

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

1

SENATE BILL 1039*

Short Title: Child Fatality Task Force Funds.

(Public)

Sponsors: Senators Walker; Plyler and Seymour.

Referred to: Appropriations.

June 1, 1992

A BILL TO BE ENTITLED

1 AN ACT TO APPROPRIATE FUNDS TO IMPLEMENT THE MOST URGENT OF
2 THE RECOMMENDATIONS OF THE NORTH CAROLINA CHILD FATALITY
3 TASK FORCE.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. There is appropriated from the General Fund to the Division of
7 Social Services, Department of Human Resources, the sum of one million three hundred
8 fifty-two thousand dollars (\$1,352,000) for the 1992-93 fiscal year for the Child
9 Medical Evaluation Program, to implement the most urgent of the recommendations of
10 the North Carolina Child Fatality Task Force's Preliminary Report to the 1991 General
11 Assembly, Regular Session 1992. These funds shall be used as follows:

- 12 (1) \$122,000 for operation and equipment costs needed to allow the
13 Program to make available timely and comprehensive medical and
14 mental health evaluations for every child suspected of being abused or
15 neglected in North Carolina;
- 16 (2) \$30,000 to increase reimbursements for medical examinations to
17 \$75.00 per examination;
- 18 (3) \$80,000 to reimburse child sexual abuse evaluations performed by
19 trained examiners at the rate of \$180.00 per examination;
- 20 (4) \$180,000 to pay providers for the backlog of unpaid claims;
- 21 (5) \$280,000 to fund the anticipated growth in the number of examinations
22 due to the unprecedented increase in the reported cases of child abuse
23 in North Carolina;

1 (6) \$360,000 to fund nine centers of excellence for second opinions,
2 specialized examinations, and education at the rate of \$40,000 per
3 center;

4 (7) \$300,000 to restore and fund the Child Mental Health Evaluation
5 Program.

6 Sec. 2. The Department of Crime Control and Public Safety, Division of
7 Victims' and Justice Services, the Victims of Crime Act Reimbursement Program, the
8 Department of Human Resources, Division of Social Services, Child Medical
9 Evaluation Program, and other appropriate State agencies and programs shall coordinate
10 in the development of a plan to provide a comprehensive "no fault" mechanism to pay
11 for the evaluations and treatment of children who are suspected victims of abuse or
12 neglect, regardless of whether they fall under child protective services or police
13 jurisdiction and regardless of each child's relationship to the perpetrator.

14 Sec. 3. (a) Effective October 1, 1992, the Department of Human Resources
15 shall establish maximum case loads for county departments of social services workers in
16 child protective services investigations and child protective services treatment and ratios
17 of caseworkers to supervisor as follows:

18 (1) Child protective services investigations only - no more than 18 cases
19 per worker at any given time;

20 (2) Child protective services treatment only - no more than 20 cases per
21 worker at any given time;

22 (3) Child protective services combined case loads of investigation and
23 treatment - no more than 16 cases per worker at any given time;

24 (4) One supervisor for every five child protective services workers.

25 (b) There is appropriated from the General Fund to the Division of Social
26 Services, Department of Human Resources, the sum of twenty million seven hundred
27 seventy-six thousand dollars (\$20,776,000) for the 1992-93 fiscal year to implement this
28 section.

29 Sec. 4. There is appropriated from the General Fund to the Division of Social
30 Services, Department of Human Resources, the sum of ten million eight hundred thirty-
31 one thousand two hundred five dollars (\$10,831,205) for the 1992-93 fiscal year to
32 make support services as set out in the North Carolina Social Services Plan available in
33 counties as needed, to facilitate the treatment of families receiving child protective
34 services. Support services include transportation services, homemaking services,
35 mental health and substance abuse services, and parenting classes.

36 Sec. 5. (a) Effective for the 1992-93 school year, the Department of Public
37 Instruction shall, in cooperation with local health departments, ensure that all entering
38 kindergarten students are given comprehensive health screenings and that the
39 completions and results of the screenings are reported to the Department. The
40 Department shall make this health screening a condition for attending school.

41 (b) The Department of Public Instruction, the Health Division of the
42 Department of Environment, Health, and Natural Resources, local departments of
43 health, and other private and local agencies and professionals shall develop truly

1 comprehensive screening protocol that can feasibly be implemented by the 1992-93
2 school year.

3 Sec. 6. The General Assembly shall continue the implementation of the Child
4 Mental Health Plan of the Mental Health Study Commission.

5 Sec. 7. The Division of Social Services, Department of Human Resources,
6 shall continue to work to ensure that family preservation services for families at
7 imminent risk of having a child removed from the home are available in every county
8 by 1994.

