

SUPREME COURT OF THE STATE OF MONTANA

Weber v. State

2015 MT 161, 379 Mont. 388 (2015) · No. DA 14-0397 · Decided June 16, 2015

SUMMARY

The Montana Supreme Court reviewed Leslee Weber’s claims against the State of Montana arising from the removal of her children during a child-protection investigation. The court held that the State was immune under Montana Code Annotated § 41-3-203(1) because Weber failed to establish a genuine issue of material fact showing gross negligence or the knowing provision of false information. The court reversed the denial of summary judgment and affirmed judgment in favor of the State.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Justice Beth Baker; Beth Baker; Mike McGrath; Patricia Cotter; Laurie McKinnon; Michael E. Wheat
JURISDICTION	Montana
DECIDED	June 16, 2015
DOCKET	DA 14-0397
DISPOSITION	other
PROCEDURAL POSTURE	Leslee Weber appealed a summary judgment entered for the State of Montana, and the State cross-appealed the District Court's earlier denial of the State's motion for summary judgment based on statutory immunity.
STANDARD OF REVIEW	Summary judgment orders are reviewed de novo. Statutory interpretation is reviewed for correctness. Summary judgment is proper when the moving party establishes the absence of a genuine issue of material fact and entitlement to judgment as a matter of law.
PRECEDENTIAL VALUE	precedential
PARTIES	Leslee Weber v. State of Montana

TOPICS

summary judgment

civil procedure

negligence

statutory interpretation

appellate procedure

PRACTICE AREAS

civil procedure

negligence

family law

statutory immunity

QUESTIONS PRESENTED

1. Whether the State was entitled to statutory immunity under Montana Code Annotated § 41-3-203(1) because Weber failed to establish that the investigating employees were grossly negligent or knowingly provided false information.
2. Whether the summary-judgment record presented a genuine issue of material fact regarding gross negligence in the Department's investigation.
3. Whether the record presented a genuine issue of material fact regarding knowingly providing false information in the investigator's affidavit.

HOLDINGS

1. The State was entitled to immunity because Weber failed to establish that the State employees acted with gross negligence, in bad faith, with malicious purpose, or knowingly provided false information.
2. The Department's decision not to interview Weber or other persons who might alert her to the investigation did not create a genuine issue of material fact concerning gross negligence.
3. Weber failed to establish a genuine issue of material fact that the investigator knowingly provided false information in support of the child-protection proceedings.

KEY QUOTATIONS

“Summary judgment is appropriate when the moving party demonstrates an absence of a genuine issue of material fact and entitlement to judgment as a matter of law.” (¶ 12)

“Anyone investigating or reporting any incident of child abuse or neglect . . . [or] participating in resulting judicial proceedings . . . is immune from any liability, civil or criminal, that might otherwise be incurred or imposed unless the person was grossly negligent or acted in bad faith or with malicious purpose or provided information knowing the information to be false.” (¶ 13)

“We reverse the District Court's August 14, 2013 decision and order, and affirm its March 21, 2014 judgment in favor of the State.” (¶ 26)

FACTUAL BACKGROUND

During a custody and divorce dispute, a licensed social worker reported to Montana child-protection authorities that Weber was psychologically abusing her two daughters and might physically harm them. After interviewing the reporting social worker and a county crime-victims advocate, reviewing therapy notes, and consulting supervisors and the county attorney, the Department sought emergency protective services and temporary custody, and the children were removed from Weber's care. The dependency proceeding was later dismissed and the children were returned. Weber then sued, alleging that the State negligently failed to investigate adequately and that the resulting proceedings caused custody, financial, reputational, and emotional harms.

PROCEDURAL HISTORY

Weber sued the State, a social worker, and Broadwater County after the Department removed her children from her custody during a child-protection investigation. The District Court denied the State's first summary-judgment motion on immunity grounds, later granted the State summary judgment because Weber lacked expert testimony concerning the standard of care, and entered judgment for the State. The Montana Supreme Court resolved the State's cross-appeal, reversed the earlier denial of summary judgment, and affirmed the judgment for the State without reaching Weber's appellate issues.

DISPOSITION

other

CASES CITED

- Bailey v. State Farm Mut. Auto. Ins. Co., 2013 MT 119, 370 Mont. 73, 300 P.3d 1149
- Smith v. Burlington N. & Santa Fe Ry. Co., 2008 MT 225, 344 Mont. 278, 187 P.3d 639
- Dollar Plus Stores, Inc. v. R-Mont. Assocs., L.P., 2009 MT 164, 350 Mont. 476, 209 P.3d 216
- Fielder v. Bd. of Cnty. Comm'rs, 2007 MT 118, 337 Mont. 256, 162 P.3d 67
- City of Missoula v. Iosefo, 2014 MT 209, 376 Mont. 161, 330 P.3d 1180
- Gudmundsen v. State ex rel. Mont. State Hosp. Warm Springs, 2009 MT 56, 349 Mont. 297, 203 P.3d 813
- Rusk v. Skillman, 162 Mont. 436, 514 P.2d 587 (1973)
- Batchoff v. Craney, 119 Mont. 157, 172 P.2d 308 (1946)
- LaTray v. City of Havre, 2000 MT 119, 299 Mont. 449, 999 P.2d 1010

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