

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 274
Committee Substitute Favorable 4/30/19

Short Title: Child Abuse & Neglect/Military Affiliation.

(Public)

Sponsors:

Referred to:

March 6, 2019

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING A LOCAL DIRECTOR OF SOCIAL SERVICES TO DETERMINE
3 IF A JUVENILE WHO IS ALLEGED TO HAVE BEEN ABUSED, NEGLECTED, OR
4 DEPENDENT HAS AN ASSOCIATION WITH THE MILITARY AND TO SHARE THAT
5 INFORMATION WITH THE APPROPRIATE MILITARY AUTHORITIES, WHEN
6 APPLICABLE.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 7B-302 reads as rewritten:

9 **"§ 7B-302. Assessment by director; military affiliation; access to confidential information;
10 notification of person making the report.**

11 (a) When a report of abuse, neglect, or dependency is received, the director of the
12 department of social services shall make a prompt and thorough assessment, using either a family
13 assessment response or an investigative assessment response, in order to ascertain the facts of the
14 case, including collecting information concerning the military affiliation of the parent, guardian,
15 custodian, or caretaker of the juvenile alleged to have been abused or neglected, the extent of the
16 abuse or neglect, and the risk of harm to the juvenile, in order to determine whether protective
17 services should be provided or the complaint filed as a petition. When the report alleges abuse,
18 the director shall immediately, but no later than 24 hours after receipt of the report, initiate the
19 assessment. When the report alleges neglect or dependency, the director shall initiate the
20 assessment within 72 hours following receipt of the report. When the report alleges abandonment
21 of a juvenile or unlawful transfer of custody under G.S. 14-321.2, the director shall immediately
22 initiate an assessment. When the report alleges abandonment, the director shall also take
23 appropriate steps to assume temporary custody of the juvenile, and take appropriate steps to
24 secure an order for nonsecure custody of the juvenile. The assessment and evaluation shall
25 include a visit to the place where the juvenile resides, except when the report alleges abuse or
26 neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes.
27 When a report alleges abuse or neglect in a child care facility as defined in Article 7 of Chapter
28 110 of the General Statutes, a visit to the place where the juvenile resides is not required. When
29 the report alleges abandonment, the assessment shall include a request from the director to law
30 enforcement officials to investigate through the North Carolina Center for Missing Persons and
31 other national and State resources whether the juvenile is a missing child.

32 (a1) All information received by the department of social services, including the identity
33 of the reporter, shall be held in strictest confidence by the department, except under the following
34 circumstances:

35 (1) The department shall disclose confidential information to any federal, State,
36 or local government entity or its agent, or any private child placing or adoption



1 agency licensed by the Department of Health and Human Services, in order to
2 protect a juvenile from abuse or neglect. The disclosure of confidential
3 information pursuant to this subdivision shall include sharing information
4 with the appropriate military authority if the director finds evidence that a
5 juvenile may have been abused or neglected and the parent, guardian,
6 custodian, or caretaker of the juvenile alleged to have been abused or
7 neglected has a military affiliation. Any confidential information disclosed to
8 any federal, State, or local government entity or its agent under this subsection
9 shall remain confidential with the other entity or its agent and shall only be
10 redisclosed for purposes directly connected with carrying out that entity's
11 mandated responsibilities.

12"

13 **SECTION 2.** G.S. 7B-307 reads as rewritten:

14 "**§ 7B-307. Duty of director to report evidence of abuse, neglect; investigation by local law**
15 **enforcement; notification to appropriate military authority; notification of**
16 **Department of Health and Human Services.**

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

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

36 If the report received pursuant to G.S. 7B-301 involves abuse or neglect of a juvenile or child
37 maltreatment, as defined in G.S. 110-105.3, in child care, the director shall notify the Department
38 of Health and Human Services within 24 hours or on the next working day of receipt of the report.

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

42 (b), (c) Repealed by Session Laws 2015-123, s. 5, effective January 1, 2016."

43 **SECTION 3.** This act is effective when it becomes law.