

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.