

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 242*

Short Title: Immunity/Social Services Employees.

(Public)

Sponsors: Representatives Nye, Jeffus; Bowman, Gottovi, Lemmond, Russell, and Wright.

Referred to: Judiciary II.

February 24, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE IMMUNITY FOR EMPLOYEES OF COUNTY
3 DEPARTMENTS OF SOCIAL SERVICES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 7A-550 reads as rewritten:

6 "**§ 7A-550. Immunity of persons ~~reporting-reporting~~; immunity of Department of**
7 **Social Services employees.**

8 (a) Anyone who makes a report pursuant to this Article, cooperates with the
9 county department of social services in any ensuing inquiry or investigation, testifies in
10 any judicial proceeding resulting from the report, or otherwise participates in the
11 program authorized by this Article, is immune from any civil or criminal liability that
12 might otherwise be incurred or imposed for such action provided that the person was
13 acting in good faith. In any proceeding involving liability, good faith is presumed.

14 (b) Any employee of a county department of social services who is assigned to
15 perform, on behalf of the Director of that department, any of the duties permitted or
16 required by this Article, or who takes a juvenile into temporary custody pursuant to G.S.
17 7A-571(3), shall be personally and individually immune from any civil liability for
18 monetary damages which might otherwise be incurred or imposed for any act or failure
19 to act by the employee with respect to those duties, except where the employee was not
20 acting in good faith or committed gross negligence or willful or wanton misconduct that
21 resulted in the damage or injury. In any proceeding involving liability, good faith on the
22 part of the employee shall be presumed."

1 Sec. 2. This act is effective upon ratification but does not apply to litigation
2 pending on the effective date.