

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1991

CHAPTER 923
HOUSE BILL 1375

AN ACT TO AMEND CHAPTER 593 OF THE 1991 SESSION LAWS TO PROVIDE
FOR THE STATE BUREAU OF INVESTIGATION'S IMMEDIATE
NOTIFICATION OF ALLEGED SEXUAL ABUSE IN DAY CARE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-542 reads as rewritten:

"§ 7A-542. Protective services.

The Director of the Department of Social Services in each county of the State shall establish protective services for juveniles alleged to be abused, neglected, or dependent.

Protective services shall include the investigation and screening of complaints, casework or other counseling services to parents or other caretakers as provided by the director to help the parents or other caretakers and the court to prevent abuse or neglect, to improve the quality of child care, to be more adequate parents or caretakers, and to preserve and stabilize family life.

The provisions of this Article shall also apply to ~~day care~~ child day care facilities and day care plans-child day care homes as defined in G.S. 110-86."

Sec. 2. G.S. 7A-543 reads as rewritten:

"§ 7A-543. Duty to report child abuse or neglect.

Any person or institution who has cause to suspect that any juvenile is abused or neglected shall report the case of that juvenile to the Director of the Department of Social Services in the county where the juvenile resides or is found. The report may be made orally, by telephone, or in writing. The report shall include information as is known to the person making it including the name and address of the juvenile; the name and address of the juvenile's parent, guardian, or caretaker; the age of the juvenile; the present whereabouts of the juvenile if not at the home address; the nature and extent of any injury or condition resulting from abuse or neglect and any other information which the person making the report believes might be helpful in establishing the need for protective services or court intervention. If the report is made orally or by telephone, the person making the report shall give his name, address, and telephone number. Refusal of the person making the report to give his name shall not preclude the Department's investigation of the alleged abuse or neglect.

In the case of any report of abuse, the Director of Social Services, upon receipt of the report, may immediately provide the appropriate local law-enforcement agency with information on the nature of the report. The law-enforcement agency may investigate the report, and upon request of the Director of the Department of Social Services, the law-enforcement agency shall provide assistance with the investigation.

Upon receipt of any report of child sexual abuse in a day care facility or day care home, the Director shall notify the State Bureau of Investigation within 24 hours or on the next work day. If child sexual abuse in a day care facility or day care home is not alleged in the initial report, but during the course of the investigation there is reason to suspect that child sexual abuse has occurred, the Director shall immediately notify the State Bureau of Investigation. Upon notification that child sexual abuse may have occurred in a day care facility or day care home, the State Bureau of Investigation may form a task force to investigate the report."

Sec. 3. G.S. 7A-544 reads as rewritten:

"§ 7A-544. Investigation by Director; notification of State Bureau of Investigation if sexual abuse in day care; notification of person making the report.

When a report of abuse or neglect is received, the Director of the Department of Social Services shall make a prompt and thorough investigation in order to ascertain the facts of the case, the extent of the abuse or neglect, and the risk of harm to the juvenile, in order to determine whether protective services should be provided or the complaint filed as a petition. When the report alleges abuse, the Director shall immediately, but no later than 24 hours after receipt of the report, initiate the investigation. When the report alleges neglect, the Director shall initiate the investigation within 72 hours following receipt of the report. The investigation and evaluation shall include a visit to the place where the juvenile resides. All information received by the Department of Social Services shall be held in strictest confidence by the Department.

If the investigation reveals abuse or neglect, the Director shall decide whether immediate removal of the juvenile or any other juveniles in the home is necessary for their protection. If immediate removal does not seem necessary, the Director shall immediately provide or arrange for protective services. If the parent or other caretaker refuses to accept the protective services provided or arranged by the Director, the Director shall sign a complaint seeking to invoke the jurisdiction of the court for the protection of the juvenile or juveniles.

If immediate removal seems necessary for the protection of the juvenile or other juveniles in the home, the Director shall sign a complaint which alleges the applicable facts to invoke the jurisdiction of the court. Where the investigation shows that it is warranted, a protective services worker may assume temporary custody of the juvenile for the juvenile's protection pursuant to Article 46 of this Chapter.