9 Sec. 8. (a) The Division of Social Services, Department of Human
10 Resources, shall conduct systematic program reviews of county child protective services
11 programs at least once every two years and take immediate corrective action.

12 (b) The Division of Social Services, Department of Human Resources, shall
13 conduct a study of how best to ensure the programs' accountability, to ensure that their
14 management organization is the best it can be, and to determine whether there is a need
15 for stronger State supervision of county programs.

16 (c) There is appropriated from the General Fund to the Division of Social
17 Services, Department of Human Resources, the sum of eighty thousand six hundred
18 fifty-nine dollars (\$80,659) for the 1992-93 fiscal year to implement subsection (a) of
19 this section.

20 Sec. 9. The General Assembly continues to support the continued
21 implementation of the four-year reduction of infant mortality and endorses the efforts of
22 the Governor's Commission on the Reduction of Infant Mortality to develop a strategic
23 plan for the State.

24 Sec. 10. (a) Effective for the beginning of the 1992-93 school year, the
25 Department of Public Instruction shall ensure that all school systems are provided with
26 school counselors, school psychologists, school social workers, and school nurses
27 according to the following minimum staff/student ratios:

- 28 (1) School counselors: one counselor to 400 students;
29 (2) School psychologists: one psychologist to 2,000 students;
30 (3) School social workers: one social worker to 2,500 students;
31 (4) School nurses: one nurse to 3,000 students.

32 (b) The Department of Public Instruction shall give high priority to the
33 classifications of school counselors, psychologists, social workers, and nurses in the
34 continued implementation of the Basic Education Plan, or any other funded initiative
35 that can sponsor these personnel.

36 (c) The Department of Public Instruction shall ensure by monitoring and
37 enforcement that the Basic Education Plan funds allocated for student support services
38 are actually spent in that category.

39 (d) There is appropriated from the General Fund to the Department of Public
40 Education the sum of fifteen million one hundred thousand dollars (\$15,100,000) for the
41 1992-93 fiscal year to implement subsection (a) of this section.

42 Sec. 11. The Division of Social Services, Department of Human Resources,
43 shall monitor the compliance of the Community Child Protection Teams (CCPTs) with

1 the administrative rules of the Social Services Commission and provide training,
2 consultation, and technical assistance to support and facilitate CCPT operations.

3 Sec. 12. (a) The Division of Social Services, Department of Human
4 Resources, shall establish 24-hour child protective services telephone "hotlines" in each
5 county.

6 (b) There is appropriated from the General Fund to the Division of Social
7 Services, Department of Human Resources, the sum of sixty-two thousand dollars
8 (\$62,000) for the 1992-93 fiscal year to implement this section.

9 Sec. 13. The Social Services Commission shall strengthen the Community
10 Child Protection Teams (CCPTs) by making the following changes to the rules:

11 (1) Add the local guardian **ad litem** coordinator and a representative of
12 local public health to the existing list of required members.

13 (2) Specify that the chairperson of the CCPT shall be elected by the
14 members of the CCPT.

15 Sec. 14. G.S. 7A-552 reads as rewritten:

16 **"§ 7A-552. Central registry.**

17 The Department of Human Resources shall maintain a central registry of abuse and
18 neglect cases reported under this Article in order to compile data for appropriate study
19 of the extent of abuse and neglect within the State and to identify repeated abuses of the
20 same juvenile or of other juveniles in the same family. This data shall be furnished by
21 county directors of social services to the Department of Human Resources and shall be
22 confidential, subject to policies adopted by the Social Services Commission which
23 provide for its appropriate use for study and ~~research~~ research and to enable physicians
24 and other professionals to provide better services to children, as determined by the
25 Commission. Data shall not be used at any hearing or court proceeding unless based
26 upon a final judgment of a court of law."

27 Sec. 15. The Division of Social Services, Department of Human Resources,
28 the Department of Justice, State Bureau of Investigation, and the Judicial Department
29 shall appoint a task force to develop joint training for law enforcement officials, county
30 departments of social services workers, court officials, and other child-serving
31 professionals on child abuse and neglect investigations and criminal prosecutions. This
32 task force shall consider the working of the day care investigation training developed
33 pursuant to Chapter 593 of the General Statutes by the Department of Human Resources
34 and the State Bureau of Investigation as a model for collaboration and as a continuing
35 guideline.

36 Sec. 16. The Administrative Office of the Courts shall make its current
37 training and certification of judges in family and juvenile law mandatory before the
38 judges may hear family law and juvenile law cases. The Chief Justice of the Supreme
39 Court shall adopt rules to implement this section.

