

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1260

Short Title: State Child Protection Act/Funds.

(Public)

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Sponsors: Representatives Diamont; Albertson, Barnes, Barnhill, Beard, Black, Bowen, Chapin, Colton, J. W. Crawford, N. J. Crawford, DeVane, Dial, Easterling, Flaherty, Gottovi, Hackney, Hasty, Holt, Judy Hunt, H. Hunter, Isenhower, James, Jeffus, Jeralds, Jones, Jordan, Luebke, McAllister, McLaughlin, Mavretic, Nesbitt, Ramsey, Redwine, Rogers, Thompson, Wicker, Wilmoth, and Withrow.

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Referred to: Appropriations.

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May 10, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH THE NORTH CAROLINA CHILD PROTECTION ACT  
3 OF 1991 AND TO APPROPRIATE FUNDS.

4 The General Assembly of North Carolina enacts:

5 Section 1. This act may be known and cited as the North Carolina Child  
6 Protection Act of 1991.

7  
8 —PART I. CHILD FATALITY PREVENTION

9  
10 Sec. 2. Chapter 143 of the General Statutes is amended by adding a new  
11 Article to read:

12 **"ARTICLE 62.**  
13 **"NORTH CAROLINA CHILD FATALITY REVIEW TEAM; NORTH**  
14 **CAROLINA**  
15 **CHILD FATALITY TASK FORCE AND STUDY.**

16 **"§ 143-571. Declaration of public policy.**

17 The General Assembly finds that it is the public policy of this State to prevent child  
18 deaths. The General Assembly further finds that the prevention of child deaths is a  
19 community responsibility; that professionals from disparate disciplines have  
20 responsibilities for children and have expertise that can promote child safety and well-

1 being; and that multidisciplinary reviews of child deaths can lead to a greater  
2 understanding of the causes and methods of preventing these deaths. It is, therefore, the  
3 intent of the General Assembly, through this Article, to establish a multidisciplinary  
4 task force to study the incidence and causes of child deaths and to develop a mechanism  
5 for multidisciplinary child death reviews. It is further the intent of the General  
6 Assembly that the task force, based upon its study and its expertise, make  
7 recommendations to the General Assembly and the Governor for changes to law, rule,  
8 and policy that will support the safe and healthy development of our children. It is also  
9 the intent of the General Assembly to establish a State Child Fatality Review Team to  
10 review certain child deaths.

11 **"§ 143-572. Definitions.**

12 The following definitions apply in this Article:

- 13 (1) Local team. A local multidisciplinary child abuse and neglect review  
14 team established for a county.
- 15 (2) State Team. The North Carolina Child Fatality Review Team.
- 16 (3) Task Force. The North Carolina Child Fatality Task Force.

17 **"§ 143-573. Task Force - creation; membership; vacancies.**

18 (a) There is created the North Carolina Child Fatality Task Force within the  
19 Department of Environment, Health, and Natural Resources for budgetary purposes  
20 only.

21 (b) The Task Force shall be composed of 24 members, 11 of whom shall be ex  
22 officio members, three of whom shall be appointed by the Governor, and eight of whom  
23 shall be appointed by the General Assembly, four upon recommendation of the Speaker  
24 of the House of Representatives and four upon recommendation of the President Pro  
25 Tempore of the Senate. The ex officio members other than the Chief Medical Examiner  
26 may designate representatives from their particular departments, divisions, or offices to  
27 represent them on the Task Force. The members shall be as follows:

- 28 (1) The Chief Medical Examiner;
- 29 (2) The Attorney General;
- 30 (3) The Director of the Division of Social Services;
- 31 (4) The Director of the State Bureau of Investigation;
- 32 (5) The Director of the Division of Maternal and Child Health of the  
33 Department of Environment, Health, and Natural Resources;
- 34 (6) The Director of the Governor's Youth Advocacy and Involvement  
35 Office;
- 36 (7) The Superintendent of Public Instruction;
- 37 (8) The President of the State Board of Education;
- 38 (9) The Director of the Division of Mental Health, Developmental  
39 Disabilities, and Substance Abuse Services;
- 40 (10) The Secretary of the Department of Human Resources;
- 41 (11) The Secretary of the Department of Environment, Health, and Natural  
42 Resources;

