

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 416

Short Title: Conform Definition of Abuse/AB.

(Public)

Sponsors: Senators Dannelly, Little, Davis, Martin of Pitt, Albertson, Warren, Winner, and Martin of Guilford.

Referred to: Judiciary I/Constitution

March 20, 1995

A BILL TO BE ENTITLED

AN ACT TO REVISE THE PROVISION OF THE JUVENILE CODE GOVERNING THE AUTHORITY OF MEDICAL PROFESSIONALS TO CONFORM TO THE REVISED DEFINITION OF ABUSE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-549(b) reads as rewritten:

"(b) Immediately upon receipt of judicial authority to retain custody, the physician, the administrator, or his designee shall so notify the director of social services for the county in which the facility is located. The director shall treat this notification as a report of suspected abuse and shall immediately begin an investigation of the case.

(1) If the investigation reveals (i) that it is the opinion of the certifying physician that the juvenile is in need of medical treatment to cure or alleviate physical distress, or to prevent the juvenile from suffering serious physical harm which might result in death, disfigurement, or substantial impairment of bodily function, injury, and (ii) that it is the opinion of the physician that the juvenile should for these reasons remain in the custody of the facility for 12 hours, but (iii) that the juvenile's parent, guardian, custodian or caretaker cannot be reached or, upon request, will not consent to the treatment within the facility, the

1 director shall within the initial 12-hour period file a juvenile petition
2 alleging abuse and setting forth supporting allegations and shall seek a
3 nonsecure custody order. A petition filed and a nonsecure custody order
4 obtained in accordance with this subdivision shall come on for hearing
5 under the regular provisions of this Subchapter unless the director and
6 the certifying physician together voluntarily dismiss the petition.

7 (2) In all cases except those described in subdivision (1) above, the director
8 shall conduct his investigation and may initiate juvenile proceedings and
9 take all other steps authorized by the regular provisions of this
10 Subchapter. If the director decides not to file a petition, the physician,
11 the administrator or his designee may ask the prosecutor to review this
12 decision according to the provisions of G.S. 7A-546 and G.S. 7A-547."

13 Sec. 2. This act is effective upon ratification.