Mandatory Reporting of Suspected Child Abuse, Neglect and Dependency

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CFTF Intentional Death Prevention Committee
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Statutory Requirements for Reporting

• Federal Law

Child Abuse Prevention and Treatment Act (CAPTA):

“[a] State plan . . . shall contain a description of the activities that the State will carry out using amounts received under the grant to achieve the objectives of this title, including . . . an assurance in the form of a certification by the Governor of the State that the State has in effect and is enforcing a State law, or has in effect and is operating a statewide program, relating to child abuse and neglect that includes provisions or procedures for an individual to report known and suspected instances of child abuse and neglect, including a State law for mandatory reporting by individuals required to report such instances.”

SOURCE: 42 USCS § 5106a(b)(2)(B)(i)
Statutory Requirements for Reporting

• North Carolina Law

N.C.G.S. §7B-301, Duty to report abuse, neglect, dependency, or death due to maltreatment:
“Any person or institution who has cause to suspect that any juvenile is abused, neglected, or dependent, as defined N.C.G.S. §7B-101, or has died as the result of maltreatment, shall report the case of that juvenile to the director of the department of social services in the county where the juvenile resides or is found.”
N.C.G.S. §7B-301, Duty to report

- **Anyone** who suspects child abuse, neglect, or dependency must report their concerns
- Reports must be made to the county DSS where the juvenile resides or is found
- May be made orally, by telephone or in writing
- Reporter must give their name, address and telephone number
- Class 1 misdemeanor for knowingly or wantonly failing to report
Authority to Intervene – G.S 7B-101

• 3 statutory thresholds
  – A juvenile
  – A parent, guardian, custodian, or caretaker (exception is human trafficking)
  – A form of maltreatment (abuse, neglect, dependency)

• CPS Structured Intake process to determine if report meets statutory requirements
Caretaker Definition – G.S. 7B-101

• 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, potential adoptive parent when a juvenile is visiting or as a trial placement
  - an adult member of the juvenile's household,
  - an adult relative entrusted with the juvenile's care,
  - or any person such as a 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.
CARETAKER DEFINITION DECISION TOOL

Is the person the parent (birth or adoptive), legal guardian or legal custodian?
- **YES**
  - This person is legally responsible for the health and welfare (care) of the juvenile.

  Is the person an adult member of the household where the child resides? This includes: stepparents, foster parents, potential adoptive parents, and any other adult living in the home.
- **YES**
  - This person is defined by statute as a caretaker.
  - For reports regarding a foster parent and an open Permanency Planning case, refer to: Reports Regarding an Open Permanency Planning Case in Intake Policy.

- **NO**
  - This person is defined by statute as a caretaker.

  Is the person an adult relative (inclusive of persons connected by blood as well as by marriage) entrusted** with the juvenile’s care?
- **YES**
  - This person is defined by statute as a caretaker.
  - ** responsible for the health and welfare of a juvenile or having a significant degree of parental-type responsibility for the juvenile. Circumstances to be considered:
    - The duration and frequency of care provided,
    - The location in which that care is provided, and
    - The decision-making authority granted to the adult.

- **NO**
  - This person is defined by statute as a caretaker.

  Is the person in the role of a 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 boarding school operated by the Department of Health and Human Services?
- **YES**
  - This person is defined by statute as a caretaker.
  - While not every employee or volunteer of a Juvenile Justice secure detention facility is subject to a CPS Assessment, the caretaker definition still applies to employees who have responsibility for the health and welfare of a juvenile at such a facility.
  
  Refer to: Reports Involving Residential Setting in Intake Policy.

- **NO**
  - This person is NOT defined by statute as a caretaker.
Authority to Intervene: The Human Trafficking Exception

A child who is a victim of human trafficking is an abused and neglected child, regardless of his or her relationship with the perpetrator.

