

# Mandatory Reports to DSS and Law Enforcement

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UNC School of Government

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*The information provided in this presentation is for educational purposes only and does not constitute legal advice or establish an attorney-client relationship.*



# Presentation Roadmap

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## **Confidentiality Laws: Is Reporting Allowed?**

- HIPAA
- Title X
- FERPA

## **Mandatory Reporting**

- Abuse, neglect, dependency, and death due to maltreatment
- Certain criminal offenses
- Certain injuries and illnesses
- Children who have disappeared (“Caylee’s Law”)

## **Case Studies + Discussion**

# A Few Quick Notes

- **Scope of Presentation**

- Today, we are focused on mandatory reporting requirements that apply to minors
- For more information about preventing elder abuse and mandatory reporting, please see G.S. 108A, Art. 6 and visit <https://protectadults.sog.unc.edu/>

- **Content Warning**

- This presentation involves discussion of child abuse, neglect, dependency, and crimes committed against minors, including sexual violence

# Confidentiality Laws: Is Reporting Allowed?





# HIPAA

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## 45 CFR 164.512(a)

HIPAA allows disclosures of protected health information (PHI) when the disclosure is “**required by law**”

- This includes North Carolina’s mandatory reporting laws

HIPAA says the disclosure must **comply with** and **be limited to** the relevant requirements of the law

- This means only releasing the pieces of information that the mandatory reporting law requires (e.g., child’s name, age, etc.) to the party specified in the mandatory reporting law (e.g., law enforcement)



## Title X

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### **45 CFR 59.10(a)**

*Most local health departments operate Title X family planning programs*

Title X programs are allowed to release confidential information about individuals receiving Title X family planning services when the disclosure is **required by law**

- This includes North Carolina's mandatory reporting laws

Unlike HIPAA, the Title X does not specify what type of information can be disclosed- just that there should be "appropriate safeguards for confidentiality"

- Suggestion: take the same approach as you would for HIPAA, only releasing the pieces of information that the mandatory reporting law requires (e.g., child's name, age, etc.) to the party specified in the mandatory reporting law (e.g., law enforcement)



# FERPA

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## 34 CFR 99.36

*FERPA typically applies to school nurses*

Different from HIPAA/Title X- no “required by law” provision

... however, FERPA allows disclosure of personally identifiable information (PII) PII when it is **necessary to protect the health and safety of the student or another person.**

- Must have a “rational basis” for deciding disclosure is necessary
- Threat must be “articulable” and “significant”
- Can share PII with anyone in a position to protect the student/other person who is at risk

# Mandatory Reporting

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## Mandatory Reporting Overview

Today's presentation will focus on four mandatory reporting requirements for health care professionals who serve minors, including:

- Child abuse, neglect, dependency, and death due to maltreatment
- Certain criminal offenses committed against a child
- Certain injuries and illnesses in children
- Children who have disappeared ("Caylee's Law")

## Summary of Mandatory Reporting Requirements for Local Health Departments (LHDs) Serving Minors (July 2023)

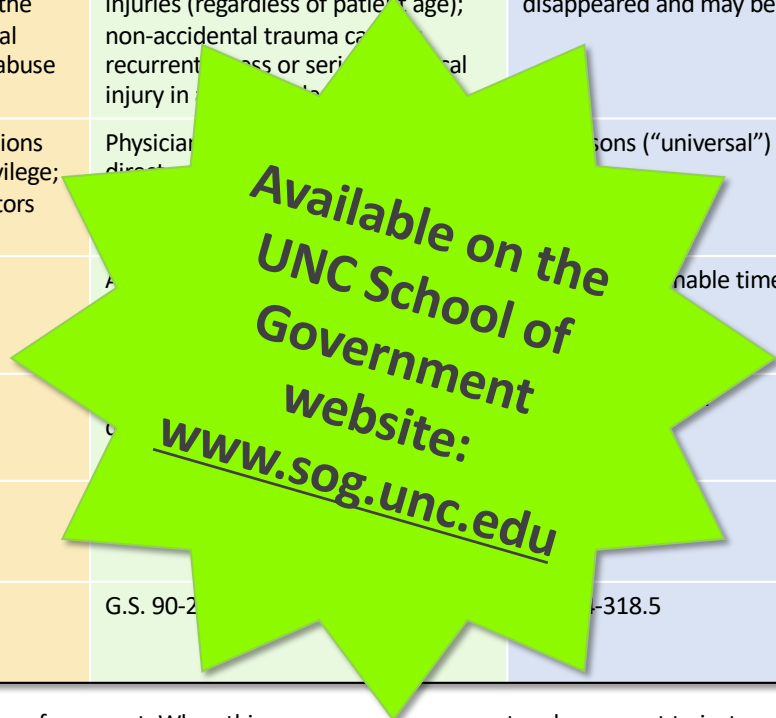
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When is a report required?	Cause to suspect that a child is abused, neglected, or dependent or has died due to maltreatment	Know or reasonably should have known that a juvenile was or is the victim of a violent offense, sexual offense, or misdemeanor child abuse	Certain wounds, illnesses, and injuries (regardless of patient age); non-accidental trauma causing recurrent illness or serious physical injury in a child under age 18	Suspect that a child under age 16 has disappeared and may be in danger
Who must report?	All persons (“universal”)	Persons age 18+ (limited exceptions for some professionals with privilege; exception does not include doctors and nurses)	Physicians and health care facility directors/ administrators	All persons (“universal”)
Timing of report	Law does not specify (but given risks to child health and safety, reporting should not be delayed)	Immediately	As soon as practicable before, during, or after the child’s treatment	Within a reasonable time
Criminal penalty for failure to report or preventing a report?	Yes- misdemeanor	Yes- misdemeanor	No- but liability still possible, depending on the circumstances	Yes- misdemeanor
Immunity for good faith reporting?	Yes	Yes	Yes	Yes
Statutes	G.S. 7B-101; 7B-301	G.S. 14-318.6	G.S. 90-21.20(b)-(c1)	G.S. 14-318.5

