

DISTRICT OF COLUMBIA COURT OF APPEALS

J.C. v. District of Columbia

199 A.3d 192 (D.C. 2018) · Decided December 27, 2018

SUMMARY

The District of Columbia Court of Appeals reviewed claims arising from the District's removal of twin infants from their parents based on suspected child abuse, including claims under 42 U.S.C. § 1983 and common-law tort claims. The court held that the District initially had probable cause to seize both children and that the parents' due process, substantive due process, and equal protection claims failed on the record presented. It remanded for further consideration of exigent circumstances surrounding the warrantless seizure of one child, whether probable cause continued after a follow-up medical report, immunity on the tort claims, and the Washington Post's access to sealed filings.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Per curiam
JURISDICTION	District of Columbia
DECIDED	December 27, 2018
DISPOSITION	remanded
PROCEDURAL POSTURE	Parents appealed from the Superior Court's dismissal under D.C. Super. Ct. Civ. R. 12(b)(6) of claims against individual District employees and its grant of summary judgment for the District on the parents' 42 U.S.C. § 1983 and common-law tort claims. Intervenor WP Company LLC separately appealed orders sealing summary-judgment pleadings and redacting the summary-judgment order.
STANDARD OF REVIEW	De novo review of summary judgment and dismissal under Rule 12(b)(6); sealing decisions are reviewed for abuse of discretion, with the applicable balancing framework requiring the trial court to explain its analysis.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	J.C., G.C., WP Company LLC v. District of Columbia, Roberta Geheren, Jason H. Lederstein, Sara E. Gold, Donald B. Terrell

TOPICS

section 1983

procedural due process

civil rights

public records

appellate procedure

PRACTICE AREAS

constitutional law

civil rights

family law

torts

appellate procedure

QUESTIONS PRESENTED

1. Whether the District had probable cause to place N.C. on a medical hold and initially seize both children.
2. Whether the warrantless seizure of Jo.C. from the parents' home was justified by exigent circumstances under the Fourth Amendment.
3. Whether probable cause continued after Dr. Jackson's second medical report to justify retaining custody of the children.
4. Whether automatic inclusion of the parents on the Child Protection Register based on an inconclusive report violated procedural due process.
5. Whether the parents' substantive due process, equal protection, and other constitutional claims were viable.
6. Whether the District and individual defendants were entitled to sovereign, qualified, or absolute immunity on the common-law tort claims.
7. Whether the trial court properly sealed the summary-judgment pleadings and redacted its summary-judgment order.

HOLDINGS

1. The District had probable cause to place N.C. on a medical hold and thereafter place her in temporary shelter care based on the serious child-abuse allegations and Dr. Jackson's medical assessment.
2. The District initially had probable cause to seize Jo.C. because she was another child living in the same household and under the care of the same parents as a child suspected of abuse.
3. The court did not decide whether exigent circumstances justified the warrantless seizure of Jo.C.; that fact-intensive issue was remanded to the trial court.
4. The court remanded for the trial court to determine whether probable cause to retain custody of N.C. and Jo.C. continued after Dr. Jackson's second medical report.
5. Automatic inclusion of the parents on the Child Protection Register based on an inconclusive report did not violate procedural due process.
6. The parents could not maintain a separate substantive due process claim challenging the seizure because the Fourth Amendment provided the more specific constitutional protection. The approximately two-week separation was not, on the existing record, a substantive due process violation.
7. The parents failed to demonstrate a material factual dispute showing that the District had a policy or custom treating persons accused of child abuse differently because of race or socioeconomic status.

8. The appellate court could not determine on the existing record whether the District was entitled to sovereign immunity or whether the individual defendants were entitled to immunity; those issues were remanded for more specific analysis.
9. The trial court was required to explain whether the summary-judgment pleadings should remain sealed in their entirety and to apply the Hubbard balancing test when deciding sealing and redaction.

