

SUPREME COURT OF IDAHO

Steed v. Grand Teton Council of the Boy Scouts of America, Inc.

172 P.3d 1123 (Idaho 2007) · No. No. 33272 · Decided November 30, 2007

SUMMARY

The Idaho Supreme Court considered an interlocutory appeal involving claims that a nonprofit corporation was liable under Idaho Code § 6-1701(4) for injury to a child arising from alleged sexual molestation at a Boy Scout camp. The court held that the statutory cause of action could apply to a corporation's own conduct, including willful conduct by its board or certain high-level agents, and that nonprofit status did not provide tort immunity. It also held that compensation did not categorically preclude a finding that the minors were in the corporation's care or custody, vacated the order denying summary judgment, and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	Eismann, Chief Justice; J. Jones, Justice; Horton, Justice; Burdick, Justice; Trout, Justice Pro Tem
JURISDICTION	Idaho
DECIDED	November 30, 2007
DOCKET	No. 33272
DISPOSITION	vacated
PROCEDURAL POSTURE	Interlocutory appeal from an order denying in part Grand Teton Council's motion for summary judgment in an action arising from alleged sexual abuse of the plaintiffs at a Boy Scout camp.
STANDARD OF REVIEW	The appeal concerned legal issues presented through an interlocutory appeal from a summary-judgment ruling; the court did not decide whether Grand Teton Council was ultimately entitled to summary judgment.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; precedential.
PARTIES	Grand Teton Council of the Boy Scouts of America, Inc. v. Adam Paul Steed, Benjamin Paul Steed

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether *Osborn v. Salinas* barred recovery against Grand Teton Council under Idaho Code § 6-1701(4).
2. Whether a corporation may be liable for the statutory tort of injury to a child under Idaho Code §§ 6-1701(4) and 18-1501.
3. Whether a nonprofit corporation is immune from compensatory or punitive damages on public-policy grounds.
4. Whether payment of compensation to the Steeds prevented them from being in Grand Teton Council's care or custody.
5. Whether the district court's denial of Grand Teton Council's motion for summary judgment should be upheld.

HOLDINGS

1. *Osborn v. Salinas* did not bar the Steeds from pursuing a claim against Grand Teton Council for its own conduct constituting injury to a child under Idaho Code § 6-1701(4). The statute does not create vicarious liability for another person's abuse, but it permits liability for a defendant's own willful conduct.
2. A claim under Idaho Code § 6-1701 is not a negligence per se claim, and the statute's extended limitations period applies only to actions brought under Chapter 17, Title 6, not to common-law negligence or negligence per se claims.
3. A corporation may be liable for the statutory tort of injury to a child when the tort is committed by its board of directors, an agent responsible for forming corporate policy, or a high managerial agent with supervisory responsibility over the subject matter, acting within the scope of employment and possessing the required actual knowledge or intent.
4. A nonprofit or charitable corporation is not immune from tort liability for compensatory or punitive damages merely because of its nonprofit or charitable status.
5. Receiving compensation did not, as a matter of law, prevent the Steeds from being in Grand Teton Council's care or custody.

KEY QUOTATIONS

"A defendant can be liable for damages under Idaho Code § 6-1701(4) even if the defendant did not actually harm the child." (1127)

"Similarly, a statute that creates a civil cause of action cannot be the basis of a negligence per se claim." (1128)

“The torts created by Idaho Code § 6-1701(4) are intentional torts.” (1130)

“This Court has previously rejected the arguments that it should immunize charitable organizations from liability in tort for public policy reasons.” (1131)

FACTUAL BACKGROUND

Adam and Benjamin Steed alleged that Bradley Stowell sexually molested them in 1997 while they were at a Boy Scout camp operated by Grand Teton Council. During the relevant summer, the Steeds were junior camp staff members and received food, lodging, and a small stipend. They asserted that Grand Teton Council was liable for injury to a child under Idaho Code § 6-1701(4), while Grand Teton Council argued that the statute did not apply to corporations, nonprofit organizations, or third parties and that the boys were not in its care or custody.

PROCEDURAL HISTORY

The Steeds filed suit in 2005 alleging assault and battery, false imprisonment, negligence per se, and negligence based on alleged sexual molestation at a Boy Scout camp in 1997. The district court held that most claims were barred by the statute of limitations but that claims under Idaho Code § 6-1701, including injury to a child under subsection (4), were timely. The Idaho Supreme Court granted an interlocutory appeal to resolve controlling legal questions, vacated the order denying summary judgment, and remanded for further consideration of the motion consistent with its opinion.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The district court must reconsider Grand Teton Council's motion for summary judgment consistently with the Supreme Court's holdings. The Supreme Court did not determine whether Grand Teton Council was ultimately entitled to summary judgment.

CASES CITED

- Osborn v. Salinas, 131 Idaho 456, 958 P.2d 1142 (1998)
- State v. Tiffany, 139 Idaho 909, 88 P.3d 728 (2004)
- Ahles v. Tabor, 136 Idaho 393, 34 P.3d 1076 (2001)
- Alegria v. Payonk, 101 Idaho 617, 619 P.2d 135 (1980)
- Sanchez v. Galey, 112 Idaho 609, 733 P.2d 1234 (1986)
- Brizendine v. Nampa Meridian Irrig. Dist., 97 Idaho 580, 548 P.2d 80 (1976)
- Stott ex rel. Dougall v. Finney, 130 Idaho 894, 950 P.2d 709 (1997)
- State v. Young, 138 Idaho 370, 64 P.3d 296 (2002)
- State v. Blake, 133 Idaho 237, 985 P.2d 117 (1999)

- State v. Adjustment Department Credit Bureau, 94 Idaho 156, 483 P.2d 687 (1971)
- Ettlinger v. Trustees of Randolph-Macon College, 31 F.2d 869 (4th Cir. 1929)
- Wilcox v. Idaho Falls Latter Day Saints Hospital, 59 Idaho 350, 82 P.2d 849 (1938)
- Wheat v. Idaho Falls Latter Day Saints Hospital, 78 Idaho 60, 297 P.2d 1041 (1956)
- Lee v. Sun Valley Co., 107 Idaho 976, 695 P.2d 361 (1984)
- Hei v. Holzer, 139 Idaho 81, 73 P.3d 94 (2003)

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