



## North Carolina Department of Health and Human Services

Pat McCrory  
Governor

Aldona Z. Wos, M.D.  
Ambassador (Ret.)  
Secretary DHHS

Adam Sholar  
Legislative Counsel

Director of Government Affairs

April 1, 2014

### SENT VIA ELECTRONIC MAIL

The Honorable Ralph Hise, Co-Chair  
Joint Legislative Oversight Committee on  
Health and Human Services  
Room 1026, Legislative Building  
Raleigh, NC 27603

The Honorable Justin Burr, Co-Chair  
Joint Legislative Oversight Committee on  
Health and Human Services  
Room 307A, Legislative Office Building  
Raleigh, NC 27603-5925

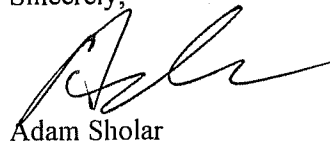
The Honorable Mark Hollo, Co-Chair  
Joint Legislative Oversight Committee on  
Health and Human Services  
Room 639, Legislative Office Building  
Raleigh, NC 27603-5925

Dear Senator Hise and Representatives Burr and Hollo:

The Department of Health and Human Services, Division of Social Services offers the Child Maltreatment report in accordance with Section 12C.7.(a) of Session Law 2013-360. This provision requires that the Division study the policies and procedures in place for reporting child abuse in North Carolina and report the results of the study to the Joint Legislative Committee on Health and Human Services and the Fiscal Research Division.

We appreciate the opportunity to share this report with you and look forward to responding to any questions you may have about this report. Should you have any questions regarding the report, please contact Wayne Black, Director of the Division of Social Services at 919-527-6335.

Sincerely,



Adam Sholar

Cc:	Sherry Bradsher	Jim Slate
	Rod Davis	Sarah Riser
	Pat Porter	Kristi Huff
	Brandon Greife	Susan Jacobs
	Theresa Matula	Pam Kilpatrick

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April 1, 2014

**SENT VIA ELECTRONIC MAIL**

Mr. Mark Trogdon, Director  
Fiscal Research Division  
North Carolina General Assembly  
Room 619, Legislative Office Building  
Raleigh, NC 27603-5925

Dear Director Trogdon:

The Department of Health and Human Services, Division of Social Services offers the Child Maltreatment report in accordance with Section 12C.7.(a) of Session Law 2013-360. This provision requires that the Division study the policies and procedures in place for reporting child abuse in North Carolina and report the results of the study to the Joint Legislative Committee on Health and Human Services and the Fiscal Research Division.

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PROCEDURES FOR REPORTING CHILD MALTREATMENT  
2013 REPORT

PURSUANT TO SESSION LAW 2013-360, SECTION 12C.7.(a)



NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF SOCIAL SERVICES

Report to the  
Joint Legislative Oversight Committee on Health and Human Services and the  
Fiscal Research Division:  
Study of Child Maltreatment Reporting Procedures

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## **Executive Summary**

Within the Appropriations Act of 2013, Session Law 2013-360, the General Assembly instructed the Department of Health and Human Services, Division of Social Services, to study the policies and procedures in place for reporting child abuse in North Carolina and report the results of the study to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division. Per Section 12C.7.(a) of Session Law 2013-360, this report addresses the following requirements:

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- (1) reports of child abuse in child care facilities (past five state fiscal years);
- (2) how reports of child abuse are received;
- (3) the number of inaccurate reports of child abuse the Division receives annually (past five state fiscal years);
- (4) the number of children the Division has placed in child protective services pursuant to a report of child abuse (past five state fiscal years);
- (5) the reasons a child is placed in child protective services pursuant to a report of child abuse;
- (6) the procedures the Division follows after determining child abuse occurred as well as the procedures the Division follows after determining child abuse has not occurred;
- (7) the number of reports the Division has determined to be false and a summary of actions taken in response to false reports (past five state fiscal years);
- (8) procedures and actions the Division follows in removing or redacting reports or other information made available to the public regarding an individual accused of child abuse or a child care facility where the alleged abuse occurred when there is a determination that no abuse has occurred;
- (9) any recommendations the Division has for improving the process for reporting instances of child abuse.

## Introduction

This introduction is intended to provide a basic understanding of the child welfare system in North Carolina. The information in this discussion includes an explanation of terms used throughout the report, the structure of North Carolina's child welfare system, and how data on child maltreatment is collected. These considerations will provide the context for the findings of the report.

Terms that are used with frequency throughout the report include *screening or screened, assessment, and county child welfare agency or agencies*. The terms *screened or screening* are used to refer to the process of determining whether or not a child protective services report meets the criteria for acceptance as an assessment. The term *assessment* will be used to describe any type of child protective services inquiry, either a Family Assessment or an Investigative Assessment. An assessment is the method by which a case decision is made after a report of maltreatment is accepted through the screening process. The term *county child welfare agency*, instead of *county department of social services*, will be used to describe the agencies that conduct child protective service assessments, due to the fact that several county agencies responsible for child protective services are structured as integrated human services agencies. Data contained within this report, as well as narrative information, will cover all maltreatment types defined under G.S. § 7B-101; not only abuse.

