

# North Carolina Infant-Toddler Program Policy

## *Reporting of Suspected Abuse, Neglect, and Dependency and Crimes Against Juveniles*

### **Introduction**

The purpose of this document is to outline the North Carolina Infant-Toddler Program's (N.C. ITP) procedures for reporting of child abuse, neglect, dependency, and crimes against juveniles by N.C. ITP personnel or contracted program representatives, as required by North Carolina law. No employee or contracted program representative shall knowingly allow a child to be at risk of abuse, neglect, or dependency or fail to report in accordance with law.

### **Required Reporting – Abuse, Neglect, and Dependency**

In accordance with [N.C.G.S. § 7B-301](#), any person or institution who has cause to suspect that any juvenile is abused, neglected, or dependent, or has died as the result of maltreatment, shall report the case of that juvenile to the director of the department of social services in the county where the juvenile resides or is found.

The report may be made orally, by telephone, or in writing and shall include information as is known to the person making it including the name and address of the juvenile; the name and address of the juvenile's parent, guardian, or caretaker; the age of the juvenile; the names and ages of other juveniles in the home; the present whereabouts of the juvenile if not at the home address; the nature and extent of any injury or condition resulting from abuse, neglect, or dependency; and any other information which the person making the report believes might be helpful in establishing the need for protective services or court intervention. If the report is made orally or by telephone, the person making the report shall give the person's name, address, and telephone number.

Knowingly or wantonly failing to report or preventing another person from reporting is a Class 1 misdemeanor.

In determining if there is a cause to suspect abuse, neglect, or dependency, the definitions in [N.C.G.S. § 7B-101](#) should be referenced, including, but not limited to, the following:

- **Juvenile.** – A person who has not reached the person's eighteenth birthday and is not married, emancipated, or a member of the Armed Forces of the United States.
- **Abused juvenile.** – Any juvenile less than 18 years of age (i) who is found to be a minor victim of human trafficking under G.S. 14-43.15 or (ii) whose parent, guardian, custodian, or caretaker:
  - Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means;
  - Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means;

- Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior;
  - Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile: first-degree forcible rape, as provided in G.S. 14-27.21; second-degree forcible rape as provided in G.S. 14-27.22; statutory rape of a child by an adult as provided in G.S. 14-27.23; first-degree statutory rape as provided in G.S. 14-27.24; first-degree forcible sex offense as provided in G.S. 14-27.26; second-degree forcible sex offense as provided in G.S. 14-27.27; statutory sexual offense with a child by an adult as provided in G.S. 14-27.28; first-degree statutory sexual offense as provided in G.S. 14-27.29; sexual activity by a substitute parent or custodian as provided in G.S. 14-27.31; sexual activity with a student as provided in G.S. 14-27.32; unlawful sale, surrender, or purchase of a minor, as provided in G.S. 14-43.14; crime against nature, as provided in G.S. 14-177; incest, as provided in G.S. 14-178; preparation of obscene photographs, slides, or motion pictures of the juvenile, as provided in G.S. 14-190.5; employing or permitting the juvenile to assist in a violation of the obscenity laws as provided in G.S. 14-190.6; dissemination of obscene material to the juvenile as provided in G.S. 14-190.7 and G.S. 14-190.8; displaying or disseminating material harmful to the juvenile as provided in G.S. 14-190.14 and G.S. 14-190.15; first and second degree sexual exploitation of the juvenile as provided in G.S. 14-190.16 and G.S. 14-190.17; promoting the prostitution of the juvenile as provided in G.S. 14-205.3(b); and taking indecent liberties with the juvenile, as provided in G.S. 14-202.1;
  - Creates or allows to be created serious emotional damage to the juvenile; serious emotional damage is evidenced by a juvenile's severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others;
  - Encourages, directs, or approves of delinquent acts involving moral turpitude committed by the juvenile; or
  - Commits or allows to be committed an offense under G.S. 14-43.11 (human trafficking), G.S. 14-43.12 (involuntary servitude), or G.S. 14-43.13 (sexual servitude) against the child.
- **Neglected juvenile.** – Any juvenile less than 18 years of age (i) who is found to be a minor victim of human trafficking under G.S. 14-43.15 or (ii) whose parent, guardian, custodian, or caretaker does not provide proper care, supervision, or discipline; or who has been abandoned; or who is not provided necessary medical care; or who is not provided necessary remedial care; or who lives in an environment injurious to the juvenile's welfare; or the custody of whom has been unlawfully transferred under G.S. 14-321.2; or who has been placed for care or adoption in violation of law. In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives in a home where another juvenile has died as a result of suspected abuse or neglect or lives in a home where another juvenile has been subjected to abuse or neglect by an adult who regularly lives in the home.
  - **Dependent juvenile.** – A juvenile in need of assistance or placement because (i) the juvenile has no parent, guardian, or custodian responsible for the juvenile's care or supervision or (ii) the juvenile's parent, guardian, or custodian is unable to provide for the juvenile's care or supervision and lacks an appropriate alternative childcare arrangement.

- **Caretaker.** – Any person other than a parent, guardian, or custodian who has responsibility for the health and welfare of a juvenile in a residential setting. A person responsible for a juvenile's health and welfare means a stepparent, foster parent, an adult member of the juvenile's household, an adult relative entrusted with the juvenile's care, a potential adoptive parent during a visit or trial placement with a juvenile in the custody of a department, any person such as a house parent or cottage parent who has primary responsibility for supervising a juvenile's health and welfare in a residential child care facility or residential educational facility, or any employee or volunteer of a division, institution, or school operated by the Department of Health and Human Services. Nothing in this subdivision shall be construed to impose a legal duty of support under Chapter 50 or Chapter 110 of the General Statutes. The duty imposed upon a caretaker as defined in this subdivision shall be for the purpose of this Subchapter only.
- **Custodian.** – The person or agency that has been awarded legal custody of a juvenile by a court.

