

10A NCAC 70A .0102 CONFIDENTIALITY: CENTRAL REGISTRY: RESPONSIBLE INDIVIDUALS LIST: ABUSE AND NEGLECT CASES

(a) Information submitted by county departments of social services to the central registry of abuse, neglect and dependency cases is confidential except as otherwise required by law. Non-identifying statistical information and general information about the scope, nature and extent of the child abuse, neglect and dependency problem in North Carolina is not subject to this Rule of confidentiality.

(b) Access to the central registry of child abuse, neglect and dependency cases is restricted to:

- (1) staff of the Division of Social Services and staff of the Office of the Secretary of the Department of Health and Human Services who require access in the course of performing duties pertinent to management, maintenance and evaluation of the central registry and evaluation of and research into abuse and neglect cases reported in accordance with Chapter 7B, Article 3. Management of the central registry includes the provision of information on a case by division staff to a North Carolina county department of social services or to an out-of-state social services agency to assure that protective services will be made available to such child and the child's family as quickly as possible to the end that such child will be protected and that further abuse or neglect will be prevented.
- (2) individuals who may receive approval to conduct studies of cases in the central registry. Such approval must be requested in writing to the Director of the Division of Social Services. The written request shall specify and be approved on the basis of:
 - (A) an explanation of how the findings of the study have potential for expanding knowledge and improving professional practices in the area of prevention, identification and treatment of child abuse and neglect;
 - (B) a description of how the study will be conducted and how the findings will be used;
 - (C) a presentation of the individual's credentials in the area of critical investigation; and
 - (D) a description of how the individual will safeguard information.

Access shall be denied when in the judgment of the Director the study will have minimal impact on either knowledge or practice.

- (3) the county director in order to identify whether a child who is the subject of an abuse, neglect or dependency investigation has been previously reported as abused or neglected, or whether a child is a member of a family in which a child fatality due to suspected abuse or neglect has occurred in any county in the state. Information from the central registry shall be shared with law enforcement or licensed physicians or licensed physician extenders when needed to assist the county director in facilitating the provision of child protective services to assure that the child and the child's family shall receive protective services as quickly as possible so that such child can be protected and further abuse, neglect or dependency prevented. Information shared from the central registry for child abuse and neglect shall be limited to:
 - (A) the child's name, date of birth, sex, race;
 - (B) the county that investigated the report;
 - (C) the type of maltreatment that was reported;
 - (D) the case decision;
 - (E) the date of the case decision;
 - (F) the type of maltreatment found; and
 - (G) the relationship of the perpetrator to the victim child.
- (4) the Chief Medical Examiner's office and law enforcement in the event of a child fatality and there is a need to determine if their investigation or evaluation should consider child abuse, neglect or dependency as a factor in the death. Information shall be limited to that outlined in Subparagraphs (b)(3)(A) through (G) of this Rule.

(c) Information submitted by county departments of social services to the Responsible Individuals List of abuse and serious neglect cases is confidential except as otherwise required by law. The Responsible Individuals List shall identify parents, guardians, caretakers or custodians who have been identified as responsible individuals in substantiated cases of abuse or serious neglect. Information from this list shall be used exclusively for the purpose of determining current or prospective employability or fitness to care for or adopt children.

(d) Requests for information from the Responsible Individuals List shall be in writing and shall include a last name, first name, middle initial, date of birth, gender and social security number of the individual to be checked.

(e) Authorized persons, as defined in 10A NCAC 70A .0104(b)(1), must inform responsible individuals if the reason they are being denied is due to information obtained from the Responsible Individuals List.

History Note: Authority G.S. 7B-311; 143B-153;
Eff. February 1, 1976;
Readopted October 31, 1977;
Amended Eff. June 1, 1990; January 1, 1983;
Temporary Amendment Eff. July 10, 1991, For a Period of 180 Days to Expire on January 5,
1992;
Amended Eff. May 1, 2006; July 1, 1993; December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,
2017.