The state supervised, county administered system by which North Carolina delivers social services, including child protective services, under G.S. § 108A-1, *et. seq.*, impacts the manner in which reports of child maltreatment are received, screened, and assessed. Each county child welfare agency is responsible for providing child protective services and intake services to county residents and professionals that may have concerns about potential child maltreatment. The county where the child resides is usually responsible for conducting the assessment, should a report be accepted.<sup>i</sup> In other words, direct child welfare services are delivered by county child welfare personnel including screening, assessment, and decision making regarding alleged child maltreatment. Personnel from the Division of Social Services are responsible for providing oversight to county child welfare agencies in the form of training, technical assistance and consultation designed to support county child welfare agencies in their delivery of child welfare services.

Pursuant to G.S. § 7B-311, the North Carolina Department of Health and Human Services, Division of Social Services (hereafter "Division" or "the Division") collects certain data on cases of child maltreatment. This data is collected for all cases accepted for assessment, for families provided in-home services, for children who have died as a result of suspected abuse or neglect, and for children who enter the state foster care system. The data is used to conduct research on the nature and extent of child maltreatment.<sup>ii</sup> Child maltreatment data is collected at both the individual child level and at the case level. A single case includes all children who were part of an assessment. Maltreatment information is recorded specifically for each child, as different children on the same case may have experienced different types of maltreatment. The tables in this report will specify whether the information displayed is duplicated or unduplicated.

## I. Reports of Maltreatment in Child Care Facilities

Child maltreatment that occurs in child care facilities is a violation of licensure standards and licensure law.<sup>iii iv</sup> Pursuant to G.S. § 7B-302 and G.S. § 7B-101(3), county child welfare agencies are required to conduct child protective services assessments in child care facilities, as defined by G.S. § 110-86(2). According to Division policy, child care facilities are the only part-time non-relative caretakers subject to child protective services assessments due to their inclusion under G.S. § 7B-101(3) as caretakers and in recognition of the importance of the early years to child development.<sup>iv</sup>

County child welfare agencies that accept for assessment any reports of maltreatment occurring in child care facilities are required to notify certain entities within specified time frames. These notices include, a letter to the individual who made the report, oral and written reports to the Division of Child Development and Early Education (DCDEE), and oral and written reports to the appropriate law enforcement entity and the district attorney in cases of abuse.<sup>iv</sup> In all cases where a report of maltreatment in a child care facility has been accepted for assessment, the agency is required to notify the DCDEE the same day the report is screened.<sup>iv</sup> If the agency has determined that the allegations do not constitute abuse, neglect, or dependency and the report is subsequently screened out, the agency should report any allegations regarding the quality of care or licensing compliance issues to the DCDEE.<sup>iv</sup>

The data in Table 1 represents the number of substantiated cases of child maltreatment that have occurred in child care facilities between State Fiscal Years 2009 and 2013. The table does not represent the total number of reports of abuse, neglect, or dependency in child care facilities that were received or assessed by county child welfare agencies during that timeframe. A substantiated report is determined to have occurred in a child care facility based on a code used to define the perpetrator relationship on the DSS-5104 Report to the Central Registry form. This relationship code is the sole way of determining if the alleged maltreatment occurred in a child care facility. For a case finding of unsubstantiated, no perpetrator information would be included on the form.

Table 1

### *Number of Substantiated Maltreatment Cases in Child Care Facility SFY 2009-2013*

Assessment Completed SFY	Unduplicated Number of Cases (Families)	Duplicated Number of Children	Unduplicated Number of Children
2009	119	180	180
2010	69	117	116
2011	64	79	79
2012	67	102	100
2013	62	74	72
Totals:	381	552	547

*Note.* Duplicated Number of Children = The total count of the number of times children were part of an assessment in a given period of time. If a specific child was a part of three assessments, they will be counted three times in the duplicated count. Unduplicated Number of Children = Unduplicated children represent the distinct count of individual children that were part of an assessment in a given period of time. Regardless of how many times a particular child was assessed, he/she will only be counted once.



## II. How Reports of Maltreatment are Received

Each county child welfare agency is legally required to establish protective services for children alleged to be abused, neglected, or dependent.<sup>i</sup> Pursuant to G.S. § 7B-300, these services include screening of reports, performance of an assessment, casework or other counseling services to parents, guardians or other care takers, and use of the court system to prevent maltreatment, improve the quality of care children receive, and preserve family life. County child welfare agencies are required to screen all reports of maltreatment, regardless of residency.<sup>i</sup> ~~All reports are to be documented in writing using a structured intake format at the time the report is received.~~<sup>i</sup> Reports of child maltreatment can be made by phone, in person, or in writing to the county child welfare agency where the child resides or is found.<sup>v</sup>

Under G.S. § 7B-301, persons who report suspected maltreatment are required to provide their name, address, and telephone number; refusal of the reporter to provide this information, however, does not preclude the county child welfare agency from screening all reports of child maltreatment that are received.<sup>i</sup> Pursuant to G.S. § 7B-302(a1) and North Carolina Division of Social Services policy, the identity of persons making reports of child maltreatment must be held in the strictest confidence.<sup>i</sup> There are a limited set of circumstances in which the identity of the reporter can be released, these circumstances include the release of information to a law enforcement entity, when such an entity is assisting with an assessment, or when ordered by the court.<sup>i</sup> Anonymous calls are generally discouraged; county child welfare agencies often need to contact reporters again to clarify information or ask follow-up questions.<sup>i</sup>