**Reminder:** Some situations may trigger a requirement to make a report to both DSS and law enforcement. When this occurs, a person cannot make a report to just one agency (e.g., reporting to DSS, but not law enforcement) in satisfaction of their total reporting duties; instead, reports to both agencies must be made.

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**Questions and Answers: Follow Up to Webinar on S.L. 2023-106**

This Q&A document is a follow up to a webinar offered on January 26, 2024, which focused on S.L. 2023-106.

LEGAL SUMMARY [Edit](#)

**Consent and Common Pathways for Providing Care to Minors (the "Rainbow Chart")**

Sometimes referred to as "the rainbow chart," this document provides an overview of the most common ways in which care may be provided to minor patients and the associated consent requirements under North Carolina law.

LEGAL SUMMARY [Edit](#)

**"Required by Law" Disclosures of PHI to DSS: G.S. 18B-302(e) and 7B-3100 (Chart)**

A chart summarizing the application of G.S. 7B-302(e) and 7B-3100, which require the disclosure of certain information to North Carolina departments of social services (DSS) in specific situations) to North Carolina local health departments (LHDs) that are also covered entities subject to HIPAA.

LEGAL SUMMARY [Edit](#)

**Mandatory Reporting for Health Care Providers (Chart)**

A chart summarizing certain mandatory reporting requirements for North Carolina health care providers who serve minors (people under age 18).

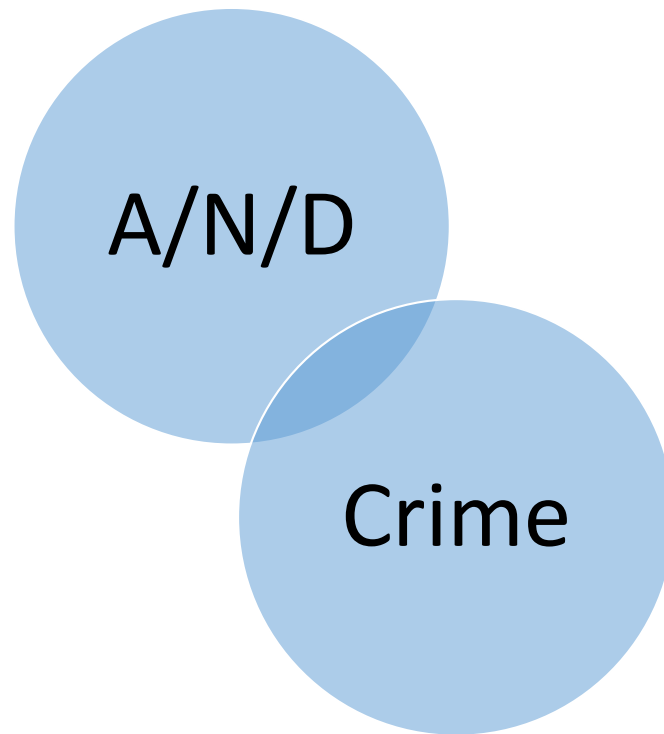
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# Specific Universal Reporting Laws



## Commonalities

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Universal Reporting: “any person” or “any adult”

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Purposes to Protect Juveniles

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Good Faith Immunity for Reporter

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Protection of Reporter Identity

