

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 950

Short Title: State Child Protection Act/Funds.

(Public)

Sponsors: Senators Walker; Allran, Ballance, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Hartsell, Hunt, Hyde, Kincaid, Lee, Martin of Guilford, Marvin, Odom, Perdue, Plexico, Pollard, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Staton, Tally, Ward, and Warren.

Referred to: Human Resources.

May 14, 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.

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8 ---PART I. CHILD FATALITY PREVENTION

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

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13 **"ARTICLE 62.**
14 **"NORTH CAROLINA CHILD FATALITY REVIEW TEAM; NORTH**

15 **CAROLINA**
16 **CHILD FATALITY TASK FORCE AND STUDY.**

17 **"§ 143-571. Declaration of public policy.**

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

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

10 **"§ 143-572. Definitions.**

11 The following definitions apply in this Article:

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

16 **"§ 143-573. Task Force - creation; membership; vacancies.**

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

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

- 27 (1) The Chief Medical Examiner;
- 28 (2) The Attorney General;
- 29 (3) The Director of the Division of Social Services;
- 30 (4) The Director of the State Bureau of Investigation;
- 31 (5) The Director of the Division of Maternal and Child Health of the
32 Department of Environment, Health, and Natural Resources;
- 33 (6) The Director of the Governor's Youth Advocacy and Involvement
34 Office;
- 35 (7) The Superintendent of Public Instruction;
- 36 (8) The President of the State Board of Education;
- 37 (9) The Director of the Division of Mental Health, Developmental
38 Disabilities, and Substance Abuse Services;
- 39 (10) The Secretary of the Department of Human Resources;
- 40 (11) The Secretary of the Department of Environment, Health, and Natural
41 Resources;
- 42 (12) A director of a county department of social services appointed by the
43 Governor upon recommendation of the President of the North Carolina
44 Association of County Directors of Social Services;

- 1 (13) A representative from a Sudden Infant Death Syndrome counseling
2 and education program appointed by the Governor upon
3 recommendation of the Director of the Division of Maternal and Child
4 Health of the Department of Environment, Health, and Natural
5 Resources;
- 6 (14) A representative from the North Carolina Child Advocacy Institute
7 appointed by the Governor upon recommendation of the President of
8 the Institute;
- 9 (15) A representative from a private group, other than the North Carolina
10 Child Advocacy Institute, that advocates for children, appointed by the
11 General Assembly upon recommendation of the Speaker of the House
12 of Representatives upon recommendation of private child advocacy
13 organizations;
- 14 (16) A pediatrician, licensed to practice medicine in North Carolina,
15 appointed by the General Assembly upon recommendation of the
16 Speaker of the House of Representatives upon recommendation of the
17 North Carolina Pediatric Society;
- 18 (17) A representative from the North Carolina League of Municipalities
19 appointed by the General Assembly upon recommendation of the
20 Speaker of the House of Representatives upon recommendation of the
21 League;
- 22 (18) Two public members appointed by the General Assembly upon
23 recommendation of the Speaker of the House of Representatives;
- 24 (19) A county or municipal law enforcement officer appointed by the
25 General Assembly upon recommendation of the President Pro
26 Tempore of the Senate upon recommendation of organizations that
27 represent local law enforcement officers;
- 28 (20) A district attorney appointed by the General Assembly upon the
29 recommendation of the President Pro Tempore of the Senate upon
30 recommendation of the President of the North Carolina Conference of
31 District Attorneys;
- 32 (21) A representative from the North Carolina Association of County
33 Commissioners appointed by the General Assembly upon
34 recommendation of the President Pro Tempore of the Senate upon
35 recommendation of the Association; and
- 36 (22) Two public members appointed by the General Assembly upon
37 recommendation of the President Pro Tempore of the Senate;

38 (c) All members of the Task Force are voting members. Vacancies in the
39 appointed membership shall be filled by the appointing officer who made the initial
40 appointment. The Speaker of the House of Representatives shall call the first meeting
41 no later than October 1, 1991. At the first meeting the members shall elect a chair who
42 shall preside for the duration of the Task Force.

