

NORTH CAROLINA GENERAL ASSEMBLY
1965 SESSION

CHAPTER 472
SENATE BILL 44

1 AN ACT TO CONFER IMMUNITY ON PHYSICIANS AND OTHER PERSONS WHO
2 REPORT PHYSICAL ABUSE AND NEGLECT OF CHILDREN AND TO AMEND
3 SECTIONS OF THE GENERAL STATUTES TO PREVENT CONFLICT BETWEEN
4 STATUTES AS TO WHETHER THE RELATIONSHIP OF HUSBAND AND WIFE OR
5 PHYSICIAN AND PATIENT WILL PREVENT THE INTRODUCTION OF EVIDENCE
6 OR TESTIMONY.

7
8 The General Assembly of North Carolina do enact:
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10 **Section 1.** Article 39 of Chapter 14 of the General Statutes is hereby amended by
11 adding new Sections immediately following G.S. 14-318.1, and immediately preceding G.S.
12 14-319, to be numbered G.S. 14-318.2 and G.S. 14-318.3 and to read as follows:

13 **"G.S. 14-318.2. Immunity of Physicians and Others Who Report Abuse or Neglect of**
14 **Children.** Any licensed physician or surgeon, any licensed nurse, any school teacher, principal,
15 superintendent, or other administrative head of a school, or any employee of a county
16 department of public welfare, who in the pursuit of his profession or occupation shall make an
17 observation or acquire information causing him to believe that a child under the age of sixteen
18 years suffers from any illness or has had any injury inflicted upon him as a result of abuse or
19 neglect by a parent, step-parent, guardian, custodian, a person standing in loco parentis to such
20 child, or an institution, or an agent or employee of an institution, having the authority of a
21 parent or guardian over such child, may report to the county director of public welfare of the
22 county where the child resides, the names and addresses of the child and his parents or other
23 persons responsible for his care, the age of the child, the nature and extent of the child's injury
24 or illness, including any evidence of previous injury or illness and any other information that
25 the maker of the report shall believe might be helpful in establishing the cause of the injury or
26 illness and the identity of the person causing or responsible for the abuse, neglect, injury or
27 illness.

28 "Anyone who makes a report pursuant to this statute and anyone who testifies in any
29 judicial proceeding resulting from the report shall be immune from any civil or criminal
30 liability that might otherwise be incurred or imposed for so doing, unless such person acted in
31 bad faith or with malicious purpose.

32 **"G.S. 14-318.3. County Department of Public Welfare to Investigate.** The county director
33 of public welfare upon receiving the report referred to in G.S. 14-318.2, shall investigate to
34 attempt to determine who caused the abuse, neglect, injury or illness, and shall take such action
35 in accordance with law necessary to prevent the child from being subjected to further abuse,
36 neglect, injury or illness."

37 **Sec. 2.** Physician-Patient; Evidence not Privileged. Notwithstanding the provisions
38 of G.S. 8-53, the physician-patient privilege shall not be a ground for excluding evidence
39 regarding the abuse or neglect of a child under the age of sixteen years or regarding an illness
40 of or injuries to such child or the cause thereof, in any judicial proceeding resulting from a
41 report pursuant to this Act.

42 **Sec. 3.** All laws and clauses of laws in conflict with this Act are hereby repealed.

43 **Sec. 4.** This Act shall become effective July 1, 1965.

1
2 1965.

In the General Assembly read three times and ratified, this the 11th day of May,