

 SEARCH[Home](#) | [Site Map](#) | [Archives](#) | [Print Edition](#) | [Discussions](#) | [Advertise](#) | [Feedback](#) | [Help](#)

Thursday, February 1, 2001
Home Edition
Section: Metro
Page: B-3

Boy, 13, Who Was Raped at Foster Home Wins Suit

■Courts: A jury awards \$1.2 million to the youth, who was sodomized by a counselor while living in a shelter.

By: SCOTT GOLD
TIMES STAFF WRITER

SAN BERNARDINO -- In the first verdict stemming from charges that nine teenagers were sexually assaulted while living in San Bernardino County foster homes, a jury Wednesday awarded \$1.2 million to a 13-year-old boy who was sodomized by a counselor.

Jurors will begin weighing additional punitive damages today.

The award, determined in two days of deliberations, was less than half of the \$2.5 million requested by the boy's attorneys after the monthlong trial. It included \$350,000 for medical and psychological treatment and \$850,000 for emotional distress.

The jury ruled that Victor Treatment Centers, a nonprofit group that runs the shelters and is one of the largest operators in California's child welfare system, was largely responsible for the assaults. Jack H. Anthony, the Santa Ana attorney who represents the boy and other alleged victims, will begin a second phase of arguments today in an effort to secure punitive damages.

Two more lawsuits brought by four teenagers who say they were sexually assaulted by counselors are expected to come to trial later this year. Children's advocates have been watching the first case closely, and Anthony said the jury "was willing to send a message."

"The jury saw the big picture, and the big picture is that this wasn't just about this boy; it was about these other kids too," Anthony said. "I think it will make a big difference. If these kids feel that they have a voice, then the group homes might pay more attention to them."

In a prepared statement, Victor Treatment Centers Chief Executive David C. Favor said he was "surprised and disappointed the jury found in favor of . . . holding the agency responsible for the criminal behavior of a former employee." He said the organization "followed all hiring criteria established by the state" in

assembling its staff.

"[We] are ever mindful of the fact that caring for seriously emotionally disturbed children in a homelike setting is a huge undertaking and bears with it inherent dangers, and therefore the health and safety of the children we are responsible for is our first and foremost concern. . . . The whole experience has been difficult for everyone."

Later, in a brief telephone conversation, Favor said he has not decided whether to appeal the decision, and he said his organization has been the victim of biased media accounts of the allegations, including those in The Times. According to investigators and attorneys, the boy was living in one of the Victor Treatment Centers shelters, a facility known as Bronson House, in 1999, when he was raped at least three times by counselor Steve Ayala. The counselor has since pleaded guilty to sodomy and received a six-year prison term.

Victor Treatment Centers has argued strenuously that it did not know about the assaults and could not be held responsible for them.

Anthony argued that managers of the home were aware that Ayala had an improper relationship with the boy and did little to stop it.

The jury ruled that Victor Treatment Centers will be responsible for 40% of the \$1.2 million, or \$480,000. A school run by the organization, North Valley School, will be responsible for 30% of the award, or \$360,000. Much of the contact between Ayala and the boy occurred at the school. Ayala will be responsible for the remaining \$360,000.

Victor Treatment Centers received \$5.5 million in public funds last year to run its facilities.

Anthony acknowledged that Ayala, who is in prison, will not be able to pay his portion of the award.

"As you might imagine, he has no money," Anthony said. "Any money we collect will be from Victor Treatment Centers and North Valley School."

Nine teenagers have now told police, social workers or attorneys that they were raped or molested while living in San Bernardino County group homes. According to Anthony, three of the teenagers say they were molested by fellow residents, and six say they were abused by staff members, all of whom have been fired. Five of the teenagers are plaintiffs in the three lawsuits.

All of the shelters are run by Victor Treatment Centers, and are so-called Level 14 facilities, reserved for the most troubled children in the foster care system.

The California Department of Social Services has moved to shut down one of the homes, known as Chestnut House, where three teenage girls have said they were raped by counselors.

Descriptors: Rape, Verdicts, Foster Care, Group Homes, Child Molestation - San Bernardino County, Juvenile Institutions - San Bernardino County, Victor Treatment Centers