

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE BILL 942

Short Title: Establish Child Assessment Responses. (Public)

Sponsors: Senators Thomas; and Bingham.

Referred to: Health Care.

March 24, 2005

A BILL TO BE ENTITLED
AN ACT TO PROVIDE FOR FAMILY ASSESSMENT RESPONSES IN CASES IN
WHICH CHILDREN ARE REPORTED TO BE NEGLECTED OR DEPENDENT
AND FOR INVESTIGATIVE ASSESSMENT RESPONSES IN CASES IN
WHICH CHILDREN ARE REPORTED TO BE ABUSED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-101 reads as rewritten:

"§ 7B-101. Definitions.

As used in this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings:

- (1) Abused juveniles. – Any juvenile less than 18 years of age whose parent, guardian, custodian, or caretaker:
 - a. Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means;
 - b. Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means;
 - c. Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior;
 - d. Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile: first-degree rape, as provided in G.S. 14-27.2; second degree rape as provided in G.S. 14-27.3; first-degree sexual offense, as provided in G.S. 14-27.4; second degree sexual offense, as provided in G.S. 14-27.5; sexual act by a custodian, as provided in G.S. 14-27.7; crime against nature, as provided in G.S. 14-177; incest, as provided in ~~G.S. 14-178~~ and ~~G.S. 14-179~~; G.S. 14-178; preparation of obscene photographs, slides, or motion pictures of the juvenile, as provided in

- 1 G.S. 14-190.5; employing or permitting the juvenile to assist in
2 a violation of the obscenity laws as provided in G.S. 14-190.6;
3 dissemination of obscene material to the juvenile as provided in
4 G.S. 14-190.7 and G.S. 14-190.8; displaying or disseminating
5 material harmful to the juvenile as provided in G.S. 14-190.14
6 and G.S. 14-190.15; first and second degree sexual exploitation
7 of the juvenile as provided in G.S. 14-190.16 and
8 G.S. 14-190.17; promoting the prostitution of the juvenile as
9 provided in G.S. 14-190.18; and taking indecent liberties with
10 the juvenile, as provided in ~~G.S. 14-202.1, regardless of the age~~
11 ~~of the parties; G.S. 14-202.1;~~
12 e. Creates or allows to be created serious emotional damage to the
13 juvenile; serious emotional damage is evidenced by a juvenile's
14 severe anxiety, depression, withdrawal, or aggressive behavior
15 toward himself or others; or
16 f. Encourages, directs, or approves of delinquent acts involving
17 moral turpitude committed by the juvenile.
- 18 (2) Aggravated circumstances. – Any circumstance attending to the
19 commission of an act of abuse or neglect which increases its enormity
20 or adds to its injurious consequences, including, but not limited to,
21 abandonment, torture, chronic abuse, or sexual abuse.
- 22 (3) Caretaker. – Any person other than a parent, guardian, or custodian
23 who has responsibility for the health and welfare of a juvenile in a
24 residential setting. A person responsible for a juvenile's health and
25 welfare means a stepparent, foster parent, an adult member of the
26 juvenile's household, an adult relative entrusted with the juvenile's
27 care, any person such as a house parent or cottage parent who has
28 primary responsibility for supervising a juvenile's health and welfare
29 in a residential child care facility or residential educational facility, or
30 any employee or volunteer of a division, institution, or school operated
31 by the Department of Health and Human Services. "Caretaker" also
32 means any person who has the responsibility for the care of a juvenile
33 in a childcare facility as defined in Article 7 of Chapter 110 of the
34 General Statutes and includes any person who has the approval of the
35 care provider to assume responsibility for the juveniles under the care
36 of the care provider. Nothing in this subdivision shall be construed to
37 impose a legal duty of support under Chapter 50 or Chapter 110 of the
38 General Statutes. The duty imposed upon a caretaker as defined in this
39 subdivision shall be for the purpose of this Subchapter only.
- 40 (4) Clerk. – Any clerk of superior court, acting clerk, or assistant or
41 deputy clerk.
- 42 (5) Community-based program. – A program providing nonresidential or
43 residential treatment to a juvenile in the community where the
44 juvenile's family lives. A community-based program may include

