

1 Article 3.

2 Screening of Abuse and Neglect Complaints.

3 **§ 7B-300. Protective services.**

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

6 Protective services shall include the screening of reports, the performance of an assessment
7 using either a family assessment response or an investigative assessment response, casework, or
8 other counseling services to parents, guardians, or other caretakers as provided by the director
9 to help the parents, guardians, or other caretakers and the court to prevent abuse or neglect, to
10 improve the quality of child care, to be more adequate parents, guardians, or caretakers, and to
11 preserve and stabilize family life.

12 The provisions of this Article shall also apply to child care facilities as defined in G.S.
13 110-86. (1979, c. 815, s. 1; 1981, c. 359, s. 1; 1991 (Reg. Sess., 1992), c. 923, s. 1; 1997-506, s.
14 31; 1998-202, s. 6; 1999-456, s. 60; 2005-55, s. 2.)

15
16 **§ 7B-301. Duty to report abuse, neglect, dependency, or death due to maltreatment.**

17 Any person or institution who has cause to suspect that any juvenile is abused, neglected, or
18 dependent, as defined by G.S. 7B-101, or has died as the result of maltreatment, shall report the
19 case of that juvenile to the director of the department of social services in the county where the
20 juvenile resides or is found. The report may be made orally, by telephone, or in writing. The
21 report shall include information as is known to the person making it including the name and
22 address of the juvenile; the name and address of the juvenile's parent, guardian, or caretaker;
23 the age of the juvenile; the names and ages of other juveniles in the home; the present
24 whereabouts of the juvenile if not at the home address; the nature and extent of any injury or
25 condition resulting from abuse, neglect, or dependency; and any other information which the
26 person making the report believes might be helpful in establishing the need for protective
27 services or court intervention. If the report is made orally or by telephone, the person making
28 the report shall give the person's name, address, and telephone number. Refusal of the person
29 making the report to give a name shall not preclude the department's assessment of the alleged
30 abuse, neglect, dependency, or death as a result of maltreatment.

31 Upon receipt of any report of sexual abuse of the juvenile in a child care facility, the
32 director shall notify the State Bureau of Investigation within 24 hours or on the next workday.
33 If sexual abuse in a child care facility is not alleged in the initial report, but during the course of
34 the assessment there is reason to suspect that sexual abuse has occurred, the director shall
35 immediately notify the State Bureau of Investigation. Upon notification that sexual abuse may
36 have occurred in a child care facility, the State Bureau of Investigation may form a task force to
37 investigate the report. (1979, c. 815, s. 1; 1991 (Reg. Sess., 1992), c. 923, s. 2; 1993, c. 516, s.
38 4; 1997-506, s. 32; 1998-202, s. 6; 1999-456, s. 60; 2005-55, s. 3.)

39
40 **§ 7B-302. Assessment by director; access to confidential information; notification of
41 person making the report.**

42 (a) When a report of abuse, neglect, or dependency is received, the director of the
43 department of social services shall make a prompt and thorough assessment, using either a
44 family assessment response or an investigative assessment response, in order to ascertain the
45 facts of the case, the extent of the abuse or neglect, and the risk of harm to the juvenile, in order
46 to determine whether protective services should be provided or the complaint filed as a petition.
47 When the report alleges abuse, the director shall immediately, but no later than 24 hours after
48 receipt of the report, initiate the assessment. When the report alleges neglect or dependency, the
49 director shall initiate the assessment within 72 hours following receipt of the report. When the
50 report alleges abandonment, the director shall immediately initiate an assessment, take
51 appropriate steps to assume temporary custody of the juvenile, and take appropriate steps to

1 secure an order for nonsecure custody of the juvenile. The assessment and evaluation shall
2 include a visit to the place where the juvenile resides, except when the report alleges abuse or
3 neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes.
4 When a report alleges abuse or neglect in a child care facility as defined in Article 7 of Chapter
5 110 of the General Statutes, a visit to the place where the juvenile resides is not required. When
6 the report alleges abandonment, the assessment shall include a request from the director to law
7 enforcement officials to investigate through the North Carolina Center for Missing Persons and
8 other national and State resources whether the juvenile is a missing child.

