

SUPREME COURT OF ALASKA

Christoffersen v. State, Court Custody Investigator's Office

242 P.3d 1032 (Alaska 2010) · No. No. S-13539 · Decided November 5, 2010

SUMMARY

The Alaska Supreme Court affirmed summary judgment for the State in a damages action arising from a court-appointed custody investigator's failure to immediately report or warn about allegations of a child's sexual misconduct. The court held that custody investigators performing court-appointed investigative duties are entitled to absolute quasi-judicial immunity and that the immunity extends to the State against vicarious liability claims. The court therefore did not reach the alternative issue of whether the investigator owed an actionable tort duty.

CASE DETAILS

COURT	Supreme Court of Alaska
WRITING FOR THE COURT	Winfree, Justice; Carpeneti, Chief Justice; Fabe, Justice; Christen, Justice; Stowers, Justice
JURISDICTION	Alaska
DECIDED	November 5, 2010
DOCKET	No. S-13539
DISPOSITION	affirmed
PROCEDURAL POSTURE	The superior court granted the State's motions for summary judgment and dismissed the Christoffersens' damages action. Dusty Christoffersen appealed.
STANDARD OF REVIEW	De novo review of both the grant of summary judgment and the legal question whether immunity exists as a defense to a claim.
PRECEDENTIAL VALUE	Published Alaska Supreme Court opinion; precedential.
PARTIES	Dusty Christoffersen v. State of Alaska, Court Custody Investigator's Office

TOPICS

- family law procedure
- child custody
- summary judgment
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a court-appointed custody investigator is entitled to absolute quasi-judicial immunity from civil suits arising from the performance of the investigator's duties.
2. Whether absolute quasi-judicial immunity applicable to the custody investigator extends to the State for a vicarious-liability claim based on the investigator's conduct.

HOLDINGS

1. A custody investigator performing duties pursuant to employment by or a contract with the Alaska Court System's Custody Investigator's Office is a quasi-judicial officer and is entitled to absolute quasi-judicial immunity from suits arising from performance of those duties.
2. When a court-appointed custody investigator is absolutely immune from suit for conduct performed in that capacity, the State cannot be held vicariously liable for the investigator's conduct.

KEY QUOTATIONS

“The clearest case for quasi-judicial immunity is presented in instances where some aspect of the court’s adjudicative responsibility is delegated to another official such as a master or referee.” (1035)

“Exposure to liability could deter [court-appointed experts’] acceptance of court appointments” (1035)

“the sine qua non of the exercise of such discretion is the freedom to act in an objective and independent manner.” (1035)

“We therefore hold that because the court-appointed custody investigator is absolutely immune from suits for actions performed within that capacity, the State cannot be held liable for her conduct.” (1036)

FACTUAL BACKGROUND

A court-appointed custody investigator was assigned to investigate Mark Christoffersen's motion to modify custody of his son, M.C. During the investigation, the investigator received an Anchorage Police Department report concerning M.C.'s inappropriate touching of a two-year-old girl. The investigator did not immediately notify M.C.'s parents or the Office of Children's Services, but later included the information in a custody report distributed to the court and the parents. Shortly thereafter, M.C. was alleged to have sexually abused his five-year-old half-sister, and the Christoffersens sued the State for damages.

PROCEDURAL HISTORY

After a court-appointed custody investigator included in a custody report information about a prior sexual-misconduct allegation involving the child under investigation, Dusty and Mark Christoffersen sued the State for failure to warn them and failure to make a mandated report to the Office of Children's Services. The State moved for summary judgment based on absolute quasi-judicial immunity and lack of an actionable tort duty, and the Christoffersens filed a cross-motion for summary judgment. The superior court granted both State motions in November 2008, disposing of the complaint, and Dusty appealed.

DISPOSITION

affirmed

CASES CITED

- Snyder v. American Legion Spenard Post No. 28, 119 P.3d 996, 1001 (Alaska 2005)
- Native Village of Elim v. State, 990 P.2d 1, 5 (Alaska 1999)
- Greywolf v. Carroll, 151 P.3d 1234, 1241 (Alaska 2007)
- State, Department of Transportation & Public Facilities v. Sanders, 944 P.2d 453, 456 (Alaska 1997)
- Kinegak v. State, Department of Corrections, 129 P.3d 887, 888 (Alaska 2006)
- Kiokun v. State, Department of Public Safety, 74 P.3d 209, 213 (Alaska 2003)
- State, Department of Corrections v. Cowles, 151 P.3d 353, 358 (Alaska 2006)
- Trapp v. State, 53 P.3d 1128, 1129-30 (Alaska 2002)
- Cok v. Cosentino, 876 F.2d 1, 2 (1st Cir. 1989)
- Lythgoe v. Guinn, 884 P.2d 1085, 1086, 1088-90, 1093 (Alaska 1994)
- Seibel v. Kemble, 63 Haw. 516, 631 P.2d 173, 179 (1981)
- Lavit v. Superior Court, 173 Ariz. 96, 839 P.2d 1141, 1144 (Ariz. Ct. App. 1992)
- LaLonde v. Eissner, 405 Mass. 207, 539 N.E.2d 538, 541 (1989)
- Ogden v. Ogden, 39 P.3d 513, 516 (Alaska 2001)
- B.K. v. Cox, 116 S.W.3d 351, 360-61 (Tex. App. 2003)
- Logusak v. Togiak, 185 P.3d 103, 108-10 (Alaska 2008)
- Pauley v. Anchorage School District, 31 P.3d 1284, 1285-86 (Alaska 2001)
- Ward v. San Diego County Department of Social Services, 691 F. Supp. 238, 241 (S.D. Cal. 1988)
- Hulsman v. Hemmeter Development Corp., 65 Haw. 58, 647 P.2d 713, 717 (1982)
- S.J.S. v. Faribault County, 556 N.W.2d 563, 566 (Minn. Ct. App. 1996)
- Reddy v. Karr, 9 P.3d 927, 932 (Wash. Ct. App. 2000)

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