

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 423

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

S423-ATG-55 [v.3]

Page 1 of 2

Amends Title [NO]
Fourth Edition

Date _____, 2015

Representative Stevens

1 moves to amend the bill on page 1, lines 27-29, by rewriting the lines to read:

2
3 "(a) The reasonable and prudent parent standard is the standard characterized by careful
4 and sensible parental decisions that are reasonably intended to maintain the health, safety, and
5 best interests of the child while at the same time encouraging the emotional and developmental
6 growth of the child, that a caregiver shall use when determining whether to allow a child in
7 foster care under the responsibility of the State to participate in extracurricular, enrichment,
8 cultural, and social activities."; and

9
10 on page 2, lines 3-7, by rewriting the lines to read:

11
12 "(d) A caregiver, including the child's foster parent, whether the child is in a family
13 foster home or a therapeutic foster home, may be held liable for an act or omission of the child
14 if the caregiver fails to act in accordance with the reasonable and prudent parent standard under
15 this section. To the extent it may be applicable, the liability of a county department of social
16 services, or the Department of Health and Human Services, shall be strictly adjudicated
17 according to and in compliance with the terms of G.S § 153A-435, et seq. or G.S. § 143-291, et
18 seq., as applicable. Nothing in this subsection is intended to abrogate or diminish the qualified
19 immunities of public officials acting in the course and scope of their employment."; and

20
21 on page 2, line 20, by rewriting the line to read:

22
23 "where the child is placed, shall not be liable for injuries to the child that occur as a result of
24 acting in accordance with the"; and

25
26 on page 2, lines 22-26, by rewriting the lines to read:

27
28 "(g) The immunity provided in subsection (f) of this section does not apply if it is
29 determined that the injuries to the child were caused by gross negligence, willful and wanton
30 conduct, or intentional wrongdoing, or arose out of the operation of a motor vehicle. Any
31 liability under this subsection that may be attributable to either the county department of social
32 services or the Department of Health and Human Services shall be strictly adjudicated



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1 according to and in compliance with the terms of G.S. § 153A-435, et seq., or G.S. § 143-291,
2 et seq., as applicable. Nothing in this subsection is intended to abrogate or diminish the
3 qualified immunities of public officials acting in the course and scope of their employment.";
4 and

5
6 on page 3, line 19, by rewriting the line to read:

7
8 "(a) Except as prohibited by federal law, the director of a county department of"; and

9
10 on page 5, line 38, by rewriting the line to read:

11
12 "SECTION 5.1.(a) The Department of Health and Human Services, Division of
13 Medical Assistance, shall design and draft, but not submit, a 1915(c) Medicaid".

14
15
16
17

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
House Principal Clerk's Office**