

Chapter 8

How to Report

A report to the county department of social services may be made in person, by telephone, or in writing. It must be made to the department of social services in the county where the child resides or is found. Even if a child's legal residence is in another county, it is appropriate to make a report to the social services department in the county where the child is physically present. If the child's legal residence is in another county, the social services department that receives the report must notify the social services department in the county of the child's residence, and the directors of the two departments are required to "coordinate efforts to ensure that appropriate actions are taken."¹

In North Carolina, each of the one hundred counties has a county department of social services or its equivalent.² All departments have the capacity to receive and respond to reports twenty-four hours a day, seven days a week. A person making a call outside regular office hours should ask for the on-call social worker. Some departments' after-hours numbers are dispatch numbers for local law enforcement agencies. In an emergency, or in any circumstance in which a person who needs to make a report does not know how to contact, or has trouble contacting, the social services department, the reporter should call 911 or a local law enforcement agency. All law enforcement agencies are aware of the duty to contact social services when they receive reports of child abuse, neglect, or dependency.

The information that must be reported will include the same information that creates the person's cause to suspect that a child is abused, neglected, or dependent. The report should include any information that would be helpful

in determining whether the department of social services, the court, or both need to take action to protect or assist the child.

What to Include

The report should include as much of the following as the person making the report knows:

- the child's name, age, and address;
- the name and address of the child's parent, guardian, custodian, or caretaker;
- the names and ages of other children in the home;
- the child's location if the child is not at the home address;
- the nature and extent of any injury or condition resulting from abuse, neglect, or dependency; and
- any other information that might help establish the need for protective services or court intervention.³

Anonymous Reports

The law also requires the person who makes a report to give his or her name, address, and telephone number.⁴ If the person does not provide that information, however, the department of social services still must conduct an assessment.⁵ Occasionally people mistakenly interpret the department's duty to respond to anonymous reports as legal authority for making anonymous reports. A person's failure to identify himself or herself when making a report is a violation of the reporting law. In addition, it may prevent the department of social services from obtaining important information. An anonymous report also may generate questions about the motivation for the report or doubts as to its reliability.

Of course, a person who reports anonymously gives up the right to be notified about how the report is handled and the right to be informed of certain appeal procedures. (See Chapters 9 and 12 for more information on notification and review procedures.)

Reports by Institutions

The duty to report applies to institutions as well as individuals. Hospitals, schools, day care facilities, law enforcement agencies, and similar institutions should develop clear procedures to ensure that reporting occurs when it is required. Some institutions designate a liaison person through whom reports from staff can be channeled to the department of social services. That can be an acceptable way to comply with the law, but only if the following conditions are met:

1. The liaison must serve, in fact, as a channel for conveying reports and not as a screener of reports by others who believe they have cause to suspect abuse, neglect, or dependency.
2. The individual teacher, nurse, or other employee who is the source of the report must have assurance
 - that the liaison will convey the report to social services accurately and promptly, and
 - that the individual also is free to communicate personally with staff at the department of social services.

Reports about a Child in Another State

Each state's reporting law applies only within that state's boundaries. Sometimes, though, a person in North Carolina will know or suspect that a child who resides or is located in another state is an "abused," "neglected," or "dependent" juvenile, as those terms are defined in North Carolina law. The reporting law in North Carolina does not address these situations specifically, but it also does not include language restricting the duty to report to cases of children within the state. Common sense, state social services policy, and the purposes of the reporting law suggest the following guidance for making reports.

Regardless of the child's legal residence, if the child is present in North Carolina or the suspected abuse or neglect occurred in this state, a person in North Carolina who has cause to suspect that a child is abused, neglected, or dependent should make a report to a county department of social services in North Carolina. The report should be made to the department of social services in the county where the child is located if the child is here. If the child

is no longer in the state, the report should be made to the department of social services in the county where the abuse or neglect may have occurred.

For example, if a child who resides in New York comes to North Carolina to visit a non-custodial parent, someone who suspects that the child is abused, neglected, or dependent should make a report to a county department of social services here, regardless of where the suspected abuse or neglect took place and regardless of whether the child has returned to his or her home state. Similarly, if a child is brought to North Carolina for medical treatment and hospital staff suspect that the child's injuries are the result of abuse, neglect, or dependency, a report should be made to the social services department in the county where the hospital is located.