KEY QUOTATIONS

“To make out a § 1983 claim against the District of Columbia, the plaintiff must make a two-part showing. First, the plaintiff must demonstrate that a constitutional violation has occurred. Second, and only if there is a constitutional violation, the court must determine whether that constitutional violation is directly attributable to a District “custom” or “policy.”” (at 200)

““Fourth Amendment law presumes that warrantless searches and seizures inside a home are unreasonable absent exigent circumstances,”” (at 201)

“We employ the test enunciated by the Supreme Court in Mathews v. Eldridge to make a determination as to whether these safeguards built into the District’s registration process are sufficient to protect the C.s’ procedural due process rights” (at 204)

“The Washington Post contends that the trial court abused its discretion by sealing the summary judgment pleadings in their entirety and only providing a heavily redacted version of its summary judgment order.” (at 207)

FACTUAL BACKGROUND

Children’s National Medical Center reported that eight-month-old N.C. had a subdural hematoma and bilateral retinal hemorrhages that Dr. Allison Jackson considered most consistent with inflicted head trauma or shaken baby syndrome. CFSA placed N.C. on a medical hold and removed her twin, Jo.C., from the parents’ home without a warrant during the early morning. Although an initial hearing found probable cause, a later hearing found no probable cause to believe N.C. had been abused, and both children were returned after approximately fourteen days. The parents were later placed on the Child Protection Register based on an inconclusive abuse report, but their names were removed after an administrative hearing.

PROCEDURAL HISTORY

The District removed the parents’ infant twins after a physician reported injuries potentially consistent with shaken baby syndrome. The children were returned after approximately fourteen days, and the abuse and neglect case was withdrawn. The parents then sued the District and individual employees. The Superior Court dismissed the individual defendants and granted summary judgment to the District, while sealing much of the record. The Court of Appeals held that the existing record was insufficient to resolve several constitutional, immunity, and public-access issues and remanded for further analysis.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The trial court must determine whether exigent circumstances justified the warrantless seizure of Jo.C.; whether probable cause continued after Dr. Jackson's second medical report; whether the District and individual defendants were immune from the common-law tort claims; whether the summary-judgment pleadings should remain sealed in their entirety under the Hubbard balancing test; and whether the redactions to the summary-judgment order were proper under that test. The trial court must explain its analysis, including the factual and policy basis for governmental immunity and the applicable immunity of each individual defendant.

CASES CITED

- Kotsch v. District of Columbia, 924 A.2d 1040, 1046 (D.C. 2007)
- Doe v. District of Columbia, 796 F.3d 96, 103-04 (D.C. Cir. 2015)
- Hernandez v. Foster, 657 F.3d 463, 474-75 (7th Cir. 2011)
- Oliver v. United States, 656 A.2d 1159, 1164-65 (D.C. 1995)
- Florida v. Harris, 568 U.S. 237, 244 (2013)
- In re S.G., 581 A.2d 771, 778 (D.C. 1990)
- Evans v. United States, 122 A.3d 876, 881 (D.C. 2015)
- Solomon v. Vilsack, 628 F.3d 555, 568 (D.C. Cir. 2010)
- In re Richardson, 481 A.2d 473, 481 (D.C. 1984)
- Watso v. Colorado Department of Social Services, 841 P.2d 299, 304, 306-08 (Colo. 1992) (en banc)
- Mathews v. Eldridge, 424 U.S. 319, 334-35 (1976)
- V.K. v. Child & Family Services Agency, 14 A.3d 628, 629 (D.C. 2011)
- County of Sacramento v. Lewis, 523 U.S. 833, 847 n.8 (1998)
- Siliven v. Indiana Department of Child Services, 635 F.3d 921, 928-29 (7th Cir. 2011)
- N.E. Florida Chapter of Associated General Contractors of America v. Jacksonville, 508 U.S. 656, 663 (1993)
- Aguehounde v. District of Columbia, 666 A.2d 443, 447 (D.C. 1995)
- Mokhiber v. Davis, 537 A.2d 1100, 1106, 1108 (D.C. 1988)
- Rushford v. New Yorker Magazine, Inc., 846 F.2d 249, 252 (4th Cir. 1988)
- Nixon v. Warner Communications, Inc., 435 U.S. 589, 599 (1978)
- United States v. Hubbard, 650 F.2d 293, 317-22 (D.C. Cir. 1980)
- TIG Insurance Co. v. Firemen's Insurance Co., 718 F. Supp. 2d 90, 95 (D.D.C. 2010)
- Smith v. United States, 460 A.2d 576, 578 n.3 (D.C. 1983) (per curiam)
- Bolling v. Sharpe, 347 U.S. 497, 500 (1954)
- Paul v. Davis, 424 U.S. 693, 701 (1976)
- Baker v. McCollan, 443 U.S. 137, 146 (1979)
- Washington v. Guest Services, Inc., 718 A.2d 1071, 1075 (D.C. 1998)
- M.A.P. v. Ryan, 285 A.2d 310, 312 (D.C. 1971)
- Briggs v. United States, 597 A.2d 370, 373 (D.C. 1991)

