

## CHAPTER 70 – CHILDREN'S SERVICES

### SUBCHAPTER 70A – PROTECTIVE SERVICES

#### SECTION .0100 - GENERAL

##### **10A NCAC 70A .0101 PURPOSE**

Rules in this Subchapter govern the provision of protective services for children with funds administered by the Division of Social Services. Included are requirements for the management of the central registry of neglect, abuse, and dependency cases, and requirements which must be met by county departments of social services in carrying out their responsibilities for the protection of children under Chapter 7B of the General Statutes.

*History Note: Authority G.S. 7B-311; 108A-74; 143B-153;  
Eff. February 1, 1976;  
Readopted Eff. October 31, 1977;  
Amended Eff. May 1, 2006; September 1, 1994; February 1, 1986; January 1, 1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

##### **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.*

#### **10A NCAC 70A .0103 REPORTS OF NEGLECT, ABUSE OR DEPENDENCY**

- (a) Reports of neglect, abuse, or dependency shall be referred to another county department of social services for investigation when the alleged perpetrator is:
- (1) an employee of the county department of social services;
  - (2) a foster parent supervised by that county department of social services;
  - (3) a member of the Board of Social Services for that county, a member of the Board of County Commissioners, the County manager, or a member of the governance structure for the county department of social services;
  - (4) a caretaker in a sole-source contract group home;
  - (5) a child's parent/caretaker is an incompetent adult and a ward of that county department of social services; or
  - (6) a minor in foster care who is also a parent/caretaker.
- (b) When in the professional judgment of the county director the department would be perceived as having a conflict of interest in the conduct of a child protective service investigation, the director shall request that another county conduct the investigation.

*History Note: Authority G.S. 7B-100; 7B-300; 143B-153;  
 Effective January 27, 1977;  
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 Amended Eff. March 1, 2017; September 1, 1994; July 1, 1993; June 1, 1990;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

#### **10A NCAC 70A .0104 DEFINITIONS**

- (a) Definitions relating to child abuse, neglect and dependency are found in G.S. 7B-101.
- (b) Unless otherwise noted, the following definitions have the following meaning:

- (1) "Authorized persons" means persons authorized to receive data from the Responsible Individuals List. Individuals authorized to receive information from the Responsible Individuals List are:
  - (A) individuals whose job functions include administration of the Responsible Individuals List and provision of information from the List to other authorized persons, as identified by the Director of the North Carolina Division of Social Services;
  - (B) individuals as identified by the Directors of county Departments of Social Services;
  - (C) individuals as identified by the Director of the Division of Child Development for child caring institutions;
  - (D) any Executive Director or program administrator of a child placing agency licensed by the State of North Carolina or another state or that state's agency;
  - (E) individuals as identified by the Director of the Division of Health Service Regulation for group home facilities;
  - (F) any Executive Director or program administrator of other providers of foster care, child care and adoption services determined by the Department of Health and Human Services;
  - (G) the Administrator for the State Guardian Ad Litem program; and
  - (H) any Executive Director or program administrator of other private or non-profit agencies that care for children.
- (2) "Personal written notice" means delivery in person of the case decision to the responsible individual by the social worker.
- (3) "Serious neglect" means conduct, behavior, or inaction that evidences a disregard of consequences of such magnitude as to constitute an unequivocal danger to a child's health, welfare or safety.

*History Note: Authority G.S. 7B-311(d); 143B-153; Eff. January 1, 1980; Amended Eff. May 1, 2006; April 1, 2003; July 1, 1993; June 1, 1990; November 1, 1985; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