Someone in North Carolina may have cause to suspect that a child in another state, who has never been in North Carolina, is abused, neglected, or dependent based on statements by the child's parents, photographs, or the child's own statements in a letter or telephone conversation. That person should make a report to the social services department in the county where he or she is located in North Carolina.

In each of these circumstances, both initial contact and appropriate follow-up with the child protective services agency in another state can be made more efficiently and effectively by a North Carolina county department of social services than by the individual who has cause to suspect the child's abuse, neglect, or dependency. The county social services department can facilitate appropriate communication between that individual and the agency in the other state when that is appropriate.⁶

Reports about Missing Children

Children of any age may disappear or go missing for a variety of reasons, only some of which involve the child's being abused, neglected, or dependent. Anyone who has cause to suspect that a child has disappeared and is abused, neglected, or dependent must of course make a report to the county department of social services. In addition, unrelated to the Juvenile Code and its reporting requirement, *any person who reasonably suspects* that a child under the age of sixteen has disappeared and may be in danger must make a report to law enforcement.⁷ Failing to report the suspicion to law enforcement within a reasonable time is a Class 1 misdemeanor.⁸

For purposes of this reporting duty, a child has disappeared when a parent or other person supervising the child

1. does not know where the child is and
2. has not had contact with the child for twenty-four hours.⁹

Anyone who reports to law enforcement a suspicion that a child has disappeared has immunity from liability for making the report if the report was made in good faith.¹⁰

It is a Class I felony and the penalty for failing to report is greater when a parent or other person supervising a child knowingly or wantonly fails to report to law enforcement the disappearance of a child younger than sixteen.¹¹ In addition, that person's failure to report is considered a "grossly negligent omission" for purposes of the felony child abuse statute, and if the failure to report results in serious physical injury to the child, the person is guilty of a Class H felony.¹²

The duty to report a suspicion that a child has disappeared does not apply to a teacher with respect to a child's absences from school if the teacher reports the absences as required by applicable school law [Chapter 115C, Article 26, of the North Carolina General Statutes (hereinafter G.S.)].¹³

Also exempted from this reporting duty are operators and staff of a child care facility (or adults present in a facility with the provider's approval) when they already have a duty to report to law enforcement if a child under the age of sixteen who was placed in the facility's care is missing.¹⁴ This reporting duty is set out in G.S. 110-102.1. A child care facility operator who willfully violates the duty, while caring for three or more children for more than four hours per day on two consecutive days, is guilty of a Class I felony.¹⁵ Any person whose failure to report causes serious injury to the missing child is guilty of a Class H felony.¹⁶

Notes

1. North Carolina General Statutes (hereinafter G.S.) § 7B-302(a2). The North Carolina General Statutes can be viewed online at www.ncga.state.nc.us/gascripts/Statutes/StatutesTOC.pl. See also N.C. Department of Health & Human Services, Division of Social Services, "Reports Involving a Child Who Lives in Another County/State," in Section 1407.II.B.5, Chapter VIII, of the Division's online *Family Support and Child Welfare Manual* (hereinafter *State Manual*), <http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1407.pdf>.

2. Social services and other human services programs are organized somewhat differently in Wake County, Mecklenburg County, and several other counties pursuant to authority given to boards of county commissioners under G.S. 153A-77. Information about each county social services department can be found at www.ncdhhs.gov/dss/local.

3. G.S. 7B-301.

4. *Id.*

5. *Id.* See also N.C. Admin. Code tit. 10A, subch. 70A, § .0105(a) (Apr. 2003) (stating that the social services director “shall receive and initiate an investigation on all reports of suspected child abuse, neglect, or dependency, including anonymous reports”).

6. See “Reports Involving a Child Who Lives in Another County/State,” in Section 1407.II, Chapter VIII, *State Manual*, cited in full in note 1, <http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1407-01.htm>. Also see “Out-of-State Situations,” in Section 1427.IV, Chapter VIII, *State Manual*, cited in full in note 1, discussing interstate situations in relation to the Responsible Individuals List (described in Chapter 11), http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1427-03.htm#P127_9601.

7. G.S. 14-318.5(c). S.L. 2013-52 enacted G.S. 14-318.5 and made it effective December 1, 2013.

8. *Id.*

9. G.S. 14-318.5(a).

10. G.S. 14-318.5(g).

11. G.S. 14-318.5(b).

12. G.S. 14-318.4(a5), (a6).

13. G.S. 14-318.5(e).

14. G.S. 14-318.5(d).

15. G.S. 110-103(b)(2).

16. G.S. 110-103(c).