- 1 specialized foster care, family counseling, shelter care, and other
2 appropriate treatment.
- 3 (6) Court. – The district court division of the General Court of Justice.
- 4 (7) Court of competent jurisdiction. – A court having the power and
5 authority of law to act at the time of acting over the subject matter of
6 the cause.
- 7 (7a) ~~"Criminal history" means a~~Criminal history. – A local, State, or federal
8 criminal history of conviction or pending indictment of a crime,
9 whether a misdemeanor or a felony, involving violence against a
10 person.
- 11 (8) Custodian. – The person or agency that has been awarded legal
12 custody of a juvenile by a court or a person, other than parents or legal
13 guardian, who has assumed the status and obligation of a parent
14 without being awarded the legal custody of a juvenile by a court.
- 15 (9) Dependent juvenile. – A juvenile in need of assistance or placement
16 because the juvenile has no parent, guardian, or custodian responsible
17 for the juvenile's care or supervision or whose parent, guardian, or
18 custodian is unable to provide for the care or supervision and lacks an
19 appropriate alternative child care arrangement.
- 20 (10) Director. – The director of the county department of social services in
21 the county in which the juvenile resides or is found, or the director's
22 representative as authorized in G.S. 108A-14.
- 23 (11) District. – Any district court district as established by G.S. 7A-133.
- 24 (11a) Family assessment response. – A response to selected reports of child
25 neglect and dependency as determined by the Director using a family
26 centered approach that is protection and prevention oriented and that
27 evaluates the strengths and needs of the juvenile's family, as well as
28 the condition of the juvenile.
- 29 (11b) Investigative assessment response. – A response to reports of child
30 abuse and selected reports of child neglect and dependency as
31 determined by the Director using a formal information gathering
32 process to determine whether a juvenile is abused, neglected, or
33 dependent.
- 34 (12) Judge. – Any district court judge.
- 35 (13) Judicial district. – Any district court district as established by
36 G.S. 7A-133.
- 37 (14) Juvenile. – A person who has not reached the person's eighteenth
38 birthday and is not married, emancipated, or a member of the armed
39 forces of the United States.
- 40 (15) Neglected juvenile. – A juvenile who does not receive proper care,
41 supervision, or discipline from the juvenile's parent, guardian,
42 custodian, or caretaker; or who has been abandoned; or who is not
43 provided necessary medical care; or who is not provided necessary
44 remedial care; or who lives in an environment injurious to the

1 juvenile's welfare; or who has been placed for care or adoption in
2 violation of law. In determining whether a juvenile is a neglected
3 juvenile, it is relevant whether that juvenile lives in a home where
4 another juvenile has died as a result of suspected abuse or neglect or
5 lives in a home where another juvenile has been subjected to abuse or
6 neglect by an adult who regularly lives in the home.

7 (16) Petitioner. – The individual who initiates court action, whether by the
8 filing of a petition or of a motion for review alleging the matter for
9 adjudication.

10 (17) Prosecutor. – The district attorney or assistant district attorney
11 assigned by the district attorney to juvenile proceedings.

12 (18) Reasonable efforts. – The diligent use of preventive or reunification
13 services by a department of social services when a juvenile's remaining
14 at home or returning home is consistent with achieving a safe,
15 permanent home for the juvenile within a reasonable period of time. If
16 a court of competent jurisdiction determines that the juvenile is not to
17 be returned home, then reasonable efforts means the diligent and
18 timely use of permanency planning services by a department of social
19 services to develop and implement a permanent plan for the juvenile.

20 (19) Safe home. – A home in which the juvenile is not at substantial risk of
21 physical or emotional abuse or neglect.

22 (20) Shelter care. – The temporary care of a juvenile in a physically
23 unrestricting facility pending court disposition.

24 The singular includes the plural, the masculine singular includes the feminine
25 singular and masculine and feminine plural unless otherwise specified."

26 **SECTION 2.** G.S. 7B-300 reads as rewritten:

27 "**§ 7B-300. Protective services.**

28 The director of the department of social services in each county of the State shall
29 establish protective services for juveniles alleged to be abused, neglected, or dependent.

30 Protective services shall include the ~~investigation and screening of complaints,~~
31 reports, the performance of assessments using either a family assessment response or an
32 investigative assessment response, casework, or other counseling services to parents,
33 guardians, or other caretakers as provided by the director to help the parents, guardians,
34 or other caretakers and the court to prevent abuse or neglect, to improve the quality of
35 child care, to be more adequate parents, guardians, or caretakers, and to preserve and
36 stabilize family life.