#### **10A NCAC 70A .0105 RECEIVING INFORMATION: INITIATING PROMPT INVESTIGATIONS OF REPORTS**

- (a) The county director shall receive and initiate an investigation on all reports of suspected child abuse, neglect, or dependency, including anonymous reports:
- (b) The county director shall to the extent possible obtain the following information from the person making the report:
  - (1) The name, address, and actual or approximate age of the juvenile(s);
  - (2) The names and ages of other juveniles residing in the home;
  - (3) The name and address of the juvenile's parent, guardian, or caretaker;
  - (4) The name and address of the alleged perpetrator;
  - (5) The present whereabouts of the juvenile(s) if not at the home address;
  - (6) The nature and extent of any injury or condition resulting from abuse, neglect, or dependency;
  - (7) Other information that the reporter has which might be helpful in establishing the need for protective services, including the names, addresses, and telephone numbers of other individuals who may have information about the condition of the juvenile(s); and
  - (8) The name, address, and telephone number of the person making the report.
- (c) When a county director receives a report of suspected abuse or of criminal maltreatment of a juvenile by a person other than the juvenile's parent, guardian, custodian, or caretaker, the director shall notify the appropriate law enforcement agency in accordance with G.S. 7B-307. The county director shall provide the law enforcement agency with any information obtained from the person making the report as outlined in Subparagraphs (b)(1) through (b)(7) of this Rule. The name, address, and telephone number of the individual making the report, included as Subparagraph (b)(8) of this Rule, may be shared with law enforcement when this information is necessary for law enforcement to perform their duties as related to the report.
- (d) The county director shall initiate an investigation of suspected abuse, within 24 hours after receiving a report. The county director shall initiate an investigation of suspected neglect or dependency within 72 hours after receiving a report, except that investigations of all accepted reports of child abandonment shall be initiated immediately. Initiation of an investigation is defined as having face-to-face contact with the alleged victim child or children. If there is not such face-to-face contact within the prescribed time period, the case record shall contain documentation

to explain why such contact was not made and what other steps were taken to assess the risk of harm to the child or children.

(e) When the director is unable to initiate the investigation within the prescribed time period, as indicated in Paragraph (d) of this Rule, because the alleged victim child or children cannot be located, the director shall make diligent efforts to locate the alleged victim child or children until such efforts are successful or until the director concludes that the child or children cannot be located. Diligent efforts shall include, but not be limited to, visits to the child's or children's address at different times of the day and on different days. All efforts to locate the child or children shall be documented in the case record.

(f) When abuse, neglect, or dependency is alleged to have occurred in an institution, in addition to the procedures described in Paragraphs (a) through (e) of this Rule, the county director shall notify the individual who is administratively responsible for on-site operation of the institution in order to solicit the cooperation of the administration of the institution. Notification shall occur within the time frames required in Paragraph (d) of this Rule, and prior to contact with the alleged victim juvenile(s) if the director determines that such notice would not place the alleged victim(s) at risk of further harm.

(g) The county director must have an internal two level review, including at a minimum the worker and the worker's supervisor, prior to making a decision that information received does not constitute a report of abuse, neglect, or dependency.

(h) The county director must establish a process by which the person providing this information may obtain a review of the agency's decision not to accept the information as a report of abuse, neglect, or dependency. The process shall include:

- (1) informing the person providing the information that the agency will not conduct an investigation, the basis for that decision, and their right to and the procedures for obtaining such a review; and
- (2) designating the persons by whom and the manner in which such reviews will be conducted.

*History Note: Authority G.S. 7B-301; 7B-302; 7B-306; 7B-307; 143B-153; Eff. January 1, 1980; Temporary Amendment Eff. July 10, 1991, For a Period of 180 Days to Expire on January 5, 1992; Amended Eff. April 1, 2003; September 1, 1994; July 1, 1993; June 1, 1992; December 1, 1991; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

#### **10A NCAC 70A .0106 CONDUCTING AN INVESTIGATION**

(a) The county director shall make an investigation to assess:

- (1) whether the specific environment in which the child or children is found meets the child's or children's need for care and protection; and
- (2) facts regarding the existence of abuse, neglect, or dependency; and
- (3) the nature and extent of any injury or condition resulting from abuse, neglect, or dependency; and
- (4) the risk of harm to and need for protection of the child or children.

(b) When the county director receives a report of suspected abuse, neglect, or dependency, the county director shall check the county agency's records and the North Carolina Central Registry of child abuse, neglect, and dependency reports to ascertain if any previous reports of abuse, neglect, or dependency have been made concerning the alleged victim child or children. Central Registry checks are not necessary when the agency has conducted such a check within the previous 60 days or when the agency is providing continuous child protective services to the family.

(c) Face-to-face interviews with all alleged victim children shall be conducted within statutory time frames, unless there is documentation in the case record to explain why such contact was not made.

(d) There shall be a face-to-face interview with any parent or caretaker with whom the victim child or children reside, unless there is documentation in the case record to explain why such an interview was not conducted. The parent or caretaker shall be interviewed on the same day as the victim child or children unless there is documentation in the case record to explain why such interviews were not conducted.