- 1           (12) A director of a county department of social services appointed by the  
2           Governor upon recommendation of the President of the North Carolina  
3           Association of County Directors of Social Services;
- 4           (13) A representative from a Sudden Infant Death Syndrome counseling  
5           and education program appointed by the Governor upon  
6           recommendation of the Director of the Division of Maternal and Child  
7           Health of the Department of Environment, Health, and Natural  
8           Resources;
- 9           (14) A representative from the North Carolina Child Advocacy Institute  
10          appointed by the Governor upon recommendation of the President of  
11          the Institute;
- 12          (15) A representative from a private group, other than the North Carolina  
13          Child Advocacy Institute, that advocates for children, appointed by the  
14          General Assembly upon recommendation of the Speaker of the House  
15          of Representatives upon recommendation of private child advocacy  
16          organizations;
- 17          (16) A pediatrician, licensed to practice medicine in North Carolina,  
18          appointed by the General Assembly upon recommendation of the  
19          Speaker of the House of Representatives upon recommendation of the  
20          North Carolina Pediatric Society;
- 21          (17) A representative from the North Carolina League of Municipalities  
22          appointed by the General Assembly upon recommendation of the  
23          Speaker of the House of Representatives upon recommendation of the  
24          League;
- 25          (18) Two public members appointed by the General Assembly upon  
26          recommendation of the Speaker of the House of Representatives;
- 27          (19) A county or municipal law enforcement officer appointed by the  
28          General Assembly upon recommendation of the President Pro  
29          Tempore of the Senate upon recommendation of organizations that  
30          represent local law enforcement officers;
- 31          (20) A district attorney appointed by the General Assembly upon the  
32          recommendation of the President Pro Tempore of the Senate upon  
33          recommendation of the President of the North Carolina Conference of  
34          District Attorneys;
- 35          (21) A representative from the North Carolina Association of County  
36          Commissioners appointed by the General Assembly upon  
37          recommendation of the President Pro Tempore of the Senate upon  
38          recommendation of the Association; and
- 39          (22) Two public members appointed by the General Assembly upon  
40          recommendation of the President Pro Tempore of the Senate;
- 41          (c) All members of the Task Force are voting members. Vacancies in the  
42          appointed membership shall be filled by the appointing officer who made the initial  
43          appointment. The Speaker of the House of Representatives shall call the first meeting

1 no later than October 1, 1991. At the first meeting the members shall elect a chair who  
2 shall preside for the duration of the Task Force.

3 **"§ 143-574. Task Force - duties.**

4 The Task Force shall:

- 5 (1) Undertake a statistical study of the incidence and causes of child  
6 deaths in this State during 1988 and 1989, and establish a profile of  
7 child deaths. The study shall include (i) an analysis of all community  
8 and private and public agency involvement with the decedents and  
9 their families prior to death, and (ii) an analysis of child deaths by age,  
10 cause, and geographic distribution;  
11 (2) Develop a system for multidisciplinary review of child deaths. In  
12 developing such a system, the Task Force shall study the operation of  
13 existing local teams. The Task Force shall also consider the feasibility  
14 and desirability of local or regional review teams and, should it  
15 determine such teams to be feasible and desirable, develop guidelines  
16 for the operation of the teams. The Task Force shall also examine the  
17 laws, rules, and policies relating to confidentiality of and access to  
18 information that affect those agencies with responsibilities for  
19 children, including State and local health, mental health, social  
20 services, education, and law enforcement agencies, to determine  
21 whether those laws, rules, and policies inappropriately impede the  
22 exchange of information necessary to protect children from  
23 preventable deaths, and, if so, recommend changes to them;  
24 (3) Receive and consider reports from the State Team; and  
25 (4) Perform any other studies, evaluations, or determinations the Task  
26 Force considers necessary to carry out its mandate.

27 **"§ 143-575. State Team - creation; membership; vacancies.**

28 (a) There is created the North Carolina Child Fatality Review Team within the  
29 Department of Environment, Health, and Natural Resources for budgetary purposes  
30 only.

31 (b) The State Team shall be composed of eight members of whom seven  
32 members are ex officio and one is appointed. The ex officio members other than the  
33 Chief Medical Examiner may designate a representative from their departments,  
34 divisions, or offices to represent them on the State Team.

- 35 (1) The Chief Medical Examiner, who shall chair the State Team;  
36 (2) The Attorney General;  
37 (3) The Director of the Division of Social Services;  
38 (4) The Director of the State Bureau of Investigation;  
39 (5) The Director of the Maternal and Child Health Division of the  
40 Department of Environment, Health, and Natural Resources;  
41 (6) The Superintendent of Public Instruction;  
42 (7) The Director of the Division of Mental Health, Developmental  
43 Disabilities, and Substance Abuse Services; and

1           (8) The pediatrician appointed pursuant to G.S. 143-573(b)(16) to the  
2           Task Force.

