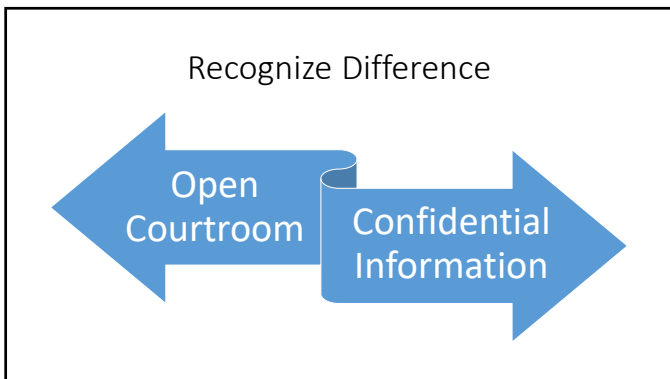


1




2



3


Types of Records



Agency
(DSS, DJJ, Law Enforcement)



Court




Other Entities
(e.g. school, medical provider)

4

Information Sharing – Confidentiality Still Applies

Mike's Impressions



UNC
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www.ncg.unc.edu

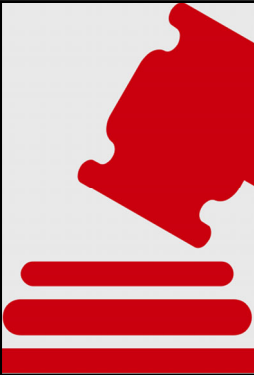
5

DSS Agency Records:

Strictest confidence with limited disclosures

- **7B-302(a1)**: government agencies or adoption agency licensed by DHHS to protect a juvenile, NC court order, the juvenile (even after 18) and GAL, through GS 7B-700
- **7B-700**: Information sharing and discovery in pending A/N/D court action
- **7B-2901(b)**: NC court order, the juvenile (even after 18) and GAL, through GS 7B-700

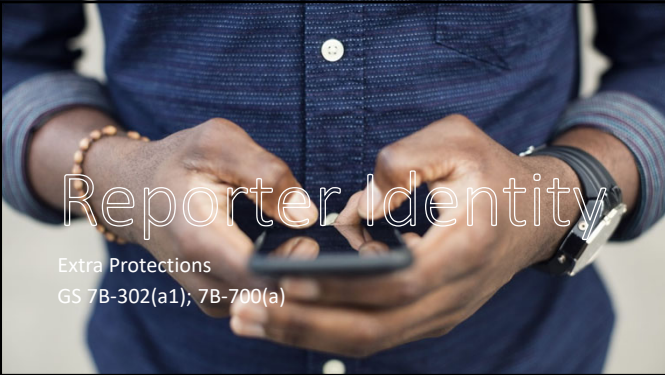
6



Court Order (of this State)

- 7B Action
- Civil Action
 - DSS notice & opportunity to be heard
 - Unavailable from another source
 - May request in camera review
- Criminal/Delinquency Action
 - No notice to DSS
 - In camera inspection required

7

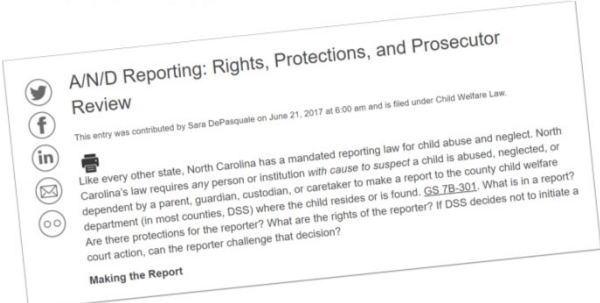


Reporter Identity

Extra Protections
GS 7B-302(a1); 7B-700(a)

8

On the Civil Side



A/N/D Reporting: Rights, Protections, and Prosecutor Review

This entry was contributed by Sara DePasquale on June 21, 2017 at 6:00 am and is filed under Child Welfare Law.

Like every other state, North Carolina has a mandated reporting law for child abuse and neglect. North Carolina's law requires any person or institution with cause to suspect a child is abused, neglected, or dependent by a parent, guardian, custodian, or caretaker to make a report to the county child welfare department (in most counties, DSS) where the child resides or is found. [GS 7B-301](#): What is in a report? Are there protections for the reporter? What are the rights of the reporter? If DSS decides not to initiate a court action, can the reporter challenge that decision?

Making the Report

9



DJJ Records – G.S. 7B-3001(c)

Only certain people can examine and obtain copies without a court order

- (1) The juvenile and the juvenile's attorney;
- (2) The juvenile's parent, guardian, custodian, or the authorized representative of the juvenile's parent, guardian, or custodian;
- (3) Professionals in the agency who are directly involved in the juvenile's case; and
- (4) Juvenile court counselors.

