

§ 108A-77.4. (Effective July 1, 2024) Access to Children's Advocacy Center records.

(a) In the case of a child referred to a Children's Advocacy Center by a department, the following records or information, which are created, compiled, maintained, or received by a Children's Advocacy Center when performing or coordinating services described in this section, shall be part of a department's record for the juvenile receiving protective services and shall be confidential:

- (1) A child medical evaluation.
- (2) A forensic interview.
- (3) Any other information received by a department from a Children's Advocacy Center, including electronic records.

Disclosure of information and records in this subsection shall be governed by G.S. 7B-302(a1), 7B-505.1, 7B-601(c), 7B-2901(b), and 7B-3100.

(b) In the case of a child referred to a Children's Advocacy Center by law enforcement, unless required by federal law, the following records or information, which are created, compiled, maintained, or received by a Children's Advocacy Center when performing or coordinating services described in this section, shall be confidential and shall only be released in accordance with this subsection:

- (1) A law enforcement child medical evaluation.
- (2) A forensic interview.
- (3) Any other information received by law enforcement from a Children's Advocacy Center, including electronic records.

(c) Disclosure of information and records outlined in subsection (b) of this section shall only be released or otherwise made available to the following:

- (1) The North Carolina Department of Health and Human Services and county departments.
- (2) Law enforcement agencies, a prosecuting district attorney, or the Attorney General.
- (3) Health care providers or local management entity/managed care organizations providing medical or psychiatric care or services to the child, in the case of medical or mental health records.
- (4) The North Carolina Child Fatality Task Force.
- (5) As permitted under G.S. 7B-3100.

(d) Except as specifically authorized in this section, records of a child which are created, compiled, maintained, or received by a Children's Advocacy Center shall only be released pursuant to an order of a court of competent jurisdiction upon a finding by the court that the records are necessary for the determination of a criminal, civil, or administrative matter and the information cannot be obtained from the Department of Health and Human Services, a law enforcement agency, the prosecuting attorney, a department, or the Attorney General. The order shall include an order for an in camera inspection and protective order. For civil and administrative matters, prior to issuing such an order, a Children's Advocacy Center shall receive notice and an opportunity to be heard. After conducting an in camera inspection of the records, the court shall only release the information from the records that is material and relevant to the matter before the court and necessary to the proper administration of justice.

(e) Employees or designated agents of a Children's Advocacy Center may confirm with another Children's Advocacy Center that a child has been seen for services at its facility when necessary for the child, caregiver, or Children's Advocacy Center to receive essential support or services and with necessary confidentiality provisions in place, consistent with State and federal law. Children's Advocacy Centers may share information regarding a child with another Children's Advocacy Center to the extent that the information is necessary for the provision of

services to a child by a Children's Advocacy Center, its multidisciplinary team, or other contract service providers.

(f) A Children's Advocacy Center employee or designated agent may share limited information with Children's Advocacy Centers of North Carolina, Inc., or other contract service providers, when necessary for the child, caregiver, or Children's Advocacy Center to receive essential support or services and with necessary confidentiality provisions in place, consistent with State and federal law.

(g) No person or agency to whom disclosure of information created or compiled at a Children's Advocacy Center is made shall duplicate or disclose that information to any other person or agency, except as permitted in this section. The Department of Health and Human Services, a department, law enforcement agencies, the prosecuting attorney, a court of competent jurisdiction, and the Attorney General are exempted from the requirements of this section. Any information disclosed under this subsection shall remain confidential.

(h) Records created pursuant to this Article shall not be considered public records under Chapter 132 of the General Statutes. (2023-96, s. 1(a).)