

Bond Case Briefs

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State Department of State Hospitals v. Superior Court of Napa County

Court of Appeal, First District, Division 5, California - November 2, 2022 - Cal.Rptr.3d - 2022 WL 16631117

Former ward of state brought action against State Department of Hospitals alleging she was sexually assaulted by a Department counselor when she was a minor and confined at hospital, and asserted claims of negligence, negligent supervision/training/hiring/retention, sexual battery, assault, and statutory civil rights violations.

The Superior Court sustained Department's demurrer in part, with leave to amend, and overruled it in part. Department filed petition for writ of mandate, and an order to show cause was issued.

The Court of Appeal held that:

- Complaint was barred by Department's immunity under statute providing immunity to public entities for injury to inpatient of mental institution;
- Former ward could not overcome immunity accorded to Department for injury to inpatient of mental institution by alleging Department violated generally worded regulations, overruling *Baber v. Napa State Hospital*, 257 Cal.Rptr. 55; and
- Leave to amend complaint was not warranted.

Statute providing for public entity's liability for act or omission of employee within scope of employment did not establish minimum personnel standards as would have triggered liability under statute providing for liability for failure to provide adequate or sufficient equipment, personnel or facilities, and thus complaint brought by former ward of state against State Department of Hospitals, alleging that Department employee sexually abused her when she was minor and ward of state, was barred by Department's immunity under statute providing immunity to public entities for injury to inpatient of mental institution; statute did not set any minimum standards for personnel, and immunity for injury to inpatient of mental institution was subject only to exceptions set out in statute itself.

Former ward could not overcome immunity accorded to State Department of Hospitals for injuries to inpatient of mental institution by alleging that Department violated generally worded regulations; rather, for claims to fall within statutory exception for failure to provide adequate or sufficient equipment, personnel or facilities, as an exception to immunity, ward was required to allege Department violated specific minimum standard sufficient to put the Department on notice as to the minimum requirements with which it must comply, overruling *Baber v. Napa State Hospital*, 257 Cal.Rptr. 55.