10



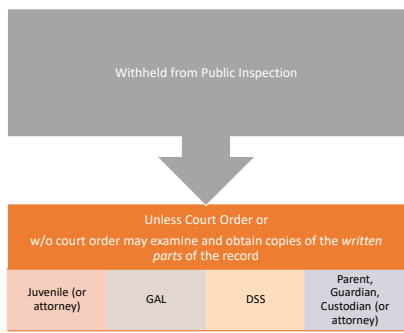
Law Enforcement Records – G.S. 7B 3001(b)

Only certain people can examine and obtain copies without a court order

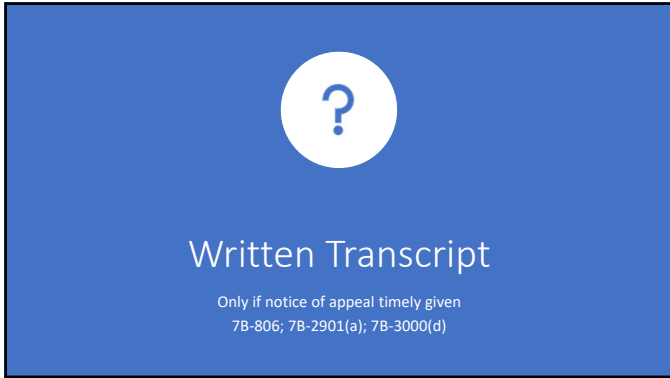
- (1) The juvenile and the juvenile's attorney;
- (2) The juvenile's parent, guardian, custodian, or the authorized representative of the juvenile's parent, guardian, or custodian;
- (3) The Prosecutor;
- (4) Juvenile court counselors; and
- (5) Law enforcement officers sworn in NC

11

A/N/D Court Records
7B-2901(a)



12

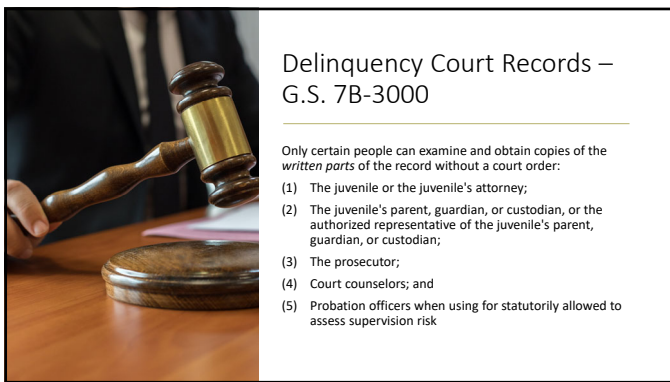


?

Written Transcript

Only if notice of appeal timely given
7B-806; 7B-2901(a); 7B-3000(d)

13



Delinquency Court Records – G.S. 7B-3000

Only certain people can examine and obtain copies of the *written parts* of the record without a court order:

- (1) The juvenile or the juvenile's attorney;
- (2) The juvenile's parent, guardian, or custodian, or the authorized representative of the juvenile's parent, guardian, or custodian;
- (3) The prosecutor;
- (4) Court counselors; and
- (5) Probation officers when using for statutorily allowed to assess supervision risk

14



Prosecutor can share information from a juvenile court record verbally with magistrates and law enforcement officers sworn in NC, but the record cannot be copied.
G.S. 7B-3000(b)

15

Allowable Uses of Delinquency Adjudication Record in Criminal Proceedings – G.S. 7B-3000 (e) – (f)


<p>Law enforcement, magistrates, courts, and prosecutors can use for pretrial release, plea negotiating decisions, and plea acceptance decisions ONLY if</p> <ul style="list-style-type: none"> • Person was under 21 at time of criminal offense • Criminal offense involves an A1 MDM or a felony • Adjudication was for an A1 MDM or felony and person was at least 13 at time of adjudication • Information remains confidential and does not enter any public record 	<p>Adult probation for assessing risk related to supervision, ONLY if</p> <ul style="list-style-type: none"> • the person was under age 25 at the time of the criminal offense • Adjudication was for a felony • Information remains confidential and does not enter any public record 	<p>404(b) evidence or aggravating factors at sentencing, ONLY if</p> <ul style="list-style-type: none"> • Juvenile adjudication for Class A – E felony • Prosecutor makes a motion in criminal proceeding • Court holds in camera hearing to determine if record is admissible • Court issues an order for the use of the records
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16

Information Sharing for A/N/D

Limitation: Federal Law Requirements

- **7B-302(e):** DSS may consult with; may make a written demand for information believe relevant
- **7B-601/7B-700(f):** Guardian ad litem access to information believed relevant; no redisclosure unless submitting to court, court order, or local rule
- **7B-3100:** Designated local agencies and judicial district administrative order
 - Starts with DSS assessment
 - Used for protection of juvenile and others or improve educational opportunities for juvenile
 - Does not require disclosure of information from DA



17



Strict Limitations on Redisclosure

18

Information
Sharing for
Delinquency

- 7B-3100 – same as A/N/D
 - 14B NCAC 11A.0301 designated agencies authorized to share information when a petition is filed
- 7B-3101 school notification
 - Verbal and written notification
 - From juvenile court counselor to principal when:
 - Petition filed alleging a felony
 - Case transferred to superior court
 - Dismissal of felony petition
 - Disposition for a felony adjudication
 - Disposition order for felony is modified or vacated
- 115C-404 school use of juvenile court information
 - Remains confidential; restrictions on who can access within the school and how information can be used (safety and improved education opportunities for student and others)
