

Mandatory Reporting Requirements: Children North Carolina

Last Updated: March 2020

Question	Answer
Who is required to report?	<ul style="list-style-type: none"> • Any person or institution.
When is a report required and where does it go?	<p>When is a report required?</p> <ul style="list-style-type: none"> • Cause to suspect that any juvenile is abused, neglected, or dependent or has died as the result of maltreatment. <p>Where does it go?</p> <ul style="list-style-type: none"> • The director of the department of social services in the county where the child resides or is found (available at: https://www.ncdhhs.gov/divisions/social-services/local-dss-directory).
What definitions are important to know?	<ul style="list-style-type: none"> • “Abused Juvenile” means any juvenile less than 18 years of age (i) who is found to be a minor victim of human trafficking under G.S. 14-43.15 or (ii) whose parent, guardian, custodian, or caretaker: <ul style="list-style-type: none"> • Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means; • Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means; • Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior; • Commits, permits, or encourages the commission of the certain crimes by, with, or upon the juvenile including rape, incest, prostitution, sexual assault or preparation or dissemination of obscene materials, or the unlawful sale, surrender, or purchase of the juvenile; • Creates or allows to be created serious emotional damage to the juvenile, as evidenced by a juvenile’s severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others; or • Encourages, directs, or approves of delinquent acts involving moral turpitude committed by the juvenile. <p>This term includes any juvenile less than 18 years of age who is a victim or is alleged to be a victim of an offense under G.S. 14–43.11 (human trafficking), 14–43.12 (involuntary servitude), or 14–43.13 (sexual servitude), regardless of the relationship between the victim and the perpetrator.</p> <ul style="list-style-type: none"> • “Caretaker” means any person other than a parent, guardian or custodian who has responsibility for the health and welfare of a juvenile in a residential setting. A person responsible for a juvenile’s health and

welfare means a stepparent, foster parent, an adult member of the juvenile’s household, an adult relative entrusted with the juvenile’s care, a potential adoptive parent during a visit or trial placement with a juvenile in the custody of a department, any person such as house parent or cottage parent who has primary responsibility for supervising a juvenile’s health and welfare in a residential child care facility or residential educational facility, or any employee or volunteer of a division, institution, or school operated by the Department of Health and Human Services. Nothing in the subdivision of the statute shall be construed to impose a legal duty of support under Chapter 50 or Chapter 110 of the General Statutes. The duty imposed upon a caretaker as defined shall be for the purpose of the corresponding subchapter only.

- **“Custodian”** means the person or agency that has been awarded legal custody of a juvenile by a court.
- **“Dependent Juvenile”** means a juvenile in need of assistance or placement because the juvenile has no parent, guardian, or custodian responsible for the juvenile’s care or supervision or whose parent, guardian, or custodian is unable to provide for the care or supervision and lacks an appropriate alternative child care arrangement. In determining whether a juvenile is dependent, the trial court must address both (1) the parent’s ability to provide care or supervision, and (2) the availability to the parent of alternative child care arrangements. *In re L.H., 2011 WL 879973.*
- **“Juvenile”** means a person under the age of 18 who is not married, emancipated, or a member of the U.S. Armed Forces.
- **“Neglected juvenile”** mean any juvenile less than 18 years of age (i) who is found to be a minor victim of human trafficking under [G.S. 14-43.15](#) or (ii) whose parent, guardian, custodian, or caretaker does any of the following:
 - does not provide proper care, supervision, or discipline.
 - has abandoned the juvenile;
 - has not provided or arranged for the provision of necessary medical or remedial care;
 - creates or allows to be created a living environment that is injurious to the juvenile's welfare;
 - has participated or attempted to participate in the unlawful transfer of custody of the juvenile under [G.S. 14-321.2](#); or
 - has placed the juvenile for care or adoption in violation of law.
- In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives in a home where another juvenile has died as a result of suspected abuse or neglect or lives in a home where another juvenile has been subjected to abuse or neglect by an adult who regularly lives in the home.
- **“Serious neglect”** means conduct, behavior or inaction of the juvenile’s parent, guardian, custodian, or caretaker that evidences a disregard of consequences of such magnitude that the conduct, behavior, or inaction constitutes an unequivocal danger to the juvenile’s health, welfare or safety but does not constitute abuse.

What timing and procedural requirements apply to reports?

- Reports may be made orally, by telephone, or in writing. If the report is made orally or by telephone, the reporter must give his or her name, address, and telephone number, although refusal of reporter to give a name shall not preclude the department’s assessment of the alleged abuse, neglect, dependency, or death as a result of maltreatment.

<p>What information must a report include?</p>	<ul style="list-style-type: none"> • Information as is known to the reporter, including: <ul style="list-style-type: none"> • The name and address of the juvenile; • The name and address of the juvenile’s parent, guardian, or caretaker; • The age of the juvenile; • The names and ages of other juveniles in the home; • The present whereabouts of the juvenile if not at the home address; • The nature and extent of any injury or condition resulting from abuse, neglect, or dependency; and • Any other information which the person making the report believes might be helpful in establishing the need for protective services or court intervention.
<p>Anything else I should know?</p>	<ul style="list-style-type: none"> • In addition to the obligation above to report to the department of social services, a physician must report cases involving recurrent illness or serious physical injury to any child under the age of 18 years where the illness or injury appears, in the physician’s professional judgment, to be the result of non-accidental trauma as soon as it becomes practicable before, during, or after completion of treatment. If the case is treated in a hospital, sanitarium, or other medical institution or facility, the report shall be made by the Director, Administrator, or other person designated by the Director or Administrator of the medical institution or facility, or if the case is treated elsewhere, the report shall be made by the physician or surgeon treating the case to the chief of police or the police authorities of the city or town in North Carolina in which the hospital or other institution or place of treatment is located. If the hospital or other institution or place of treatment is located outside the corporate limits of a city or town, then the report shall be made by the proper person in the manner set forth above to the sheriff of the respective county or to one of the sheriff’s deputies. • The department of social services shall disclose confidential information regarding the identity of the reporter to any federal, State, or local government entity or its agent with a court order. The department may only disclose confidential information regarding the identity of the reporter to a federal, State, or local government entity or its agent without a court order when the entity demonstrates a need for the reporter’s name to carry out the entity’s mandated responsibilities. • Any person or institution who knowingly or wantonly fails to report or knowingly or wantonly prevents another person from making a report is guilty of a Class 1 misdemeanor. • Anyone who makes a report, cooperates with the county department of social services in a protective services assessment, testifies in any judicial proceeding resulting from a protective services report or assessment, or otherwise participates in the program authorized by the statute is immune from any civil or criminal liability that might otherwise be incurred or imposed for that action provided that the person was acting in good faith. In any proceeding involving liability, good faith is presumed. • No privilege shall be grounds for any person or institution failing to report that a juvenile may have been abused, neglected, or dependent, even if the knowledge or suspicion is acquired in an official professional capacity, except when the knowledge or suspicion is gained by an attorney from that attorney’s client during representation only in the abuse, neglect, or dependency case. No privilege, except the attorney-client privilege, shall be grounds for excluding evidence of abuse, neglect, or dependency in any judicial proceeding (civil, criminal, or juvenile) in which a juvenile’s abuse, neglect, or dependency is in issue nor in any judicial proceeding resulting from a report submitted under the statute, both as the privilege relates to the competency of the witness and to the exclusion of confidential communications.

Statutory
citation(s):

- N.C. Gen. Stat. §§ 7B-101, 7B-301, 7B-302, 7B-309, 7B-310, 90-21.20.