

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 228*

Short Title: Child Abuse/No Report Misdem.

(Public)

Sponsors: Senators Winner; Allran, Cooper, and Martin of Guilford.

Referred to: Judiciary.

February 24, 1997

A BILL TO BE ENTITLED

1 AN ACT TO IMPOSE A CRIMINAL PENALTY FOR THE WILLFUL FAILURE TO
2 REPORT CHILD ABUSE, AS RECOMMENDED BY THE CHILD FATALITY
3 TASK FORCE.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 7A-543 reads as rewritten:

7 "**§ 7A-543. Duty to report child abuse, neglect, dependency, or death due to**
8 **maltreatment.**

9 Any person or institution who has cause to suspect that any juvenile is abused,
10 neglected, or dependent, as defined by G.S. 7A-517, or has died as the result of
11 maltreatment, shall report the case of that juvenile to the Director of the Department of
12 Social Services in the county where the juvenile resides or is found. The report may be
13 made orally, by telephone, or in writing. The report shall include information as is
14 known to the person making it including the name and address of the juvenile; the name
15 and address of the juvenile's parent, guardian, or caretaker; the age of the juvenile; the
16 names and ages of other juveniles in the home; the present whereabouts of the juvenile if
17 not at the home address; the nature and extent of any injury or condition resulting from
18 abuse, neglect, or dependency; and any other information which the person making the
19 report believes might be helpful in establishing the need for protective services or court
20 intervention. If the report is made orally or by telephone, the person making the report

1 shall give the person's name, address, and telephone number. Refusal of the person
2 making the report to give a name shall not preclude the Department's investigation of the
3 alleged abuse, neglect, dependency, or death as a result of maltreatment. Any person or
4 institution required by this section to report child abuse, neglect, or dependency or a
5 child's death due to suspected maltreatment, who knowingly and willfully fails to make
6 the report, or who knowingly and willfully prevents another from making the report, shall
7 be guilty of a Class 3 misdemeanor.

8 Upon receipt of any report of child sexual abuse in a day care facility or day care
9 home, the Director shall notify the State Bureau of Investigation within 24 hours or on
10 the next work day. If child sexual abuse in a day care facility or day care home is not
11 alleged in the initial report, but during the course of the investigation there is reason to
12 suspect that child sexual abuse has occurred, the Director shall immediately notify the
13 State Bureau of Investigation. Upon notification that child sexual abuse may have
14 occurred in a day care facility or day care home, the State Bureau of Investigation may
15 form a task force to investigate the report."

16 Section 2. This act is effective when it becomes law.