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Retarded woman's child leads to suit

BY L.L. BRASIER
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Jesus Reyes had just returned from a long visit to his native Puerto Rico in the summer of 1996 and was anxious to visit his daughter, a severely mentally retarded woman living in a Rochester Hills group home.

But workers there wouldn't let him see her. And teachers at Pontiac Central High School, where the 26-year-old woman attended classes for the developmentally disabled, told him she hadn't been in school in months.

When relatives returned to the group home, demanding to see the woman, they discovered that she was eight months pregnant.

Today, the woman, her healthy 2-year-old son, and Jesus Reyes are



Jesus Reyes

their identities.

The suit, to be filed in Oakland County Circuit Court this morning, charges that the home's supervisors, Smart, Zilli and others failed to keep the woman safe and conspired to keep her pregnancy secret.

suing Christian Hills Group Home, its owner, Robert Zilli, and the woman's former guardian, Stanley Smart.

The Free Press is withholding the names of the mother and child to protect

The suit claims the group home failed to protect the woman — then covered up.

They sought an abortion without consulting her family, the suit charges, and when they learned the pregnancy was too far along, began proceedings to adopt the baby out.

The targets of the suit had no comment Wednesday.

Even though the woman's guardian was not a relative, he was required by law to notify interested parties — which includes the family — of abortion or adoption plans.

No one, including police, have been able to identify the child's father or say where the woman became pregnant.

The defense is likely to argue that it could have happened at school or during an outing, for instance. School

Retarded woman's father sues group home over pregnancy

officials say the woman was never left alone at Pontiac Central, where the woman was learning basic living skills.

Court records show that the woman, who has the mental capacity of a 2-year-old and few language skills, is incapable of consenting to sex. DNA from a developmentally disabled man from another group home who had visited her proved that he was not the father.

"This case was mishandled from the beginning," said attorney Rebecca Wasser-Kiessling, who helped Reyes, a 62-year-old Pontiac resident, obtain guardianship of his grandson shortly after his birth in July 1996.

Doctors say the bright-eyed child, who likes fruit juice, cookies and watching PBS' Teletubbies, apparently has no developmental problems.

The suit seeks at least \$2 million in damages. That includes what Reyes' attorneys say it will cost Reyes to raise his grandson.

Attorney James Elliott, who is filing the civil suit on Reyes' behalf, said those who were supposed to care for Reyes' daughter failed her.

"It is an incredible tragedy," he said. "And she has suffered a loss. This is the kind of thing that should never happen."

He said the defendants failed to notify — as required by law — adult protective services when they learned of the pregnancy in early

The woman has been removed from the group home by court order. She is living with a foster family.

January 1996.

Authorities, including police, were not told until five months into the pregnancy, he said, making it difficult to investigate what happened at the time the woman conceived.

Adult Protective Services brought in police after someone not connected to the home told them, Elliott said.

The defendants had not seen the lawsuit Wednesday. Zilli, the group home owner, was told of specific allegations but declined to comment.

Donna Erb, the codirector of Macomb-Oakland Guardianship Inc. of Clinton Township, the organization that employed Smart, said she was familiar with the case but didn't have direct knowledge of it.

Smart left the company in July 1997 and now works for Macomb Oakland Regional Center Inc. He declined comment.

State licensing officials with the Department of Consumer and Industry said the group home is currently

licensed and in good standing on the books.

Irma Zuckerberg, acting director for the division of adult foster care licensing for the state, said the division knew nothing of the rape until Wednesday.

Developmentally disabled residents are vulnerable to abuse, Eric Richards, executive director of the Association of Retarded Citizens of Michigan, said Wednesday.

"Every residential provider has internal policies for how they are to deal with staff who are suspected or charged with abuse," Richards said.

The woman has been removed from the group home by an order of the probate court. She is living with a foster family, and is the only disabled person in the home.

Meanwhile, Reyes is chasing his grandson around his home and tucking him in each night.

Reyes said three of his four children are developmentally disabled and that he brought them to north so they could get proper care and treatment. He said their mother left when they were young and that his fiancée will help raise his grandson.

"I never dreamed I would have a grandson," he said, through an interpreter. "I couldn't be there to stop the rape, but I can be here for him."

L.L. Brasier can be reached at 1-248-858-2262. Staff writer Robert Campbell contributed to this report.