

Bond Case Briefs

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GOVERNMENTAL IMMUNITY ACT - COLORADO

C.K. v. People

Supreme Court of Colorado - December 18, 2017 - P.3d - 2017 WL 6418851 - 2017 CO 111

County moved to terminate father's parental rights to dependent and neglected child. The District Court terminated father's parental rights.

Father appealed and county filed cross-appeal, challenging trial court's imposition of discovery sanctions. The Court of Appeals affirmed in part, and reversed in part, holding that award of attorney fees violated sovereign immunity. The Supreme Court granted certiorari.

The Supreme Court of Colorado held that Colorado Governmental Immunity Act (CGIA) did not prohibit award of attorney's fees against county department of social services to father of child based on discovery violations in dependency and neglect proceeding; CGIA barred claims which lie in tort, and attorney's fees were a sanction rather than a tort.