

**FOR IMMEDIATE RELEASE****FLORIDA FOSTER KIDS GET CHANCE AT FUTURE**  
***State to pay more than \$14M for Years of Terror, Neglect & Oversight***

FORT LAUDERDALE & GAINESVILLE, FL –The 20 children repeatedly showed up to school with welts on their backs, arms and hands. One had to have his testicle removed after suffering a brutal beating. Nellie Johnson would beat the children with sticks, pipes, belts, extension cords, and paddles to the point that some of the children thought they would die during the more than 10 years of terror, abuse and neglect at the hands of the mother who DCF entrusted their lives to.

Attorneys for the 20 Florida children and the state of Florida agreed to a landmark settlement of their federal civil rights action filed in the United States District Court for the Southern District of Florida and their state court negligence claim filed in the Circuit Court for Alachua County. In a landmark settlement, the Florida Division of Risk Management has paid more than \$14 million to the children for the neglect and abuse suffered while under the supervision of the State and then later after they were adopted.

“This is the largest and most significant civil rights settlement in Florida on behalf of children who were placed in the custody of the State,” said Florida trial lawyer Howard Talenfeld, who is one of the nation’s leading attorneys representing foster children who are abused in foster care. Talenfeld is president of Florida’s Children First, the statewide non-profit made up of child advocates who work tirelessly to provide a voice for foster children and the developmentally disabled. He is a partner with Colodny Fass Talenfeld Karlinsky & Abate, the law firm that brought the suit on behalf of the foster children.

Added Gloria W. Fletcher, the Gainesville-based co-counsel for the plaintiffs, “No amount of money will erase their pain and suffering from years of abuse and terror, but the settlement will help them get the vital care they need to start new lives.”

The case was a tale of woeful oversight by DCF investigators. In 1991, Nellie Johnson became a Florida foster parent. Soon thereafter, complaints of abuse started coming in to DCF investigators. But in dozens of instances – including seven times spanning two months in 1997, investigators visited the home and reported the cases were unfounded or spurred by resentful kids or their biological families seeking to regain custody. Investigators ignored school administrators’ warnings that the children were at risk, and investigators even informed Johnson prior to some visits – and let her remain while children were interviewed. It wasn’t until one state investigator decided to look further – even against the wishes of her supervisor – that the claims against Johnson were substantiated and criminal charges were brought.

What criminal investigators and attorneys for the children learned was that Johnson was an “unfit and abusive caregiver” with upward of 20 kids in her care earning her some \$90,000 a year in state support. Johnson enjoyed hot meals and take-out, even as the children ate meals of noodles, oatmeal, bread and water on the floor. Several suffered nutritional deficiencies. Some children were physically beaten with poles, PVC pipes and electrical cords – even by other kids on the orders of Johnson. They then were threatened not to tell anyone. Earlier this year, Johnson was found guilty and sentenced to 60 years in prison. Her daughter, Theresa Colony, an Alachua County corrections officer, was sentenced to 15 years for also abusing the children.

Florida officials recognized that a second Florida jury did not need to hear testimony concerning the children's horrific abuse before deciding to settle out of court. Talenfeld and Fletcher lauded new DCF Secretary Bob Butterworth for working toward a settlement while seeking to over-haul Florida's broken child welfare system. Butterworth heads a new 13-member committee created to scrutinize state and local child welfare agency activities and recommend improvements.

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*Colodny, Fass, Talenfeld, Karlinsky & Abate, P.A. is a 30-year old Fort Lauderdale law firm focusing its practice in the areas of governmental relations, lobbying, corporate, litigation and administrative law. The firm's litigation practice group handles commercial, civil rights, employment discrimination and child advocacy matters in both trial and appellate levels. It has offices in both Fort Lauderdale and Tallahassee. For more information, visit [www.ctflaw.com](http://www.ctflaw.com) or call (954) 492-4010 or (850) 577-0398 in Tallahassee.*

*The law firm of Gloria W. Fletcher, PA brings the expertise of attorneys with life long experiences focusing on the needs and rights of children. While the law firm is located in Gainesville, Florida they have championed children's rights throughout the state of Florida. The litigation department also handles personal injury, administrative law, civil rights, child advocacy matters and criminal law. For more information call (352) 374-4007 or contact the firm at [KHASKO@BellSouth.net](mailto:KHASKO@BellSouth.net).*

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