$50,000.00) Dollars, exclusive of prejudgment interest, costs, and damages for pre-judgment delay.

KLINE & SPECTER, P.C.

BY:



NADEEM A. BEZAR, ESQUIRE
KYLE B. NOCHO, ESQUIRE
Attorneys for Minor-Plaintiff T.C.

VERIFICATION

I, William A. Calandra, Esquire, hereby state that I am the Guardian Ad Litem for the Minor-Plaintiff, T.C., in this matter, and I am authorized to take this Verification on behalf of the Minor-Plaintiff, T.C. 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 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 'W.A. Calandra', is written over a horizontal line.

WILLIAM A. CALANDRA, ESQUIRE
Guardian Ad Litem for Minor-Plaintiff T.C.