(e) The investigation shall include a visit to the place where the child or children reside.

(f) There shall be a face-to-face interview with the alleged perpetrator or perpetrators unless there is documentation to explain why such an interview was not conducted.

(g) Any persons identified at the time the report was accepted for investigation as having information concerning the condition of the child or children shall be interviewed in order to obtain any information relevant to the investigation unless there is documentation in the case record to explain why such interviews were not conducted.

- (h) The county director shall implement a structured decision making process that includes the following assessments:
- (1) assessment of the immediate safety of the child or children;
  - (2) assessment of the future risk of harm to the child or children;
  - (3) assessment of the family's strengths and needs;
  - (4) documentation of an assessment of all of the information obtained during the investigation;
  - (5) documentation of a safety response plan; and
  - (6) documentation of the case decision.
- (i) When additional information is necessary to complete an investigation, information from the following sources shall be obtained and utilized:
- (1) Professionals or staff at an out-of-home care setting having relevant knowledge pertaining to the alleged abuse, neglect, or dependency;
  - (2) Other persons living in the household or attending or residing in the out-of-home care setting;
  - (3) Any other source having relevant knowledge pertaining to the alleged abuse, neglect, or dependency; and
  - (4) Records; i.e., school, medical, mental health, or incident reports in an out-of-home care setting.
- (j) The county director shall exercise discretion in the selection of collateral sources in order to protect the family's or out-of-home care setting's right to privacy and the confidentiality of the report.
- (k) Conducting an investigation as outlined in Paragraph (a) of this Rule when the alleged abuse, neglect, or dependency occurred in an institution shall include the following:
- (1) A discussion of the allegation with the individual who has on-site administrative responsibility for the institution;
  - (2) A discussion of the procedure to be followed during the investigation;
  - (3) The utilization of resources within and without the institution as needed and appropriate; and
  - (4) A discussion of the findings with the Administrator of the institution which shall be confirmed in writing by the county director and shall be held confidential by all parties as outlined in 10A NCAC 70A .0113, of this Subchapter.

*History Note: Authority G.S. 7B-302; 143B-153;  
Eff. January 1, 1980;  
Amended Eff. April 1, 2003; February 1, 1995; September 1, 1994; July 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

**10A NCAC 70A .0107 WHEN ABUSE, NEGLECT OR DEPENDENCY IS FOUND**

- (a) When an investigation reveals the presence of abuse, neglect, or dependency, the social worker who conducted the assessment shall make every effort to provide personal written notice to the following persons or agencies:
- (1) any responsible individual who was alleged to have abused or seriously neglected the child or children;
  - (2) any parent or other individual with whom the child or children resided at the time the county director initiated the investigation; and
  - (3) any agency with whom the court has vested legal custody.
- (b) Personal written notice may be made by a social worker other than the social worker who conducted the assessment under G.S. 7B-302(a), if the social worker who conducted the assessment is unavailable. If the county department of social services is unable to provide the personal written notice to the responsible individual, there shall be documentation of efforts made to deliver the personal written notice to the responsible individual in the case record. In addition to fulfilling the requirements of G.S. 7B-320(b), the personal written notice shall also include:
- (1) a statement informing the responsible individual that employers may access the Responsible Individuals List to determine suitability for employment; and
  - (2) a statement informing the responsible individual that the timeframes to request an expunction from the District Attorney or the District Court still apply, even if no notice is received from the Director after the Director has been requested to expunge.
- (c) The county director shall complete structured decision making assessments of every family in which an investigation of abuse, neglect or dependency is conducted. The assessment findings shall be used to evaluate the need for services and to develop a case plan.

(d) In all cases in which abuse, neglect, or dependency is found, the county director shall determine whether protective services are needed and, if so, shall develop, implement, and oversee an intervention plan to ensure that there is adequate care for the victim child or children. The case plan shall:

- (1) be based on the findings of the structured decision making assessments;
- (2) contain goals representing the desired outcome toward which all case activities shall be directed;
  - (3) contain objectives that:
    - (A) describe specific desired outcomes;
    - (B) are measurable;
    - (C) identify necessary behavior changes;
    - (D) are based on an assessment of the specific needs of the child or children and family;
    - (E) are time-limited; and
    - (F) are mutually accepted by the county director and the client.
- (4) specify all the activities needed to achieve each stated objective;
- (5) have stated consequences that will result from either successfully following the plan or not meeting the goals and objectives specified in the plan; and
- (6) shall include petitioning for the removal of the child or children from the home and placing the child or children in appropriate care when protection cannot be initiated or continued in the child's or children's own home.

