

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**SENATE BILL 1216
Judiciary I Committee Substitute Adopted 6/19/06
Third Edition Engrossed 6/20/06
House Committee Substitute Favorable 6/29/06**

Short Title: DSS Disclosure of Information/Abuse/Neglect.

(Public)

Sponsors:

Referred to:

May 10, 2006

A BILL TO BE ENTITLED

1
2 AN ACT TO (1) ALLOW LOCAL DEPARTMENTS OF SOCIAL SERVICES TO
3 SHARE CONFIDENTIAL INFORMATION WITH OTHER CHILD
4 PROTECTION ORGANIZATIONS WHEN THE CONFIDENTIAL
5 INFORMATION IS NEEDED TO PROTECT A CHILD FROM ABUSE AND
6 NEGLECT, AND (2) ALLOW ENTITIES DESIGNATED BY THE
7 DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
8 TO SHARE INFORMATION WITH A LOCAL DEPARTMENT OF SOCIAL
9 SERVICES THAT IS RELEVANT TO AN ASSESSMENT OF REPORTS OF
10 CHILD ABUSE, NEGLECT, AND DEPENDENCY BY A LOCAL
11 DEPARTMENT OF SOCIAL SERVICES.

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** G.S. 7B-302(a) reads as rewritten:

14 "(a) When a report of abuse, neglect, or dependency is received, the director of the
15 department of social services shall make a prompt and thorough assessment, using
16 either a family assessment response or an investigative assessment response, in order to
17 ascertain the facts of the case, the extent of the abuse or neglect, and the risk of harm to
18 the juvenile, in order to determine whether protective services should be provided or the
19 complaint filed as a petition. When the report alleges abuse, the director shall
20 immediately, but no later than 24 hours after receipt of the report, initiate the
21 assessment. When the report alleges neglect or dependency, the director shall initiate the
22 assessment within 72 hours following receipt of the report. When the report alleges
23 abandonment, the director shall immediately initiate an assessment, take appropriate
24 steps to assume temporary custody of the juvenile, and take appropriate steps to secure
25 an order for nonsecure custody of the juvenile. The assessment and evaluation shall
26 include a visit to the place where the juvenile resides, except when the report alleges
27 abuse or neglect in a child care facility as defined in Article 7 of Chapter 110 of the

1 General Statutes. When a report alleges abuse or neglect in a child care facility as
2 defined in Article 7 of Chapter 110 of the General Statutes, a visit to the place where the
3 juvenile resides is not required. When the report alleges abandonment, the assessment
4 shall include a request from the director to law enforcement officials to investigate
5 through the North Carolina Center for Missing Persons and other national and State
6 resources whether the juvenile is a missing child. All information received by the
7 department of social services, including the identity of the reporter, shall be held in
8 strictest confidence by the department. However, the department of social services shall
9 disclose confidential information to any federal, State, or local governmental entity or
10 its agent needing confidential information to protect a juvenile from abuse and neglect.
11 Any confidential information disclosed to any federal, State, or local governmental
12 entity, or its agent, under this subsection shall remain confidential with the other
13 governmental entity, or its agent, and shall only be redisclosed by the governmental
14 entity or its agent for purposes directly connected with carrying out the governmental
15 entity's or agent's mandated responsibilities."

16 **SECTION 2.** G.S. 7B-3100(a) reads as rewritten:

17 "(a) The Department, after consultation with the Conference of Chief District
18 Court Judges, shall adopt rules designating certain local agencies that are authorized to
19 share information concerning juveniles in accordance with the provisions of this section.
20 Agencies so designated shall share with one another, upon request, information that is in
21 their possession that is relevant to any assessment of a report of child abuse, neglect, or
22 dependency or the provision or arrangement of protective services in a child abuse,
23 neglect, or dependency case by a local department of social services pursuant to the
24 authority granted under Chapter 7B of the General Statutes or to any case in which a
25 petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined,
26 or delinquent and shall continue to do so until the protective services case is closed by
27 the local department of social services, or if a petition is filed when the juvenile is no
28 longer subject to the jurisdiction of juvenile court. Agencies that may be designated as
29 "agencies authorized to share information" include local mental health facilities, local
30 health departments, local departments of social services, local law enforcement
31 agencies, local school administrative units, the district's district attorney's office, the
32 Department of Juvenile Justice and Delinquency Prevention, and the Office of Guardian
33 ad Litem Services of the Administrative Office of the Courts. Any information shared
34 among agencies pursuant to this section shall remain confidential, shall be withheld
35 from public inspection, and shall be used only for the protection of the juvenile and
36 others or to improve the educational opportunities of the juvenile, and shall be released
37 in accordance with the provisions of the Family Educational and Privacy Rights Act as
38 set forth in 20 U.S.C. § 1232g. Nothing in this section or any other provision of law
39 shall preclude any other necessary sharing of information among agencies. Nothing
40 herein shall be deemed to require the disclosure or release of any information in the
41 possession of a district attorney."

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