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# Differences



Criteria Triggering Report



The Agency to Report to



Timing of Making Report



Exemptions



Contents of Report



# Additional Commonality

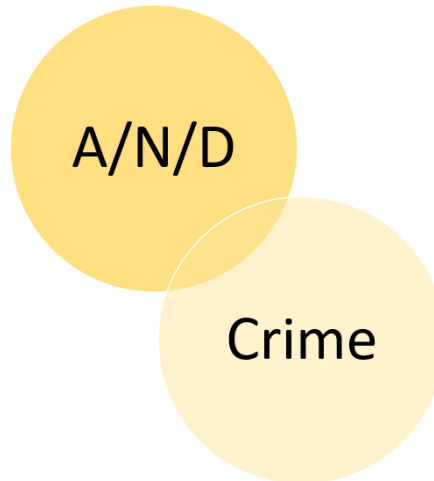
**Misdemeanor  
knowing and wanton  
violation**

# DSS Report

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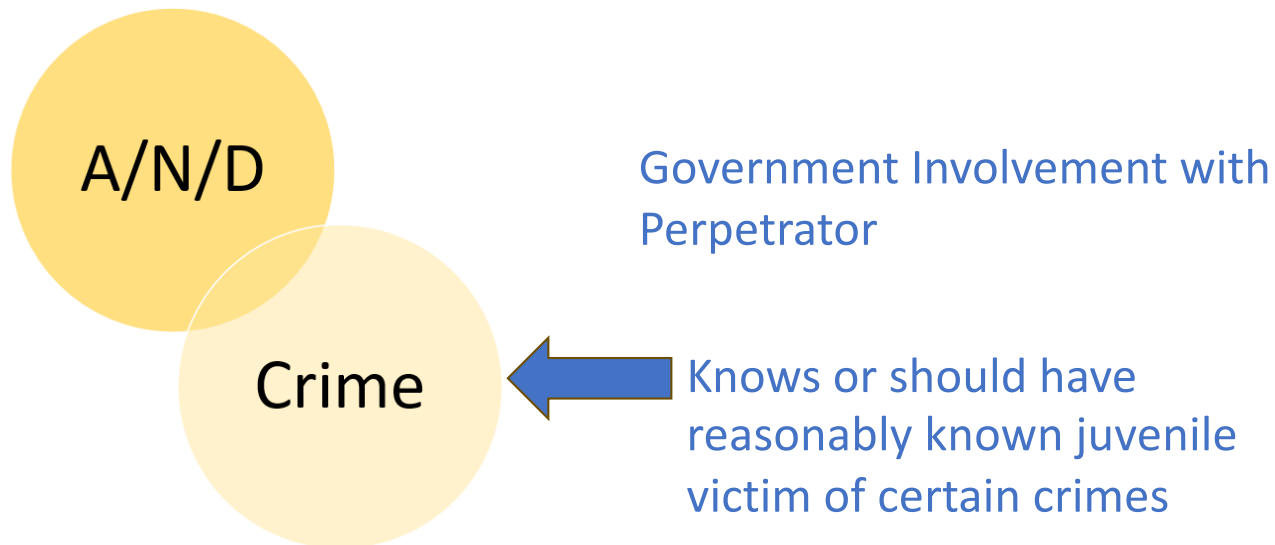
## Government Involvement with the Family

