

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2003**

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**HOUSE RESOLUTION 1439**

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Sponsors: Representatives Moore, Weiss (Primary Sponsors); Adams, Alexander, B. Allen, Barbee, Barnhart, Blackwood, Bordsen, Bowie, Carney, Dickson, Earle, England, Farmer-Butterfield, Fisher, Frye, Glazier, Goforth, Gorman, Insko, Jeffus, Lucas, McLawhorn, McMahan, Munford, Parmon, Pate, Rapp, Ray, Rayfield, Ross, Steen, Wainwright, Walend, Warner, and Wood.

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Referred to: Rules, Calendar, and Operations of the House.

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May 13, 2004

1 A HOUSE RESOLUTION TO URGE CONGRESS TO CONSIDER AMENDING  
2 FEDERAL LAW TO PERMIT CHILD PROTECTIVE SERVICES WORKERS TO  
3 OBTAIN FEDERAL CRIMINAL HISTORIES WHEN INVESTIGATING  
4 ALLEGATIONS OF CHILD ABUSE AND NEGLECT.

5 Whereas, 107,157 children in North Carolina were the subject of an  
6 investigative assessment or family assessment as the result of a report of suspected  
7 abuse, neglect or dependency during the State fiscal year 2002-2003; and

8 Whereas, G.S. 7B-302 requires the director of social services performing the  
9 investigation to conduct a thorough review of the background of the alleged abuser or  
10 abusers whenever a juvenile is removed from the home of a parent, guardian, custodian,  
11 stepparent, or adult relative entrusted with the juvenile's care due to physical abuse,  
12 which review must include a criminal history check and a review of any available  
13 mental health records; and

14 Whereas, G.S. 7B-101 defines a criminal history check to include a local,  
15 State and federal criminal history of conviction or pending indictment to crime, whether  
16 a misdemeanor or a felony, involving violence against a person; and

17 Whereas, such information is needed to assist the director of social services in  
18 protecting the safety and well-being of the juvenile in an alleged abusive or neglectful  
19 situation in a timely fashion; and

20 Whereas, 28 U.S.C. § 534 and its implementing policies and regulations  
21 restrict access to federal criminal history information to only criminal justice agencies  
22 engaged in the administration of criminal justice and the provision of child protective  
23 services is not deemed to be the administration of criminal justice; and

24 Whereas, the director of social services may not access federal criminal  
25 history information directly and in a timely manner under federal law and such

1 information would assist the director in carrying out the director's duty to protect  
2 children; Now, therefore,

3 Be it resolved by the House of Representatives:

4           **SECTION 1.** The North Carolina House of Representatives requests our  
5 elected representatives in the United States Congress to seek amendment of 28 U.S.C.  
6 § 534 and its implementing policies and regulations to allow a county director of social  
7 services to obtain federal criminal histories when investigating allegations of child  
8 abuse and neglect in the provision of child protective services.

9           **SECTION 2.** The Principal Clerk shall transmit a certified copy of this  
10 resolution to each member of North Carolina's Congressional delegation.

11           **SECTION 3.** This resolution is effective upon adoption.