9 (a1) All information received by the department of social services, including the identity
10 of the reporter, shall be held in strictest confidence by the department, except that:

11 (1) The department shall disclose confidential information to any federal, State,
12 or local government entity or its agent in order to protect a juvenile from
13 abuse or neglect. Any confidential information disclosed to any federal,
14 State, or local government entity or its agent under this subsection shall
15 remain confidential with the other government entity or its agent and shall
16 only be redisclosed for purposes directly connected with carrying out that
17 entity's mandated responsibilities.

18 (2) The information may be examined upon request by the juvenile's guardian
19 ad litem or the juvenile, including a juvenile who has reached age 18 or been
20 emancipated.

21 (3) A district or superior court judge of this State presiding over a civil matter in
22 which the department of social services is not a party may order the
23 department to release confidential information, after providing the
24 department with reasonable notice and an opportunity to be heard and then
25 determining that the information is relevant and necessary to the trial of the
26 matter before the court and unavailable from any other source. This
27 subdivision shall not be construed to relieve any court of its duty to conduct
28 hearings and make findings required under relevant federal law, before
29 ordering the release of any private medical or mental health information or
30 records related to substance abuse or HIV status or treatment. The
31 department of social services may surrender the requested records to the
32 court, for in camera review, if the surrender is necessary to make the
33 required determinations.

34 (4) A district or superior court judge of this State presiding over a criminal or
35 delinquency matter shall conduct an in camera review prior to releasing to
36 the defendant or juvenile any confidential records maintained by the
37 department of social services, except those records the defendant or juvenile
38 is entitled to pursuant to subdivision (2) of this subsection.

39 (5) The department may disclose confidential information to a parent, guardian,
40 custodian, or caretaker in accordance with G.S. 7B-700 of this Subchapter.

41 (a2) If the director, at any time after receiving a report that a juvenile may be abused,
42 neglected, or dependent, determines that the juvenile's legal residence is in another county, the
43 director shall promptly notify the director in the county of the juvenile's residence, and the two
44 directors shall coordinate efforts to ensure that appropriate actions are taken.

45 (b) When a report of a juvenile's death as a result of suspected maltreatment or a report
46 of suspected abuse, neglect, or dependency of a juvenile in a noninstitutional setting is
47 received, the director of the department of social services shall immediately ascertain if other
48 juveniles live in the home, and, if so, initiate an assessment in order to determine whether they
49 require protective services or whether immediate removal of the juveniles from the home is
50 necessary for their protection. When a report of a juvenile's death as a result of maltreatment or
51 a report of suspected abuse, neglect, or dependency of a juvenile in an institutional setting such

1 as a residential child care facility or residential educational facility is received, the director of
2 the department of social services shall immediately ascertain if other juveniles remain in the
3 facility subject to the alleged perpetrator's care or supervision, and, if so, assess the
4 circumstances of those juveniles in order to determine whether they require protective services
5 or whether immediate removal of those juveniles from the facility is necessary for their
6 protection.

7 (c) If the assessment indicates that abuse, neglect, or dependency has occurred, the
8 director shall decide whether immediate removal of the juvenile or any other juveniles in the
9 home is necessary for their protection. If immediate removal does not seem necessary, the
10 director shall immediately provide or arrange for protective services. If the parent, guardian,
11 custodian, or caretaker refuses to accept the protective services provided or arranged by the
12 director, the director shall sign a petition seeking to invoke the jurisdiction of the court for the
13 protection of the juvenile or juveniles.

14 (d) If immediate removal seems necessary for the protection of the juvenile or other
15 juveniles in the home, the director shall sign a petition that alleges the applicable facts to
16 invoke the jurisdiction of the court. Where the assessment shows that it is warranted, a
17 protective services worker may assume temporary custody of the juvenile for the juvenile's
18 protection pursuant to Article 5 of this Chapter.

