

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: H364 Comm. Sub 5/6/93

SHORT TITLE: Juv. Law/Child Protection

SPONSOR(S): Rep. Easterling, Diamont

FISCAL IMPACT: **Expenditures:** **Increase (x)** **Decrease ()**
 Revenues: **Increase ()** **Decrease ()**
 No Impact ()
 No Estimate Available (x)

FUNDS AFFECTED: **General Fund ()** **Highway Fund ()** **Local Fund (x)**
 Other Fund ()

BILL SUMMARY

H 364. JUV. LAW/CHILD PROTECTION. "TO IMPLEMENT A RECOMMENDATION OF THE CHILD FATALITY TASK FORCE TO AMEND THE JUVENILE LAW AND OTHER LAWS TO PROTECT CHILDREN MORE EFFECTIVELY FROM ABUSE, NEGLECT, AND DEPENDENCY." Makes substantive and technical changes to several statutes concerning abused, neglected, and dependent juveniles. Rewrites GS 7A-551 to provide that no privilege shall be grounds for any person or institution failing to report that a juvenile may have been abused, neglected, or dependent; also provides that no privilege, except the attorney-client privilege, shall be grounds for excluding evidence in any judicial proceeding resulting from a report of abuse, neglect, or dependency. Rewrites GS 7A-544 to empower directors of county departments of social services to demand information, whether or not confidential, that the director deems relevant to a child protective services case; also requires agencies and individuals to turn over confidential information requested by the director to the extent permitted by federal law and redefines obstruction and interference with an investigation to include the refusal to allow the director access to confidential information. Rewrites GS 7A-550 to provide that any county social services employee who is assigned to perform, on behalf of the director, any duties permitted or required under the Article on child protective services or who takes a juvenile into temporary custody under GS 7A-571(3), shall be personally and individually immune from civil liability for monetary damages for any act or failure to act with respect to those duties, except where the employee was not acting in good faith or committed gross negligence or willful or wanton misconduct; also provides that in any proceeding alleging liability, good faith on the employee's part is presumed. Makes other clarifying and technical changes to GS 7A-517 (definition of abused juveniles, caretakers, and dependent juveniles), GS 7A-543 (duty to report abuse, neglect, dependency, or death due to maltreatment), GS 7A-546 (request for review by prosecutor), GS 7A-547 (review by prosecutor), GS 7A-548 (investigation by local law enforcement

agencies), and GS 7A-552 (central registry of abuse and neglect cases and child fatalities as result of alleged maltreatment). Introduced by Easterling and Diamont.

SUBSTITUTES-May 6, 1993-Daily Bulletin 59

364. JUV. LAW/CHILD PROTECTION. Intro. 2/25. House committee substitute makes following substantive changes to original bill: (1) adds caretaker as responsible party in definition of abused juvenile in GS 7A-571(1); deletes requirement of serious injury in subdivision a.; rewrites subdivision b. to include party who creates or allows to be created substantial risk of physical injury to juvenile by other than accidental means; (2) amends GS 7A-543 to require written report within 72 hours by health care professional after making oral report; (3) adds provision in GS 7A-544 that if custodian of criminal investigative information or records believes that release of information will jeopardize state's right to prosecute defendant or defendant's right to fair trial or will undermine ongoing or future investigation, it may seek court order to prevent disclosure of information; and (4) deletes provision for immunity from civil liability for county social services employee in proposed amendment to GS 7A-550.

EFFECTIVE DATE: October 1, 1993

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Department of Human Resources
Division of Social Services and County Departments of Social Services

FISCAL IMPACT

	<u>FY</u>	<u>FY</u>	<u>FY</u>	<u>FY</u>	<u>FY</u>
EXPENDITURES					
RECURRING	NA	NA	NA	NA	NA
NON RECURRING					

ASSUMPTIONS AND METHODOLOGY: Sec. 2 of the bill expands the definition of "caretaker" to include persons other than blood relatives, such as stepparents, foster parents, adult members of the juvenile's household, boyfriends or girlfriends of the juvenile's parents, house or cottage parents etc. Since reports of child maltreatment by these categories of persons are not subject to investigation under current law, allegations of maltreatment by such persons are not captured in the existing data base. For this reason, there is no data with which to estimate the impact of this bill on caseloads.

SOURCES OF DATA: No data available

TECHNICAL CONSIDERATIONS:

In the judgment of the Division of Social Services, the proposed definition will result in a 10% increase in caseloads. At present, there are 803.6 FTE Child Protective Services positions in counties across the state (based on 1992 survey of counties by the Division of Social Services). With 803.6

positions as the baseline, a 10% increase in caseloads is estimated to require an additional 80.36 FTE Child Protective Services (CPS) Workers. The statewide average cost of a CPS workers is \$49,355/yr. including county administrative and indirect costs. Statewide costs for 80.36 FTE caseworkers at \$49,355/worker totals \$3.97 million annually.

Child Protective Services is a county responsibility under GS 108A-14, and under Article 44 of Chapter 7A. **The decision to hire additional staff will be made at the individual county's discretion based on the extent to which the county wishes to maintain its current level of service in the community.**

Since 1985, the General Assembly has appropriated a total of \$14.8 million/yr. to assist counties with the cost of the service. Of this sum, \$2 million is expansion funding to be allocated in FY 93-94.

FISCAL RESEARCH DIVISION

733-4910

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APPROVED BY: Tom Covington **TOMC**

DATE: 7/13/93

[FRD#003]



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