SUPREME COURT OF ARKANSAS

Fields v. Southern Farm Bureau Casualty Insurance Co., 350 Ark. 75

87 S.W.3d 224 (2002) · No. No. 02-121 · Decided September 19, 2002

SUMMARY

The Supreme Court of Arkansas considered whether the parental-immunity doctrine barred a direct action against an automobile insurer for uninsured-motorist benefits arising from a child's injuries caused by a parent's negligent driving. The court created a limited exception to parental immunity for such direct actions where insurance benefits are the requested damages, applied the exception to the case, and reversed and remanded the summary judgment for the insurer. The court stated that the ruling applies prospectively to causes of action arising after the opinion becomes final, except that it applies to the present case.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Robert L. Brown, Justice
JURISDICTION	Arkansas
DECIDED	September 19, 2002
DOCKET	No. 02-121
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order granting the insurer summary judgment in a direct action seeking uninsured-motorist benefits for injuries allegedly caused by the negligent driving of the child's mother.
STANDARD OF REVIEW	Summary judgment is appropriate only when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. On appeal, the court reviews whether the evidentiary materials leave a material fact unanswered, views the evidence in the light most favorable to the nonmoving party, resolves doubts and inferences against the moving party, and considers affidavits and other filed documents in addition to the pleadings.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential.
PARTIES	Freddie Mark Fields, as Parent and Next Friend of Stephen Hunter Fields, a Minor v. Southern Farm Bureau Casualty Insurance Company

TOPICS

uninsured motorist · insurance coverage · summary judgment · appellate procedure · civil procedure

PRACTICE AREAS

insurance · torts · civil procedure · appellate procedure

QUESTIONS PRESENTED

1. Whether Arkansas should create an exception to the parental-immunity doctrine for a direct action against a motor-vehicle liability insurer seeking uninsured-motorist benefits for injuries caused by a parent's negligent driving.
2. Whether the newly recognized insurance-based exception should apply to the accident in the present case or only prospectively to causes of action arising after the opinion becomes final.
3. Whether summary judgment was appropriate under the undisputed facts and applicable law.

HOLDINGS

1. Arkansas will not enforce the parental-immunity doctrine when a child brings a direct action against a motor-vehicle liability insurance carrier for uninsured-motorist benefits arising from a parent's negligent operation of a vehicle, where the insurance benefits are the damages sought.
2. The exception is limited to direct-action suits against a motor-vehicle liability insurance carrier for uninsured-motorist coverage when insurance benefits are the damages requested; the parental-immunity doctrine remains applicable in other circumstances unless an existing exception applies.
3. The newly recognized automobile-liability-insurance exception applies to the present case, while the opinion applies prospectively to causes of action arising after the opinion becomes final.
4. Summary judgment for Southern Farm was improper because the parental-immunity doctrine did not bar the direct uninsured-motorist-benefits action under the exception recognized in this opinion.

KEY QUOTATIONS

> *"As a result, we are convinced that another exception to the parental-immunity doctrine is warranted when a direct-action suit against a motor vehicle liability insurance carrier for uninsured motorist coverage is at issue and when insurance benefits are the damages requested."* (at 231)

> *"We hold that the automobile liability insurance exception identified by this opinion applies to the instant case."* (at 232)

FACTUAL BACKGROUND

Stephen Hunter Fields was injured in a single-car accident while riding in a van negligently driven by his mother, Cheryl Fields. Cheryl had no liability insurance, but Hunter was an insured family member under his father's automobile policy with Southern Farm, which included uninsured-motorist benefits. Freddie Mark Fields brought a direct action against Southern Farm for benefits, and the insurer relied on Arkansas's parental-immunity doctrine to obtain summary judgment.

PROCEDURAL HISTORY

Fields sued Southern Farm directly for uninsured-motorist benefits under an automobile liability policy covering the child. Southern Farm moved for summary judgment, arguing that the parental-immunity doctrine meant the child was not legally entitled to recover damages from the uninsured parent. The trial court granted summary judgment for Southern Farm, and the Arkansas Supreme Court reversed and remanded.

DISPOSITION

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reversed_and_remanded
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REMAND INSTRUCTIONS

Remand for further proceedings not inconsistent with the opinion.

CASES CITED

- George v. Jefferson Hosp. Ass'n, Inc., 337 Ark. 206, 987 S.W.2d 710 (1999)
- Pugh v. Griggs, 327 Ark. 577, 940 S.W.2d 445 (1996)
- Adams v. Arthur, 333 Ark. 53, 969 S.W.2d 598 (1998)
- Wallace v. Broyles, 331 Ark. 58, 961 S.W.2d 712 (1998)
- Angle v. Alexander, 328 Ark. 714, 945 S.W.2d 933 (1997)
- Worth v. City of Rogers, 341 Ark. 12, 14 S.W.3d 471 (2000)
- Spears v. Spears, 339 Ark. 162, 3 S.W.3d 691 (1999)
- Rambo v. Rambo, 195 Ark. 832, 114 S.W.2d 468 (1938)
- Brown v. Cole, 198 Ark. 417, 129 S.W.2d 245 (1939)
- Thomas v. Inmon, 268 Ark. 221, 594 S.W.2d 853 (1980)
- Attwood v. Attwood's Estate, 276 Ark. 230, 633 S.W.2d 366 (1982)
- Carpenter v. Bishop, 290 Ark. 424, 720 S.W.2d 299 (1986)
- Robinson v. Robinson, 323 Ark. 224, 914 S.W.2d 292 (1996)
- Williams v. Williams, 369 A.2d 669 (Del. 1976)
- Sorensen v. Sorensen, 369 Mass. 350, 339 N.E.2d 907 (1975)
- Ard v. Ard, 414 So. 2d 1066 (Fla. 1982)
- United States v. Freeman, 357 F.2d 606 (2d Cir. 1966)
- Brooks v. Robinson, 259 Ind. 16, 284 N.E.2d 794 (1972)
- Transamerica Ins. Co. v. Royle, 202 Mont. 173, 656 P.2d 820 (1983)
- Parish v. Pitts, 244 Ark. 1239, 429 S.W.2d 45 (1968)
- Roane v. Hinton, 6 Ark. 525 (1846)
- Southern Farm Bureau Life Ins. Co. v. Cowger, 295 Ark. 250, 748 S.W.2d 332 (1988)
- Hare v. General Contract Purchase Corp., 220 Ark. 601, 249 S.W.2d 973 (1952)
- Aka v. Jefferson Hosp. Assoc., 344 Ark. 627, 42 S.W.3d 508 (2001)

- Shannon v. Wilson, 329 Ark. 143, 947 S.W.2d 349 (1997)
- Robinson v. Means, 192 Ark. 816, 95 S.W.2d 98 (1936)
- Glaskox v. Glaskox, 614 So. 2d 906 (Miss. 1992)
- Hewlett v. George, 68 Miss. 703, 9 So. 885 (1891)