43 **§ 143-574. Task Force - duties.**

44 The Task Force shall:

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

23 **§ 143-575. State Team - creation; membership; vacancies.**

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

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

- 31 (1) The Chief Medical Examiner, who shall chair the State Team;
32 (2) The Attorney General;
33 (3) The Director of the Division of Social Services;
34 (4) The Director of the State Bureau of Investigation;
35 (5) The Director of the Maternal and Child Health Division of the
36 Department of Environment, Health, and Natural Resources;
37 (6) The Superintendent of Public Instruction;
38 (7) The Director of the Division of Mental Health, Developmental
39 Disabilities, and Substance Abuse Services; and
40 (8) The pediatrician appointed pursuant to G.S. 143-573(b)(16) to the
41 Task Force.

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

1 **"§ 143-576. State Team - duties.**

2 The State Team shall:

- 3 (1) Review current deaths of children when those deaths are attributed to
4 child abuse or neglect or when the decedent was reported as an abused
5 or neglected juvenile pursuant to G.S. 7A-543 at any time before
6 death; and
- 7 (2) Report to the Task Force during the existence of the Task Force, in the
8 format and at the time required by the Task Force, on the State Team's
9 activities and its recommendations for changes to any law, rule, and
10 policy that would promote the safety and well-being of children; and
- 11 (3) Upon request of a local team, provide technical assistance to the team.

12 **"§ 143-577. Task Force - reports.**

13 (a) The Task Force shall provide a preliminary report to the Governor and
14 General Assembly, within the first week of the convening of the 1992 Session of the
15 1991 General Assembly. This preliminary report shall contain at least a summary of
16 preliminary conclusions and recommendations for each of the Task Force's duties, as
17 well as any other recommendations for changes to any law, rule, and policy that it has
18 determined will promote the safety and well-being of children. Any recommendations
19 of changes to law, rule, or policy shall be accompanied by specific legislative or policy
20 proposals and detailed fiscal notes setting forth the costs to the State.

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

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

31 **"§ 143-578. Access to records.**

32 The Task Force and State Team shall have access to all medical records, hospital
33 records, and records maintained by this State, any county, or any local agency as
34 necessary to carry out the purposes of this Article, including police investigations data,
35 medical examiner investigative data, health records, mental health records, and social
36 services records. Task Force and State Team meetings are not subject to the provisions
37 of Article 33C of Chapter 143 of the General Statutes. All otherwise confidential
38 information and records acquired by the Task Force or State Team in the exercise of
39 their duties are confidential; are not subject to discovery or introduction into evidence in
40 any proceedings; and may only be disclosed as necessary to carry out the purposes of
41 the Task Force. No member of the Task Force, State Team, or person who attends such
42 a meeting may testify in any proceeding about what transpired at the meeting, about
43 information presented at the meeting, or about opinions formed by the person as a result

1 of the meetings. This section does not, however, prohibit a person from testifying in a
2 civil or criminal action about matters within that person's independent knowledge.

3 **"§ 143-579. Administration; funding.**

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

7 (b) Members, staff, and consultants of the Task Force or State Team shall receive
8 travel and subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S.
9 138-6, as the case may be, paid from funds appropriated to implement this Article and
10 within the limits of those funds.

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

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

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

25 —PART II. CHILD ABUSE, NEGLECT PREVENTION

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

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

37 (c) Of the funds appropriated in subsection (a) of this section, \$200,000 for
38 the 1991-92 fiscal year shall be used for a contract for a comprehensive and systemwide
39 study of child protective services in North Carolina. The findings and recommendations
40 of the study shall be presented to the 1991 General Assembly by May 1, 1991.

41 (d) Of the funds appropriated in subsection (a) of this section, \$500,000 for
42 the 1991-92 fiscal year and \$1,000,000 for the 1992-93 fiscal year shall be used to
43 expand the availability of intensive family preservation services for families where

1 abuse or neglect or both abuse and neglect have been confirmed and where the children
2 are at high risk for placement outside the home.

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

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

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

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

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

32 (f) The Division of Social Services shall prepare a report on the progress
33 achieved in improving child protective services throughout the State. The report shall
34 include an analysis of county staffing patterns, future county staffing and funding
35 requirements needed to meet the Division's recommended guidelines, and analysis of
36 the barriers to recruitment and retention of county child protective services staff, and a
37 summary of the Division's progress in implementing improvements to the State's
38 training and oversight responsibilities. The Division shall present this report to the 1991
39 General Assembly, to the Fiscal Research Division, and to the North Carolina Child
40 Fatality Task Force established pursuant to Article 62 of Chapter 143 of the General
41 Statutes by March 15, 1992.

42 Sec. 6. This act becomes effective July 1, 1991.