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

27 (e) In performing any duties related to the assessment of the report or the provision or
28 arrangement for protective services, the director may consult with any public or private
29 agencies or individuals, including the available State or local law enforcement officers who
30 shall assist in the assessment and evaluation of the seriousness of any report of abuse, neglect,
31 or dependency when requested by the director. The director or the director's representative may
32 make a written demand for any information or reports, whether or not confidential, that may in
33 the director's opinion be relevant to the assessment or provision of protective services. Upon
34 the director's or the director's representative's request and unless protected by the
35 attorney-client privilege, any public or private agency or individual shall provide access to and
36 copies of this confidential information and these records to the extent permitted by federal law
37 and regulations. If a custodian of criminal investigative information or records believes that
38 release of the information will jeopardize the right of the State to prosecute a defendant or the
39 right of a defendant to receive a fair trial or will undermine an ongoing or future investigation,
40 it may seek an order from a court of competent jurisdiction to prevent disclosure of the
41 information. In such an action, the custodian of the records shall have the burden of showing by
42 a preponderance of the evidence that disclosure of the information in question will jeopardize
43 the right of the State to prosecute a defendant or the right of a defendant to receive a fair trial or
44 will undermine an ongoing or future investigation. Actions brought pursuant to this paragraph
45 shall be set down for immediate hearing, and subsequent proceedings in the actions shall be
46 accorded priority by the trial and appellate courts.

47 (f) Within five working days after receipt of the report of abuse, neglect, or
48 dependency, the director shall give written notice to the person making the report, unless
49 requested by that person not to give notice, as to whether the report was accepted for
50 assessment and whether the report was referred to the appropriate State or local law
51 enforcement agency.

1 (g) Within five working days after completion of the protective services assessment, the
2 director shall give subsequent written notice to the person making the report, unless requested
3 by that person not to give notice, as to whether there is a finding of abuse, neglect, or
4 dependency, whether the county department of social services is taking action to protect the
5 juvenile, and what action it is taking, including whether or not a petition was filed. The person
6 making the report shall be informed of procedures necessary to request a review by the
7 prosecutor of the director's decision not to file a petition. A request for review by the prosecutor
8 shall be made within five working days of receipt of the second notification. The second
9 notification shall include notice that, if the person making the report is not satisfied with the
10 director's decision, the person may request review of the decision by the prosecutor within five
11 working days of receipt. The person making the report may waive the person's right to this
12 notification, and no notification is required if the person making the report does not identify
13 himself to the director.

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

- 16 (1) The reasonable belief that a juvenile is in imminent danger of death or
17 serious physical injury.
- 18 (2) The permission of the parent or person responsible for the juvenile's care.
- 19 (3) The accompaniment of a law enforcement officer who has legal authority to
20 enter the residence.
- 21 (4) An order from a court of competent jurisdiction. (1979, c. 815, s. 1; 1985, c.
22 205; 1991, c. 593, s. 1; 1991 (Reg. Sess., 1992), c. 923, s. 3; 1993, c. 516, s.
23 5; 1995, c. 411, s. 1; 1997-390, s. 3.1; 1998-202, s. 6; 1998-229, ss. 2, 19;
24 1999-190, s. 2; 1999-318, s. 2; 1999-456, s. 60; 2001-291, s. 1; 2003-304, s.
25 4.1; 2005-55, s. 4; 2006-205, s. 1; 2009-311, s. 1.)

26
27 **§ 7B-303. Interference with assessment.**

28 (a) If any person obstructs or interferes with an assessment required by G.S. 7B-302,
29 the director may file a petition naming that person as respondent and requesting an order
30 directing the respondent to cease the obstruction or interference. The petition shall contain the
31 name and date of birth and address of the juvenile who is the subject of the assessment; shall
32 include a concise statement of the basis for initiating the assessment, shall specifically describe
33 the conduct alleged to constitute obstruction of or interference with the assessment; and shall be
34 verified.

35 (b) For purposes of this section, obstruction of or interference with an assessment
36 means refusing to disclose the whereabouts of the juvenile, refusing to allow the director to
37 have personal access to the juvenile, refusing to allow the director to observe or interview the
38 juvenile in private, refusing to allow the director access to confidential information and records
39 upon request pursuant to G.S. 7B-302, refusing to allow the director to arrange for an
40 evaluation of the juvenile by a physician or other expert, or other conduct that makes it
41 impossible for the director to carry out the duty to assess the juvenile's condition.