Cause to Suspect

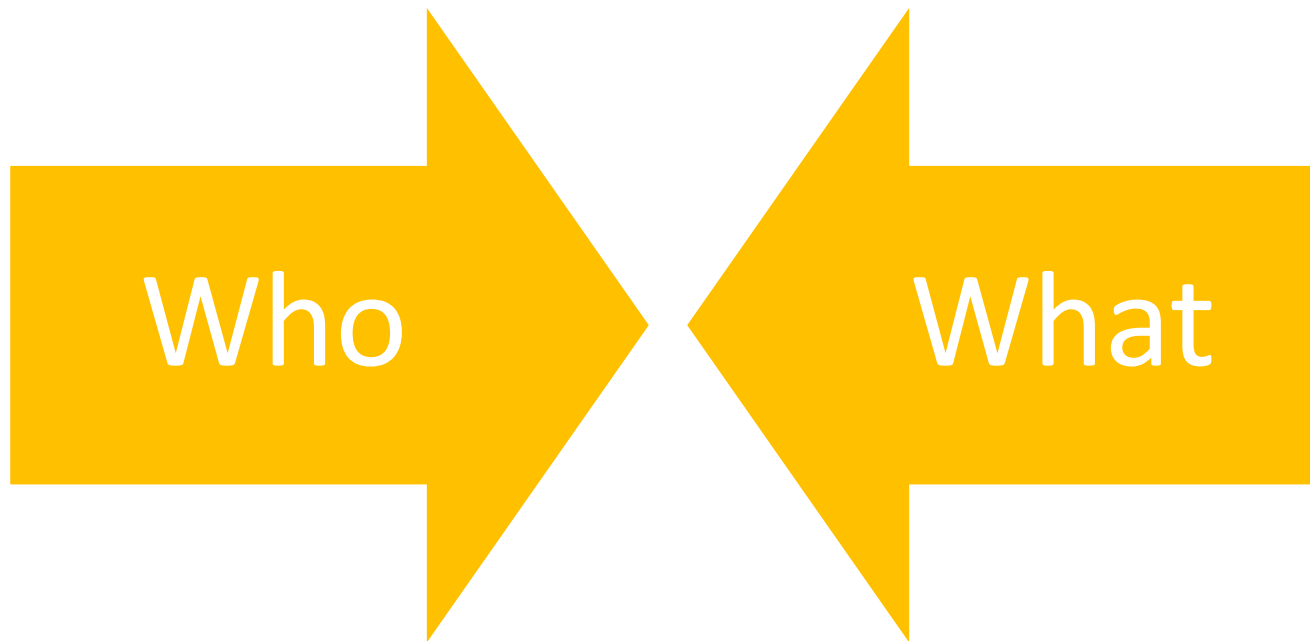


# Local Law Enforcement Report

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# Definitions Matter




# Juvenile

- Under 18 and
- Not
  - Emancipated
  - Married
  - A member of the U.S. Armed Forces



Time you have cause to suspect  
County DSS



Time of criminal act  
Local Law Enforcement

# County Department of Social Services



Cause to  
Suspect



## “Cause to suspect”

- Lower threshold than other reporting requirements that are triggered if a person “knows” or “reasonably should’ve known”
- Not your duty to investigate/gather evidence
- Things to consider:
  - What has the adolescent told you about their circumstances?
  - What else have you observed?
  - What other information is available and what does it mean in light of your professional experience?

# ***Neglected Juvenile***

- ***Parent, guardian, custodian, or caretaker***
  - does not provide proper care, supervision or discipline
  - does not arrange for necessary medical / remedial care
  - has abandoned the juvenile
  - has created an injurious living environment or
  - has placed juvenile for care / adoption in violation of law



# ***Abused Juvenile***

- ***Parent, guardian, custodian, or caretaker***
  - inflicts, allows, or creates substantial risk of serious, non-accidental physical injury
  - uses cruel or grossly inappropriate procedure or device to modify behavior
  - commits or allows various sexual offenses against or by the child
  - creates or allows serious emotional damage
  - encourages, approves, or directs certain delinquent acts by the juvenile

## THE WHO DOES NOT MATTER!

Minor  
Victim of  
Human  
Trafficking

Abused Juvenile

Neglected Juvenile

# ***Dependent Juvenile***

Needs assistance or placement because

- Child has ***no parent, guardian, or custodian*** responsible for their care, or
- ***No parent, guardian, or custodian***
  - is able to provide for child's care and supervision and
  - parent lacks an appropriate alternative child care arrangement.

# When and How to Report

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- To county DSS where juvenile found or resides
- Orally or writing
- Time is not referenced in law





# Contents of Report

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- Your name, address, phone (must still act on report if refuse)
- Juvenile's name, age, address, present whereabouts
- Name & address of parent, guardian, custodian, or caretaker
- Any injuries or conditions the juvenile has
- Names & ages of other juveniles in the home
- Other helpful information

## Reports to Local Law Enforcement

Knows or  
should have  
reasonably  
known



## Certain Crimes Against a Juvenile

**G.S. 14-318.6** went into effect December 1, 2019

A juvenile has been or is the victim of:

- a **violent offense**
- a **sexual offense**
- **misdemeanor child abuse**

# Exception for Reporting

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- Attorneys
  - Psychologists
  - Psychiatrists
  - Licensed or certified social workers providing private social work services
  - Licensed clinical mental health counselors
  - Employees/agents of rape crisis centers or domestic violence programs (as defined at G.S. 8-53.12)
  - Licensed marriage and family therapist (primary client, not other family members)
- **Note:** other professionals that may have privilege, such as physicians or nurses, are not included in this exception







*Report not required if injury caused by an accident.*

## “Violent Offense”

Any offense that inflicts **serious bodily injury** or **serious physical injury** by other than accidental means

- Substantial risk of death
- Permanent disfigurement, loss of function, protected extreme pain
- Great pain and suffering

Includes an attempt, solicitation, conspiracy, aiding, or abetting of a violent offense.

