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Family's suit seeks damages from social service workers

Couple: Agency's neglect led to abuse of daughters

By Peter Smith
(Louisville) Courier-Journal

Beverly and James Hilger of Shelbyville had already taken in dozens of foster children since the 1990s – adopting six of them in addition to raising Beverly's two biological children – when they decided to open their home again in 2004.

Beverly had seen a local broadcast – "Wednesday's Child," featuring older foster children in need of permanent homes – and she and her husband decided to adopt two brothers, ages 11 and 15, whom they saw on TV.

But according to a new lawsuit in Jefferson Circuit Court, the Kentucky social service workers responsible for overseeing the adoption never told the Hilgers – as required by law – that the boys had been sexually abused and had also engaged in sexual misconduct while in a foster home.

In the years after the Hilgers adopted them, according to the lawsuit, both boys sexually molested one of the Hilgers' younger daughters, Ashley Hilger, and one of the boys also molested two other daughters.

The suit was filed Monday by Beverly Hilger on behalf of her daughter Ashley, now 17, and seeks damages from two Kentucky Cabinet for Health and Family Services workers who handled the adoption and their former supervisor.

"I'm shocked ... that the cabinet didn't follow laws they were supposed to and disclose information that should have been," Ashley said Tuesday in an interview with her mother.

"It could have prevented a lot of things that have happened ... if they would have just done their job," said Ashley, a Shelby County High School senior who agreed to speak publicly to draw attention to the state's handling of the adoptions.

Beverly Hilger added: "Our children were harmed. Our home was damaged because of this. It's important to know these boys weren't represented properly, either. ... They weren't placed in a home that could meet their needs."

The lawsuit alleges two of the plaintiffs – social-service workers Desiree Rhodes and William Hardin, based in Jefferson County – failed to abide by legal requirements that they disclose pertinent information to parents so they can make an informed decision about adopting a child.

Hardin and Rhodes did not reply to requests for comment sent through the cabinet.

The lawsuit also names Bonnie Hommrich – then a deputy commissioner in the cabinet, now in a similar position with Tennessee's Department of Children's Services – accusing her of failing to properly train and supervise employees handling adoptions.

A spokesman for the Tennessee department said Hommrich declined to comment.

Foster and adoptive parent Beverly Hilger, left, filed a lawsuit in Jefferson Circuit Court on behalf of her adopted daughter, Ashley Hilger. The lawsuit says Ashley was sexually molested by boys the Hilgers adopted. THE COURIER-JOURNAL/ALTON STRUPP

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Jill Midkiff, spokeswoman for the Kentucky cabinet, also declined to comment on the lawsuit, which doesn't name the Kentucky cabinet as a defendant because it is legally immune from such suits.

The family's attorney, William McMurry, said the goal is to hold the officials accountable. The lawsuit cites federal subsidies of up to $8,000 provided to the state for placing older foster children in adoptive homes – children considered difficult to place. McMurry contended that the financial motive for the cabinet provides an incentive for workers to cut corners in making placements.

The longtime personal injury lawyer oversaw lawsuits against the Archdiocese of Louisville alleging the cover-up of sexual abuse. The lawsuit resulted in what was then a near-record U.S. settlement of $25.7 million in 2003.

James "Rick" Hilger said he hopes his family's lawsuit succeeds in "bringing some transparency" to Kentucky's adoption process "to prevent this from happening to somebody else."

McMurry said the Hilgers specifically asked the social service workers if there was any history of sexual abuse involving the boys and were told no.

"They were very, very concerned about protecting those children," McMurry said.

McMurry said another state social worker, based in Shelby County and assigned to work with the Hilgers, tried unsuccessfully to get case files on the boys before the adoptions were finalized in late 2004 and early 2005.

The worker did get the files later in 2005, which documented the boys' past involvement in sexual misconduct, and provided them to the family, McMurry said. When the Hilgers learned of the boys' past misconduct, Beverly Hilger said, they refused to renege on the adoption – but as precautions, they installed alarms, baby monitors and locks on the girls' bedroom doors, with keys that only the parents and girls had.

Only later, beginning in 2007, did they begin to learn that the boys had found opportunities to abuse the girls, Beverly Hilger said. That's when the younger boy admitted to molesting Ashley and threatening her if she ever revealed it, according to the lawsuit. Another sister also told the Hilgers that the boy had molested two younger, developmentally disabled girls in the family.

Beverly Hilger said in an interview that she reported the abuse to the cabinet: "Their response was it was child-on-child and there was nothing they could do about it."

Hilger said the younger boy has since apologized for his wrongdoing and is now living on his own as an adult in another state. He had not been charged with a crime.

In 2010, Ashley reported to her parents that she had been sexually abused by the older adopted son, Jose A. Rodriguez, who was by then an adult. He is awaiting an Oct. 30 trial on a felony charge of sexual abuse against Ashley, according to the Shelby Circuit Court clerk's office.

Ashley said she initially didn't report Rodriguez, saying she was conflicted emotionally because he was her adoptive brother and she didn't want to damage his hopes of a better life. She said she reported him after the abuse continued.

Beverly Hilger said she is emotionally torn, but justice needs to be done.

"When you adopt a child, you have to stand before a judge and raise your hand and swear ... you will care for this child as if born of your body," she said. "I took those words seriously. ... Unfortunately, our children can do wrong and have to be punished."

But state workers "need to be held accountable too," she said.

Beverly Hilger said the case illustrates a "cancer that has been eating away at our system under the guise of protecting our children.

"Something's broken here that needs to be fixed, and the only way we're going to fix it is if everybody knows about it." ■

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