

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**HOUSE BILL 402
Committee Substitute Favorable 4/16/03**

Short Title: DSS Worker/Right of Entry.

(Public)

Sponsors:

Referred to:

March 11, 2003

A BILL TO BE ENTITLED

AN ACT TO RESTRICT THE AUTHORITY OF A SOCIAL WORKER TO ENTER
A PRIVATE RESIDENCE FOR INVESTIGATION PURPOSES.

Whereas, the Fourth Amendment to the Constitution of the United States
reads:

"Amendment IV.

"The right of the people to be secure in their persons, houses, papers, and effects,
against unreasonable searches and seizures, shall not be violated, and no warrants shall
issue, but upon probable cause, supported by oath or affirmation, and particularly
describing the place to be searched, and the persons or things to be seized."; and

Whereas, the United States Supreme Court held in the cases of Wolf v.
Colorado, 338 U.S. 25 (1949) and Mapp v. Ohio, 367 U.S. 643 (1961), that the
Fourteenth Amendment has the effect of applying the Fourth Amendment to the states;
Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-302 is amended by adding a new subsection to read:

"(h) A social services worker may not enter a private residence for investigation
purposes without at least one of the following:

(1) The social services worker reasonably believes the child to be in
imminent danger.

(2) The permission of the parent or person responsible for the child's care.

(3) The accompaniment of a law enforcement officer who has legal
authority to enter the residence.

(4) An order from a court of competent jurisdiction."

SECTION 2. This act becomes effective October 1, 2003.