# Sexual Offense

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Includes the crimes described in G.S. 14-208.6(5)

- Also: attempt, solicitation, conspiracy, aiding, or abetting of any of those offenses

A note about statutory rape:

- There is no requirement under NC law that a provider ask a minor about the age of a minor's sexual partner
- But keep the standard for reporting in mind: if a provider "knows or reasonably should have known" that a crime- including a statutory rape offense- was committed against a juvenile, then a report is required
  - Example: 12 year old says they're in a sexual relationship with their best friend's sibling, who is a senior in college

**Sexually violent offenses, as defined by G.S. 14-208.6(5) and 14-318.6(a)(4)**

**Updated to reflect S.L. 2024-37**

Forcible rape and sexual offenses	
First- and second-degree forcible rape	G.S. 14-27.21; 14-27.22
First- and second-degree forcible sexual offense	G.S. 14-27.26, 14-27.27
Sexual battery	G.S. 14-27.23
Attempted rape or sexual offense as defined under former law	Former G.S. 14-27.33
Statutory offenses	
Statutory rape: victim under 13, perpetrator at least 4 years older	G.S. 14-27.23; 14-27.24
Statutory rape: victim ages 13-15, perpetrator at least 6 years older*	G.S. 14-27.25(a)
Statutory sexual offense: victim under 13, perpetrator at least 4 years older	G.S. 14-27.28; 14-27.29
Statutory sexual offense: victim ages 13-15, perpetrator at least 6 years older*	G.S. 14-27.30(a)
Offenses committed by a parents/parent substitutes or other relatives	
Sexual activity with a person under 18 by a substitute parent or custodian	G.S. 14-27.31
Incest (carnal relations with a person's biological or adoptive child, stepchild, grandchild, nephew, niece, sibling, half-sibling, parent, grandparent, uncle, or aunt)	G.S. 14-178
Parent or guardian commits a sexual act on a juvenile under age 16, or allows a sexual act to be committed on a juvenile under age 16	G.S. 14-318.4(a2)
Offenses committed by teachers or other school personnel	
Sexual activity with a student by a teacher, school administrator, student teacher, school safety officer, coach, or other school personnel	G.S. 14-27.32
Indecent liberties with a student by a teacher, school administrator, student teacher, school safety officer, or coach who is at least 4 years older	G.S. 14-202.4(a)
Trafficking /offenses related to prostitution**	
Human trafficking	G.S. 14-43.11
Subjecting or maintaining a person for sexual servitude	G.S. 14-43.13
Patronizing a prostitute who is a minor or has a mental disability	G.S. 14-205.2(c) & (d)
Promoting the prostitution of a minor or person with a mental disability	G.S. 14-205.3(b)
Parent or caretaker commits or permits an act of prostitution with or by a juvenile	G.S. 14-318.4(a1)
Offenses related to pornography/dissemination of obscene materials	
Employing or permitting a minor to assist in offenses against public morality and decency (includes preparing & disseminating obscene materials)	G.S. 14-190.6
First-, second-, and third-degree sexual exploitation of a minor (using, inducing, coercing, encouraging, or facilitating a minor under age 18 to engage in sexual activity for the purpose of producing pornography; creating, duplicating, or distributing such materials; or possessing child pornography)	G.S. 14-190.16, 14-190.17, 14-190.17A
<b>NEW</b> Obscene visual representation of sexual exploitation of a minor	G.S. 14-190.17C
Other offenses against children	
Felonious indecent exposure (victim under 16, perpetrator 18 or older)	G.S. 14-190.9(a1)
Indecent liberties with a child under 16 by a person 5 or more years older	G.S. 14-202.1
Using a computer or other electronic device to solicit a child to commit an unlawful sex act	G.S. 14-202.3

## List of “Sexually Violent Offenses” That Trigger Mandatory Reporting to Law Enforcement When Committed Against a Juvenile

The original chart was compiled by Jill Moore, Associate Professor, UNC School of Government. Yellow highlighting indicates updates made to reflect S.L. 2024-37.



## Misdemeanor Child Abuse

G.S. 14-318.2: A parent or other person providing care or supervision to a **child under age 16**:

- Inflicts physical injury on the child, or allows physical injury to be inflicted, or
- Creates or allows to be created a substantial risk of physical injury by other than accidental means

## When and How to Report

- To appropriate local law enforcement agency
- Immediately
- Orally or writing



# Contents of Report

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- Your name, address, phone
- Juvenile's name, age, address, present whereabouts
- Name & address of parent, guardian, custodian
- Name, address, age of perpetrator
- Location of offense
- Nature & extent of any injury or condition
- Names & ages of other juveniles present or in danger
- Other helpful information

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Who is the report made to?	DSS		Law Enforcement	
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**Reminder:** Terms such as “abuse,” “neglect,” “serious physical injury,” etc. have specific meanings under NC law. Definitions can be found by reading the relevant statutes.



