

Bond Case Briefs

Municipal Finance Law Since 1971

IMMUNITY - MASSACHUSETTS

Paradis v. Frost

Appeals Court of Massachusetts, Middlesex - September 22, 2023 - N.E.3d - 2023 WL 6166492

After student died by suicide, student's mother brought action against school district and licensed independent clinical social worker, who had a contract with the school district, claiming negligence and wrongful death.

The Superior Court Department granted district's motion to dismiss, and mother appealed.

The Appeals Court held that:

- Social worker's failure to inform student's parents about student's girlfriend's concerns about him was not "original cause" of death of student who died by suicide, and thus, school district was entitled to immunity under Tort Claims Act;
- As matter of first impression, "specific assurance" exception to immunity under Tort Claims Act did not apply since student's girlfriend was not member of his household;
- As matter of first impression, term "household" means group of people who dwell under same roof, as term is used in Tort Claims Act providing that immunity does not apply to any claim based upon explicit and specific assurances of safety or assistance made to victim or member of his family or "household" by public employee;
- Social worker's failure to inform student's family about girlfriend's suspicions were negligent omissions, and not "acts of intervention," for purposes of "affirmative acts of intervention" exception to immunity under Tort Claims Act; and
- Section of Tort Claims Act which limited immunity for any claim by or on behalf of a patient for negligent medical or other therapeutic treatment received by patient from public employee did not apply.