All reports received by county child welfare agencies must undergo a two-level review of the intake decision.<sup>i</sup> This two-level review usually includes the intake worker and the supervisor.<sup>i</sup> After a report has been screened, regardless of whether or not the report was accepted for assessment, a written notice must be sent to the reporter within five business days of the receipt of the report, unless the reporter has waived their right to receive notice or is anonymous.<sup>i</sup> Notice to reporters includes a statement about whether the report was or was not accepted for assessment, information regarding the process the reporter may use to obtain a review of the decision if a report is not accepted for assessment, a statement about whether or not the report was referred to the appropriate state or local law enforcement agency, and information about referrals to outreach services or other agencies as appropriate if the report was not accepted.<sup>i</sup> Reports that are accepted for assessment must clearly invoke the county agency's statutory authority to provide child protective services. All persons participating in the screening decision must sign the intake report tool and the case record must document whether notice was provided to the reporter, or whether the reporter waived their right to receive notification or refused to identify his or herself.<sup>i</sup>

G.S. § 7B-301 states that any person or institution that has cause to suspect that any juvenile is abused, neglected, or dependent, or has died as a result of maltreatment, is obliged to report the case to the Department of Social Services. Until recently, North Carolina did not have a statute that imposed criminal or civil penalties of any sort for a person's failure to report suspected child maltreatment.<sup>vi</sup> Pursuant to Session Law 2013-52, which amends G.S. § 7B-301, any person or institution who knowingly or wantonly fails to report the case of a child as required by law is guilty of a Class 1 misdemeanor.<sup>vi</sup> Additionally, a director of a county child welfare agency who receives a report of sexual abuse of a child in a child care facility and who knowingly fails to notify the State Bureau of Investigation of the report pursuant to the law is guilty of a Class 1 misdemeanor.<sup>vi</sup>

### III. The number of inaccurate reports of child abuse the Division receives annually

For the purposes of this report, the term “inaccurate reports” will represent reports of child maltreatment assessed through either the Family or Investigative track that have a finding of Unsubstantiated or Services Not Recommended. A finding of Unsubstantiated is selected if there was not sufficient evidence to determine whether abuse, neglect, or dependency occurred.<sup>vii</sup> Similarly, a finding of Services Not Recommended is selected when the safety of the child is not an issue, the family has no need for non-safety related services or there was not sufficient evidence to determine whether neglect or dependency occurred.<sup>vii</sup>

These findings could indicate that no maltreatment occurred and the reporter misunderstood the circumstances that lead to the report. These findings could also indicate that there are concerns regarding the family, but sufficient evidence does not exist to support ongoing involuntary intervention. In other words, reports can be made in good faith based on reasonable cause to suspect that maltreatment has occurred even if, upon further assessment, no maltreatment is found; making the initial report inaccurate.

The data in Table 2 represents the combined number of Unsubstantiated and Services Not Recommended findings for State Fiscal Years 2009 through 2013 by case (family). The data in this table is unduplicated; each case is only counted once per type reported. It is possible for a child or a family to be represented multiple times within this data, as each new assessment generates a new DSS-5104 Report to Central Registry form and associated form number. Additionally, the type reported is linked to the individual children on the DSS-5104, so if a case involved two children and one was reported for neglect and the other was reported for abuse, then that specific DSS-5104 form number would be included once in the count for abuse and once in the count for neglect. If, however, there were three children involved in a case and two were reported for neglect and one was reported for abuse, the form number would only be included once in the count for neglect.

Table 2

*Number of Unsubstantiated and Services Not Recommended SFY 2009-2013, Unduplicated Families*

Assessment Completed SFY	Unduplicated Number of Cases (Families)					Total by SFY
	Abuse	Abuse & Neglect	Neglect	Dependency	*No Maltreatment	
2009	3,475	3,125	34,176	370	100	41,246
2010	3,127	2,943	32,353	276	2	38,701
2011	3,077	2,973	31,904	228	12	38,194
2012	2,865	3,210	32,161	215	580	39,031
2013	2,867	3,037	30,952	208	901	37,965

*Note.* \*No Maltreatment: The type reported of “No Maltreatment” simply means that there were multiple children involved in the case and one or more of them had no maltreatment reported. At least one child on each case would have some type of maltreatment reported, or there would not have been an assessment. The data in this table is unduplicated; each case is only counted once per type reported.

The data in Table 3 represents the combined number of Unsubstantiated and Services Not Recommended findings for State Fiscal Years 2009 through 2013 by child. The data in this table is duplicated which represents the total count of the number of times children were part of an assessment in a given period of time. If a specific child was a part of three assessments, each with a finding of Unsubstantiated or Services Not Recommended, they will be counted three times in the duplicated count.