3           (c) All members of the State Team are voting members. Vacancies in the  
4 appointed membership shall be filled by the appointing officer who made the initial  
5 appointment.

6 **"§ 143-576. State Team - duties.**

7           The State Team shall:

8           (1) Review current deaths of children when those deaths are attributed to  
9           child abuse or neglect or when the decedent was reported as an abused  
10           or neglected juvenile pursuant to G.S. 7A-543 at any time before  
11           death; and

12           (2) Report to the Task Force during the existence of the Task Force, in the  
13           format and at the time required by the Task Force, on the State Team's  
14           activities and its recommendations for changes to any law, rule, and  
15           policy that would promote the safety and well-being of children; and

16           (3) Upon request of a local team, provide technical assistance to the team.

17 **"§ 143-577. Task Force - reports.**

18           (a) The Task Force shall provide a preliminary report to the Governor and  
19 General Assembly, within the first week of the convening of the 1992 Session of the  
20 1991 General Assembly. This preliminary report shall contain at least a summary of  
21 preliminary conclusions and recommendations for each of the Task Force's duties, as  
22 well as any other recommendations for changes to any law, rule, and policy that it has  
23 determined will promote the safety and well-being of children. Any recommendations  
24 of changes to law, rule, or policy shall be accompanied by specific legislative or policy  
25 proposals and detailed fiscal notes setting forth the costs to the State.

26           (b) The Task Force shall provide a final report to the Governor and General  
27 Assembly within the first week of the convening of the 1993 General Assembly. The  
28 final report shall include final conclusions and recommendations for each of the Task  
29 Force's duties, as well as any other recommendations for changes to any law, rule, and  
30 policy that it has determined will promote the safety and well-being of children. Any  
31 recommendations of changes to law, rule, or policy shall be accompanied by specific  
32 legislative or policy proposals and detailed fiscal notes setting forth the costs to the  
33 State.

34           (c) After the Task Force provides its final report to the Governor and General  
35 Assembly, the Task Force shall cease to be in existence.

36 **"§ 143-578. Access to records.**

37           The Task Force and State Team shall have access to all medical records, hospital  
38 records, and records maintained by this State, any county, or any local agency as  
39 necessary to carry out the purposes of this Article, including police investigations data,  
40 medical examiner investigative data, health records, mental health records, and social  
41 services records. Task Force and State Team meetings are not subject to the provisions  
42 of Article 33C of Chapter 143 of the General Statutes. All otherwise confidential  
43 information and records acquired by the Task Force or State Team in the exercise of  
44 their duties are confidential; are not subject to discovery or introduction into evidence in

1 any proceedings; and may only be disclosed as necessary to carry out the purposes of  
2 the Task Force. No member of the Task Force, State Team, or person who attends such  
3 a meeting may testify in any proceeding about what transpired at the meeting, about  
4 information presented at the meeting, or about opinions formed by the person as a result  
5 of the meetings. This section does not, however, prohibit a person from testifying in a  
6 civil or criminal action about matters within that person's independent knowledge.

7 **"§ 143-579. Administration; funding.**

8 (a) To the extent of funds available, the Chairs of the Task Force and State Team  
9 may hire staff or consultants to assist the Task Force and the State Team in completing  
10 their duties.

11 (b) Members, staff, and consultants of the Task Force or State Team shall receive  
12 travel and subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S.  
13 138-6, as the case may be, paid from funds appropriated to implement this Article and  
14 within the limits of those funds.

15 (c) With the approval of the Legislative Services Commission, legislative staff  
16 and space in the Legislative Building and the Legislative Office Building may be made  
17 available to the Task Force."

18 Sec. 3. The Department of Environment, Health, and Natural Resources, the  
19 Department of Human Resources, the Department of Justice, and the State Board of  
20 Education shall adopt joint rules to ensure full cooperation of these departments and  
21 related local agencies with the work of the North Carolina Child Fatality Task Force and  
22 the North Carolina Child Fatality Review Team.