(e) When an investigation leads a county director to find evidence that a child may have been abused or may have been physically harmed in violation of a criminal statute by a person other than the child's parent, guardian, custodian, or caretaker, the county director shall follow all procedures outlined in G.S. 7B-307 in making reports to the prosecutor and appropriate law enforcement agencies. The report shall include:

- (1) the name and address of the child, of the parents or caretakers with whom the child lives, and of the alleged perpetrator;
- (2) whether the abuse was physical, sexual or emotional;
- (3) the dates that the investigation was initiated and that the evidence of abuse was found;
- (4) whether law enforcement has been notified and the date of the notification;
- (5) what evidence of abuse was found; and
- (6) what plan to protect the child has been developed and what is being done to implement it.

(f) When an investigation reveals the presence of abuse, neglect, or dependency in an institution, the county director shall complete the following steps:

- (1) the child's or children's legal custodian shall be informed;
- (2) an intervention plan for the care and protection of the child or children shall be developed in cooperation with the institution and the legal custodian; and
- (3) when abuse is found, a written report shall be made to the prosecutor in the county where the institution is located.

*History Note:* Authority G.S. 7B-302; 7B-307; 7B-311; 7B-320(d); 143B-153;  
Eff. January 1, 1980;  
Amended Eff. May 1, 2006; April 1, 2003; February 1, 1995; September 1, 1994; July 1, 1993;  
June 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

#### **10A NCAC 70A .0108 WHEN ABUSE, NEGLECT OR DEPENDENCY IS NOT FOUND**

When a thorough investigation does not reveal abuse, neglect or dependency, the county director shall:

- (1) notify the following persons or agencies of the case finding:
  - (a) any parent or caretaker who was alleged to have abused or neglected the child or children;
  - (b) any parent or other individual with whom the child or children resided at the time the county director initiated the investigation; and
  - (c) any agency with whom the court has vested legal custody;
- (2) communicate to the persons or agencies named in (1) of this Rule that the Department shall no longer be involved with the child or children on a non-voluntary basis.

*History Note:* Authority G.S. 7B-300; 7B-302 143B-153;

*Eff. January 1, 1980;*  
*Amended Eff. July 1, 1993; June 1, 1990;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

**10A NCAC 70A .0109 NOTIFICATION OF REPORTER; REVIEW BY THE PROSECUTOR**

(a) Within five working days after receipt of the report of abuse, neglect, or dependency, the director shall give written notice to the person making the report, unless specifically requested not to do so, as to whether the report was accepted for investigation and whether the report was referred to the appropriate State or local law enforcement agency. Within five working days after completion of the protective services investigation, the director shall give subsequent written notice to any identified person or persons making the report, unless specifically requested not to do so. This second notice shall contain the following information:

- (1) whether or not there is a finding of abuse, neglect, or dependency;
- (2) whether the county department of social services is taking action to protect the juvenile, and if so, what action it is taking;
- (3) whether or not the agency has filed a petition; and
- (4) notification of the reporter's right to request a review by the prosecutor if the reporter is not satisfied with the director's decision not to file a petition. The reporter shall be informed that the request must be made within five working days of the notice and must include the prosecutor's address.

(b) When the county director receives a notice from the prosecutor that a review will be held regarding not filing a petition, he shall send immediately, but in all cases within three working days of the receipt of the notice, a copy of the investigation report to the prosecutor.

(c) Within 20 days after the reporter is notified of the right to a review, the prosecutor shall review the director's decision. Upon completion of the review specified in G.S. 7A-547, the prosecutor may:

- (1) affirm the decision of the director;
- (2) request that the appropriate law enforcement agency investigate the allegations; or
- (3) direct the director to file a petition in the matter.