### Required Reporting – Crimes Against Juveniles

In accordance with [N.C.G.S. § 14-318.6](#), any person 18 years of age or older who knows or should have reasonably known that a juvenile has been or is the victim of a violent offense, sexual offense, or misdemeanor child abuse under N.C.G.S. 14-318.2 shall immediately report the case of that juvenile to the appropriate local law enforcement agency in the county where the juvenile resides or is found. There are limited exceptions to the requirement to report for some individuals with statutory privileges.

The report may be made orally or by telephone and shall include information as is known to the person making it, including the name, address, and age of the juvenile; the name and address of the juvenile's parent, guardian, custodian, or caretaker; the name, address, and age of the person who committed the offense against the juvenile; the location where the offense was committed; the names and ages of other juveniles present or in danger; the present whereabouts of the juvenile, if not at the home address; the nature and extent of any injury or condition resulting from the offense or abuse; and any other information which the person making the report believes might be helpful in establishing the need for law enforcement involvement. The person making the report shall give his or her name, address, and telephone number.

Knowingly or willfully failing to report or preventing another person from reporting is a Class 1 misdemeanor.

In determining if there is a cause to suspect abuse, neglect, or dependency, the definitions in [N.C.G.S. § 14-318.6](#) should be referenced, including, but not limited to, the following:

- **Juvenile.** – As defined in G.S. 7B-101. For the purposes of this section, the age of the juvenile at the time of the abuse or offense governs.
- **Serious bodily injury.** – As defined in [N.C.G.S. 14-318.4\(d\)](#).
- **Serious physical injury.** – As defined in [N.C.G.S. 14-318.4\(d\)](#).
- **Sexually violent offense.** – An offense committed against a juvenile that is a sexually violent offense as defined in G.S. 14-208.6(5). This term also includes the following: an attempt, solicitation, or conspiracy to commit any of these offenses; aiding and abetting any of these offenses.

- **Violent offense.** – Any offense that inflicts upon the juvenile serious bodily injury or serious physical injury by other than accidental means. This term also includes the following: an attempt, solicitation, or conspiracy to commit any of these offenses; aiding and abetting any of these offenses.

The following additional [resource](#) may also be helpful in understanding when mandatory reporting is required.

### **Confidentiality**

IDEA Part C Early Intervention records are considered “education records”<sup>1</sup> governed by the Family Educational Rights and Privacy Act and implementing regulations (FERPA).<sup>2</sup> Under FERPA, personally identifiable information<sup>3</sup> in a record is confidential and generally may only be disclosed with consent, with certain exceptions. One exception is when the disclosure is in connection with a health or safety emergency. Specifically, personally identifiable information may be disclosed to appropriate parties in connection with an emergency “if knowledge of the information is necessary to protect the health or safety of the student or other individuals.”<sup>4</sup> In addition, known and suspected child abuse and neglect are permitted to be reported as required by state law in alignment with the federal Child Abuse Prevention and Treatment Act (CAPTA).<sup>5</sup>

### **Procedures**

All N.C. ITP personnel and contract program representatives shall make required reports in accordance with applicable law and this policy. These procedures are intended to facilitate the reporting process.

1. Whenever practicable, a N.C. ITP employee or contract program representative shall first immediately report the situation to their supervisor. The supervisor shall report the situation to the CDSA Director or N.C. ITP Part C Coordinator, as applicable.
2. Directly following the report to the supervisor, the N.C. ITP employee or contract program representative shall make the report in accordance with applicable law.
3. However, in the circumstance where a N.C. ITP employee or contract program representative knows or has cause to suspect that there is an imminent threat to a child’s health or safety, the employee or representative shall first immediately report that information as required by law and second report to their supervisor. It may also be appropriate to call 911.
4. Questions regarding reporting obligations and confidentiality should be directed to the CDSA Director and N.C. ITP Part C Coordinator.

Employees or contracted program representatives who fail to report as required by law and as set out in the policy may be subject to disciplinary action.

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<sup>1</sup> 34 CFR 303.414

<sup>2</sup> 20 U.S.C. § 1232g; 34 CFR Part 99

<sup>3</sup> 34 CFR 303.29, 34 CFR 99.3

<sup>4</sup> 34 CFR 99.36(a); 20 USC 1232g(b)(1)(I)

<sup>5</sup> 42 USC § 5106a

## **Documentation**

Any reports made pursuant to law and this policy shall be documented in the relevant client's record the same day the report occurs. The documentation shall include:

- The reporter's name and position with N.C. ITP;
- The name and position of the individual who received the report;
- The date, time, and method of the report; and
- Relevant facts that formed the basis for the report.

The documentation should not include subjective information. Questions regarding documentation requirements should be directed to the CDSA Director and N.C. ITP Part C Coordinator.

## **Related Training Requirement**

All N.C. ITP personnel and contracted program representatives are required to complete the free online training module, "[Recognizing and Responding to Child Maltreatment](#)" made available by Prevent Child Abuse North Carolina. Incoming personnel must complete the required training module as a part of their employee orientation, within thirty days of their start date. All CDSA employees and contracted Program representatives must complete on an annual basis. The certificate of completion should be maintained in the local personnel file. The training module can be accessed at:

<https://www.preventchildabusenc.org/recognizing-responding-online-course/> or on the NC ITP Website.