

N.C.P.I.—CRIM 239.36

FAILURE OF DEPARTMENT OF SOCIAL SERVICES DIRECTOR TO NOTIFY THE STATE BUREAU OF INVESTIGATIONS OF A REPORT OF SEXUAL ABUSE OF A JUVENILE IN A CHILD CARE FACILITY. MISDEMEANOR.

GENERAL CRIMINAL VOLUME

JUNE 2014

N.C. Gen. Stat. § 7B-301(a), (c)

239.36 FAILURE OF DEPARTMENT OF SOCIAL SERVICES DIRECTOR TO NOTIFY THE STATE BUREAU OF INVESTIGATION OF A REPORT OF SEXUAL ABUSE OF A JUVENILE IN A CHILD CARE FACILITY. MISDEMEANOR.

The defendant has been charged with failure to notify the State Bureau of Investigation of a report of sexual abuse of a juvenile in a child care facility.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt.

First, that the defendant [received a report of sexual abuse of a juvenile in a child care facility] [[during the course of assessing a report of juvenile [neglect] [abuse], had reason to suspect that sexual abuse of a juvenile in a child care facility had occurred]]. A juvenile is an individual under the age of eighteen.¹

Second, that the defendant was the director of the department of social services at that time.

And Third, that the defendant knowingly failed to notify the State Bureau of Investigation of the [[report] [assessment]] [within 24 hours] [on the next workday] [immediately].²

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was the director of the department of

¹ A juvenile is a person who has not yet reached the person's eighteenth birthday and is not married, emancipated, or a member of the Armed Forces of the United States. N.C. Gen. Stat. § 7B-101. If there is evidence that the juvenile was emancipated or was a member of the Armed Forces, then adjust the instruction accordingly. A child is defined to be under the age of sixteen. N.C. Gen. Stat. § 7B-101.

² This "immediate" language only applies where sexual abuse was not alleged in the initial report to the director and the director suspicion of sexual abuse during the course of the director's assessment.

N.C.P.I.—CRIM 239.36

FAILURE OF DEPARTMENT OF SOCIAL SERVICES DIRECTOR TO NOTIFY THE STATE BUREAU OF INVESTIGATIONS OF A REPORT OF SEXUAL ABUSE OF A JUVENILE IN A CHILD CARE FACILITY. MISDEMEANOR.

GENERAL CRIMINAL VOLUME

JUNE 2014

N.C. Gen. Stat. § 7B-301(a), (c)

social services and [received a report of sexual abuse of a juvenile in a child care facility] [[during the course of assessing a report of juvenile [neglect] [abuse], had reason to suspect that sexual abuse of a juvenile in a child care facility had occurred]] and knowingly failed to notify the State Bureau of Investigation of this [[report] [assessment]] [within 24 hours] [on the next workday] [immediately], it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.