*History Note: Authority G.S. 7A-544; 7A-547; 143B-153;*  
*Eff. January 1, 1980;*  
*Amended Eff. September 1, 1994; July 1, 1993; February 1, 1986;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

**10A NCAC 70A .0110 ASSUMING TEMPORARY CUSTODY OF A CHILD**

(a) A county department of social services worker may take a child into temporary custody without a court order and provide personal care and supervision for up to 12 hours, provided:

- (1) the county director concludes that there are reasonable grounds for believing the child is abused, neglected, or dependent and that he would be injured or could not be taken into custody if it were first necessary to obtain a court order. The county director shall document in the protective services case record as soon as possible the following:
  - (A) the grounds upon which the decision was made to take temporary custody without a court order; and
  - (B) information specific to successful or unsuccessful attempts to notify the child's parents, guardian or custodian that the child has been taken into temporary custody and that the parent, guardian or custodian has a right to be present with the child pending a determination of the need for non-secure custody.
- (2) the county director files a petition for an immediate non-secure custody order unless he decides that temporary custody is no longer necessary and releases the child to his parents, guardian or custodian. To preserve a parent, guardian or custodian's right to due process, the county director shall not make an assessment case decision until after the court has adjudicated the petition.

(b) A county director of social services shall file all petitions which allege that a child is abused, neglected or dependent except those petitions resulting from review by the prosecutor.

*History Note: Authority G.S. 7B-311; 7B-403; 7B-404; 7B-500; 7B-501; 143B-153;*

*Eff. January 1, 1980;*  
*Amended Eff. May 1, 2006;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

#### **10A NCAC 70A .0111 REVIEW OF COURT ORDERED PLACEMENTS**

- (a) In cases where the court removes custody of a child from a parent or caregiver because of dependency, neglect or abuse and places the child in the custody of the Department of Social Services, the county director shall not return the child to his parents or caregivers without the judge finding sufficient facts to show that the child will receive proper care and supervision.
- (b) In any case where custody is removed from a parent, guardian, custodian, or caretaker the court shall conduct a review hearing within 90 days from the date of the dispositional hearing and shall conduct a review hearing within six months thereafter.
- (c) The county director of social services shall make a timely request to the clerk to calendar each review at a session of court scheduled for the hearing of juvenile matters. The clerk shall give 15 days' notice of the review and its purpose to the parent, the juvenile, if 12 years of age or more, the guardian, any foster parent, relative, or preadoptive parent providing care for the child, the custodian or agency with custody, the guardian ad litem, and any other person or agency the court may specify, indicating the court's impending review.
- (d) The county director shall submit a written report to the judge that shall include but not be limited to:
- (1) The services plan developed with the family to preserve the child's own home or to reunite the parents and children;
  - (2) The specific changes on the part of the parents and children;
  - (3) Whether the child can remain at home or be returned home, and the plan to be used when the child returns home;
  - (4) If the child cannot return home, the plan to be used to establish the permanent living arrangement for the child, including projected time frames and any considerations of termination of parental rights;
  - (5) Goals and objectives for the child's continuation in foster care if indicated and the role of foster parents in planning for the child;
  - (6) A summary of the child's specific experiences in placement, both positive and negative, including the different placements the child has had since the last court hearing; and
  - (7) Any other information the court deems necessary.

*History Note: Authority G.S. 7B 906; 143B-153;*  
*Eff. January 1, 1980;*  
*Amended Eff. April 1, 2003; June 1, 1990;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

#### **10A NCAC 70A .0112 CASE RECORDS FOR PROTECTIVE SERVICES**

- (a) The county director shall maintain a separate case record or a separate section in a case record on a child for whom protective services are initiated or who is placed in the custody of the county department of social services by the court. The case record documentation shall be kept confidential. Information from the case record shall be released only in accordance with Chapter 7B, Subchapter I, of the North Carolina General Statutes and the Rules of this Subchapter.
- (b) The protective services case record shall document the investigation. In addition, when applicable, the protective services case record shall include:
- (1) summary documentation of the results of the check of the central registry of abused, neglected, and dependent children whenever a report is accepted for investigation unless the agency has conducted such a check in the 60 days prior to the new report, or the agency is providing ongoing children's services to the family;
  - (2) copies of all comprehensive family assessments, including safety assessments, risk assessments, assessments of family strengths and needs, re-assessments of family strengths and needs and assessments of the child's and family's progress or lack of progress in completing the items documented in the Family Services Case Plan;