Table 3

*Number of Unsubstantiated and Services Not Recommended SFY 2009-2013 Duplicated Number of Children*

Assessment Completed SFY	Duplicated Number of Children					Total by SFY
	Abuse	Abuse & Neglect	Neglect	Dependency	*No Maltreatment	
2009	6,864	6,603	68,854	597	178	83,096
2010	6,206	6,232	66,762	467	3	79,670
2011	6,115	6,300	66,407	400	25	79,247
2012	5,677	6,571	66,527	349	1,057	80,181
2013	5,631	6,248	64,253	371	1,647	78,150

*Note.* The data in this table is duplicated. Duplicated numbers represent the total count of the number of times children were part of an assessment in a given period of time.

The data in Table 4 represents the combined number of Unsubstantiated and Services Not Recommended findings for State Fiscal Years 2009 through 2013 by child. The data in this table is unduplicated; each child is only counted once per type reported. For example, if a child was reported once for abuse, and at another time during the year was reported for neglect, the child would appear once in the count for abuse and once in the count for neglect. If, however, a child is involved in three separate cases during the year, two for neglect and one for abuse, the child would only be included once in the count for neglect and once in the count for abuse.

Table 4

*Number of Unsubstantiated and Services Not Recommended SFY 2009-2013, Unduplicated Number of Children*

Assessment Completed SFY	Unduplicated Number of Children					Total by SFY
	Abuse	Abuse & Neglect	Neglect	Dependency	*No Maltreatment	
2009	6,741	6,446	63,319	585	176	77,267
2010	6,084	6,090	61,555	467	3	74,199
2011	6,000	6,173	61,433	397	25	74,028
2012	5,581	6,441	61,552	342	1,035	74,951
2013	5,538	6,127	59,577	370	1,610	73,222

*Note.* Data in this table is unduplicated; each case is only counted once per type reported

**IV. The number of children the Division has placed in child protective services pursuant to a report of child abuse**

For the purposes of this report, the term “placed in child protective services pursuant to a report of abuse” will represent the number of children placed into foster care pursuant to a report of any maltreatment. Placement into the foster care system by a county child welfare agency is a temporary substitute care arrangement provided to children who have been separated from their parents or caretakers due to concerns of abuse, neglect or dependency.<sup>viii</sup> The child is considered to be in foster care when the county child welfare agency has legal custody of the child under G.S. § 7B-503. County child welfare agencies and child welfare workers operate under certain policies, procedures, and statutes which reflect the basic philosophy that children are best served by remaining in their families of origin. Therefore, placement into foster care is not considered until reasonable efforts have been made to preserve the child’s health, safety, and well-being in their own home.<sup>viii</sup> G.S. § 7B-101 defines reasonable efforts as “the diligent use of preventive or reunification services when a juvenile’s remaining in the home or returning home is consistent with achieving a safe, permanent home for the juvenile within a reasonable period of time.” Reasonable efforts may include providing or referring the family for services meant to assist in the alleviation of safety concerns in the home, working with family members to determine a functional safety plan that all family members can follow, ongoing assessment of the family’s safety and well-being needs as well as protective factors, reaching out to relatives or friends that

may serve as safety resources for the family, or other actions depending on the circumstances of the case.

The Division does not make the determination as to whether a county child welfare agency should seek to place a child in foster care, nor does the Division determine whether reports of abuse, neglect or dependency are accepted for assessment. These decisions are produced by the county responsible for conducting the assessment. It should also be noted that when a county child welfare agency determines that placement into foster care is necessary, the agency must follow the appropriate legal process to obtain custody. This process includes the ~~drawing of a Juvenile Petition and a request for non-secure custody by the child welfare agency's~~ director or the director's representative, verification of these documents before an official authorized to administer oaths and filed by the clerk of court.<sup>ix</sup> In emergent situations, counties may take temporary custody pursuant to G.S. § 7B-500 and § 7B-501 for a total of 12 hours, or 24 hours if any of the twelve hours falls on a Saturday, Sunday, or legal holiday, before filing a Juvenile Petition and requesting for non-secure custody. In either case, a judge will make the ultimate determination as to when and whether a child will enter or exit the custody of a county child welfare agency.

The data in Table 5 represents the number of children that entered foster care between fiscal years 2009 and 2013. These numbers represent all children who entered foster care during that time period, regardless of the type of assessment or maltreatment. Both duplicated and unique numbers are displayed, as is the difference between unique children and total entries into care. The difference represents the number of children who entered multiple times, although it is not possible from this data to know how many times per child. For example, in 2009 there were 38 duplicates. This could mean that 19 children entered foster care twice or that one child had 38 separate entries into foster care, or any such combination.

Table 5  
*Number of Children Entering Foster Care SFY 2009-2013*

SFY	Duplicated Number of Children (Entries into Foster Care)	Unique Number of Children	Difference Between Duplicated and Unique Counts
2009	5,162	5,124	38
2010	5,108	5,063	45
2011	5,365	5,294	71
2012	5,149	5,086	63
2013	5,470	5,415	55

*Note.* This table shows the unique number of children that entered foster care for each fiscal year shown. This table only shows entries into foster care in a given year, the count does not include children already in care when the SFY began. Unique number = Individual children that entered foster care in a given year.

