

Bond Case Briefs

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F.D. v. Indiana Dept. of Child Services

Supreme Court of Indiana - November 26, 2013 - N.E.2d - 2013 WL 6182967

Parents, individually and on behalf of their children, brought action against Department of Child Services (DCS) and city police department, alleging mishandling of child abuse reports. The Superior Court granted summary judgment in favor of defendants on grounds of immunity. Parents appealed.

On transfer, the Supreme Court held that:

- Indiana Tort Claims Act (ITCA) provision of immunity for initiation of a judicial or an administrative proceeding did not apply to claim against DCS;
- Police had no duty to notify parents of juvenile's admission to molesting parent's daughter;
- Police department was entitled to law enforcement immunity upon claim that it was negligent in failing to pursue charges against juvenile; and
- Immunity provision of the child abuse reporting statute did not apply to claim against DCS.