

Universal Mandated Reporting Laws The Old and New

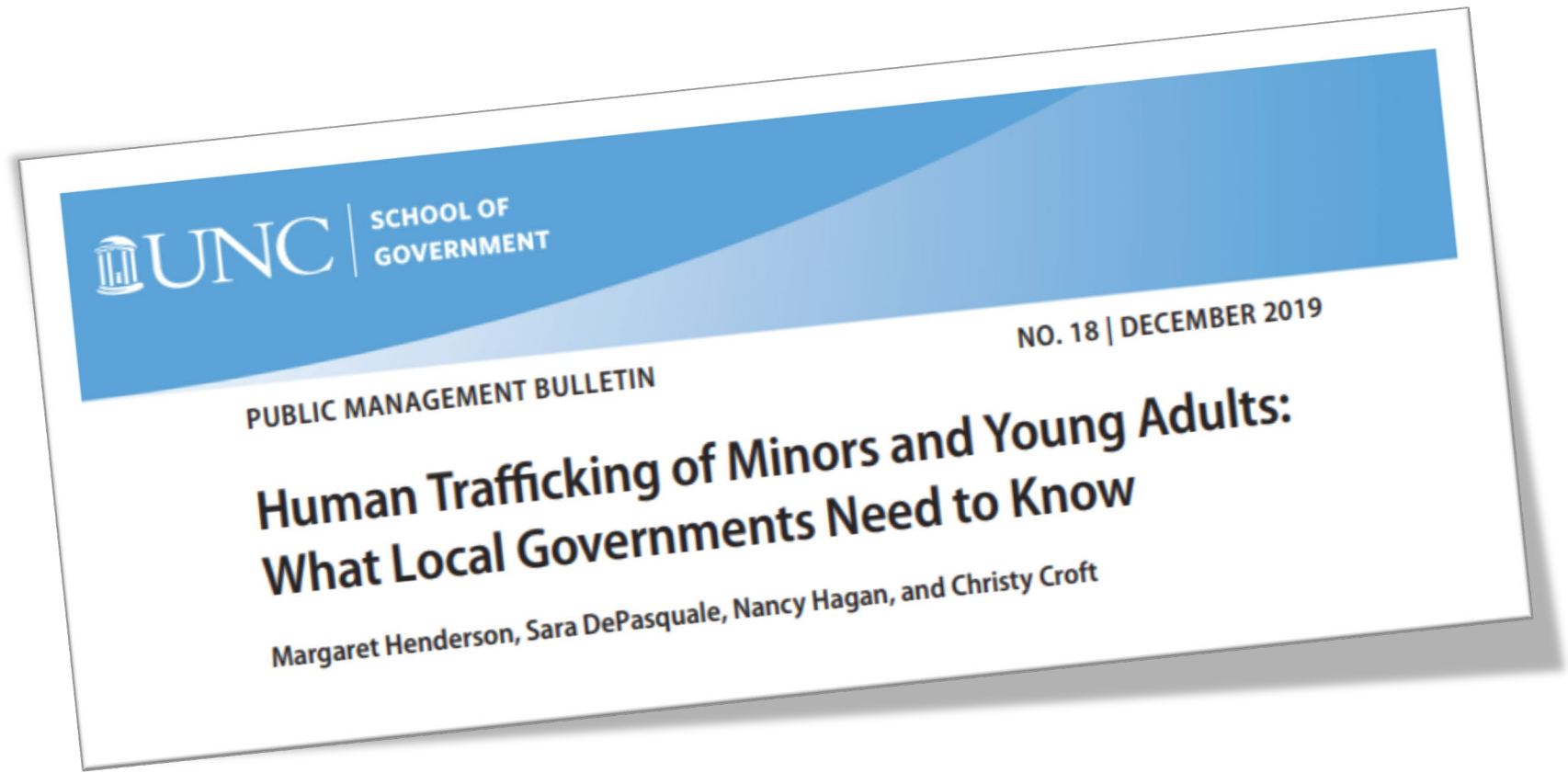
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Why Am I Here?



On the Civil Side

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BIG NEWS: S.L. 2019-245 Creates a New Universal Mandated Reporting Law for Child Victims of Crimes and Changes the Definition of “Caretaker”

This entry was contributed by Sara DePasquale on November 13, 2019 at 9:00 am and is filed under Child Welfare Law.



