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LEGISLATIVE ACTION

| Senate | . | House |
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| Comm: RCS | . | |
| 02/10/2016 | . | |
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The Committee on Judiciary (Bean) recommended the following:

Senate Amendment

Delete lines 10 - 92
and insert:

WHEREAS, beginning at a very young age, J.W. was subjected to incidents of physical and sexual abuse, which caused him to become sexually aggressive, and

WHEREAS, on September 5, 2002, J.W., then in the custody of the Department of Children and Families (DCF), formerly known as the Department of Children and Family Services, was placed into the home of C.M.H., whose parents volunteered to have J.W. live



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12 in their home, and

13 WHEREAS, prior to the placement of J.W. with the family,
14 DCF obtained a comprehensive behavioral health assessment that
15 stated that J.W. was sexually aggressive and recommended
16 specific precautions and training for potential foster parents,
17 which C.M.H.'s parents did not receive, and

18 WHEREAS, the testimony of the DCF caseworker confirms that
19 DCF was aware that then-10-year-old J.W. and then-8-year-old
20 C.M.H. were sharing a bedroom, and

21 WHEREAS, on October 31, 2002, J.W. sexually assaulted a 4-
22 year-old child who was visiting C.M.H.'s home, and

23 WHEREAS, although DCF knew that J.W. was sexually
24 aggressive, the agency did not remove him from the home, and

25 WHEREAS, after November 2002, J.W.'s behavioral problems
26 escalated, and he deliberately squeezed C.M.H.'s pet mouse to
27 death in front of C.M.H. and made physical threats toward
28 C.M.H., and

29 WHEREAS, C.M.H.'s parents began to discuss adopting J.W.,
30 whom they considered a part of their family, and

31 WHEREAS, in January 2004, the family began taking
32 therapeutic parenting classes to better meet J.W.'s needs, and

33 WHEREAS, in March 2004, after C.M.H.'s mother was diagnosed
34 with Stage 4, terminal, metastatic colon cancer, which had
35 spread to her liver, C.M.H.'s father, requested that DCF stop
36 the process of having the family designated as "long-term
37 nonrelative caregivers," and

38 WHEREAS, in April 2004, DCF closed out J.W.'s dependency
39 file, leaving J.W. in the custody of the family, and

40 WHEREAS, in April 2005, C.M.H.'s father wrote DCF and the



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41 juvenile judge assigned to the case to request help in placing
42 J.W. in a residential treatment facility, and

43 WHEREAS, on July 28, 2005, after a physical altercation
44 between J.W. and C.M.H., C.M.H. disclosed to his parents that
45 J.W. had sexually assaulted him, and J.W. was immediately
46 removed from the home, and

47 WHEREAS, C.M.H. sustained severe and permanent psychiatric
48 injury, including posttraumatic stress disorder, as a result of
49 the sexual and emotional abuse perpetrated by J.W., and

50 WHEREAS, the sexual assault of C.M.H. by J.W. was
51 predictable and preventable, and

52 WHEREAS, on April 14, 2006, a lawsuit, Case No. 2006 CA
53 003727, was filed in the 15th Judicial Circuit in and for Palm
54 Beach County on behalf of C.M.H., by and through his parents,
55 alleging negligence on the part of DCF and its providers, which
56 allowed the perpetration of sexual abuse against and the
57 victimization of C.M.H. by J.W., and

58 WHEREAS, a mutually agreeable settlement could not be
59 reached between all parties, and a jury trial was set in Palm
60 Beach County, and

61 WHEREAS, on January 2, 2014, after a jury trial and
62 verdict, the court entered a judgment against DCF for
63 \$5,176,543.08, including costs, and

64 WHEREAS, the Division of Risk Management of the Department
65 of Financial Services has paid the family of C.M.H. \$100,000, as
66 allowed under s. 768.28, Florida Statutes, and