

1 **IMMUNITY FROM LIABILITY IN CHILD**
2 **WELFARE INVESTIGATIONS**

3 2002 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Wayne A. Harper**

6 **This act amends the Human Services Code. The act provides that there is no immunity to**
7 **governmental employee child welfare workers who act or fail to act through fraud or malice**
8 **or who commit perjury.**

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **62A-4a-410**, as last amended by Chapter 302, Laws of Utah 1995

12 *Be it enacted by the Legislature of the state of Utah:*

13 Section 1. Section **62A-4a-410** is amended to read:

14 **62A-4a-410. Immunity from liability.**

15 (1) Any person, official, or institution participating in good faith in making a report, taking
16 photographs or X-rays, assisting an investigator from the division, serving as a member of a child
17 protection team, or taking a child into protective custody pursuant to this part, is immune from any
18 liability, civil or criminal, that otherwise might result by reason of those actions.

19 (2) This section does not provide immunity with respect to acts or omissions of a
20 governmental employee if it is established that:

21 (a) the employee acted or failed to act under Subsection (1) through fraud or malice, in
22 accordance with Subsections 63-30-4(3)(b) or (4); or

23 (b) in a judicial or administrative proceeding the employee intentionally or knowingly
24 gave, upon a lawful oath or in any form allowed by law as a substitute for an oath, false testimony
25 material to the issue or matter of inquiry under Subsection (1).



Legislative Review Note
as of 11-14-01 4:07 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Health and Human Services Interim Committee recommended this bill.