

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1092

Short Title: Social Worker Immunity/Defense.

(Public)

Sponsors: Representatives Howard, Dockham; and Cansler.

Referred to: Ways and Means.

April 15, 1999

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THE STATE TO DEFEND CERTAIN COUNTY SOCIAL
2 WORKERS FROM LIABILITY ARISING FROM THE GOOD FAITH
3 PERFORMANCE OF THEIR OFFICIAL DUTIES.
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5 The General Assembly of North Carolina enacts:

6 Section 1. Article 31A of Chapter 143 of the General Statutes is amended by
7 adding the following new section to read:

8 "**§ 143-300.11. Defense of county protective services social workers and county foster**
9 **care social workers.**

10 A county social worker currently or formerly employed by a county department of
11 social services performing the official duties of the social worker's position as either the
12 juvenile protective services social worker pursuant to Article 3 of Chapter 7B of the
13 General Statutes, an adult protective services social worker pursuant to Article 6 of
14 Chapter 108A of the General Statutes, or a foster care social worker performing duties
15 assigned or delegated by the county director of social services pursuant to G.S. 108A-
16 14(12) of the General Statutes, shall be defended by the Attorney General, subject to
17 G.S. 143-300.4 and notwithstanding G.S. 143-300.5 of the General Statutes. The social
18 worker shall be protected from liability in accordance with the provisions of this Article,
19 in any civil or criminal action or proceeding brought against the social worker in the
20 social worker's official or individual capacity, or both, on account of an act done or

1 omission made in good faith in the scope and course of carrying out the provisions of
2 either Article 3 of Chapter 7B, Article 6 of Chapter 108A, or G.S. 108A-14(12) of the
3 General Statutes. In any proceeding involving liability, good faith on the part of the social
4 worker shall be presumed and the burden of proof shall be upon the plaintiff to prove that
5 the social worker did not act in good faith. The social worker shall be considered an
6 employee of the Department of Health and Human Services only for the purposes of G.S.
7 143-300.6 and for purposes of liability coverage under G.S. 58-32-15."

8 Section 2. This act becomes effective October 1, 1999, and applies to actions
9 arising on or after that date.