

Daughter Fights for Justice as DNA Test Points to Probable Rapist of Institutionalized Mother - Agency Sued



Magdalena “Maggie” Cruz has filed a lawsuit against the New York Office for People With Developmental Disabilities under the Adult Survivors Act. The suit is filed on behalf of Cruz’s mother, I.C., who was raped at the Monroe Development Center in Rochester, New York in 1985. I.C. was developmentally disabled, with the mental acuity of a 2-year-old, and unable to talk, feed or bathe herself. The Monroe Development Center had informed Cruz’s grandparents that another resident had raped I.C. and that they would file a police report, but in reality, they had covered up the crime.

The defendant in the suit is the New York Office for People With Developmental Disabilities, which managed the Monroe Development Center until its closure in 2013. Cruz had reported the likely suspect to the police, but the statute of limitations barred prosecution, and the investigation was dropped. In 2019, Cruz began investigating the circumstances of her birth and found biological relatives on her father’s side living in Virginia through the AncestryDNA test. She discovered that the girl’s father had lived in Rochester, New York, only miles from the Monroe Development Center, and police confirmed that Cruz’s likely father had worked at the Monroe Development Center in 1985.

The suit seeks damages for gender discrimination under the New York State Human Rights Law, sexual assault, battery, negligence, and negligent hiring and supervision. The Survivors Law Project, co-founded by lawyers Susan Crumiller and Carrie Goldberg, represents Cruz.

The suit alleges that the Monroe Development Center covered up the rape and failed to investigate the physical attacks on I.C. during her pregnancy. The suit also claims that the center suggested that I.C. go on birth control or undergo a tubal ligation to prevent future pregnancies.

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Cruz’s case highlights the importance of the Adult Survivors Act and the use of DNA testing to identify perpetrators of sexual assault. The suit seeks justice for I.C. and holds the New York Office for People With Developmental Disabilities accountable for their negligence and failure to protect vulnerable individuals under their care.