

Examples of State Statutes that Provide Immunity for Employees of CACs

Kentucky

Rev. Stat. 620.050(1)-(2)

Any employee or designated agent of a children's Advocacy center shall be immune from any civil liability arising from performance within the scope of the person's duties... any such person shall have the same immunity with respect to participation in any judicial proceeding. Nothing in this subsection shall limit liability for negligence. Upon the request of an employee or designated agent of a children's advocacy center, the Attorney General shall provide for the defense of any civil action brought against the employee or designated agent.

Oklahoma

Ann.Stat.Tit.10A,1-2-104

...A child advocacy center that is accredited by the National Children's Alliance, and the employees thereof, who are acting in good faith and exercising due care shall have immunity from civil liability that may be incurred or imposed through participation in the investigation process and any judicial proceedings resulting from the investigation process.

Louisiana

Art.514

In the consideration of any child abuse case, a member of a multidisciplinary team shall not be liable for civil damages while acting in the official scope of his duties if the member, in good faith, refers a report of alleged child abuse for investigation, conducts an investigation, makes an investigation judgement or disposition, or releases or uses information for the purpose of protecting a child.

The limitation of civil liability... does not apply if a multidisciplinary team member acts with gross negligence or in bad faith.

Arizona

ARS Title 8, Chapter 4, Article 1 8-466 B (Adopted 5/2/17)

An employee or designated agent of a child and family advocacy center that meets the requirements of subsection A of this section is immune from any civil liability that arises from the employee's or designated agent's participation in the investigation process and services provided by the child and family advocacy center unless the employee or designated agent acted with malice or has been charged with or is suspected of abusing or neglecting the child who is the subject of the investigation or services provided. The subsection does not displace or limit any other immunity provided by law.

Next Steps

Immunity from prosecution and civil liability is an important issue for professionals involved in the response to allegations of child abuse and neglect. The fear of potential litigation can, in some cases, hinder an investigator's ability to make difficult decisions surrounding a case. While some protections exist in federal law, state and local laws, states should work to strengthen these protections expressly providing immunity to employees of Children's Advocacy Centers and Multidisciplinary teams.