## **V. The reasons a child is placed in child protective services pursuant to a report of child abuse**

The specific reasons for a child's placement into foster care vary considerably from case to case. Overall, children enter foster care when their parents or caretakers are either unable or unwilling to provide them with adequate protection and care.<sup>viii</sup> Specific reasons a child may be

placed into foster care vary widely, but may include; reports of physical abuse or sexual abuse where a satisfactory safety agreement is unable to be reached or the parent or caretaker refuses to protect the child from the perpetrator, or any case where a parent or caretaker is unable or unwilling to ensure the safety of the child and an alternative arrangement to foster care, such as placement with a relative, is not available.

**VI. The procedures the Division follows after determining child abuse has occurred as well as the procedures the Division follows after determining child abuse has not occurred.**

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Possible case findings differ depending on the assessment track to which a case is assigned, as well as the type of allegations reported. Investigative Assessments, the track assigned in cases of alleged abuse, can only be *Substantiated* or *Unsubstantiated*.<sup>vii</sup> To make a case decision of Substantiated, one or more of the following conditions must be present: the maltreatment has occurred with frequency or is severe, there are current safety issues or the child is unsafe in the home where the abuse occurred, the child is at risk of future harm, or the child is in need of protection.<sup>vii</sup> A case may be Unsubstantiated if there was not sufficient evidence to determine whether abuse occurred.<sup>vii</sup> If a case is found to be Unsubstantiated, no further involuntary intervention is warranted or pursued by the county child welfare agency at the time of the case decision; child welfare workers contact the family only once more to inform them of the case decision.<sup>vii</sup>

Family Assessments can be found *Services Needed*, *Services Recommended*, *Services Not Recommended*, or *Services Provided*, *Protective Services No Longer Needed*.<sup>vii</sup> To make a finding of Services Needed, one or more of the following conditions must be present: the maltreatment has occurred with frequency or is severe, there are current safety issues or the child is unsafe in the home where the abuse, neglect, or dependency occurred, the child is at risk of future harm, or the child is in need of protection.<sup>vii</sup> In addition, child welfare workers should ask whether the child would be safe if the family ever became non-compliant with any services they are receiving; if the answer is no, then a finding of Services Needed must be made.<sup>vii</sup> The finding of Services Not Recommended is akin to the finding of Unsubstantiated and indicates that there was not sufficient evidence to support a need for further involuntary services or that the safety of the child is not an issue and there is no concern for future risk to the child.<sup>vii</sup> As in cases found Unsubstantiated, child welfare workers contact the family only once more to inform them of the case decision when there is a finding of Services Not Recommended.<sup>vii</sup>

No further involuntary intervention is pursued by the child welfare agency at the time a case is closed following a finding of Unsubstantiated, Services Not Recommended, Services Recommended, or Services Provided, Protective Services No Longer Needed, unless the child welfare agency were to receive a separate report with new allegations or describing a separate incident. The agency may provide ongoing voluntary services or referrals for a finding of Services Recommended, dependent upon whether the family wishes to receive such services. A finding of Services Recommended is appropriate for reports assigned to the Family Assessment track where the safety of the child and future risk of harm to the child are not an issue.<sup>vii</sup> A finding of Services Provided, Protective Services No Longer Needed indicates that at some point during the assessment a family's level of risk was moderate or higher and the family may have been appropriate for in-home services, but services provided during the assessment lowered the level of risk.<sup>vii</sup>

The data in Table 6 represents the total number of Child Protective Services Assessments for SFY 2009-2013. The data is unduplicated; each case is only counted once. It is possible for a child or a family to be represented multiple times within this data, as each new assessment generates a new DSS-5104 Report to Central Registry form and associated form number.

Table 6

*Number of CPS Assessments SFY 2009-2013*

Assessment Completed SFY	Unduplicated Number of Cases (Families)
2009	72,195
2010	70,225
2011	72,331
2012	74,432
2013	70,318
Total:	359,501

*Note.* This data is unduplicated; each case is only counted once.

The data in Table 7 represents the type of finding for all Child Protective Services Assessments conducted between SFY 2009-2013. The totals for the data in Table 6 do not equal the total number of assessments and totals for reporters. Although each case is only counted once per type found, type found is linked to the individual children on the DSS-5104 Report to Central Registry form. If a form has two children and one was found to be neglected, and one was found to be abused, that form number will be included once in the count for neglect and once in the count for abuse. However, if a case had three children and two were found to have been neglected and one abused, the form would only be included one time in the count for neglect. It is also possible for a child or family to be represented multiple times within this data as each new assessment generates a new DSS-5104 form and associated form number. It should also be noted, that the finding of "Serious Neglect and Neglect Substantiated" was not a valid finding until SFY 2011.

