

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 160*

Short Title: Defense of Social Workers.

(Public)

Sponsors: Senators Winner; Gulley, Odom, Carpenter, and Cooper.

Referred to: Judiciary I/Constitution.

February 8, 1995

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE STATE TO DEFEND COUNTY CHILD PROTECTIVE SERVICES SOCIAL WORKERS, ADULT PROTECTIVE SERVICES SOCIAL WORKERS, AND FOSTER CARE SOCIAL WORKERS FROM LIABILITY ARISING FROM THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

The General Assembly of North Carolina enacts:

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

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

Any county social worker currently or formerly employed by a county department of social services performing the official duties of the social worker's position as either a juvenile protective services social worker pursuant to Article 44 of Chapter 7A of the General Statutes, an adult protective services social worker pursuant to Article 6 of Chapter 108A of the General Statutes, or a foster care social worker performing duties assigned or delegated by the county director of social services pursuant to G.S. 108A-14(12) of the General Statutes shall be defended by the State subject to the provisions of G.S. 143-300.4 and G.S. 143-300.4A of the General Statutes and shall be indemnified from liability in accordance with the provisions of this Article in any civil or criminal action or proceeding brought against the social worker in the social worker's official or

1 individual capacity, or both, on account of an act done or omission made in the scope and
2 course of carrying out the provisions of Article 44 of Chapter 7A of the General Statutes,
3 Article 6 of Chapter 108A of the General Statutes, or G.S. 108A-14(12). The social
4 worker shall be considered an employee of the Department of Human Resources only for
5 purposes of G.S. 143-300.6 and for purposes of liability coverage under G.S. 58-32-15."

6 Sec. 2. This act becomes effective October 1, 1995, and applies to all actions
7 arising on or after that date, but before October 1, 1997.