# Reports to LE: Certain Injuries and Illnesses

- Who must report?
  - Physicians and directors/administrators of health care facilities
  - More likely to see the injuries/illnesses that require reporting in an emergency department than at an LHD- but it's possible
- Two reporting requirements:
  - Certain injuries and illnesses in **patients of any age** (including patients under 18)
  - Certain injuries and illnesses in **patients under 18**





## Reports to LE: Certain Injuries and Illnesses

Under G.S. 90-21.20(b), must report the following in **patients of any age**:

- Wounds/injuries caused by or appearing to be caused by a firearm
- Illness that appears to be due to poisoning
- Wounds/injuries caused or apparently caused by a knife or “pointed instrument,” *if it appears to the physician or surgeon that a criminal act was involved*
- Wounds/injuries/illnesses in which there is grave bodily harm or grave illness, *if it appears to the physician or surgeon that the wound, injury, or illness resulted from a criminal act of violence*



## Reports to LE: Certain Injuries and Illnesses

Under G.S. 90-21.20(c1), must report the following in **patients under 18 years of age:**

- Recurrent illness or a serious physical injury, *if in the treating physician's professional judgment, the illness or injury appears to be due to nonaccidental trauma*
- **Note:** This is in addition to, not instead of, any reporting of A/N/D to DSS that may be required under G.S. 7B-301



## Reports to LE: Certain Injuries and Illnesses

- Once it has been determined that a report must be made, **what is required for the report?**
  - Report must be made “as soon as it becomes practicable” before, during, or after treating the patient
  - No method of reporting specified (e.g., in writing v. telephone)
  - Report is made to law enforcement in the city, town, or county where the health care facility is located
    - If located in a city/town, report is made to police
    - If in an unincorporated area, report is made to sheriff’s office

# Reports to LE: Certain Injuries and Illnesses

Report must include the following information:

- Name of the patient (if known)
- Patient's age, sex, race (if known)
- Patient's residence or present location (if known)
- Character and extent of the patient's injuries

What else should health care providers know about reporting certain injuries and illnesses to LE?

- No criminal penalty for failing to make a report when required
- But liability is still possible, depending on circumstances
- A physician or health care facility director/administrator who makes a report in good faith shall have civil and criminal immunity from liability associated with making the report

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## Reports to LE: Children Who Have Disappeared

- Under G.S. 14-318.5 (“Caylee’s Law”), report required by **any person** who reasonably suspects that a **child under age 16**:
  - Has disappeared and
  - May be in danger

**Exception:** teachers not required to report a child’s absence from school to law enforcement



## Reports to LE: Children Who Have Disappeared

“Disappearance of a child”  
means:

- “When the parent or other person providing supervision of a child does not know the location of the child and has not had contact with the child for a 24-hour period.”

# Reports to LE: Children Who Have Disappeared

- Once it has been determined that a report must be made, **what is required for the report?**
  - Report must be made “within a reasonable time”
  - The law does not specify how a report must be made or what it must include
    - Given seriousness of these situations, a phone call may be the quickest option for reporting

What else should you know about reporting a disappeared child who may be in danger?

- Failure to make a report is a felony for child’s parents/person supervising the child
- Failure to report by anyone else (non-parent/supervising person) is a misdemeanor
- Civil and criminal immunity for a person who makes a report in good faith





Multiple Reports May Be Required

# Case Studies + Discussion

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# Case Study #1

**Scenario:** Maya is 13 years old. She is presented for care by her mother, who suspects that Maya is pregnant and wants a pregnancy test. Maya's mother says that Maya is hard to control, and that Maya sometimes sneaks out at night and drinks. When the nurse speaks with Maya in private, Maya says that she is worried that she may be pregnant. Maya says that she has had sex twice with her mother's live-in boyfriend, who is 40 years old.

**Question:** Based on these facts, is a report required and if so, to whom?

- **A)** Yes- a report must be made to DSS
- **B)** Yes- a report must be made to law enforcement
- **C)** Yes- a report must be made to DSS and law enforcement
- **D)** No report needs to be made

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- **A)** Yes- a report must be made to DSS
- **B)** Yes- a report must be made to law enforcement
- **C)** Yes- a report must be made to DSS and law enforcement
- **D)** No report needs to be made

**Explanation:** The live-in boyfriend likely meets the definition of a "caretaker" and his conduct constitutes statutory rape (and possibly other crimes). A report must be made to DSS (for abuse by a caretaker) and to law enforcement (for a sexual offense committed against a juvenile).

