

**Partnership for Children of Cumberland County, Inc.**  
**Human Resources Policies and Procedures**

**Employment Information – Rules of Conduct**  
**Section 524 – Duty to Report Abuse and Neglect**

**1. Policy**

1. PFC employees will abide by all NC General Statutes to include but not limited to NC G.S. 7B-301.
2. Failure of the employee to immediately report known or suspected child abuse, neglect or dependency, as defined in NC G.S. subsection 7B-301, shall constitute breach of PFC policy and may result in termination. Failure to report may also carry criminal penalties.
3. As defined in NC G.S. subsection 122C-66 (see definitions section of this policy) , the identity of an individual who makes a report or who cooperates in an ensuing investigation may not be disclosed without his/her consent, except to persons authorized by the Partnership for Children of Cumberland County or by State or Federal law to investigate or prosecute these incidents. No PFC employee making a report may be threatened or harassed by any other employee or volunteer on account of the report.
4. **North Carolina General Statute § 7B-301. Duty to report abuse, neglect, dependency, or death due to maltreatment** - Any person or institution who has cause to suspect that any juvenile is abused, neglected, or dependent, as defined by NC G.S. subsection 7B-101, or has died as the result of maltreatment, shall report the case of that juvenile to the director of the Department of Social Services (DSS) in the county where the juvenile resides or is found. The report may be made orally, by telephone, or in writing. The report shall include information as is known to the person making it including the name and address of the juvenile; the name and address of the juvenile's parent, guardian, or caretaker; the age of the juvenile; the names and ages of other juveniles in the home; the present whereabouts of the juvenile if not at the home address; the nature and extent of any injury or condition resulting from abuse, neglect, or dependency; and any other information which the person making the report believes might be helpful in establishing the need for protective services or court intervention. If the report is made orally or by telephone, the person making the report shall give the person's name, address, and telephone number. Refusal of the person making the report to give a name shall not preclude the department's assessment of the alleged abuse, neglect, dependency, or death as a result of maltreatment.

**2. Definitions**

**a. North Carolina General Statute § 7B-101. ABUSE, NEGLECT, DEPENDENCY**

1. Abused juveniles. - Any juvenile less than 18 years of age whose parent, guardian, custodian, or caretaker:
2. Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means;
3. Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means;

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**Human Resources Policies and Procedures**

**Employment Information – Rules of Conduct**

**Section 524 – Duty to Report Abuse and Neglect**

4. Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior;
5. Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile: first-degree rape, as provided in G.S. 14-27.2; rape of a child by an adult offender, as provided in G.S. 14-27.2A; second degree rape as provided in G.S. 14-27.3; first-degree sexual offense, as provided in G.S. 14-27.4; sexual offense with a child by an adult offender, as provided in G.S. 14-27.4A; second degree sexual offense, as provided in G.S. 14-27.5; sexual act by a custodian, as provided in G.S. 14-27.7; unlawful sale, surrender, or purchase of a minor, as provided in G.S. 14-43.14; NC General Statutes - Chapter 7B 2 crime against nature, as provided in G.S. 14-177; incest, as provided in G.S. 14-178; preparation of obscene photographs, slides, or motion pictures of the juvenile, as provided in G.S. 14-190.5; employing or permitting the juvenile to assist in a violation of the obscenity laws as provided in G.S. 14-190.6; dissemination of obscene material to the juvenile as provided in G.S. 14-190.7 and G.S. 14-190.8; displaying or disseminating material harmful to the juvenile as provided in G.S. 14-190.14 and G.S. 14-190.15; first and second degree sexual exploitation of the juvenile as provided in G.S. 14-190.16 and G.S. 14-190.17; promoting the prostitution of the juvenile as provided in G.S. 14-205.3(b); and taking indecent liberties with the juvenile, as provided in G.S. 14-202.1;
6. Creates or allows to be created serious emotional damage to the juvenile; serious emotional damage is evidenced by a juvenile's severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others;
7. Encourages, directs, or approves of delinquent acts involving moral turpitude committed by the juvenile; or
8. Commits or allows to be committed an offense under G.S. 14-43.11 (human trafficking), G.S. 14-43.12 (involuntary servitude), or G.S. 14-43.13 (sexual servitude) against the child.

**b. North Carolina General Statute § 122C-66. Protection from abuse and exploitation; reporting.**

1. An employee of or a volunteer at a facility who, other than as a part of generally accepted medical or therapeutic procedure, knowingly causes pain or injury to a client or borrows or takes personal property from a client is guilty of a Class 1 misdemeanor. Any employee or volunteer who uses reasonable force to carry out the provisions of G.S. 122C-60 or to protect himself or others from a violent client does not violate this subsection.
2. An employee of a facility who witnesses or has knowledge of a violation of subsection (a) or of an accidental injury to a client shall report the violation or accidental injury to authorized personnel designated by the facility. No employee making a report may be threatened or harassed by any other employee or volunteer

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**Employment Information – Rules of Conduct**

**Section 524 – Duty to Report Abuse and Neglect**

on account of the report. Violation of this subsection is a Class 3 misdemeanor punishable only by a fine, not to exceed five hundred dollars (\$500.00).

3. The identity of an individual who makes a report under this section or who cooperates in an ensuing investigation may not be disclosed without his consent, except to persons authorized by the facility or by State or federal law to investigate or prosecute these incidents, or in a grievance or personnel hearing or civil or criminal action in which a reporting individual is testifying, or when disclosure is legally compelled or authorized by judicial discovery. This subsection shall not be interpreted to require the disclosure of the identity of an individual where it is otherwise prohibited by law.
4. An employee who makes a report in good faith under this section is immune from any civil liability that might otherwise occur for the report. In any case involving liability, making of a report under this section is prima facie evidence that the maker acted in good faith.
5. The duty imposed by this section is in addition to any duty imposed by G.S. 7B-301 or G.S. 108A-102.
6. The facility shall investigate or provide for the investigation of all reports made under the provisions of this section. (1985, c. 589, s. 2; 1993, c. 539, ss. 922, 923; 1994, Ex. Sess., c. 24, s. 14(c); 1998-202, s. 13(ee)).

	<b>Date</b>	<b>Description of Change</b>
<b>Created /Evaluated</b>	<b>10/28/15</b>	<b>New Policy</b>
<b>Revised</b>		