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Juvenile Justice Commission Celebrates Tenth Anniversary With Benjamin Hill's Mother

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CHARLESTON, W.Va. – Benjamin Hill was an unusually beautiful baby. Everyone said so. He was born with big blue eyes and long, blonde hair that reached to his neck. He was highly intelligent, could read by age 2, and tried to walk out of school on his third day of kindergarten because he already knew everything the class was learning. He was funny and kind to people who were disabled.

But he had a short, troubled life. When he was 14, he entered the juvenile justice system after he inappropriately touched three younger children. He moved through the juvenile justice system to finally be committed to the Industrial Home for Youth in Salem, where he was supposed to stay until he was 21. He died there at age 19. The autopsy from the day he died – February 23, 2009 – was inconclusive.

Nancy Szilvasi, who largely raised Benjamin, wanted answers. Now a retired social worker, Ms. Szilvasi was his 15-year-old mother's foster parent when Benjamin was born. By the time Benjamin was 15, he and Ms. Szilvasi both considered her his mother. "As he got older, he started being harder to raise. In his youth, he was a good kid. I loved him more than anything in the world. He was my life."

When she did not get the answers, she wanted from the administration of the Industrial Home for Youth or the Division of Juvenile Services (now the Bureau of Juvenile Services), she began talking to news reporters. Those stories caught the attention of then-Supreme Court Chief Justice Margaret Workman, who established the Adjudicated Juvenile Rehabilitation Review Commission and charged it with investigating Benjamin's death.

The Commission, now called the Juvenile Justice Commission, celebrates its 10th anniversary this summer. The initial purpose of the Commission was to examine the Division of Juvenile Services' operations and programs. Over time, the scope of the Commission's mission expanded, and it now reviews facilities and programs operated or contracted by the Bureau of Juvenile Services and the Department of Health and Human Resources, looking for strengths, struggles, and gaps in West Virginia's juvenile justice processes.

The Commission is comprised of various disciplines within the court system, the State Department of Education, the National Association of Social Workers, churches, and community organizations. Quarterly meetings provide a unique forum for disparate entities whose common goal is to help all children succeed.

"One of the reasons I accepted Justice Workman's invitation to join the Commission in 2011 is because its focus was on youth in the justice system. These tend to be the ones that folks overlook or disregard because they are 'bad' and 'deserve to be locked up,'" says Juvenile Justice Commission Director Cindy Largent-Hill. "Yes, they did break the law, but the punishment is losing their freedom – being away from family, friends, and community. There is so much more to the juvenile justice system."

"The responsibility of those housing them is to provide a host of services preparing them to return home. We aren't talking about inmates; we are talking about children. I am proud that the Commission has continued to consider what is in the juvenile's best interest with every issue presented," says Ms. Largent-Hill, who has led the Commission since its inception. She is a licensed social worker with a master's degree in counseling whose career includes children's mental health, working in a residential treatment facility for boys, and being the former deputy and then director of the West Virginia Division of Juvenile Services.

“The Juvenile Justice Commission is designed as an independent body composed of judges and community leaders with other state government officials and court administrators to ensure our most vulnerable children are protected,” says Twenty-Ninth Judicial Circuit (Putnam County) Judge Phillip M. Stowers, who has been Chairman of the Commission since December 2015. “During the past five years, the Commission has worked to implement and supervise past court orders and agreements relating to state juvenile correctional facilities, and it continues to supervise these and all other residential juvenile facilities. It has also worked to promote a more appropriate framework to adjudicate mentally incompetent children.

“We are charged to review and monitor state juvenile correctional facilities and all residential juvenile facilities in a manner that assures appropriate housing conditions, educational opportunities, behavioral treatment programs, and even basic needs like nutrition. When courts order children into state custody, the courts are charged to take responsibility for their health, safety, and welfare. The Juvenile Justice Commission stands as an independent watchdog to ensure state agencies and departments do their very best to improve the lives of court-involved youth. As a circuit judge, and as Chairman of the Juvenile Justice Commission, there is no greater calling,” Judge Stowers says.

When Ms. Szilvasi learned the Commission was going to investigate Benjamin’s death, she wrote a letter so Commission members would know all his good traits because she knew they would find out about his bad ones. She ended the letter by saying, “Whatever conclusions you come up with, I will accept as the cause of death. When Benjamin was born, I used to sing to him, ‘You Are My Sunshine,’ and he started to sing it back to me when he spoke at 9 months. We did this every night at bedtime. So please find out how my sunshine died.”

“For the first time, I felt somebody cared about him and me. Somebody in the state of West Virginia decided that his life meant something to somebody. That his life was important,” Ms. Szilvasi says.

Ms. Szilvasi knows Benjamin was troubled. She says he did not respect authority, did not always tell the truth, and he had severe ADHD and oppositional defiance disorder.

Although the Industrial Home for Youth was a four-hour round-trip from her home in Raleigh County, Ms. Szilvasi tried to visit Benjamin often. “I didn’t like it at all,” she says. “Every time I went, Benjamin was sick, allergies, colds. He just didn’t look good. He never did go to a doctor who could look at him and touch him.” He was often in solitary confinement and said it was filthy and cold. “I think that’s why he stayed sick.”

Benjamin was found dead shortly after 7:30 p.m. By the time a West Virginia State Trooper came to her door at 11:10 p.m. to inform her, an autopsy had already been performed. With the trooper acting as an intermediary, she talked to the Industrial Home for Youth leadership who told her Benjamin did not commit suicide and was not murdered but, otherwise, his cause of death could not be determined. She says the Salem director was rude and forbid his staff to talk to her.

She also was suspicious because she thought the autopsy report had errors. It listed the wrong height and hair color and said he had “superficial scars” when he had multiple scars from burns and cutting. The report says he was circumcised. She says he was not.

Soon after Justice Workman established the Commission on July 11, 2011, Commission investigator Tom Scott talked to Ms. Szilvasi and then shared information with an independent coroner who later called her.

“He said the only thing he thought may have happened was that Ben was sick. He thinks whatever infection Ben had went into his heart, and that’s how he died,” Ms. Szilvasi says. “At the end, I got a letter from Justice Workman. She told me still nothing was really found. It’s hard, but I have accepted the fact I may never find out how he died. I just have to live with that.”

She said she appreciates everything the commission did. “For the first time, I felt somebody cared about him, somebody understood the pain I was going through.”

She has not kept up with the work of the commission since then. Ms. Largent-Hill called her recently to invite her to the meeting in September when the commission will celebrate its anniversary. Ms. Largent-Hill told her about the commission’s accomplishments. Ms. Szilvasi now believes Benjamin did not die in vain.

“I hope that when kids get put into a juvenile detention center they are not treated like hard-nosed criminals,” Szilvasi says. “I want them to treat juveniles as juveniles. I want them to be able to get to these kids, get them out of there to live a good life, get them help with the things they need to get help with, and treat them like kids. They are babies,” Ms. Szilvasi says.

“That’s what we work for every single day,” Ms. Largent-Hill says.

As Chairman of the Juvenile Justice Commission, I take seriously the duty to protect our court-involved youth,” says Judge Stowers. “From the formation of the Juvenile Justice Commission, it has endeavored historically to fulfill this purpose, and I believe it has answered this calling.”