SOCIAL SERVICES AGENCY LIABILITY ACT
Act 590 of 2012

AN ACT to provide protection from civil liability to persons that provide court-appointed social services.

History: 2012, Act 590, Imd. Eff. Jan. 7, 2013.

The People of the State of Michigan enact:

691.1631 Short title.

Sec. 1. This act shall be known and may be cited as the "social services agency liability act".

History: 2012, Act 590, Imd. Eff. Jan. 7, 2013.

691.1633 Definitions.

Sec. 3. As used in this act:

(a) "Child social welfare program" means a child welfare residential or home-based program, a program involving foster care coordination including adoption activities, a respite care program, or behavioral health or early education services operating under contract and as an agent for the department of human services.

(b) "Gross negligence" means conduct or a failure to act that is so reckless that it demonstrates a substantial lack of concern for whether an injury will result.

(c) "Person" means an individual, partnership, corporation, association, or other legal entity, other than a governmental agency.

(d) "Social services agency" means a person, other than an individual, that is licensed by this state to provide child social welfare programs.

(e) "Willful misconduct" means conduct or a failure to act that is intended to harm the plaintiff.

History: 2012, Act 590, Imd. Eff. Jan. 7, 2013.

691.1635 Immunity of social services agency and its director, member, officer, employee, or agent; exception.

Sec. 5. (1) Subject to subsections (3) and (4), a social services agency is immune from liability for personal injury or property damage caused by the agency's provision of a child social welfare program.

(2) Subject to subsections (3) and (4), a director, member, officer, employee, or agent of a social services agency is immune from liability for personal injury or property damage caused by the director, member, officer, employee, or agent while acting on behalf of the agency in the conduct of a child social welfare program if the director, member, officer, employee, or agent is acting or reasonably believes he or she is acting within the scope of his or her authority.

(3) This section does not apply if the conduct that causes personal injury or property damage amounts to gross negligence or is willful misconduct.

(4) This section does not apply if the conduct that causes personal injury or property damage is prohibited by law and a violation of the prohibition is punishable by imprisonment.

History: 2012, Act 590, Imd. Eff. Jan. 7, 2013.

691.1637 Presumption that action within scope of authority.

Sec. 7. In a civil action for damages resulting from the conduct of a child social welfare program, there is a presumption that a director, member, officer, employee, or agent of a social services agency was acting within the scope of his or her authority and that the conduct of the director, member, officer, employee, or agent did not amount to gross negligence, was not willful misconduct, and was not punishable by imprisonment.

History: 2012, Act 590, Imd. Eff. Jan. 7, 2013.

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