23 Sec. 4. There is appropriated from the General Fund to the Department of  
24 Environment, Health, and Natural Resources the sum of \$190,000 for the 1991-92 fiscal  
25 year and the sum of \$165,000 for the 1992-93 fiscal year to implement this Article. Of  
26 these funds, \$100,000 for the 1991-92 fiscal year and \$75,000 for the 1992-93 fiscal  
27 year shall be allocated to the North Carolina Child Fatality Task Force and \$90,000  
28 each fiscal year shall be allocated to the North Carolina Child Fatality Review Team.

29 —PART II. CHILD ABUSE, NEGLECT PREVENTION

30 Sec. 5. (a) There is appropriated from the General Fund to the Department of  
31 Human Resources, Division of Social Services, the sum of \$5,000,000 for the 1991-92  
32 fiscal year and the sum of \$10,000,000 for the 1992-93 fiscal year to strengthen and  
33 expand the State and local services that protect children.

34 (b) Of the funds appropriated in subsection (a) of this section, \$800,000 for  
35 the 1991-92 fiscal year and \$1,000,000 for the 1992-93 fiscal year shall be used to  
36 strengthen the Division of Social Services' capacity for program development,  
37 oversight, and training for the Child Protective Services Program. These funds may be  
38 used to employ additional staff to provide program guidance and technical assistance to  
39 county departments of social services and to expand training opportunities for county  
40 child protective services staff.

41 (c) Of the funds appropriated in subsection (a) of this section, \$200,000 for  
42 the 1991-92 fiscal year shall be used for a contract for a comprehensive and system-  
43 wide study of child protective services in North Carolina. The findings and

1 recommendations of the study shall be presented to the 1991 General Assembly by May  
2 1, 1991.

3 (d) Of the funds appropriated in subsection (a) of this section, \$500,000 for  
4 the 1991-92 fiscal year and \$1,000,000 for the 1992-93 fiscal year shall be used to  
5 expand the availability of intensive family preservation services for families where  
6 abuse or neglect or both abuse and neglect have been confirmed and where the children  
7 are at high risk for placement outside the home.

8 (e) Of the funds appropriated in subsection (a) of this section, \$3,500,000 for  
9 the 1991-92 fiscal year and \$8,000,000 for the 1992-93 fiscal year shall be allocated to  
10 county departments of social services beginning January 1, 1992, according to the  
11 following formula:

12 (1) All county departments shall receive a base allocation of \$10,000 for  
13 the 1991-92 fiscal year and \$10,000 for the 1992-93 fiscal year.

14 (2) The balance of the funds each year of the fiscal biennium shall be  
15 allocated to each county department based upon the percentage of the  
16 number of child abuse and neglect reports in that county compared to  
17 the total number of reports of child abuse and neglect statewide. These  
18 percentages shall be computed from the reports received by the  
19 Division of Social Services' Central Registry of Abuse and Neglect for  
20 the last two fiscal years.

21 Funds allocated to county departments of social services pursuant to this  
22 subsection shall be used to provide additional staff to carry out investigations of reports  
23 of child abuse or neglect or to provide protective or preventive services in cases in  
24 which the department confirms neglect, abuse, or dependency. However, if a county  
25 demonstrates to the Division of Social Services that it has adequate protective services  
26 staff, that county department may use these allocated funds to purchase or provide  
27 treatment or other support services to children and their families in confirmed cases of  
28 child abuse, neglect, or dependency. All expenditures made by any county department  
29 of social services from funds allocated pursuant to this subsection shall be in direct  
30 support of the department's program of protective services for children. These funds  
31 shall not be used to supplant any Social Services Block Grant funds or county  
32 appropriations budgeted for protective services for children.

33 The Department of Human Resources, Division of Social Services, shall  
34 establish guidelines and criteria to assure that the allocations to county departments of  
35 social services pursuant to this subsection are used in accordance with the intent and  
36 purpose of this subsection.

37 (f) The Division of Social Services shall prepare a report on the progress  
38 achieved in improving child protective services throughout the State. The report shall  
39 include an analysis of county staffing patterns, future county staffing and funding  
40 requirements needed to meet the Division's recommended guidelines, and analysis of  
41 the barriers to recruitment and retention of county child protective services staff, and a  
42 summary of the Division's progress in implementing improvements to the State's  
43 training and oversight responsibilities. The Division shall present this report to the 1991  
44 General Assembly, to the Fiscal Research Division, and to the North Carolina Child

- 1 Fatality Task Force established pursuant to Article 62 of Chapter 143 of the General
- 2 Statutes by March 15, 1992.
- 3           Sec. 6. This act becomes effective July 1, 1991.