

9 Charged in Neglect Death of Disabled Philly Teen

http://news.yahoo.com/s/ap/20080801/ap_on_re_us/starvation_death_charges:_ylt=A0WTUZYIZZJIOQ4BHQAXIr0F

By KATHY MATHESON, Associated Press Writer

PHILADELPHIA - Four social workers were among nine people charged Thursday in the death of a disabled 14-year-old girl who authorities say wasted away from neglect before dying at 42 pounds.

Danieal Kelly's mother was charged with murder; counts against other defendants range from involuntary manslaughter to perjury. District Attorney Lynne Abraham said any of the nine could have foreseen the horrific fate of Danieal, whose emaciated body was found in her mother's squalid house covered with bone-deep, maggot-infested bedsores in August 2006.

Abraham had scathing words for the city's Department of Human Services, calling its handling of the case "callous, indifferent, unconscionable" — and all too familiar.

"Danieal did not fall through the cracks," she said. "It was a failure of institutional inclination. Saving Danieal was just too much trouble."

Two of the social workers are city employees; two others worked for a company hired by DHS. Department Commissioner Anne Marie Ambrose scheduled an afternoon news conference to discuss the case.

Warrants were issued for all nine defendants Thursday. Andrea Kelly, the mother of Danieal (pronounced "Danielle"), was charged with murder, and father Daniel Kelly, who did not live with the family, was charged with child endangerment.

A 258-page grand jury report recommending the charges said not only that Andrea Kelly refused to get her daughter food, water and medical treatment, but that she repeatedly prevented one of her other children from calling an ambulance "for his obviously dying sister."

A listing for Andrea Kelly's attorney, Vincent Giusini, rang unanswered Thursday. It was not immediately clear if Daniel Kelly, 37, of Darby, had an attorney; two phone numbers listed in his name were disconnected.

Two employees of MultiEthnic Behavioral Health, a now-defunct company that DHS hired to provide social services to Danieal, falsified documents to cover up the fact they rarely, if ever, checked on her, the grand jury said.

Julius Murray and Mickal Kamuvaka were charged with involuntary manslaughter and tampering with public records.

An e-mail sent to Kamuvaka was not immediately returned. Contact information for Murray could not immediately be located.

Murray's "fraudulent nonperformance of a job" — he seldom went to the Kelly house, which he was supposed to visit twice a week — allowed Andrea Kelly to starve her daughter over a period of months, the grand jury said.

After Danieal's death, Kamuvaka directed Murray to fabricate and backdate reports on the family, grand jurors said.

DHS social worker Dana Poindexter was charged with child endangerment for what the grand jury said were his "less than meager" efforts to look into several reports over three years that Danieal, who had cerebral palsy, was not receiving medical care, social services or schooling.

"He did not complete a single investigation or risk assessment," the report said. "Indeed, his file on the family was buried at the bottom of a filing-cabinet-sized box, beneath food wrappers and unopened envelopes relating to other children's cases."

A message left for Poindexter's attorney was not immediately returned Thursday.

Another DHS employee, Laura Sommerer, faces a child endangerment

charge. As Danieal's social worker for 10 months, she didn't notice Danieal's deterioration, even after a visit June 29, 2006 — about five weeks before the teen died.

"The children appeared safe and comfortable in the home," Sommerer wrote in a report, according to grand jurors.

Sommerer's attorney, Lisa Dykstra, declined to comment Thursday.

Also charged were Andrea Miles, Marie Moses and Diamond Brantley, all of Philadelphia, who were friends with Andrea Kelly. The report accuses them of perjury for telling grand jurors that Danieal had been fine on Aug. 3, 2006, the day before her festering corpse was taken from the house.

It was not immediately clear if they had attorneys. A message left for Moses was not immediately returned; phone numbers could not be found for Miles and Brantley.

The report should "outrage the entire Philadelphia community" and bring about "earth-shattering, cataclysmic changes" at the Department of Human Services, Abraham said.

Abraham said that although at least 55 children have died under the agency's watch, it has given only "lip service to halfhearted corrective action."

"You can't continue to bury these children and say things are getting better when they're not," she said.

On the Net:

Grand jury report:

http://www.phila.gov/districtattorney/pdfs/Grand_Jury_DHS_new.pdf

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