

The Good Faith Clause

Chapter 51.15(11)

“Liability. Any individual who acts in accordance with [51.15], including making a determination that an individual has or does not have mental illness or evidences or does not evidence a substantial probability of harm under sub. (1) (a) 1,2,3 or 4, is not liable for any actions taken in good faith. The good faith of the actor shall be presumed in any civil action. Whoever asserts that the individual who acts in accordance with this section has not acted in good faith has the burden of proving that assertion by evidence that is clear, satisfactory and convincing.”

What this means

- This covers police and other first responders, including crisis workers
- You can make the wrong decision and still not be liable if you are acting in good faith
- If someone tries to sue you, they have to prove that you weren't acting in good faith
- This has held up in court and in appeals court
- Documenting what you did and why is important to establishing good faith efforts