37 The provisions of this Article shall also apply to child care facilities as defined in
38 G.S. 110-86."

39 **SECTION 3.** G.S. 7B-301 reads as rewritten:

40 "**§ 7B-301. Duty to report abuse, neglect, dependency, or death due to**
41 **maltreatment.**

42 Any person or institution who has cause to suspect that any juvenile is abused,
43 neglected, or dependent, as defined by G.S. 7B-101, or has died as the result of
44 maltreatment, shall report the case of that juvenile to the director of the department of

1 social services in the county where the juvenile resides or is found. The report may be
2 made orally, by telephone, or in writing. The report shall include information as is
3 known to the person making it including the name and address of the juvenile; the name
4 and address of the juvenile's parent, guardian, or caretaker; the age of the juvenile; the
5 names and ages of other juveniles in the home; the present whereabouts of the juvenile
6 if not at the home address; the nature and extent of any injury or condition resulting
7 from abuse, neglect, or dependency; and any other information which the person
8 making the report believes might be helpful in establishing the need for protective
9 services or court intervention. If the report is made orally or by telephone, the person
10 making the report shall give the person's name, address, and telephone number. Refusal
11 of the person making the report to give a name shall not preclude the department's
12 ~~investigation-~~ assessment of the alleged abuse, neglect, dependency, or death as a result
13 of maltreatment.

14 Upon receipt of any report of sexual abuse of the juvenile in a childcare facility, the
15 director shall notify the State Bureau of Investigation within 24 hours or on the next
16 workday. If sexual abuse in a childcare facility is not alleged in the initial report, but
17 during the course of the ~~investigation-~~ assessment there is reason to suspect that sexual
18 abuse has occurred, the director shall immediately notify the State Bureau of
19 Investigation. Upon notification that sexual abuse may have occurred in a child care
20 facility, the State Bureau of Investigation may form a task force to investigate the
21 report."

22 **SECTION 4.** G.S. 7B-302 reads as rewritten:

23 "**§ 7B-302. ~~Investigation-~~ Assessment by director; access to confidential**
24 **information; notification of person making the report.**

25 (a) When a report of abuse, neglect, or dependency is received, the director of the
26 department of social services shall make a prompt and thorough ~~investigation~~
27 assessment, using either a family assessment response or an investigative assessment
28 response, in order to ascertain the facts of the case, the extent of the abuse or neglect,
29 and the risk of harm to the juvenile, in order to determine whether protective services
30 should be provided or the complaint filed as a petition. When the report alleges abuse,
31 the director shall immediately, but no later than 24 hours after receipt of the report,
32 initiate the ~~investigation-~~ assessment. When the report alleges neglect or dependency,
33 the director shall initiate the ~~investigation-~~ assessment within 72 hours following receipt
34 of the report. When the report alleges abandonment, the director shall immediately
35 initiate an ~~investigation-~~ assessment, take appropriate steps to assume temporary custody
36 of the juvenile, and take appropriate steps to secure an order for nonsecure custody of
37 the juvenile. The ~~investigation-~~ assessment and evaluation shall include a visit to the
38 place where the juvenile resides. When a report involves a child care facility as defined
39 in Article 7 of Chapter 110 of the General Statutes, a visit to the place where the
40 juvenile resides is not required. When the report alleges abandonment, the ~~investigation~~
41 assessment shall include a request from the director to law enforcement officials to
42 investigate through the North Carolina Center for Missing Persons and other national
43 and State resources whether the juvenile is a missing child. All information received by

1 the department of social services, including the identity of the reporter, shall be held in
2 strictest confidence by the department.

3 (b) When a report of a juvenile's death as a result of suspected maltreatment or a
4 report of suspected abuse, neglect, or dependency of a juvenile in a noninstitutional
5 setting is received, the director of the department of social services shall immediately
6 ascertain if other juveniles live in the home, and, if so, initiate an ~~investigation~~
7 assessment in order to determine whether they require protective services or whether
8 immediate removal of the juveniles from the home is necessary for their protection.
9 When a report of a juvenile's death as a result of maltreatment or a report of suspected
10 abuse, neglect, or dependency of a juvenile in an institutional setting such as a
11 residential child care facility or residential educational facility is received, the director
12 of the department of social services shall immediately ascertain if other juveniles remain
13 in the facility subject to the alleged perpetrator's care or supervision, and, if so, assess
14 the circumstances of those juveniles in order to determine whether they require
15 protective services or whether immediate removal of those juveniles from the facility is
16 necessary for their protection.

