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[Third Court Upholds Future Mental Anguish Award](#)

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In [Hyde Park Baptist Church v. Turner](#) (No. 03-07-00437-CV), a case involving allegations that a young child suffered abuse at the hands of a church daycare worker, the Third Court of Appeals has affirmed a money judgment that included a significant award for future mental anguish.

The Court rejected the church's no-evidence challenge to that award after determining that the church failed to preserve error by timely objecting to plaintiff's expert testimony as unreliable. The Court went on to review the evidence and concluded it was sufficient to support the award.

The Court also disagreed with the church's contention that, under *City of Tyler v. Likes*, future mental-anguish damages are not recoverable absent evidence of serious bodily injury, a "special relationship" between the parties, injuries of a shocking and disturbing nature, or intent or malice by the defendant. In doing so, the Court concluded that "*Likes* does not set forth an exhaustive list of the types of cases in which future mental anguish damages are available." In any event, the Court determined that the worker's actions involved a sufficient level of intent or malice to satisfy the proposed standard in light of the jury charge, which allowed the jury to consider both the church's and the worker's conduct in assessing damages.

The Court further rejected the church's challenges to the jury's award of future medical expenses and the allocation of responsibility between the church and the worker.