40 Sec. 17. The North Carolina Association of District Attorneys is encouraged
41 to study the issue of setting up a special section for child abuse prosecutors.

42 Sec. 18. (a) The Department of Justice shall ensure that law enforcement
43 agencies develop protocols for conducting child abuse and neglect criminal
44 investigations.

1 (b) The Division of Social Services, Department of Human Resources, shall
2 ensure that community interdisciplinary teams develop protocols to use in child abuse
3 and neglect reviews.

4 (c) The Administrative Office of the Courts shall ensure that district attorneys
5 develop protocols for child abuse and neglect criminal investigations.

6 (d) The Division of Social Services, Department of Human Resources, and
7 the Department of Justice, State Bureau of Investigation, shall ensure that local child
8 abuse and neglect criminal investigation teams develop protocols for operating policies
9 and the sharing of information.

10 Sec. 19. (a) G.S. 143-577(b) reads as rewritten:

11 "(b) The Task Force shall provide ~~a final report~~ updated reports to the Governor
12 and General Assembly within the first week of the convening of the 1993 General
13 ~~Assembly.~~ Assembly and within the first week of the convening of the 1994 Session of
14 the 1993 General Assembly. The Task Force shall provide a final report to the
15 Governor and General Assembly within the first week of the convening of the 1995
16 General Assembly. The final report shall include final conclusions and
17 recommendations for each of the Task Force's duties, as well as any other
18 recommendations for changes to any law, rule, and policy that it has determined will
19 promote the safety and well-being of children. Any recommendations of changes to
20 law, rule, or policy shall be accompanied by specific legislative or policy proposals and
21 detailed fiscal notes setting forth the costs to the State."

22 (b) There is appropriated from the General Fund to the Department of
23 Environment, Health, and Natural Resources, the sum of thirty-seven thousand five
24 hundred dollars (\$37,500) for the 1992-93 fiscal year to fund the Task Force for the
25 remainder of the 1992-93 fiscal year.

26 Sec. 20. Chapter 20 of the General Statutes is amended to require that it is
27 unlawful for any person aged 18 to 20 to operate a motor vehicle in the State at any time
28 when that person has a blood alcohol level of .04 or greater.

29 Sec. 21. (a) G.S. 7A-544 reads as rewritten:

30 "**§ 7A-544. Investigation by Director; notification of State Bureau of Investigation**
31 **if sexual abuse in day care; notification of person making the report.**

32 When a report of abuse or neglect is received, the Director of the Department of
33 Social Services shall make a prompt and thorough investigation in order to ascertain the
34 facts of the case, the extent of the abuse or neglect, and the risk of harm to the juvenile,
35 in order to determine whether protective services should be provided or the complaint
36 filed as a petition. When the report alleges abuse, the Director shall immediately, but no
37 later than 24 hours after receipt of the report, initiate the investigation. When the report
38 alleges neglect, the Director shall initiate the investigation within 72 hours following
39 receipt of the report. The investigation and evaluation shall include a visit to the place
40 where the juvenile resides. Any public agency, private agency, or individual shall
41 furnish any information or report to the Director if the Director considers that the
42 information may be relevant to the case under investigation. All information received
43 by the Department of Social Services shall be held in strictest confidence by the
44 Department.

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

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

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

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

25 (1) There is no finding of abuse or neglect; or

26 (2) The county Department of Social Services is taking action to protect
27 the welfare of the juvenile and what specific action it is taking.

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

33 (b) G.S. 7A-544.1(a) reads as rewritten:

34 "(a) If any person obstructs or interferes with an investigation required by G.S.
35 7A-544 or refuses to allow access to relevant information as allowed by G.S. 7A-544,
36 the Director may file a petition naming said person as respondent and requesting an
37 order directing the respondent to cease such obstruction or interference. The petition
38 shall contain the name and date of birth and address of the juvenile who is the subject of
39 the investigation, shall specifically describe the conduct alleged to constitute obstruction
40 of or interference with the investigation, and shall be verified."

41 Sec. 22. (a) The Department of Justice shall ensure that law enforcement
42 agencies develop job descriptions and work procedures for law enforcement officers
43 specializing in child abuse and neglect criminal investigations.

1 (b) The Administrative Office of the Courts shall ensure that district
2 attorneys' offices develop job descriptions and work procedures for an assistant district
3 attorney in each office who handles all child abuse and neglect cases.

4 Sec. 23. The Administrative Office of the Courts shall ensure that the district
5 attorney in each prosecutorial district develop and disseminate information about
6 provisions for "child friendly" courtroom environments, preparation of child witnesses,
7 and the use of videotaped and closed circuit testimony in the courtroom.