Table 7  
*All CPS Assessments (Cases) by Type Found SFY 2009-2013*

Type Found	Number of Cases				
	SFY 2009	SFY 2010	SFY 2011	SFY 2012	SFY 2013
Abuse and Neglect Substantiated	504	595	680	739	661
Abuse and Serious Neglect Substantiated	196	127	91	72	82
Abuse Substantiated	792	784	737	696	682
Dependency Substantiated	290	321	280	212	233
Neglect Substantiated	4,681	4,594	4,733	4,809	4,100
Serious Neglect and Neglect Substantiated	N/A	N/A	1	14	13
Serious Neglect Substantiated	419	290	155	69	78
Services Needed	7,797	7,605	7,869	8,155	6,872
Services Not Recommended	27,228	25,169	24,949	25,542	24,585
Services Provided, Protective Services No Longer Needed	4,896	4,670	4,580	4,192	3,756
Services Recommended	13,449	14,566	17,077	18,965	18,489
Unsubstantiated	13,782	13,327	13,010	12,867	12,565
Totals	74,034	72,048	74,162	76,332	72,116

*Note.* This data is partially unduplicated. Unduplicated = Each case is only counted once.

In-home services are an integral and legally mandated piece of the child welfare services continuum in North Carolina.<sup>x</sup> These services are provided on a non-voluntary basis to families whose cases have been Substantiated for abuse or neglect in an Investigative Assessment, or have been found Services Needed in a Family Assessment.<sup>x</sup> In-home services are designed to maintain the safety of children in their family home while supporting parents as they learn more



effective parenting practices.<sup>x</sup> The primary concern continues to be the safety of the child.<sup>x</sup> During the provision of In-Home Services, Division policy encourages child welfare workers to make every attempt to provide for the safety of the child, reduce the risk of maltreatment recidivism, increase the parent's capacity to safely parent their child, and prevent the child from entering foster care.

Case planning in the context of in-home services focuses on the family as the primary source of intervention.<sup>x</sup> The family is viewed as a system within a larger social environment and as a result, interventions focus on assessing the family's immediate and extended community through needs assessment, resource identification, and service delivery.<sup>x</sup> The primary vehicle for service delivery within in-home services is through Child and Family Team decision making.<sup>x</sup> Child and Family Teams consist of family members and community supports which come together to create, implement, and update the Family Services Agreement in partnership with the family and child.<sup>x</sup>

Family Services Agreements are only valuable if they are current and relevant to the changing circumstances of a family.<sup>x</sup> At a minimum, quarterly assessments of the Family Services Agreement through a formal Child and Family Team meeting are required to discuss progress with the family and the family's team.<sup>x</sup> When a major change occurs that affects the objectives or activities of the services agreement or impacts the safety or risk of the child, a Child and Family Team meeting should be scheduled as soon as possible to update the Family Services Agreement.<sup>x</sup> If there is lack of progress or behavior change that mitigates risk to the child within three months, there should be a facilitated Child and Family Team meeting to address the behaviors, set deadlines, and discuss the court process.<sup>x</sup> If after six months there remains a lack of progress or behavior change necessary to mitigate risk to the child, a facilitated Child and Family Team meeting should be held to advise the family that the agency will pursue court action by filing a petition.<sup>x</sup> Foster care services are not based on a prescribed time frame, but rather on the level of risk to the child. Safety issues and family circumstances that present a substantial risk to the child such that the only recourse is for the child welfare agency to pursue legal custody may manifest at any stage during a case. Therefore, it is possible for children to enter foster care at any point from the initial assessment through in-home services.

The data in Table 8 represents the number of open In-Home Services cases between State Fiscal Years 2009 and 2013. The data in this table is unduplicated; each case is only counted once. It is possible for a child or family to be represented multiple times within this data if they have had multiple separate In-Home Services cases during a fiscal year.

Table 8  
*Number of In-Home Services Cases Open SFY 2009-2013*

SFY	Number of Cases Open Per-year	
	2009	10,364
	2010	9,985
	2011	10,137
	2012	10,218
	2013	8,013
	Total	48,717

*Note.* This data is unduplicated; each case is only counted once.

**VII. The number of reports the Division has determined to be false and a summary of actions taken in response to false reports.**

Upon the recommendation of the House Interim Committee on Child Abuse and Neglect, Foster Care and Adoptions, in 2005, the North Carolina Department of Health and Human Services, Division of Social Services and the North Carolina Association of County Directors of Social Services developed a procedure for collecting information regarding the number and nature of malicious child protective service reports made on an annual basis throughout the state.<sup>vii xi</sup> A malicious report is one in which a person making a report of child maltreatment knowingly and willfully makes false statements that a child is abused, neglected, or dependent.<sup>vii</sup> When a child welfare worker suspects, upon completion of an assessment, that a report was made maliciously he or she should bring this concern to the attention of his or her immediate supervisor.<sup>vii</sup> The child welfare supervisor will meet with the director to discuss the circumstances of the case and fill out a prescribed documentation form.<sup>vii</sup> The documentation form is to contain no identifying information about the reporter or the family; only the facts that led the agency to suspect that the report was made maliciously.<sup>vii</sup> The child welfare worker assigned to the case does not participate in this process.<sup>vii</sup> Some reports that at first seem deliberately false are later identified as valid; therefore, special care should be taken by the supervisor and director during the decision making process to document how the decision of maliciousness was made.<sup>vii</sup>

The data in Table 9 represents the number of reports received throughout the state during calendar years 2006-2009 that were suspected to be malicious. The far right column represents the total number of suspected malicious reports. The second column from the right, titled Malicious, represents the number of reports determined to be malicious following a prescribed decision making process. The third column from the right, titled Not Malicious, represents the number of reports determined not to be malicious following a prescribed decision making process.

