

# **Bond Case Briefs**

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## **IMMUNITY - MISSISSIPPI**

### **Watkins ex rel. Watkins v. Mississippi Dept. of Human Services**

**Supreme Court of Mississippi - February 27, 2014 - So.3d - 2014 WL 793639**

Biological mother brought wrongful-death action against the Department of Human Services (DHS) in connection with child's death from starvation after child was removed from mother's home, DHS was awarded custody of child, and DHS placed child in the home of his paternal grandmother, to whom durable legal custody was later awarded. The Circuit Court granted summary judgment in favor of DHS, on grounds that DHS was entitled to sovereign immunity from liability for acts alleged in mother's complaint. Mother appealed.

Genuine issue of material fact existed as to whether DHS received "report" from treating physicians or social workers that child was being abused or neglected, related to child's admission to and treatment at hospital for symptoms of malnourishment, so as to trigger DHS's ministerial duty to investigate such report, thus precluding summary judgment for DHS on issue of its entitlement to discretionary-function immunity under the Mississippi Tort Claims Act.