17 (c) If the ~~investigation~~ assessment indicates that abuse, neglect, or dependency
18 has occurred, the director shall decide whether immediate removal of the juvenile or any
19 other juveniles in the home is necessary for their protection. If immediate removal does
20 not seem necessary, the director shall immediately provide or arrange for protective
21 services. If the parent, guardian, custodian, or caretaker refuses to accept the protective
22 services provided or arranged by the director, the director shall sign a complaint seeking
23 to invoke the jurisdiction of the court for the protection of the juvenile or juveniles.

24 (d) If immediate removal seems necessary for the protection of the juvenile or
25 other juveniles in the home, the director shall sign a complaint ~~which~~ that alleges the
26 applicable facts to invoke the jurisdiction of the court. Where the ~~investigation~~
27 assessment shows that it is warranted, a protective services worker may assume
28 temporary custody of the juvenile for the juvenile's protection pursuant to Article 5 of
29 this Chapter.

30 (d1) Whenever a juvenile is removed from the home of a parent, guardian,
31 custodian, stepparent, or adult relative entrusted with the juvenile's care due to physical
32 abuse, the director shall conduct a thorough review of the background of the alleged
33 abuser or abusers. This review shall include a criminal history check and a review of
34 any available mental health records. If the review reveals that the alleged abuser or
35 abusers have a history of violent behavior against people, the director shall petition the
36 court to order the alleged abuser or abusers to submit to a complete mental health
37 evaluation by a licensed psychologist or psychiatrist.

38 (e) In performing any duties related to the ~~investigation~~ assessment of the
39 ~~complaint~~ report or the provision or arrangement for protective services, the director
40 may consult with any public or private agencies or individuals, including the available
41 State or local law enforcement officers who shall assist in the ~~investigation~~ assessment
42 and evaluation of the seriousness of any report of abuse, neglect, or dependency when
43 requested by the director. The director or the director's representative may make a
44 written demand for any information or reports, whether or not confidential, that may in

1 the director's opinion be relevant to the ~~investigation of or the provision for~~ assessment
2 or provision of protective services. Upon the director's or the director's representative's
3 request and unless protected by the attorney-client privilege, any public or private
4 agency or individual shall provide access to and copies of this confidential information
5 and these records to the extent permitted by federal law and regulations. If a custodian
6 of criminal investigative information or records believes that release of the information
7 will jeopardize the right of the State to prosecute a defendant or the right of a defendant
8 to receive a fair trial or will undermine an ongoing or future investigation, it may seek
9 an order from a court of competent jurisdiction to prevent disclosure of the information.
10 In such an action, the custodian of the records shall have the burden of showing by a
11 preponderance of the evidence that disclosure of the information in question will
12 jeopardize the right of the State to prosecute a defendant or the right of a defendant to
13 receive a fair trial or will undermine an ongoing or future investigation. Actions brought
14 pursuant to this paragraph shall be set down for immediate hearing, and subsequent
15 proceedings in the actions shall be accorded priority by the trial and appellate courts.

16 (f) Within five working days after receipt of the report of abuse, neglect, or
17 dependency, the director shall give written notice to the person making the report,
18 unless requested by that person not to give notice, as to whether the report was accepted
19 for ~~investigation~~ assessment and whether the report was referred to the appropriate
20 State or local law enforcement agency.

21 (g) Within five working days after completion of the protective services
22 ~~investigation,~~ assessment, the director shall give subsequent written notice to the person
23 making the report, unless requested by that person not to give notice, as to whether there
24 is a finding of abuse, neglect, or dependency, whether the county department of social
25 services is taking action to protect the juvenile, and what action it is taking, including
26 whether or not a petition was filed. The person making the report shall be informed of
27 procedures necessary to request a review by the prosecutor of the director's decision not
28 to file a petition. A request for review by the prosecutor shall be made within five
29 working days of receipt of the second notification. The second notification shall include
30 notice that, if the person making the report is not satisfied with the director's decision,
31 the person may request review of the decision by the prosecutor within five working
32 days of receipt. The person making the report may waive the person's right to this
33 notification, and no notification is required if the person making the report does not
34 identify himself to the director.

35 (h) The director or the director's representative may not enter a private residence
36 for ~~investigation~~ assessment purposes without at least one of the following:

- 37 (1) The reasonable belief that a juvenile is in imminent danger of death or
38 serious physical injury.
- 39 (2) The permission of the parent or person responsible for the juvenile's
40 care.
- 41 (3) The accompaniment of a law enforcement officer who has legal
42 authority to enter the residence.
- 43 (4) An order from a court of competent jurisdiction."