Table 9  
*Number of Suspected Malicious Reports, Calendar Years 2006-2009*

Year	Not Malicious	Malicious	Total Number of Suspected Malicious Reports
2006	79	10	89
2007	72	13	85
2008	48	0	48
2009	33	6	39

*Note.* Data was collected via the annual Child Welfare Staffing Survey. For calendar years 2006 through 2009 the following questions, or similarly phrased questions, were included on the survey to solicit this data: During calendar year [fill in calendar year], how many reports that have been through the decision making process have been determined by the Director to be a malicious report? and During calendar year [fill in calendar year], how many reports that have been through the decision making process have been determined by the Director to not be a malicious report?

The data in Table 10 represents the number of suspected malicious reports received throughout the state for calendar years 2010-2011. As in previous years, the way in which this data was collected for calendar years 2010 and 2011 does not provide a way to distinguish between the total number of reports that were suspected to be malicious and the total numbers found to be malicious or found not to be malicious after the prescribed decision making process is conducted by the county child welfare agency.

Table 10

*Number of Suspected Malicious Reports, Calendar Years 2010-2011*

Year	Total Number of Reports Reviewed and Documented as Potentially Malicious during Calendar Year
2010	37
2011	27

*Note.* Data was collected via the annual Child Welfare Staffing Survey. For both years the following question was included on the survey to solicit this data: How many reports were reviewed and documented on the prescribed form as potentially malicious reports by the Director as outlined in DSS Administrative Letter FSCWS 02-05 during the calendar year?

**VIII. Procedures and actions the Division follows in removing or redacting reports or other information made available to the public regarding an individual accused of child abuse or a child care facility where the alleged abuse occurred when there is a determination that no abuse has occurred.**

The confidentiality of information in child protective service cases is intended to protect the privacy of children and families. Under G.S. § 108A-80 it is:

“unlawful for any person to obtain, disclose or use, or to authorize, permit, or acquiesce in the use of any list of names or other information concerning persons applying or receiving public assistance or social services that may be directly or indirectly derived from records, files, or communications of the Department or the county boards of social services, or county departments of social services or acquired in the course of performing official duties except for the purposes directly connected with the administration of programs of public assistance and social services in accordance with federal law, rules and regulations, and the rules of the Social Services Commission or the Department.”

This includes child protective services cases, as is described under G.S. § 7B-302(a1) and G.S. § 7B-2901(b), which requires that information received by the child welfare agency, including the identity of the reporter, be held in the strictest confidence and that these records may be examined by certain individuals outside the agency only under particular circumstances. Pursuant to G.S. § 7B-2901(b), persons who can examine a child protective services record include a child’s Guardian ad Litem, or the child themselves, including children who have reached the age of 18 or have been emancipated, a district or superior court judge of North Carolina presiding over a civil matter in which the agency is not a party after providing reasonable notice to the agency, a district or superior court judge of North Carolina presiding over a criminal or delinquency matter, or a child’s parent, guardian, or custodian during the discovery process of court proceedings described under G.S. § 7B-700.

Further, G.S. § 7B-302(a1)(1) allows county child welfare agencies to disclose confidential information to any federal, State, or local government entity in order to protect a child from abuse or neglect, while the family is involved with protective services. Any confidential information disclosed to a federal, State, or local government entity under this statute will remain confidential and will only be re-disclosed for purposes of carrying out that entity's mandated responsibilities. The county child welfare agency will disclose confidential information regarding the identity of the reporter to any federal, State, or local government entity with a court order. The department may only disclose confidential information regarding the identity of the reporter without a court order when the federal, State, or local government entity demonstrates a need for the reporter's name to carry out the entity's mandated responsibilities.

Unless there exists a statutory exception, or unless otherwise ordered by a court, a county child welfare agency is bound by the law of the State to keep child protective service records in the strictest confidence and cannot release case information to the public regardless of whether a report of maltreatment was substantiated or not. The only circumstance under which a county child welfare agency or the state Division of Social Services would release child protective service case information to the public is pursuant to G.S. § 7B-2902(b) which provides that a public agency will disclose to the public, upon request, the findings and information related to a child fatality or near fatality if a person is criminally charged with having caused the fatality or near fatality, or the district attorney has certified that a person would be charged but for that person's prior death. Under G.S. § 7B-2902(c), a county child welfare agency may not release the content of any psychiatric, psychological, or therapeutic evaluations or information pertaining to the child or family unless directly related to the cause of the fatality or near fatality, and may not disclose or the disclosure of information that would reveal the identities of persons who provided information related to the suspected maltreatment of the child.

The Division does not generally maintain or have ready access to individual child protective services case records. These records are maintained by the county child welfare agencies tasked with responding to child protective service reports. The functions of the Division include, but are not limited to, training, technical assistance, and policy consultation provided to all county child welfare agencies, as well as policy development and practice initiatives designed to strengthen the overall provision of Child Welfare Services throughout the state.

