

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2001**

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**HOUSE BILL 456**  
**Committee Substitute Reported Without Prejudice 12/6/01**

Short Title: Child Abuse in Child Care Facility Study-AB.

(Public)

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Sponsors:

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Referred to:

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March 1, 2001

A BILL TO BE ENTITLED

1  
2 AN ACT TO ESTABLISH A LEGISLATIVE STUDY COMMISSION ON THE  
3 INVESTIGATION OF CHILD ABUSE AND NEGLECT IN CHILD CARE  
4 FACILITIES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** There is established the Legislative Study Commission on the  
7 Investigation of Child Abuse and Neglect in Child Care Facilities. The Commission  
8 shall consist of 14 members appointed as follows:

9 (1) The Speaker of the House of Representatives shall appoint seven  
10 members as follows: one member of the House of Representatives, one  
11 child care provider, one parent of a child in child care, one  
12 pediatrician, one representative of a local law enforcement agency, one  
13 representative from the Attorney General's office, and one  
14 representative from a medical research facility that deals with  
15 children's injuries.

16 (2) The President Pro Tempore of the Senate shall appoint seven members  
17 as follows: one member of the Senate, one child care provider, one  
18 director of a local department of social services, one representative  
19 from the Division of Facility Services who works with the Health Care  
20 Personnel Registry, one representative from the Division of Child  
21 Development, one representative from the North Carolina Child Care  
22 Commission, and one representative from a local child care resource  
23 and referral agency.

24 **SECTION 2.** The Legislative Study Commission on the Investigation of  
25 Child Abuse and Neglect in Child Care Facilities shall study the investigation process  
26 associated with allegations of child abuse and neglect in child care facilities in order to  
27 determine the most effective and efficient means of investigation and to help ensure the  
28 safety of children. The study shall specifically include:

- 1           (1) Identification of factors which limit the efficiency and effectiveness of  
2 investigations of child abuse and neglect in child care facilities  
3 conducted by local departments of social services, local law  
4 enforcement agencies, and the Division of Child Development.
- 5           (2) Determination of the reasons behind the factors identified as  
6 limitations to the effectiveness and efficiency of investigations and of  
7 the impact these factors have on the safety of children in child care.
- 8           (3) Recommendations on ways to make the investigation of child abuse  
9 and neglect allegations in child care facilities more effective and  
10 efficient. These recommendations may include a revision of the  
11 responsibility of the various authorities in investigating these  
12 complaints.
- 13           (4) Determination of how the safety of children is impacted by the  
14 presence of child care workers who are perpetrators in substantiated  
15 cases of child abuse and neglect.
- 16           (5) Recommendations on the need for work-related sanctions against  
17 individual child care workers who are perpetrators in substantiated  
18 cases of child abuse and neglect.
- 19           (6) Recommendations on the need for a registry of individuals who are  
20 perpetrators in substantiated cases of child abuse and neglect. Any  
21 such recommendation shall include consideration of who should have  
22 access to the registry and how the due process rights of the alleged  
23 perpetrators should be protected.

24           **SECTION 3.** The Legislative Study Commission on the Investigation of  
25 Child Abuse and Neglect in Child Care Facilities shall study issues related to  
26 expungement of information from the Central Registry of abuse, neglect, or  
27 dependency. In particular, this study shall consider whether expungement from the  
28 Central Registry should be available when a local department of social services does not  
29 substantiate a report of abuse, neglect, or dependency or from a juvenile court record in  
30 a case where alleged abuse, neglect, or dependency is not proven by clear and  
31 convincing evidence. Additionally, the Commission shall study whether the Division of  
32 Child Development of the Department of Human Resources should have access to the  
33 information contained in the Central Registry for the purpose of verifying whether or  
34 not a person seeking to be employed in a child care facility has been substantiated for  
35 child abuse, neglect, or dependency. The Commission also shall determine the most  
36 appropriate and cost-efficient appeals process that should be established.

37           **SECTION 4.** The Legislative Study Commission on the Investigation of  
38 Child Abuse and Neglect in Child Care Facilities shall make an interim report, including  
39 any legislative proposals, to the 2002 Regular Session of the 2001 General Assembly  
40 and a final report to the 2003 General Assembly.

41           **SECTION 5.** This act is effective when it becomes law.