

Bond Case Briefs

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Bowman v. Chicago Park Dist.

Appellate Court of Illinois, First District, Fifth Division - September 5, 2014 - N.E.3d - 2014 IL App (1st) 132122

Mother brought action against city park district on behalf of her 13-year-old child following child's ankle injury while using a damaged slide, alleging that city's failure to repair slide after having been informed of its condition nearly one year earlier was willful and wanton. The Circuit Court entered summary judgment in favor of city. Mother appealed.

The Appellate Court held that thirteen-year-old child was a permitted and intended user of playground on city park on which she was injured while using slide that city park district had notice was damaged for nearly one year but failed to replace, and thus city owed child duty of care under the Local Governmental and Governmental Employees Tort Immunity Act, even though ordinance prohibited use of playground equipment designed for children under 12 years old.

Ordinance did not identify which parks were designated for certain age groups and did not state that playground or slide at issue were designed for such children, park website mentioned no age range, there were no signs at playground or any other indication that it was designed or designated for such children, and city did not take any measures to prevent children who were 12 years and older from using park.