- (3) documentation of any safety response plan that was developed to ensure the child's safety during the course of the investigation;
- (4) documentation of the case decision, the basis for the case decision, and the names of those participating in the decision;
- (5) documentation of notifications to parents, caretakers, the alleged perpetrator, or others specified in Rules .0107, .0108, .0109 and .0114 of this Section regarding the case decision;
- (6) documentation of contacts with and services provided to the family, current within seven days of service delivery. Documentation may be taped for transcription, typed or legibly handwritten, and shall include information about the family's response to and use of services, as well as any change in the assessment of safety or risk to the children;
- (7) the Family Services Case Plan developed at the beginning of the treatment phase, with any subsequent revisions to the plan;
- (8) documentation of reviews of the Family Services Case Plan, current within three months, which reflect an assessment of the plan's effectiveness, the family's use of services, and the need for continued agency involvement;
- (9) copies of the following:
  - (A) Intake/Screening Form provided by the Division for all reports concerning the family whether these reports have been received while a case was active or while a case was closed;
  - (B) notices to the reporter;
  - (C) requests made of other county departments of social services for information relating to prior contacts by that agency with the family, when applicable; and
  - (D) DSS 5104, Application/Report to the Central Registry.
- (10) copies of the following reports or documents, when applicable:
  - (A) petitions relating to the legal or physical custody of children while receiving child protective services;
  - (B) reports to the court;
  - (C) reports or notifications to prosecutors;
  - (D) reports to law enforcement agencies;
  - (E) Child Medical Evaluations and Child Mental Health Evaluation requests, consents, and reports;
  - (F) any other medical, psychological, or psychiatric reports;
  - (G) notifications to licensing agencies; and
  - (H) any other reports, notifications, or documents related to the provision of child protective services.
- (11) summaries of the following information, when not otherwise documented in the case record:
  - (A) at the time treatment services begin, a summary of the reasons services are being provided;
  - (B) when filing a petition for custody, the reasons custody is being sought; and
  - (C) at the time treatment services are terminated, a summary of the basis for the decision.

*History Note:* Authority G.S. 7B-302; 7B-306; 7B-311; 7B-312; 7B-313; 7B-314; 7B-315; 7B-2901; 143B-153; Eff. January 1, 1980;  
 Amended Eff. May 1, 2006; April 1, 2003; September 1, 1994; January 1, 1983;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

#### **10A NCAC 70A .0113 CONFIDENTIALITY OF COUNTY DSS PROTECTIVE SERVICES RECORDS**

- (a) The county director shall not allow anyone outside of the county department of social services other than state and federal agency personnel carrying out their lawful responsibilities for program audit and review to examine a protective services case record as described in Rule .0112 of this Subchapter unless:
  - (1) the judge orders the county director to allow examination; or
  - (2) the child or the child's attorney requests to examine his own record.
- (b) The county director in carrying out his duties may share information and a summary of documentation from the case record without a court order with public or private agencies or individuals that are being utilized to provide or facilitate the provision of protective services to a child.

(c) The county director shall allow the District Attorney or his designee access to the case record, including any information or documentation therein, which he needs to carry out his mandated responsibilities that result from a report of confirmed abuse or from the county director's decision not to file a petition.

*History Note:* Authority G.S. 7B-302; 7B-2901; 143B-153;  
Eff. January 1, 1980;  
Amended Eff. September 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

#### **10A NCAC 70A .0114 EXPUNCTION PROCESS**

*History Note:* Authority G.S. 7B-311(d); 143B-153;  
Eff. May 1, 2006;  
Expired Eff. November 1, 2017 pursuant to G.S. 150B-21.3A.

### **SECTION .0200 - COMMUNITY CHILD PROTECTION TEAMS**

#### **10A NCAC 70A .0201 NATURE AND PURPOSE OF TEAM**

(a) Community Child Protection Teams shall be established in every county in the state. Team membership shall consist of representatives of public and nonpublic agencies in the community that provide services to children and their families and other individuals who represent the community. These community representatives shall meet together on a regular basis:

- (1) to identify gaps and deficiencies in community resources which have impact on the incidence of abuse, neglect, or dependency;
- (2) to advocate for system improvements and needed resources where gaps and deficiencies exist in the child protection system;
- (3) to promote collaboration between agencies in the creation or improvement of resources for children as a result of their review of selected cases; and
- (4) to inform the county commissioners about actions needed to prevent or ameliorate child abuse, neglect, or dependency.

