

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 228\*  
Judiciary Committee Substitute Adopted 4/29/97

Short Title: Child Abuse/No Report Misdem.

(Public)

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Sponsors:

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Referred to:

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February 24, 1997

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

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

1 services or court intervention. If the report is made orally or by telephone, the person  
2 making the report shall give the person's name, address, and telephone number. Refusal  
3 of the person making the report to give a name shall not preclude the Department's  
4 investigation of the alleged abuse, neglect, dependency, or death as a result of  
5 maltreatment.

6 (b) Any person who knowingly and willfully fails to make a report required by  
7 subsection (a) of this section shall be guilty of a Class 3 misdemeanor if:

8 (1) The person has actual knowledge that a juvenile has been physically  
9 abused; or

10 (2) The person has a custodial, caregiving or professional relationship with  
11 a juvenile, and has actual knowledge or cause to suspect that the  
12 juvenile has been physically abused or has died due to maltreatment.

13 (c) Any person who knowingly and willfully prevents another from making a  
14 report required by subsection (a) of this section shall be guilty of a Class 3 misdemeanor.

15 (d) Upon receipt of any report of child sexual abuse in a day care facility or day care  
16 home, the Director shall notify the State Bureau of Investigation within 24 hours or on  
17 the next work day. If child sexual abuse in a day care facility or day care home is not  
18 alleged in the initial report, but during the course of the investigation there is reason to  
19 suspect that child sexual abuse has occurred, the Director shall immediately notify the  
20 State Bureau of Investigation. Upon notification that child sexual abuse may have  
21 occurred in a day care facility or day care home, the State Bureau of Investigation may  
22 form a task force to investigate the report."

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