44 **SECTION 5.** G.S. 7B-303 reads as rewritten:

1 **"§ 7B-303. Interference with ~~investigation~~ assessment.**

2 (a) If any person obstructs or interferes with an ~~investigation~~ assessment required
3 by G.S. 7B-302, the director may file a petition naming ~~said~~ that person as respondent
4 and requesting an order directing the respondent to cease such obstruction or
5 interference. The petition shall contain the name and date of birth and address of the
6 juvenile who is the subject of the ~~investigation~~, assessment; shall include a concise
7 statement of the basis for initiating the assessment; shall specifically describe the
8 conduct alleged to constitute obstruction of or interference with the ~~investigation~~,
9 assessment; and shall be verified.

10 (b) For purposes of this section, obstruction of or interference with an
11 ~~investigation~~ assessment means refusing to disclose the whereabouts of the juvenile,
12 refusing to allow the director to have personal access to the juvenile, refusing to allow
13 the director to observe or interview the juvenile in private, refusing to allow the director
14 access to confidential information and records upon request pursuant to G.S. 7B-302,
15 refusing to allow the director to arrange for an evaluation of the juvenile by a physician
16 or other expert, or other conduct that makes it impossible for the director to carry out
17 the duty to ~~investigate~~ assess the juvenile's condition.

18 (c) Upon filing of the petition, the court shall schedule a hearing to be held not
19 less than five days after service of the petition and summons on the respondent. Service
20 of the petition and summons and notice of hearing shall be made as provided by the
21 Rules of Civil Procedure on the respondent; the juvenile's parent, guardian, custodian,
22 or caretaker; and any other person determined by the court to be a necessary party. If at
23 the hearing on the petition the court finds by clear, cogent, and convincing evidence that
24 the respondent, without lawful excuse, has obstructed or interfered with an ~~investigation~~
25 assessment required by G.S. 7B-302, the court may order the respondent to cease such
26 obstruction or interference. The burden of proof shall be on the petitioner.

27 (d) If the director has reason to believe that the juvenile is in need of immediate
28 protection or assistance, the director shall so allege in the petition and may seek an ex
29 parte order from the court. If the court, from the verified petition and any inquiry the
30 court makes of the director, finds probable cause to believe both that the juvenile is at
31 risk of immediate harm and that the respondent is obstructing or interfering with the
32 director's ability to ~~investigate to determine~~ assess the juvenile's condition, the court
33 may enter an ex parte order directing the respondent to cease ~~such the~~ obstruction or
34 interference. The order shall be limited to provisions necessary to enable the director to
35 conduct an ~~investigation~~ assessment sufficient to determine whether the juvenile is in
36 need of immediate protection or assistance. Within 10 days after the entry of an ex parte
37 order under this subsection, a hearing shall be held to determine whether there is good
38 cause for the continuation of the order or the entry of a different order. An order entered
39 under this subsection shall be served on the respondent along with a copy of the
40 petition, summons, and notice of hearing.

41 (e) The director may be required at a hearing under this section to reveal the
42 identity of any person who made a report of suspected abuse, neglect, or dependency as
43 required by G.S. 7B-301.

1 (f) An order entered pursuant to this section is enforceable by civil or criminal
2 contempt as provided in Chapter 5A of the General Statutes."

3 **SECTION 6.** G.S. 7B-305 reads as rewritten:

4 **"§ 7B-305. Request for review by prosecutor.**

5 The person making the report shall have five working days, from receipt of the
6 decision of the director of the department of social services not to petition the court, to
7 notify the prosecutor that the person is requesting a review. The prosecutor shall notify
8 the person making the report and the director of the time and place for the review, and
9 the director shall immediately transmit to the prosecutor a copy of ~~the investigation~~
10 ~~report~~ a summary of the assessment."

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

12 **"§ 7B-307. Duty of director to report evidence of abuse, neglect; investigation by**
13 **local law enforcement; notification of Department of Health and Human**
14 **Services and State Bureau of Investigation.**

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

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

34 If the report received pursuant to G.S. 7B-301 involves abuse or neglect of a juvenile
35 in childcare, the director shall notify the Department of Health and Human Services
36 within 24 hours or on the next working day of receipt of the report.