## Case Study #2

**Scenario:** Rae is 15 and is brought into her primary care provider's office by her mom for an annual physical. During the appointment, and while her mom is out of the room, Rae tells the provider that she has a 17 year old boyfriend and that they have been sexually active together for 3 months. Rae is worried that she might be pregnant but doesn't want her mom to know that she is sexually active. A test confirms that Rae is pregnant.

**Question:** Based on these facts, is a report required and if so, to whom?

- **A)** Yes- a report must be made to DSS
- **B)** Yes- a report must be made to law enforcement
- **C)** Yes- a report must be made to DSS and law enforcement
- **D)** No report needs to be made

## Case Study #2

**Scenario:** Rae is 15 and is brought into her primary care provider's office by their mom for an annual physical. During the appointment, and while her mom is out of the room, Rae tells the provider that she has a 17 year old boyfriend and that they have been sexually active together for 3 months. Rae is worried that she might be pregnant but doesn't want her mom to know that she is sexually active. A test confirms that Rae is pregnant.

**Question:** Based on these facts, is a report required and if so, to whom?

- **A)** Yes- a report must be made to DSS
- **B)** Yes- a report must be made to law enforcement
- **C)** Yes- a report must be made to DSS and law enforcement
- **D) No report needs to be made**

**Explanation:** These facts, by themselves, do not trigger mandatory reporting to DSS. There is nothing in these facts to suggest that Rae is abused, neglected, or dependent. Although Rae's boyfriend is older and they are sexually active, the age difference is not significant enough to meet the legal definition of statutory rape.

## Case Study #3

**Scenario:** Arlo is 12 and lives with his siblings, mom, and his mom's boyfriend. In the last six months, Arlo has been brought to the emergency department (ED) three times for serious burns on his buttocks that appear to have been caused by immersion in hot water. Arlo is usually brought to the ED by his mother, who always appears distraught over the injuries. During the third ED visit, his mom's boyfriend comes with them and makes an offhand comment about how Arlo still wets the bed. The provider asks to speak with Arlo's mom privately. Arlo's mom confirms that her boyfriend sometimes puts Arlo in a very hot bath after he wets the bed in an effort to break Arlo of his bed-wetting habit.

**Question:** Based on these facts, is a report required and if so, to whom?

- **A)** Yes- a report must be made to DSS
- **B)** Yes- a report must be made to law enforcement
- **C)** Yes- a report must be made to DSS and law enforcement
- **D)** No report needs to be made

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**Question:** Based on these facts, is a report required and if so, to whom?

- **A)** Yes- a report must be made to DSS
- **B)** Yes- a report must be made to law enforcement
- **C)** Yes- a report must be made to DSS and law enforcement
- **D)** No report needs to be made

**Explanation:** This situation likely arises to abuse by a caretaker (mom's boyfriend) or abuse that Arlo's parent (his mom) is allowing to occur, either of which requires a report to DSS. This situation also likely arises to non-accidental trauma causing a serious physical injury and/or misdemeanor child abuse, both of which require reporting to law enforcement.



## Case Study #4

**Scenario:** Rowan is 21 and a starting player on the local university's soccer team. He presents at his local health department for a physical exam and a flu shot. During the visit, Rowan discloses that when he was 16 and a player for his high school team, he was forced to perform oral sex on a much older member of the coaching staff who still works for the high school.

**Question:** Based on these facts, is a report required and if so, to whom?

- **A)** Yes- a report must be made to DSS
- **B)** Yes- a report must be made to law enforcement
- **C)** Yes- a report must be made to DSS and law enforcement
- **D)** No report needs to be made

## Case Study #4

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**Question:** Based on these facts, is a report required and if so, to whom?

- A) Yes- a report must be made to DSS
- B) Yes- a report must be made to law enforcement
- C) Yes- a report must be made to DSS and law enforcement
- D) No report needs to be made

**Explanation:** The situation Rowan described likely meets the definition of a sexual offense against a juvenile (*see* G.S. 14-27.32, sexual act committed by a coach with a student). The way that G.S. 14-318.6 is written suggests that a report must be made even though Rowan is an adult when he tells the nurse about what happened to him as a juvenile.

Note: a coach does not meet the definition of a "caretaker" under G.S. 7B-101, so this does not constitute abuse by a parent, guardian, custodian, or caretaker that must be reported to DSS.