An Act to Protect Children from Sexual Abuse and to Strengthen and Modernize Sexual Assault Laws, S.L. 2019-245 (S199) enacts and amends various laws related to crimes;* amends some civil and criminal statutes of limitations; requires mandatory training for school personnel addressing child sex abuse and trafficking; amends the definition of “caretaker” as it relates to child abuse, neglect, or dependency; and creates a new universal mandatory reporting law for child victims of certain crimes.

This post discusses

- the amendment to the definition of caretaker and
- the new mandatory reporting law, which requires any adult to make a report to law enforcement



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A/N/D Reporting: Rights, Protections, and Prosecutor Review

This entry was contributed by Sara DePasquale on June 21, 2017 at 6:00 am and is filed under Child Welfare Law.



Like every other state, North Carolina has a mandated reporting law for child abuse and neglect. North Carolina's law requires *any* person or institution *with cause to suspect* a child is abused, neglected, or dependent by a parent, guardian, custodian, or caretaker to make a report to the county child welfare department (in most counties, DSS) where the child resides or is found. [GS 7B-301](#). What is in a report? Are there protections for the reporter? What are the rights of the reporter? If DSS decides not to initiate a court action, can the reporter challenge that decision?

Making the Report

A report may be made in writing, by telephone, or in person. A report must include information the reporter knows about

- the child's name, address, age, and present whereabouts;
- the child's parents' and if applicable guardian's, custodian's, and/or caretaker's names and addresses;
- the names and ages of any other children in the home;



Laws Related to Children & HT

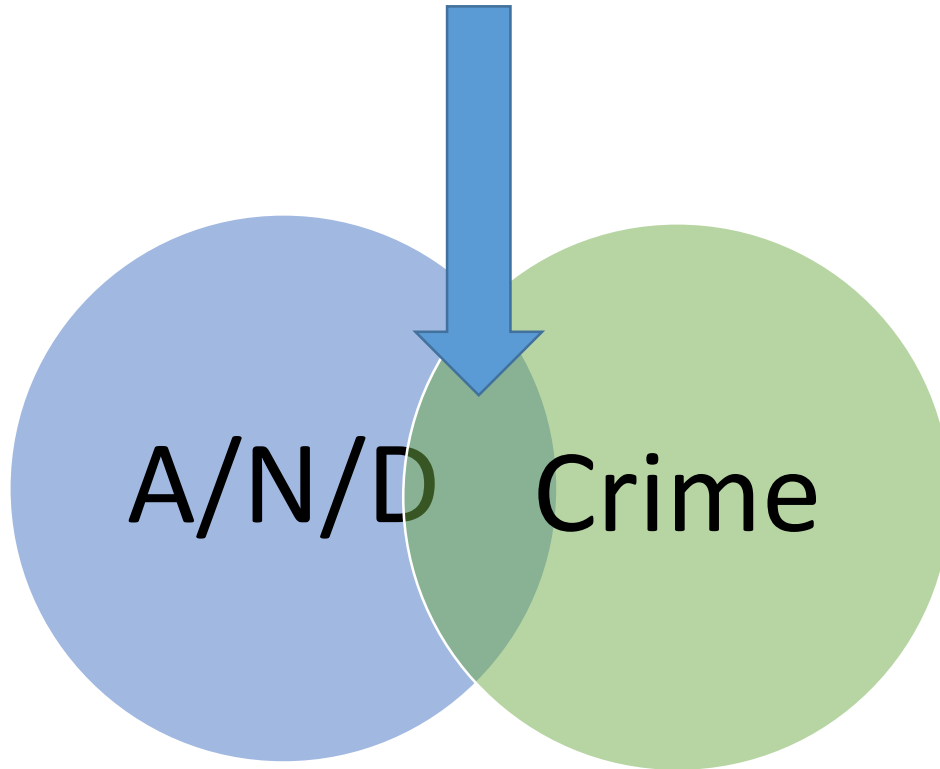


Table: Comparison of Two Mandated Reporting Statutes

	G.S. 7B-301	G.S. 14-318.6
Who is obligated to report	Any person or institution	Any person 18 or older
Who is exempted from reporting	Attorneys who gain knowledge or suspicion from representation in the abuse, neglect, or dependency case (See G.S. 7B-310)	Those with privilege as <ul style="list-style-type: none"> • Attorneys • Licensed psychologists, associates, and employees • Licensed or certified social workers engaged in private social work services • Licensed professional counselors and associates (renamed to licensed clinical mental health counselors, effective 1/1/2020) • Agents of rape crisis centers and domestic violence programs
Standard	Cause to suspect	Know or should have reasonably known
Victim	Juvenile (under 18 years old, not emancipated, married, or in the U.S. Armed Forces) (See G.S. 7B-101(14))	Juvenile (under 18 years old, not emancipated, married, or in the U.S. Armed Forces). “[T]he age of the juvenile at the time of the abuse or offense governs.”
What	<ul style="list-style-type: none"> • Abuse • Neglect • Dependency (See G.S. 7B-101(1), (9), (15))	Has been or is the victim of a <ul style="list-style-type: none"> • Violent offense, • Sexual offense, or • Misdemeanor child abuse