8 Sec. 24. G.S. 143-573(b) reads as rewritten:

9 "(b) The Task Force shall be composed of ~~25-27~~ members, 12 of whom shall be ex
10 officio members, three of whom shall be appointed by the Governor, and ~~eight-14~~ of
11 whom shall be appointed by the General Assembly, ~~four-seven~~ upon recommendation of
12 the Speaker of the House of Representatives and ~~four-seven~~ upon recommendation of
13 the President Pro Tempore of the Senate. The ex officio members other than the Chief
14 Medical Examiner may designate representatives from their particular departments,
15 divisions, or offices to represent them on the Task Force. The members shall be as
16 follows:

- 17 (1) The Chief Medical Examiner;
- 18 (2) The Attorney General;
- 19 (3) The Director of the Division of Social Services;
- 20 (4) The Director of the State Bureau of Investigation;
- 21 (5) The Director of the Division of Maternal and Child Health of the
22 Department of Environment, Health, and Natural Resources;
- 23 (6) The Director of the Governor's Youth Advocacy and Involvement
24 Office;
- 25 (7) The Superintendent of Public Instruction;
- 26 (8) The President of the State Board of Education;
- 27 (9) The Director of the Division of Mental Health, Developmental
28 Disabilities, and Substance Abuse Services;
- 29 (10) The Secretary of the Department of Human Resources;
- 30 (11) The Secretary of the Department of Environment, Health, and Natural
31 Resources;
- 32 (11.1) The Director of the Administrative Office of the Courts;
- 33 (12) A director of a county department of social services appointed by the
34 Governor upon recommendation of the President of the North Carolina
35 Association of County Directors of Social Services;
- 36 (13) A representative from a Sudden Infant Death Syndrome counseling
37 and education program appointed by the Governor upon
38 recommendation of the Director of the Division of Maternal and Child
39 Health of the Department of Environment, Health, and Natural
40 Resources;
- 41 (14) A representative from the North Carolina Child Advocacy Institute
42 appointed by the Governor upon recommendation of the President of
43 the Institute;

- 1 (15) A representative from a private group, other than the North Carolina
2 Child Advocacy Institute, that advocates for children, appointed by the
3 General Assembly upon recommendation of the Speaker of the House
4 of Representatives upon recommendation of private child advocacy
5 organizations;
- 6 (16) A pediatrician, licensed to practice medicine in North Carolina,
7 appointed by the General Assembly upon recommendation of the
8 Speaker of the House of Representatives upon recommendation of the
9 North Carolina Pediatric Society;
- 10 (17) A representative from the North Carolina League of Municipalities
11 appointed by the General Assembly upon recommendation of the
12 Speaker of the House of Representatives upon recommendation of the
13 League;
- 14 (18) Two public members appointed by the General Assembly upon
15 recommendation of the Speaker of the House of Representatives;
- 16 (19) A county or municipal law enforcement officer appointed by the
17 General Assembly upon recommendation of the President Pro
18 Tempore of the Senate upon recommendation of organizations that
19 represent local law enforcement officers;
- 20 (20) A district attorney appointed by the General Assembly upon the
21 recommendation of the President Pro Tempore of the Senate upon
22 recommendation of the President of the North Carolina Conference of
23 District Attorneys;
- 24 (21) A representative from the North Carolina Association of County
25 Commissioners appointed by the General Assembly upon
26 recommendation of the President Pro Tempore of the Senate upon
27 recommendation of the Association; ~~and~~
- 28 (22) Two public members appointed by the General Assembly upon
29 recommendation of the President Pro Tempore of the Senate; and
- 30 (23) Four members of the General Assembly, two members of the Senate
31 appointed by the General Assembly upon recommendation of the
32 President Pro Tempore of the Senate and two members of the House of
33 Representatives appointed by the General Assembly upon
34 recommendation of the Speaker of the House of Representatives."

35 Sec. 25. (a) The Department of Environment, Health, and Natural Resources,
36 State Center for Health and Environmental Statistics, shall conduct a study that
37 investigates the role of family poverty on child death in North Carolina and shall
38 develop a protocol for linking governmental agency data.

39 (b) There is appropriated from the General Fund to the State Center for
40 Health and Environmental Statistics, Department of Environment, Health, and Natural
41 Resources, the sum of thirty-nine thousand six hundred fifty-seven dollars (\$39,657) for
42 the 1992-93 fiscal year to carry out this study.

43 Sec. 26. All studies required by this act shall be reported to the Child Fatality
44 Task Force at its request and within its time frame, so that all recommendations from

- 1 these studies may be considered for inclusion in one of its reports to the General
- 2 Assembly.
- 3 Sec. 27. This act becomes effective July 1, 1992.