

§ 7B-1413. Access to records.

(a) The Local Teams, the Task Force, and the State Office staff providing to Local Teams technical assistance with a review shall have access to all medical records, hospital records, and records maintained by this State, any county, or any local agency the Local Teams, the Task Force, or the State Office deems necessary to carry out the purposes of this Article, including police investigations data, medical examiner investigative data, health records, mental health records, and social services records. Access to records granted by this subsection is subject to and limited by all relevant federal and State laws whenever applicable. The Task Force, the Local Teams, and the State Office staff shall not, as part of the reviews authorized under this Article, contact, question, or interview the child, the parent of the child, or any other family member of the child whose record is being reviewed. Any member of a Local Team may share, only in an official meeting of that Local Team, any information available to that member that the Local Team needs to carry out its duties.

(a1) If a Local Team, the Task Force, or the State Office has requested information that it is entitled to receive under this Article and it has not received such information within 30 days after the request, the requesting entity may apply for a court order to compel disclosure of the information. The application shall state the factors supporting the need for an order compelling disclosure. The requesting entity shall file the application in the district court of the county where the review is being conducted, and the court shall have jurisdiction to issue any orders compelling disclosure. The district courts shall schedule any actions brought under this section for immediate hearing, and the appellate courts shall give priority to appeal proceedings in these actions.

(b) Meetings of the Local Teams are not subject to the provisions of Article 33C of Chapter 143 of the General Statutes. However, the Local Teams may hold periodic public meetings to discuss, in a general manner not revealing confidential information about children and families, the findings of their reviews and their recommendations for preventive actions. In the case of the death of a child from suspected abuse or neglect and pursuant to federal law, Local Teams may make certain information public according to G.S. 7B-1407.5(b)(3). Minutes of all public meetings, excluding those of executive sessions, shall be kept in compliance with Article 33C of Chapter 143 of the General Statutes. Any minutes or any other information generated during any closed session shall be sealed from public inspection.

(c) All information and records otherwise confidential under federal or State law that are acquired or created by the Local Teams, the Task Force, and the State Office in the exercise of their duties are confidential; are not public records as defined by G.S. 132-1; are not subject to discovery or introduction into evidence in any proceedings; and may only be disclosed as necessary to carry out the purposes of the Local Teams, the Task Force, and the State Office, or as otherwise required by law. No member of a Local Team, nor any person who attends a meeting of the Local Team, may testify in any proceeding about what transpired at the meeting, about information presented at the meeting, or about opinions formed by the person as a result of the meetings. This subsection shall not, however, prohibit a person from testifying in a civil or criminal action about matters within that person's independent knowledge. Notwithstanding the provisions of this subsection, citizen review panels shall have access to information related to child deaths and child death reviews or reviews of active child protective services cases conducted under this Article, when such information is relevant to citizen review panel purposes connected to evaluating the provision of child protective services.

(d) Each member of a Local Team and invited participant shall sign a statement indicating an understanding of and adherence to confidentiality requirements, including the possible civil or criminal consequences of any breach of confidentiality.

(e) Cases receiving child protective services at the time of review by a Local Team shall have an entry in the child's protective services record to indicate that the case was received by that

Team. Additional entry into the record shall be at the discretion of the director of the county department of social services.

(f) The Social Services Commission shall adopt rules to implement this section in connection with reviews conducted under G.S. 7B-1407.5. The Commission for Public Health shall adopt rules to implement this section in connection with Local Teams. In particular, these rules shall allow information generated by an executive session of a Local Team to be accessible for administrative or research purposes only. (1991, c. 689, s. 233(a); 1993, c. 321, s. 285(a); 1998-202, s. 6; 2007-182, s. 1.3; 2023-134, s. 9H.15(f).)