DSS Report

Abuse

- Minor Victim of Human Trafficking

Neglect

- Minor Victim of Human Trafficking



LE Report

- Victim of violent offense
 - Serious bodily injury
 - Serious physical injury
- Victim of **sexual (violent) offense**
 - **ambiguity**
- Victim of misdemeanor child abuse
 - Under 16 y.o.
 - Physical injury



DSS Report to LE

Existing duties

- Abused
- Physically harmed by person other than PGCC in violation of criminal law
- If abandoned, query re: missing person
- Reas. suspects disappearance and in danger

“New” duties (S 199)

- Victim of violent offense
- Victim of sexually violent offense
- Victim of misdemeanor child abuse



DSS – LE coordination

DSS oral and
written report (48
hours)

LE 48 48 hours to
initiate/coordinate
investigation



LE Report to DSS

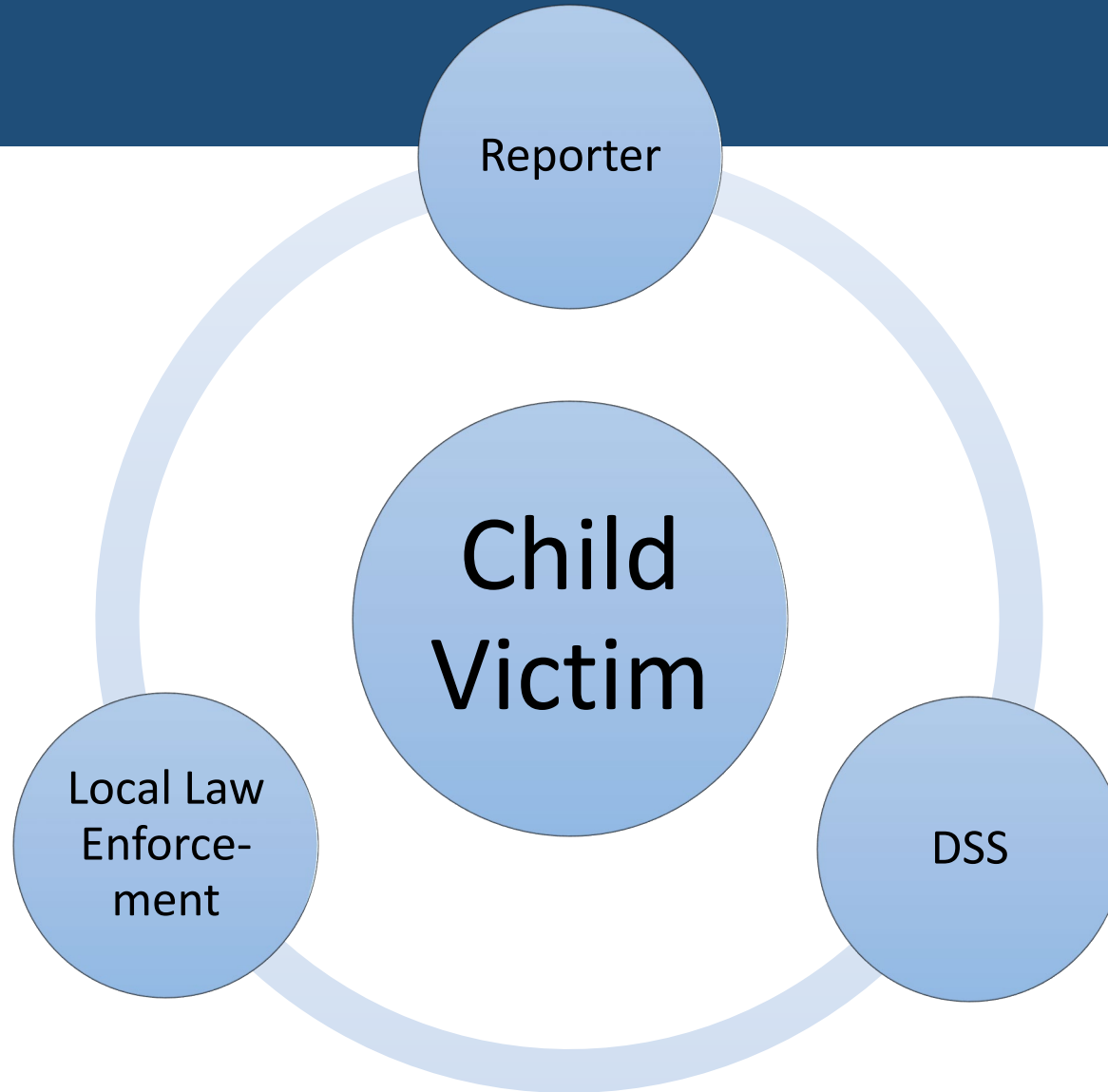
Existing duty

- Cause to suspect A/N/D
- “Prostitution” (minor victim of human trafficking)

“New” duty (S 199)

