

Bond Case Briefs

Municipal Finance Law Since 1971

IMMUNITY - MINNESOTA

Jepsen as Trustee for Dean v. County of Pope

Supreme Court of Minnesota - November 10, 2021 - N.W.2d - 2021 WL 5227159

After child died of injuries from being thrown against a wall by father's girlfriend, trustee for child's heirs and next of kin brought wrongful death action against county and county social workers, alleging negligence in performing duties under Reporting of Maltreatment of Minors Act (RMMA).

The District Court granted county and social workers' motion for summary judgment. Trustee appealed. The Court of Appeals affirmed. Review was granted.

The Supreme Court held that:

- The immunity provision of the RMMA abrogates common law official immunity for child protection workers performing specified duties under the RMMA;
- Social workers' duties under RMMA were operational-level decisions and thus unprotected by discretionary-function immunity under the Municipal Tort Claims Act (MTCA); and
- Genuine issue of material fact as to whether social workers' failure to notify local law enforcement of reports of suspected child abuse was a proximate cause of child's death precluded summary judgment on claim that social workers violated RMMA.