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Maternal Grandmother v. Hamilton County Department of Job and Family Services

Supreme Court of Ohio - November 23, 2021 - N.E.3d - 2021 WL 5456421 - 2021-Ohio-4096

Maternal grandmother brought wrongful death suit and related survivorship claims against child's mother, child's father, county, county commissioners, county department of job and family services, and several caseworkers, arising from death of child while she was in the custody of her parents.

County, commissioners, department, and caseworkers moved for judgment on the pleadings, alleging they were entitled to immunity. The Court of Common Pleas granted motions and dismissed the claims against all defendants except child's parents. Grandmother appealed. The Court of Appeals affirmed. Grandmother sought further review.

The Supreme Court held that:

- Notice pleading applied to claims invoking exception to immunity of government employees for wanton or reckless conduct, and
- Grandmother's allegations were sufficient to plead her claims and raise possibility that exception to immunity applied.

When a complaint invokes the exception to a government employee's immunity for wanton or reckless conduct, notice pleading suffices and the plaintiff may not be held to a heightened pleading standard or expected to plead the factual circumstances surrounding an allegation of wanton or reckless behavior with particularity.

Maternal grandmother's allegations that caseworkers performed their duties in a wanton or reckless manner with respect to child who died when she was two years old and that caseworkers ignored child's mother's history of abusing her other children, failed to properly investigate a report of neglect or abuse of child from doctors, and overlooked what were or should have been clear signs of abuse during a home visit that occurred less than a month before child's death were sufficient to put county and caseworkers on notice of wrongful death and survivorship claims against them and to raise possibility that exception to caseworkers' statutory immunity for wanton or reckless conduct applied.