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

1 (d) If the director has reason to believe that the juvenile is in need of immediate
2 protection or assistance, the director shall so allege in the petition and may seek an ex parte
3 order from the court. If the court, from the verified petition and any inquiry the court makes of
4 the director, finds probable cause to believe both that the juvenile is at risk of immediate harm
5 and that the respondent is obstructing or interfering with the director's ability to assess the
6 juvenile's condition, the court may enter an ex parte order directing the respondent to cease the
7 obstruction or interference. The order shall be limited to provisions necessary to enable the
8 director to conduct an assessment sufficient to determine whether the juvenile is in need of
9 immediate protection or assistance. Within 10 days after the entry of an ex parte order under
10 this subsection, a hearing shall be held to determine whether there is good cause for the
11 continuation of the order or the entry of a different order. An order entered under this
12 subsection shall be served on the respondent along with a copy of the petition, summons, and
13 notice of hearing.

14 (e) The director may be required at a hearing under this section to reveal the identity of
15 any person who made a report of suspected abuse, neglect, or dependency as required by G.S.
16 7B-301.

17 (f) An order entered pursuant to this section is enforceable by civil or criminal
18 contempt as provided in Chapter 5A of the General Statutes. (1987, c. 409, s. 1; 1993, c. 516, s.
19 6; 1998-202, s. 6; 1999-456, s. 60; 2005-55, s. 5.)
20

21 **§ 7B-304:** Repealed by Session Laws 2003, c. 140, s. 1, effective June 4, 2003.
22

23 **§ 7B-305. Request for review by prosecutor.**

24 The person making the report shall have five working days, from receipt of the decision of
25 the director of the department of social services not to petition the court, to notify the
26 prosecutor that the person is requesting a review. The prosecutor shall notify the person making
27 the report and the director of the time and place for the review, and the director shall
28 immediately transmit to the prosecutor a copy of a summary of the assessment. (1979, c. 815, s.
29 1; 1998-202, s. 6; 1999-456, s. 60; 2005-55, s. 6.)
30

31 **§ 7B-306. Review by prosecutor.**

32 The prosecutor shall review the director's determination that a petition should not be filed
33 within 20 days after the person making the report is notified. The review shall include
34 conferences with the person making the report, the protective services worker, the juvenile, if
35 practicable, and other persons known to have pertinent information about the juvenile or the
36 juvenile's family. At the conclusion of the conferences, the prosecutor may affirm the decision
37 made by the director, may request the appropriate local law enforcement agency to investigate
38 the allegations, or may direct the director to file a petition. (1979, c. 815, s. 1; 1981, c. 469, s. 7;
39 1993, c. 516, s. 7; 1998-202, s. 6; 1999-456, s. 60.)
40

41 **§ 7B-307. Duty of director to report evidence of abuse, neglect; investigation by local law**
42 **enforcement; notification of Department of Health and Human Services and**
43 **State Bureau of Investigation.**

44 (a) If the director finds evidence that a juvenile may have been abused as defined by
45 G.S. 7B-101, the director shall make an immediate oral and subsequent written report of the
46 findings to the district attorney or the district attorney's designee and the appropriate local law
47 enforcement agency within 48 hours after receipt of the report. The local law enforcement
48 agency shall immediately, but no later than 48 hours after receipt of the information, initiate
49 and coordinate a criminal investigation with the protective services assessment being conducted
50 by the county department of social services. Upon completion of the investigation, the district

1 attorney shall determine whether criminal prosecution is appropriate and may request the
2 director or the director's designee to appear before a magistrate.

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

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

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

19 (c) Upon completion of the assessment, the director shall give the Department written
20 notification of the results of the assessment required by G.S. 7B-302. Upon completion of an
21 assessment of sexual abuse in a child care facility, the director shall also make written
22 notification of the results of the assessment to the State Bureau of Investigation.

23 The director of the department of social services shall submit a report of alleged abuse,
24 neglect, or dependency cases or child fatalities that are the result of alleged maltreatment to the
25 central registry under the policies adopted by the Social Services Commission. (1979, c. 815, s.
26 1; 1983, c. 199; 1985, c. 757, s. 156(s)-(u); 1991, c. 593, s. 2; 1991 (Reg. Sess., 1992), c. 923,
27 s. 4; 1993, c. 516, s. 8; 1997-443, s. 11A.118(a); 1997-506, s. 33; 1998-202, s. 6; 1999-456, s.
28 60; 2005-55, s. 7.)
29