## Case Study #5

**Scenario:** Ripley is 17 and presents for care at the local health department. During Ripley's appointment, Ripley discloses to a nurse that they recently came out to their parents as non-binary. Ripley's mother was supportive, but Ripley's dad was angry and the two of them got into a big argument. Three weeks ago, Ripley ran away from home. Ripley has not spoken to their parents since then and doesn't think their parents know where Ripley is. Ripley does not have a place to stay and has been engaging in commercial sex work to earn money for food.

**Question:** Based on these facts, is a report required and if so, to whom?

- **A)** Yes- a report must be made to DSS
- **B)** Yes- a report must be made to law enforcement
- **C)** Yes- a report must be made to DSS and law enforcement
- **D)** No report needs to be made

## Case Study #5

**Scenario:** Ripley is 17 and presents for care at the local health department. During Ripley's appointment, Ripley discloses to a nurse that they recently came out to their parents as non-binary. Ripley's mother was supportive, but Ripley's dad was angry and the two of them got into a big argument. Three weeks ago, Ripley ran away from home. Ripley has not spoken to their parents since then and doesn't think their parents know where Ripley is. Ripley does not have a place to stay and has been engaging in commercial sex work to earn money for food.

**Question:** Based on these facts, is a report required and if so, to whom?

- **A)** Yes- a report must be made to DSS
- **B)** Yes- a report must be made to law enforcement
- **C)** Yes- a report must be made to DSS and law enforcement
- **D)** No report needs to be made

**Explanation:** A report must be made to DSS because commercial sex work constitutes human trafficking. A minor victim of human trafficking is considered abused and neglected. Human trafficking is also a sexually violent offense that triggers a requirement to report to law enforcement.

Note: Caylee's Law and the requirement to report disappeared children does not apply here because Ripley is older than 16.

## References + Additional Resources

### Federal Laws

- 45 C.F.R. 164.103 (HIPAA, definition of “required by law”)
- 45 C.F.R. 164.512(a) (HIPAA, required by law disclosures permitted)
- 45 C.F.R. 59.10(a) (Title X, required by law disclosures permitted)
- 34 C.F.R. 99.36 (FERPA, disclosures to protect health and safety of student or others)

### NC Laws

- G.S. 7B-101 (definitions of “juvenile,” “abused juvenile,” “neglected juvenile,” and “dependent juvenile”)
- G.S. 14-208.6(5) (list of sexually violent offenses)
- G.S. 7B-301 (requirement to report abuse, neglect, dependency to DSS)
- G.S. 7B-309 (immunity for good faith reports of A/N/D to DSS)
- G.S. 14-318.2 (definition of “misdemeanor child abuse”)
- G.S. 14-318.4 (definitions of “serious bodily injury” and “serious physical injury”)
- G.S. 14-318.5 (“Caylee’s law”)
- G.S. 14-318.6 (requirement to report certain crimes against a juvenile)
- G.S. 90-21.20 (reporting certain injuries and illnesses)

### Other References

- “Summary of New Legislation and Q&A for Local Health Departments: S.L. 2019-245 (S 199), Part I. Duty to Report Crimes against Juveniles,” Jill Moore, November 25, 2019, available at: <https://www.sog.unc.edu/sites/www.sog.unc.edu/files/S%20199%20Summary%20Nov%202019.pdf>

### Additional Resources

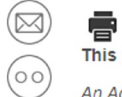
- “Abuse, Neglect, Dependency, and Termination of Parental Rights,” Sara DePasquale, available for download at: <https://www.sog.unc.edu/resources/microsites/abuse-neglect-dependency-and-termination-parental-rights#!/>

# On the Civil Side

## civil.sog.unc.edu

### BIG NEWS: S.L. 2019-245 Creates a New Universal Mandated Reporting Law for Child Victims of Crimes and Changes the Definition of “Caretaker”

This entry was contributed by Sara DePasquale on November 13, 2019 at 9:00 am and is filed under Child Welfare Law.



**This post was amended October 3, 2023 to reflect a new statutory exemption for reporting.**

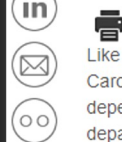
*An Act to Protect Children from Sexual Abuse and to Strengthen and Modernize Sexual Assault Laws, S.L. 2019-245 (S199) enacts and amends various laws related to crimes;\* amends some civil and criminal statutes of limitations; requires mandatory training for school personnel addressing child sex abuse and trafficking; amends the definition of “caretaker” as it relates to child abuse, neglect, or dependency; and creates a new universal mandatory reporting law for child victims of certain crimes.*

[This post discusses](#)

- the amendment to the definition of caretaker and
- the new mandatory reporting law, which requires any adult to make a report to law enforcement when a juvenile is a victim of certain crimes.

### 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**

A report may be made in writing, by telephone, or in person. A report must include information the reporter knows about

## Image References

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