(b) The Community Child Protection Team shall not encompass a geographic or governmental area larger than one county.

*History Note:* Authority G.S. 7B-302; 7B-1400; 7B-1401; 7B-1402; 7B-1403; 7B-1404; 7B-1405; 7B-1406; 7B-1407; 7B-1408; 7B-1409; 7B-1410; 7B-1411; 7B-1412; 7B-1413; 7B-1414; 143B-153;  
Temporary Adoption Eff. July 10, 1991, For a Period of 180 Days to Expire on January 5, 1992;  
Eff. December 1, 1991;  
Amended Eff. September 1, 1994; July 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

#### **10A NCAC 70A .0202 RESPONSIBILITY FOR TRAINING OF TEAM MEMBERS**

(a) The Division of Social Services shall develop and make available for the team members on an ongoing basis, training materials to include:

- (1) The role and function of the Community Child Protection Team;
- (2) Confidentiality requirements;
- (3) An overview of child protective services law and policy; and
- (4) Team record-keeping.

(b) Each Community Child Protection Team shall schedule relevant training as needed by its membership, using appropriate resources from the local department of social services, other community agencies, the Division of Social Services, or other individuals whose expertise can benefit the functioning of the team.

*History Note:* Authority G.S. 7B-302; 7B-1400; 7B-1401; 7B-1402; 7B-1403; 7B-1404; 7B-1405; 7B-1406; 7B-1407; 7B-1408; 7B-1409; 7B-1410; 7B-1411; 7B-1412; 7B-1413; 7B-1414; 143B-153;  
Temporary Adoption Eff. July 10, 1991, For a Period of 180 Days to Expire on January 5, 1992;

*ARRC Objection Lodged July 18, 1991;  
Eff. December 1, 1991;  
Amended Eff. September 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

#### **10A NCAC 70A .0203 CONFIDENTIALITY**

(a) Any member of a Community Child Protection Team may share, during an official meeting of that team, any information available to that member that the team needs to carry out its responsibilities. The county director, however, shall not share any information that discloses the identity of individuals who have reported suspected abuse, neglect, or dependency to the county department of social services.

(b) Each member of a Community Child Protection Team and invited participant shall sign a statement indicating their understanding of and adherence to confidentiality requirements. Such statement shall include the possible civil or criminal consequences of any breach of confidentiality as well as the applicability of these Rules to any personal files created or maintained by any team member or invited participant.

(c) A team member or invited participant who fails to comply with the confidentiality requirements of this Section shall be subject to dismissal from the team or to the denial of future participation in team reviews respectively.

(d) Information generated by an executive session of a Community Child Protection Team shall be accessible for administrative purposes to the following:

- (1) the State Team and the Task Force during its existence as necessary to carry out their purposes;
- (2) staff of the Division of Social Services and staff of the Office of the Secretary of the Department of Human Resources who require access in the course of performing duties pertinent to the supervision and evaluation of the Child Protective Services Program;
- (3) the local board of county commissioners when the Community Child Protection Team makes its annual recommendations, if any, for system improvements and needed resources where gaps and deficiencies exist in the delivery of services to children and their families. Such report shall be general in nature not revealing confidential information about children and families; and
- (4) the local board of social services when receiving a report by the director of the county department of social services on the activities of the Community Child Protection Team.

This does not preclude any agency representative from sharing with his agency, on a need to know basis, information acquired at a Community Child Protection Team meeting regarding a current client or referred case.

(e) An individual may receive approval to conduct a study of the cases reviewed by the Community Child Protection Teams. Such approval must be requested in writing of the Director of the Division of Social Services. The written request shall specify and be approved on the basis of:

- (1) 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, neglect, dependency, or child fatalities;
- (2) a description of how the study will be conducted and how the findings will be used;
- (3) a presentation of the individual's credentials in the area of critical investigation;
- (4) a description of how the individual will safeguard confidential information; and
- (5) an assurance that no report will contain the names of children and families or any other information that makes children and families identifiable.

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

*History Note: Authority G.S. 7A-544; 7A-675; 108A-80; 143-578; 143B-153;  
Temporary Adoption Eff. July 10, 1991, For a Period of 180 Days to Expire on January 5, 1992;  
Eff. December 1, 1991;  
Amended Eff. September 1, 1994; July 1, 1993; June 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*