30 **§ 7B-308. Authority of medical professionals in abuse cases.**

31 (a) Any physician or administrator of a hospital, clinic, or other medical facility to
32 which a suspected abused juvenile is brought for medical diagnosis or treatment shall have the
33 right, when authorized by the chief district court judge of the district or the judge's designee, to
34 retain physical custody of the juvenile in the facility when the physician who examines the
35 juvenile certifies in writing that the juvenile who is suspected of being abused should remain
36 for medical treatment or that, according to the juvenile's medical evaluation, it is unsafe for the
37 juvenile to return to the juvenile's parent, guardian, custodian, or caretaker. This written
38 certification must be signed by the certifying physician and must include the time and date that
39 the judicial authority to retain custody is given. Copies of the written certification must be
40 appended to the juvenile's medical and judicial records and another copy must be given to the
41 juvenile's parent, guardian, custodian, or caretaker. The right to retain custody in the facility
42 shall exist for up to 12 hours from the time and date contained in the written certification.

43 (b) Immediately upon receipt of judicial authority to retain custody, the physician, the
44 administrator, or that person's designee shall so notify the director of social services for the
45 county in which the facility is located. The director shall treat this notification as a report of
46 suspected abuse and shall immediately begin an assessment of the case.

- 47 (1) If the assessment reveals (i) that it is the opinion of the certifying physician
48 that the juvenile is in need of medical treatment to cure or alleviate physical
49 distress or to prevent the juvenile from suffering serious physical injury, and
50 (ii) that it is the opinion of the physician that the juvenile should for these
51 reasons remain in the custody of the facility for 12 hours, but (iii) that the

1 juvenile's parent, guardian, custodian, or caretaker cannot be reached or,
2 upon request, will not consent to the treatment within the facility, the
3 director shall within the initial 12-hour period file a juvenile petition alleging
4 abuse and setting forth supporting allegations and shall seek a nonsecure
5 custody order. A petition filed and a nonsecure custody order obtained in
6 accordance with this subdivision shall come on for hearing under the regular
7 provisions of this Subchapter unless the director and the certifying physician
8 together voluntarily dismiss the petition.

9 (2) In all cases except those described in subdivision (1) above, the director
10 shall conduct the assessment and may initiate juvenile proceedings and take
11 all other steps authorized by the regular provisions of this Subchapter. If the
12 director decides not to file a petition, the physician, the administrator, or that
13 person's designee may ask the prosecutor to review this decision according
14 to the provisions of G.S. 7B-305 and G.S. 7B-306.

15 (c) If, upon hearing, the court determines that the juvenile is found in a county other
16 than the county of legal residence, in accord with G.S. 153A-257, the juvenile may be
17 transferred, in accord with G.S. 7B-903(2), to the custody of the department of social services
18 in the county of residence.

19 (d) If the court, upon inquiry, determines that the medical treatment rendered was
20 necessary and appropriate, the cost of that treatment may be charged to the parents, guardian,
21 custodian, or caretaker, or, if the parents are unable to pay, to the county of residence in
22 accordance with G.S. 7B-903 and G.S. 7B-904.

23 (e) Except as otherwise provided, a petition begun under this section shall proceed in
24 like manner with petitions begun under G.S. 7B-302.

25 (f) The procedures in this section are in addition to, and not in derogation of, the abuse
26 and neglect reporting provisions of G.S. 7B-301 and the temporary custody provisions of G.S.
27 7B-500. Nothing in this section shall preclude a physician or administrator and a director of
28 social services from following the procedures of G.S. 7B-301 and G.S. 7B-500 whenever these
29 procedures are more appropriate to the juvenile's circumstances. (1979, c. 815, s. 1; 1981, c.
30 716, s. 2; 1995, c. 255, s. 1; 1998-202, s. 6; 1999-456, s. 60; 2005-55, s. 8.)

