

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 489

Short Title: Child Abuse & Neglect/Military Affiliation. (Public)

Sponsors: Representatives G. Martin, Szoka, Hardister, and Strickland (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Judiciary IV

March 28, 2017

A BILL TO BE ENTITLED

AN ACT AUTHORIZING A LOCAL DIRECTOR OF SOCIAL SERVICES TO DETERMINE IF A JUVENILE WHO IS ALLEGED TO HAVE BEEN ABUSED, NEGLECTED, OR DEPENDENT HAS AN ASSOCIATION WITH THE MILITARY AND TO SHARE THAT INFORMATION WITH THE APPROPRIATE MILITARY AUTHORITIES, WHEN APPLICABLE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-302 reads as rewritten:

"§ **7B-302.** **Assessment by director; military affiliation; access to confidential information; notification of person making the report.**

(a) When a report of abuse, neglect, or dependency is received, the director of the department of social services shall make a prompt and thorough assessment, using either a family assessment response or an investigative assessment response, in order to ascertain the facts of the case, including collecting information concerning the military affiliation of the parent, guardian, custodian, or caretaker of the juvenile alleged to have been abused or neglected, 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 assessment. When the report alleges neglect or dependency, the director shall initiate the assessment within 72 hours following receipt of the report. When the report alleges abandonment of a [juvenile] or unlawful transfer of custody under G.S. 14-321.2, the director shall immediately initiate an assessment. When the report alleges abandonment, the director shall also take appropriate steps to assume temporary custody of the juvenile, and take appropriate steps to secure an order for nonsecure custody of the juvenile. The assessment and evaluation shall include a visit to the place where the juvenile resides, except when the report alleges abuse or neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes. When a report alleges abuse or neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes, a visit to the place where the juvenile resides is not required. When the report alleges abandonment, the assessment shall include a request from the director to law enforcement officials to investigate through the North Carolina Center for Missing Persons and other national and State resources whether the juvenile is a missing child.

(a1) All information received by the department of social services, including the identity of the reporter, shall be held in strictest confidence by the department, except under the following circumstances:



1 (1) The department shall disclose confidential information to any federal, State,
2 or local government entity or its agent, or any private child placing or
3 adoption agency licensed by the Department of Health and Human Services,
4 in order to protect a juvenile from abuse or neglect. The disclosure of
5 confidential information pursuant to this subdivision shall include sharing
6 information with the appropriate military authority if the department
7 determines the parent, guardian, custodian, or caretaker of the juvenile
8 alleged to have been abused or neglected has a military affiliation. Any
9 confidential information disclosed to any federal, State, or local government
10 entity or its agent under this subsection shall remain confidential with the
11 other entity or its agent and shall only be redisclosed for purposes directly
12 connected with carrying out that entity's mandated responsibilities.

13"

14 **SECTION 2.** G.S. 7B-307 reads as rewritten:

15 "**§ 7B-307. Duty of director to report evidence of abuse, neglect; investigation by local law**
16 **enforcement; notification to appropriate military authority; notification of**
17 **Department of Health and Human Services.**

18 (a) If the director finds evidence that a juvenile may have been abused as defined by
19 G.S. 7B-101, the director shall make an immediate oral and subsequent written report of the
20 findings to the district attorney or the district attorney's designee and the appropriate local law
21 enforcement agency-agency, including notifying the appropriate military authority that there is
22 an allegation of abuse or neglect relating to the parent, guardian, custodian, or caretaker with
23 the military affiliation, within 48 hours after receipt of the report. The local law enforcement
24 agency shall immediately, but no later than 48 hours after receipt of the information, initiate
25 and coordinate a criminal investigation with the protective services assessment being conducted
26 by the county department of social services. Upon completion of the investigation, the district
27 attorney shall determine whether criminal prosecution is appropriate and may request the
28 director or the director's designee to appear before a magistrate.

29 If the director receives information that a juvenile may have been physically harmed in
30 violation of any criminal statute by any person other than the juvenile's parent, guardian,
31 custodian, or caretaker, the director shall make an immediate oral and subsequent written report
32 of that information to the district attorney or the district attorney's designee and to the
33 appropriate local law enforcement agency within 48 hours after receipt of the information. The
34 local law enforcement agency shall immediately, but no later than 48 hours after receipt of the
35 information, initiate a criminal investigation. Upon completion of the investigation, the district
36 attorney shall determine whether criminal prosecution is appropriate.

37 If the report received pursuant to G.S. 7B-301 involves abuse or neglect of a juvenile or
38 child maltreatment, as defined in G.S. 110-105.3, in child care, the director shall notify the
39 Department of Health and Human Services within 24 hours or on the next working day of
40 receipt of the report.

41 The director of the department of social services shall submit a report of alleged abuse,
42 neglect, or dependency cases or child fatalities that are the result of alleged maltreatment to the
43 central registry under the policies adopted by the Social Services Commission.

44 (b), (c) Repealed by Session Laws 2015-123, s. 5, effective January 1, 2016."

45 **SECTION 3.** This act is effective when it becomes law.