

Mother of boy who died at facility is suing

• Thomas Care, which is being shut by the state, is accused of negligence

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- STEPHEN BOUTROS
Attorney for the mother

By MELANIE MARKLEY
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The mother of an 11 year-old mentally impaired boy who died at the Thomas Care Center in March has filed a wrongful death suit against the facility, which is being closed by state officials because of persistent problems.

Rachel Ford of Allen is accusing the center's Houston-based parent company, American Habilitation Services, of negligence in the death of Xavier Hegwood who died March 12 when a 15 year-old resident attacked him. The boy fell backward, hit his head on a table and went into cardiac arrest.

"This is a very, very tragic case because it was completely unnecessary," said Stephen Boutros, a Houston attorney who is representing Ford. "It was completely preventable, and you wouldn't have to take large steps to secure the safety of the resident there. You would just have to be ordinary and prudent and carrying out the duties you are charged with."

Relocation of residents

Edward Neff, spokesman for American Habilitation Service, had little comment, saying that company officials had not yet seen the lawsuit.

Meanwhile, a court appointed trustee is continuing to relocate residents in preparation for shutting down the south Houston facility, which once housed as many as 214 mentally disabled people.

Trustee Ann Jordan said Thursday that all but 65 residents had been relocated. She said anticipated that new living arrangements would be found for all residents before the end of the month.

Jordan has said that Thomas Care is being closed because the facility's certification expired before the problems could be addressed. Thomas Care is one of 31 facilities that the company runs for people with mental retardation in Texas.

Cited for Violations

The state took control of the center April 19 after it was cited for numerous violations in state inspection reports. Investigators said they found a number of incidents in which untrained staff members had inadequately supervised the residents and had failed to give proper care. Investigators also found disorganized record-keeping.

One resident observed by investigators had sustained cuts from breaking windows. Another had a history of ingesting inedible objects, including a safety pin, a paper clip, a small screw, and a coin. The facility had no plan for addressing either behavior, the report said.

In the case of Hegwood, state inspectors said the boy was sitting in the recreation room when another boy was brought in and placed on a bean bag chair. The older boy, who was known to have aggressive behavior, jumped up and pushed Xavier, causing him to fall, the report said. One staff member was in the room at the time with eight residents, the report said.

The mother's lawsuit seeks an unspecified amount. -----
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