- Finds evidence that may be A/N/D → oral report as soon as practicable and written within 48 hours of discovery





TIP

- Local Protocols for
 - cycle of reports
 - information exchange
 - collaborative investigations



Missing Children in Foster Care

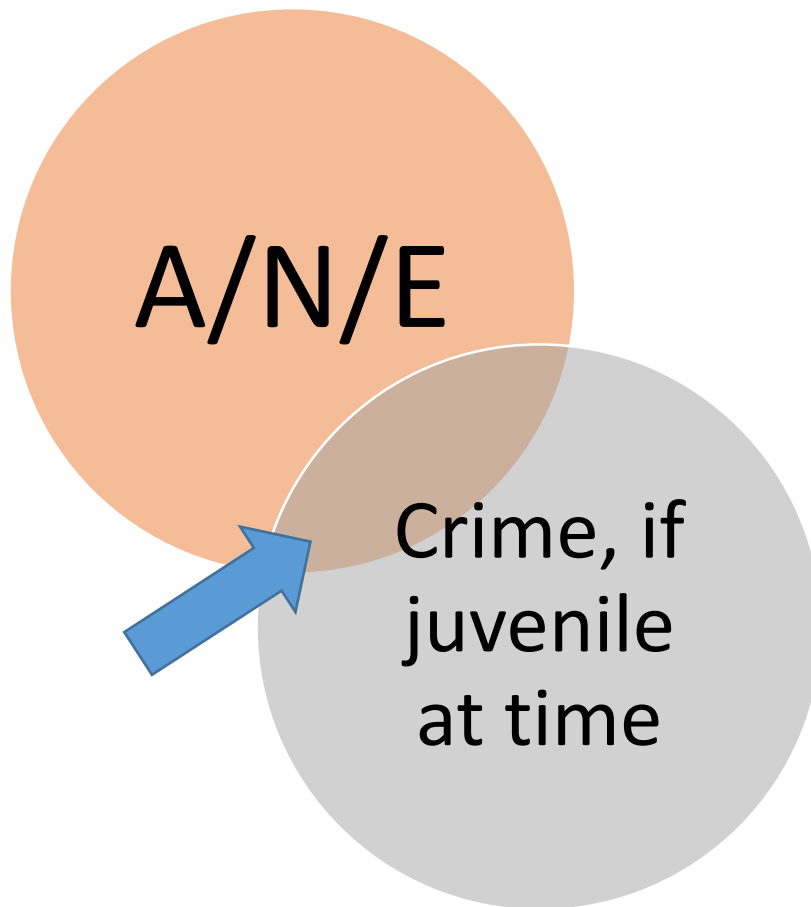
DSS report to LE and
Nat'l Ctr for Missing
& Exploited Children

Ongoing efforts to
locate child

File for judicial
review



Laws Related to Adults & HT



S 199: Defines juvenile ... “for the purposes of this section, the age of the juvenile at the time of the abuse or offense governs.”

Disabled Adult

Physically or mentally incapacitated by a physical or mental condition or consumption of substances



DSS Report to DA

Existing duties

- Evidence of A/N/E
- Written form

“New” duties (S 199)

- Victim of violent offense
- Victim of sexually violent offense
- Victim of misdemeanor child abuse



**LE Report
to DSS**

Cause to suspect A/N/E





Questions?