Session Law 2018-68 (House Bill 776)
Adoptions and Juvenile Law Changes

Session Law 2018-75 (Senate Bill 162)
Human Trafficking and Restorative Justice
Total Number of CPS Reports by SFY

SOURCE: Child Welfare Workforce Data Books, NC DSS
# Number of Reports Screened-In by Reporter Type by SFY

<table>
<thead>
<tr>
<th>Type of Reporter or Referral Source</th>
<th>SFY 14-15</th>
<th>SFY 15-16</th>
<th>SFY 16-17</th>
<th>SFY 17-18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anonymous</td>
<td>8,007</td>
<td>7,756</td>
<td>6,910</td>
<td>6,279</td>
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<tr>
<td>Child Care Provider</td>
<td>557</td>
<td>470</td>
<td>496</td>
<td>483</td>
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<tr>
<td>Educational Personnel</td>
<td>12,275</td>
<td>11,969</td>
<td>12,139</td>
<td>12,742</td>
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<tr>
<td>Human Service Personnel</td>
<td>10,071</td>
<td>9,526</td>
<td>8,744</td>
<td>8,437</td>
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<tr>
<td>Law Enforcement or Court Personnel</td>
<td>13,326</td>
<td>14,182</td>
<td>14,301</td>
<td>13,408</td>
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<tr>
<td>Medical Personnel</td>
<td>7,622</td>
<td>8,398</td>
<td>8,649</td>
<td>9,872</td>
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<tr>
<td>Non-Relative</td>
<td>7,477</td>
<td>7,031</td>
<td>7,058</td>
<td>6,487</td>
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<tr>
<td>Parent</td>
<td>4,752</td>
<td>4,434</td>
<td>4,194</td>
<td>4,298</td>
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<tr>
<td>Relative</td>
<td>7,845</td>
<td>7,798</td>
<td>7,795</td>
<td>7,290</td>
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<tr>
<td>Victim</td>
<td>318</td>
<td>302</td>
<td>272</td>
<td>220</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td>511</td>
</tr>
<tr>
<td>TOTAL</td>
<td>72,250</td>
<td>71,866</td>
<td>70,558</td>
<td>70,027</td>
</tr>
</tbody>
</table>

**SOURCE:** Central Registry and NC FAST for 11 counties for a partial year in SFY 17-18
## Number of Reports Screened-In by Type Reported

<table>
<thead>
<tr>
<th>Type Reported</th>
<th>SFY 14-15</th>
<th>SFY 15-16</th>
<th>SFY 16-17</th>
<th>SFY 17-18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abuse</td>
<td>4,019</td>
<td>3,887</td>
<td>3,830</td>
<td>3,834</td>
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<tr>
<td>Abuse and Neglect</td>
<td>4,916</td>
<td>4,742</td>
<td>4,887</td>
<td>4,650</td>
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<tr>
<td>Dependency</td>
<td>478</td>
<td>551</td>
<td>634</td>
<td>626</td>
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<tr>
<td>Neglect</td>
<td>62,838</td>
<td>62,686</td>
<td>61,207</td>
<td>60,013</td>
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<tr>
<td>Other</td>
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<td></td>
<td></td>
<td>904</td>
</tr>
<tr>
<td>Total</td>
<td>72,250</td>
<td>71,866</td>
<td>70,558</td>
<td>70,027</td>
</tr>
</tbody>
</table>

**SOURCE:** Central Registry and NCF for 11 counties for a partial year in SFY 17-18
Notifications to Reporter – G.S. 7B-302(F)

• Requires written notice to the reporter as to whether the report was accepted and it was referred to law enforcement.

• Child Welfare policy requires that the notice provides:
  – Basis for a decision to screen-out
  – Information regarding the process for obtaining a review of the agency’s decision to screen-out
  – Contact information for the assigned child welfare staff
Educating the Public

• Federal Law

Child Abuse Prevention and Treatment Act (CAPTA):

(10) developing and delivering information to improve public education relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect, including the use of differential response

(D)(iii) a description of the training to be provided under the grant for individuals who are required to report suspected cases of child abuse and neglect

• Prevent Child Abuse North Carolina

SOURCE: 42 USCS § 5106a(10) and (b)(2)(D)(iii)
Centralized State Report Hotline

• CSF recommendation in Child Welfare Preliminary Reform Plan

• Advantages to County-Based Intake cited

• Centralized Intake:
  − Clarity for reporters on number to call
  − May provide more consistency in screening decisions
  − Could lift burden for resourcing CPS intake on 24/7 basis at county level (especially small counties)
  − More comprehensive prevention planning