#### **IX. Any recommendations the Division has for improving the process for reporting instances of child abuse.**

There are several ways in which the Division and county child welfare agencies are working collaboratively with one another and with communities to improve outcomes for children involved with the child welfare system. Reporting suspected maltreatment of children has been frequently referenced as an area needing improvement in the Intensive Child Fatality Review reports. These reviews are conducted anytime a child dies under suspicious circumstances and a county child welfare agency had contact with the family in the twelve months preceding the fatality.

The following two initiatives, in particular, present unique opportunities for the state to improve accountability of child welfare staff, raise community awareness of child maltreatment and the process for reporting child maltreatment, and encourage community participation in response to child maltreatment.

## Reaching for Excellence and Accountability in Practice (REAP)

REAP is North Carolina's implementation of a Continuous Quality Improvement initiative, currently being piloted in eighteen counties. REAP is intended to assist local agencies engage their community in identifying practices that will improve the issues identified at the local level to improve the delivery of services to children and families.<sup>xii</sup> This focus on community engagement has frequently included recognizing and reporting suspected child maltreatment as a way to improve the delivery of child protective services.

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Therefore, the Division makes the following recommendation:

- Support for implementing the REAP statewide

### Community Child Protection Teams (hereafter, CCPT or CCPTs)

CCPTs were established as one means for the state and local communities to form a partnership to strengthen child protection.<sup>xiii</sup> Each CCPT reviews active child protective service cases, child fatalities, and other cases brought by team members.<sup>xiii</sup> The purpose of these reviews is to identify and develop strategies to alleviate systemic deficiencies in child welfare services or other community resources.<sup>xiii</sup> The following improvements to the CCPT process are presently being implemented; CCPT involvement in REAP Community Assessment, CCPT involvement in REAP Achievement Planning Process, and Division Staff providing increased technical assistance to CCPTs in counties implementing REAP to improve collaborative process.<sup>xiii</sup> Strengthening community involvement in the protection of children could improve the process of reporting child maltreatment by ensuring that community service providers and citizens are informed about the indicators of maltreatment and the reporting process.

Therefore, the Division makes the following recommendation:

- Support for continuing improvements to CCPTs and collaboration between REAP pilot agencies and CCPTs in those counties

## Endnotes

<sup>i</sup> North Carolina Department of Health and Human Services, Division of Social Services, *1407 – Structured Intake*, 2008, Family Services Manual Volume I: Children’s Services, Chapter VIII: Child Protective Services, Raleigh, NC

<sup>ii</sup> North Carolina Department of Health and Human Services, Division of Social Services, *1426 – Central Registry*, 2012, Family Services Manual Volume I: Children’s Services, Chapter VIII: Child Protective Services, Raleigh, NC

<sup>iii</sup> N.C. Gen. Stat. § 110-105.2

<sup>iv</sup> North Carolina Department of Health and Human Services, Division of Social Services, *1418 – Investigative Assessments in Child Care Facilities*, 2008, Family Services Manual Volume I: Children’s Services, Chapter VIII: Child Protective Services, Raleigh, NC

<sup>v</sup> N.C. Gen. Stat. § 7B-301

<sup>vi</sup> Janet Mason, *Reporting Child Abuse and Neglect in North Carolina*, 3<sup>rd</sup> ed. (Chapel Hill: Institute of Government, School of Government, 2013)

<sup>vii</sup> North Carolina Department of Health and Human Services, Division of Social Services, *1408 – Investigative and Family Assessments*, 2009, Family Services Manual Volume I: Children’s Services, Chapter VIII: Child Protective Services, Raleigh, NC

<sup>viii</sup> North Carolina Department of Health and Human Services, Division of Social Services, *1201 – Child Placement Services*, 2010, Family Services Manual Volume I: Children’s Services, Raleigh, NC

<sup>ix</sup> North Carolina Department of Health and Human Services, Division of Social Services, *VII- Step-by-step Legal Process (Not Including TPR), subsection A. Filing of a Juvenile Petition Alleging Abuse, Neglect, or Dependency and Juvenile Summons*, 2008, Family Services Manual Volume I: Children’s Services, Chapter X: The Juvenile Court and Child Welfare, Raleigh, NC

<sup>x</sup> North Carolina Department of Health and Human Services, Division of Social Services, *1412 – CPS In-Home Services*, 2009, Family Services Manual Volume I: Children’s Services, Chapter VIII: Child Protective Services, Raleigh, NC

<sup>xi</sup> North Carolina Department of Health and Human Services, Division of Social Services, *DSS Administrative Letter, Subject: Documentation of Malicious Reports*, March 7, 2005, FSCWS 02-05

<sup>xii</sup> North Carolina Department of Health and Human Services, Division of Social Services, *DSS Administrative Letter, Subject: Reaching for Excellence and Accountability in Practice (REAP)*, March 15, 2011, CWS-04-2011

<sup>xiii</sup> North Carolina Department of Health and Human Services, Division of Social Services, *1434 – Community Child Protection Team*, 2007, Family Services Manual Volume I: Children’s Services, Chapter VIII: Child Protective Services, Raleigh, NC

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