

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 1134

Short Title: Child Neglect Exposure to Drugs.

(Public)

Sponsors: Representatives Russell; Bowman and Gardner.

Referred to: Courts and Justice.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT NEWBORNS WHO WERE EXPOSED TO ILLICIT
DRUGS OR TO ALCOHOL PRIOR TO BIRTH ARE NEGLECTED UNDER G.S.
7A-517.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-517(21) reads as rewritten:

"(21) Neglected Juvenile. – A juvenile (i) who does not receive proper care, supervision, or discipline from ~~his~~ the juvenile's parent, guardian, custodian, or caretaker; ~~or~~ (ii) who has been abandoned; ~~or~~ (iii) who is not provided necessary medical care or other remedial care recognized under State ~~law, or law;~~ (iv) who lives in an environment injurious to ~~his welfare, or the juvenile's welfare;~~ (v) who has been placed for care or adoption in violation of ~~law, law;~~ (vi) who is a newborn infant whose body is shown through tests to contain any amount of a controlled substance as defined in Article 5 of Chapter 90 of the General Statutes or a metabolite of this controlled substance unless the presence of the substance or its metabolite is the result of medical treatment administered to the mother or the infant; or (vii) who is a newborn infant who suffers from fetal alcohol syndrome or exhibits other physiological or neurological symptoms of drug or alcohol abuse by its mother."

Sec. 2. G.S. 7A-543 reads as rewritten:

"§ 7A-543. Duty to report child abuse or neglect; tests for drug and alcohol neglect of newborn infant not admissible in criminal trial of mother.

1 Any person or institution who has cause to suspect that any juvenile is abused or
2 neglected shall report the case of that juvenile to the Director of the Department of
3 Social Services in the county where the juvenile resides or is found. The report may be
4 made orally, by telephone, or in writing. The report shall include information as is
5 known to the person making it including the name and address of the juvenile; the name
6 and address of the juvenile's parent, guardian, or caretaker; the age of the juvenile; the
7 present whereabouts of the juvenile if not at the home address; the nature and extent of
8 any injury or condition resulting from abuse or neglect and any other information which
9 the person making the report believes might be helpful in establishing the need for
10 protective services or court intervention. If the report is made orally or by telephone, the
11 person making the report shall give ~~his~~the person's name, address, and telephone
12 number. Refusal of the person making the report to give ~~his~~the person's name shall not
13 preclude the Department's investigation of the alleged abuse or neglect.

14 Tests used to determine that a newborn infant has been neglected by the illicit drug
15 abuse or by alcohol abuse of its mother, as prescribed in G.S. 7A-517(21), shall not be
16 used as evidence in any criminal trial of the mother for child neglect.

17 In the case of any report of abuse, the Director of Social Services, upon receipt of
18 the report, may immediately provide the appropriate local law-enforcement agency with
19 information on the nature of the report. The law-enforcement agency may investigate
20 the report, and upon request of the Director of the Department of Social Services, the
21 law-enforcement agency shall provide assistance with the investigation.

22 Upon receipt of any report of child sexual abuse in a day care facility or day care
23 home, the Director shall notify the State Bureau of Investigation within 24 hours or on
24 the next work day. If child sexual abuse in a day care facility or day care home is not
25 alleged in the initial report, but during the course of the investigation there is reason to
26 suspect that child sexual abuse has occurred, the Director shall immediately notify the
27 State Bureau of Investigation. Upon notification that child sexual abuse may have
28 occurred in a day care facility or day care home, the State Bureau of Investigation may
29 form a task force to investigate the report."

30 Sec. 3. This act becomes effective October 1, 1993, and applies to causes of
31 action commencing on or after that date.