31
32 **§ 7B-309. Immunity of persons reporting and cooperating in an assessment.**

33 Anyone who makes a report pursuant to this Article, cooperates with the county department
34 of social services in a protective services assessment, testifies in any judicial proceeding
35 resulting from a protective services report or assessment, or otherwise participates in the
36 program authorized by this Article, is immune from any civil or criminal liability that might
37 otherwise be incurred or imposed for that action provided that the person was acting in good
38 faith. In any proceeding involving liability, good faith is presumed. (1979, c. 815, s. 1; 1981, s.
39 469, s. 8; 1993, c. 516, s. 9; 1998-202, s. 6; 1999-456, s. 60; 2005-55, s. 9.)
40

41 **§ 7B-310. Privileges not grounds for failing to report or for excluding evidence.**

42 No privilege shall be grounds for any person or institution failing to report that a juvenile
43 may have been abused, neglected, or dependent, even if the knowledge or suspicion is acquired
44 in an official professional capacity, except when the knowledge or suspicion is gained by an
45 attorney from that attorney's client during representation only in the abuse, neglect, or
46 dependency case. No privilege, except the attorney-client privilege, shall be grounds for
47 excluding evidence of abuse, neglect, or dependency in any judicial proceeding (civil, criminal,
48 or juvenile) in which a juvenile's abuse, neglect, or dependency is in issue nor in any judicial
49 proceeding resulting from a report submitted under this Article, both as this privilege relates to
50 the competency of the witness and to the exclusion of confidential communications. (1979, c.

1 815, s. 1; 1987, c. 323, s. 1; 1993, c. 514, s. 3; c. 516, s. 10; 1995, c. 509, s. 133; 1998-202, s. 6;
2 1999-456, s. 60.)

3
4 **§ 7B-311. Central registry; responsible individuals list.**

5 (a) The Department of Health and Human Services shall maintain a central registry of
6 abuse, neglect, and dependency cases and child fatalities that are the result of alleged
7 maltreatment that are reported under this Article in order to compile data for appropriate study
8 of the extent of abuse and neglect within the State and to identify repeated abuses of the same
9 juvenile or of other juveniles in the same family. This data shall be furnished by county
10 directors of social services to the Department of Health and Human Services and shall be
11 confidential, subject to rules adopted by the Social Services Commission providing for its use
12 for study and research and for other appropriate disclosure. Data shall not be used at any
13 hearing or court proceeding unless based upon a final judgment of a court of law.

14 (b) The Department shall also maintain a list of responsible individuals. The
15 Department may provide information from this list to child caring institutions, child placing
16 agencies, group home facilities, and other providers of foster care, child care, or adoption
17 services that need to determine the fitness of individuals to care for or adopt children. The
18 name of an individual who has been identified as a responsible individual shall be placed on the
19 responsible individuals list only after one of the following:

- 20 (1) The individual is properly notified pursuant to G.S. 7B-320 and fails to file a
21 petition for judicial review in a timely manner.
22 (2) The court determines that the individual is a responsible individual as a
23 result of a hearing either:
24 a. On the individual's petition for judicial review; or
25 b. On a juvenile petition that alleges and seeks a determination that the
26 individual is a responsible person.
27 (3) The individual is criminally convicted as a result of the same incident
28 involved in an investigative assessment response.

29 (c) It is unlawful for any public official or public employee to knowingly and willfully
30 release information from either the central registry or the responsible individuals list to a person
31 who is not authorized to receive the information. It is unlawful for any person who is
32 authorized to receive information from the central registry or the responsible individuals list to
33 release that information to an unauthorized person. It is unlawful for any person who is not
34 authorized to receive information from the central registry or the responsible individuals list to
35 access or attempt to access that information. A person who commits an offense described in
36 this subsection is guilty of a Class 3 misdemeanor.

37 (d) The Social Services Commission shall adopt rules regarding the operation of the
38 central registry and responsible individuals list, including procedures for each of the following:

- 39 (1) Filing data.
40 (2) Notifying an individual that the individual has been determined by the
41 director to be a responsible individual.
42 (3) Correcting and expunging information.
43 (4) Determining persons who are authorized to receive information from the
44 responsible individuals list.
45 (5) Releasing information from the responsible individuals list to authorized
46 requestors.
47 (6) Gathering statistical information.
48 (7) Keeping and maintaining information placed in the registry and on the
49 responsible individuals list.

1 (8) Repealed by Session Laws 2010-90, s. 4, effective July 11, 2010. (1979, c.
2 815, s. 1; 1993, c. 516, s. 11; 1997-443, s. 11A.118(a); 1998-202, s. 6;
3 1999-456, s. 60; 2005-399, s. 2; 2010-90, s. 4.)
4
5 **§§ 7B-312 through 7B-319: Reserved for future codification purposes.**