

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 160

SHORT TITLE: Defense of Social Workers

SPONSOR(S): Senator Leslie Winner

FISCAL IMPACT: Expenditures: Increase (X) Decrease ()
 Revenues: Increase () Decrease ()
 No Impact ()
 No Estimate Available ()

FUNDS AFFECTED: General Fund (X) Highway Fund () Local Fund ()
 Other Fund ()

BILL SUMMARY: Adds new G.S. 143-300.11 providing for the indemnification of any current or former county juvenile or adult protective services social worker for liability in any civil or criminal action or proceeding brought against the social worker in his or her official or individual capacity, on account of an act done or omission made per the provisions of Art. 44 of Ch. 7A, Art. 6 of CH. 108A, or G.S. 108-14(12). Specifies that a social worker is to be considered an employee of the Department of Human Resources only for purposes of G.S. 143-300.6 and for purposes of liability coverage under G.S. 58-32-15.

EFFECTIVE DATE: October 1, 1995; Sunsets October 1, 1997

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Department of Justice, Department of Human Resources

FISCAL IMPACT

	<u>FY 95-96</u>	<u>FY 96-97</u>	<u>FY 97-98</u>	<u>FY 98-99</u>	<u>FY 99-00</u>
EXPENDITURES					
RECURRING	\$118,838	\$158,451	\$158,451	\$158,451	\$158,451
NON-RECURRING	11,910				
REVENUES/RECEIPTS					
RECURRING	In addition to the above-noted amounts, the liability				
NON-RECURRING	awards could be substantial. See Assumptions and Methodology.				

POSITIONS: 3

ASSUMPTIONS AND METHODOLOGY: Presumably, every death or serious injury of a child by a parent, in a family in which county departments of social services are providing services, could result in litigation. In FY 1993-94, there were 34 child fatalities resulting from suspected abuse or neglect by parents or caretakers. County departments of social services were providing some services for 14 of the 34 children or their families. For July 1 - December 31, 1994, there were 24 such child fatalities of whom services were being provided for 17 of the children or their families. No data is available for serious injuries of children but the number is believed to be significant.

The Department of Justice believes that the potential liability in the death cases could be in the millions of dollars. Assuming none of the exceptions to the liability trust apply, each award could total \$1,000,000 based on the \$150,000 tort limit and the \$850,000 excess liability limit. In order to defend social workers in this form of major litigation, it is also estimated that two additional attorneys and a paralegal will be needed in addition to funds for litigation support such as discovery, expert witnesses, travel, fees, etc.

SOURCES OF DATA: Department of Justice

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION

733-4910

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DATE: March 21, 1995



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