37 (b) If the director finds evidence that a juvenile has been abused or neglected as
38 defined by G.S. 7B-101 in a child care facility, the director shall immediately so notify
39 the Department of Health and Human Services and, in the case of sexual abuse, the
40 State Bureau of Investigation, in such a way as does not violate the law guaranteeing the
41 confidentiality of the records of the department of social services.

42 (c) Upon completion of the ~~investigation-assessment~~, the director shall give the
43 Department written notification of the results of the ~~investigation-assessment~~ required
44 by G.S. 7B-302. Upon completion of an ~~investigation-assessment~~ of sexual abuse in a

1 childcare facility, the director shall also make written notification of the results of the
2 ~~investigation-assessment~~ to the State Bureau of Investigation.

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

7 **SECTION 8.** G.S. 7B-308(b) reads as rewritten:

8 "(b) Immediately upon receipt of judicial authority to retain custody, the
9 physician, the administrator, or that person's designee shall so notify the director of
10 social services for the county in which the facility is located. The director shall treat this
11 notification as a report of suspected abuse and shall immediately begin an
12 ~~investigation-assessment~~ of the case.

13 (1) If the ~~investigation- assessment~~ reveals (i) that it is the opinion of the
14 certifying physician that the juvenile is in need of medical treatment to
15 cure or alleviate physical distress or to prevent the juvenile from
16 suffering serious physical injury, and (ii) that it is the opinion of the
17 physician that the juvenile should for these reasons remain in the
18 custody of the facility for 12 hours, but (iii) that the juvenile's parent,
19 guardian, custodian, or caretaker cannot be reached or, upon request,
20 will not consent to the treatment within the facility, the director shall
21 within the initial 12-hour period file a juvenile petition alleging abuse
22 and setting forth supporting allegations and shall seek a nonsecure
23 custody order. A petition filed and a nonsecure custody order obtained
24 in accordance with this subdivision shall come on for hearing under
25 the regular provisions of this Subchapter unless the director and the
26 certifying physician together voluntarily dismiss the petition.

27 (2) In all cases except those described in subdivision (1) above, the
28 director shall conduct the ~~investigation-assessment~~ and may initiate
29 juvenile proceedings and take all other steps authorized by the regular
30 provisions of this Subchapter. If the director decides not to file a
31 petition, the physician, the administrator, or that person's designee may
32 ask the prosecutor to review this decision according to the provisions
33 of G.S. 7B-305 and G.S. 7B-306."

34 **SECTION 9.** G.S. 7B-309 reads as rewritten:

35 "**§ 7B-309. Immunity of persons reporting and cooperating in an ~~investigation-~~**
36 **assessment.**

37 Anyone who makes a report pursuant to this Article, cooperates with the county
38 department of social services in a protective services ~~inquiry or investigation-~~
39 ~~assessment,~~ testifies in any judicial proceeding resulting from a protective services
40 report or ~~investigation-assessment,~~ or otherwise participates in the program authorized
41 by this Article, is immune from any civil or criminal liability that might otherwise be
42 incurred or imposed for that action provided that the person was acting in good faith. In
43 any proceeding involving liability, good faith is presumed."

44 **SECTION 10.** G.S. 7B-404(a) reads as rewritten:

1 (a) When the office of the clerk is closed, a magistrate may be authorized by the
2 chief district court judge to draw, verify, and issue petitions as follows:

3 (1) When the director of the department of social services requests a
4 petition alleging a juvenile to be abused, neglected, or dependent, or

5 (2) When the director of the department of social services requests a
6 petition alleging the obstruction of or interference with an
7 ~~investigation~~-assessment required by G.S. 7B-302."

8 **SECTION 11.** G.S. 7B-506(h)(3) reads as rewritten:

9 "(3) Inquire as to whether there are other juveniles remaining in the home
10 from which the juvenile was removed and, if there are, inquire as to
11 the specific findings of the ~~investigation~~-assessment conducted under
12 G.S. 7B-302 and any actions taken or services provided by the director
13 for the protection of the other juveniles."

14 **SECTION 12.** G.S. 108A-14(a)(11) reads as rewritten:

15 "**§ 108A-14. Duties and responsibilities.**

16 (a) The director of social services shall have the following duties and
17 responsibilities:

18 ...

19 (11) To ~~investigate~~-assess reports of child abuse and neglect and to take
20 appropriate action to protect such children pursuant to the Child Abuse
21 Reporting Law, Article 3 of Chapter 7B of the General Statutes;".

22 **SECTION 13.** This act becomes effective October 1, 2005.