In performing any of these duties, the Director may utilize the staff of the county Department of Social Services or any other public or private community agencies that may be available. The Director may also consult with the available State or local law-enforcement officers who shall assist in the investigation and evaluation of the seriousness of any report of abuse or neglect when requested by the Director. ~~If the Director's initial investigation of a report of abuse in a day care facility reveals sexual abuse may have occurred, the Director shall notify the State Bureau of Investigation of the results of the initial investigation within 24 hours or on the next working day. The State Bureau of Investigation may send a task force to investigate the alleged sexual abuse and gather evidence that may be presented at a criminal trial.~~

Unless a petition is filed within five working days after receipt of the report of abuse or neglect, the Director shall give written notice to the person making the report that:

- (1) There is no finding of abuse or neglect; or
- (2) The county Department of Social Services is taking action to protect the welfare of the juvenile and what specific action it is taking.

The notification shall include notice that, if the person making the report is not satisfied with the Director's decision, he may request review of the decision by the prosecutor within five working days of receipt. The person making the report may waive his right to this notification and no notification is required if the person making the report does not identify himself to the Director."

Sec. 4. G.S. 7A-548 reads as rewritten:

"§ 7A-548. Duty of Director to report evidence of abuse, neglect; notification of Department of Human Resources and State Bureau of Investigation.

(a) If the Director finds evidence that a juvenile has been abused as defined by G.S. 7A-517(1), he shall immediately make a written report of the findings of his investigation to the district attorney, who shall determine if criminal prosecution is appropriate, and who may request the Director or his designee to appear before a magistrate.

If the Director receives information that a juvenile has been physically harmed in violation of any criminal statute by any person other than the juvenile's parent or other person responsible for his care, he shall make an oral or written report of that information to the district attorney or the district attorney's designee within 24 hours after receipt of the information. The district attorney shall determine whether criminal prosecution is appropriate.

If the report received pursuant to G.S. 7A-543 involves abuse or neglect of a juvenile in day care, either in a day care facility or a day care home, the Director shall notify the Department of Human Resources within 24 hours or on the next working day of receipt of the report.

(a1) If the Director finds evidence that a juvenile has been abused or neglected as defined by G.S. 7A-517 in a day care facility or day care home, he shall immediately so notify the Department of Human Resources and, in the case of child sexual abuse, the State Bureau of Investigation, in such a way as does not violate the law guaranteeing the confidentiality of the records of the Department of Social Services.

(a2) Upon completion of the investigation, the Director shall ~~notify~~ give the Department written notification of the results of the investigation required by G.S. 7A-544. ~~If the Director's initial investigation, carried out pursuant to G.S. 7A-544, of a report of abuse in a day care facility reveals that sexual abuse may have occurred, the Director shall notify the State Bureau of Investigation of the results of the initial investigation. The State Bureau of Investigation may send a task force to investigate the alleged sexual abuse and gather evidence that may be presented at a criminal trial. Upon completion of an investigation of child sexual abuse in a day care facility or day care home, the Director shall also make written notification of the results of the investigation to the State Bureau of Investigation.~~

The Director of the Department of Social Services shall submit a report of alleged abuse or neglect to the central registry under the policies adopted by the Social Services Commission.

(b) ~~If the Director finds evidence that a juvenile has been abused or neglected as defined by G.S. 7A-517 in a day care facility or home, he shall immediately so notify the Department of Human Resources and the State Bureau of Investigation in such a way as does not violate the law guaranteeing the confidentiality of the records of the Department of Social Services.~~"

Sec. 5. G.S. 114-15.3 reads as rewritten:

"§ 114-15.3. Investigations of child sexual abuse in day care.

The Director of the Bureau may form a task force to investigate and ~~prepare~~ gather evidence following a notification by the director of a county department of social services, pursuant to ~~G.S. 7A-544, G.S. 7A-543,~~ that ~~the director's initial investigation of a report of abuse in a day care facility reveals that~~ child sexual abuse may have ~~occurred.~~ occurred in a day care facility or day care home."

Sec. 6. This act becomes effective August 1, 1992, and applies to investigations of allegations received by directors of local departments of social services on and after that date.

In the General Assembly read three times and ratified this the 10th day of July, 1992.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives