

Bond Case Briefs

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Joshua M. v. State

Supreme Court of Nebraska - May 3, 2024 - N.W.3d - 316 Neb. 446 - 2024 WL 1946196

Foster siblings brought action against Department of Health and Human Services (DHHS) for alleged negligent acts or omissions of DHHS employees in failing to protect siblings from being physically and sexually abused by foster parent and by their biological father upon their placement with him.

The District Court denied DHHS's motion for directed verdict and, after bench trial, entered judgment for DHHS. Siblings appealed.

The Supreme Court held that:

- Assault or battery exemption to waiver of sovereign immunity under STCA and the Political Subdivisions Tort Claims Act (PSTCA) can apply to a claim framed as negligent failure to protect against assault or battery; overruling *Koepf v. County of York*, 198 Neb. 67, 251 N.W.2d 866, and
- Assault or battery exemption under STCA applied to bar siblings' claims.