History of the Reporting Law

Background
Newspapers, magazines, movies, and talk shows regularly depict how often and in how many ways children are mistreated and even killed by the very people responsible for their care and protection. People strive to understand the causes of child maltreatment, the efficacy of programs aimed at preventing abuse and neglect, and the adequacy of social services and court procedures to deal promptly and effectively with these problems. This has not always been the case.

It was only in the 1950s and 1960s that child abuse and neglect began to be recognized as major medical and social phenomena. In 1962, publicity about a new medical diagnosis—battered child syndrome—captured the attention of certain professionals and, to a lesser extent, that of the general public. Reports emerged about the frequent failure within the medical community to diagnose child abuse or to refer cases of abused children to appropriate authorities. This publicity captured lawmakers’ attention as well, and state legislatures began to enact child abuse reporting statutes. By 1966, all states except one had enacted laws requiring physicians to report suspected child abuse, allowing them to do so without fear of liability. Over time, those laws have been expanded both to require more people to make reports and to broaden the kinds of conditions or maltreatment that must be reported.

North Carolina Law
In North Carolina, the law commonly called “the child abuse reporting law” is part of the Juvenile Code. It provides that

[a]ny person or institution who has cause to suspect that any juvenile is abused, neglected, or dependent, as defined by G.S. 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 in the county where the juvenile resides or is found.

This law evolved from several previous attempts to encourage people to report child abuse and neglect. North Carolina’s first reporting law, enacted in 1965, did not mandate reporting. Rather, it served the limited purpose of guaranteeing physicians and certain other professionals immunity from civil or criminal liability for reporting child abuse and neglect. The law required county departments of
social services to investigate these voluntary reports. It also created an exception to the physician–patient privilege: when a report resulted in a legal proceeding, the privilege could no longer be used to exclude evidence of abuse or neglect. This first reporting law applied only to the abuse or neglect of children younger than sixteen.

In 1971, a new law replaced the 1965 statute. The 1971 law made some reporting mandatory and created different reporting duties for professionals and for other citizens. It required specified professionals to report if they had reasonable cause to suspect that a child was abused or neglected. It required all other people to report, but only if they had actual knowledge that a child was abused. The legislature included in the law the following statement of its purpose in requiring people to report child abuse and neglect:

The General Assembly recognizes the growing problem of child abuse and neglect and that children do not always receive appropriate care and protection from their parents or other caretakers acting in loco parentis. The primary purpose of requiring reports of child abuse and neglect as provided by this Article is to identify any children suspected to be neglected or abused and to assure that protective services will be made available to such children and their families as quickly as possible to the end that such children will be protected, that further abuse or neglect will be prevented, and to preserve the family life of the parties involved where possible by enhancing parental capacity for good child care.

The next version of the reporting law came into effect as part of a new Juvenile Code enacted in 1979. In this law the legislature did not distinguish between professionals and other persons. It required reporting by any person or institution that had cause to suspect that a child was abused or neglected. A 1993 amendment added a requirement that people and institutions make a report when they have cause to suspect that a child is dependent or that a child has died as the result of maltreatment. It also added a requirement that the report include the names and ages of other children in the home if the person making the report knew that information.

Current Law
Since July 1, 1999, the effective date of the current Juvenile Code, the mandatory reporting law has been part of G.S. 7B-301. The reporting requirement itself, however, has not changed since 1993. Every person or institution with cause to suspect that a child is abused, neglected, or dependent, or that a child has died as a result of maltreatment, must report that child’s situation to the county department of social services where the child resides or is found. (See Chapter 5 for legal definitions of “abused,” “neglected,” and “dependent.”)

This mandate sounds simple; however, it raises many issues of interpretation, even for those who know about the law and want to comply with it.

Notes to Chapter 2

3. Reporting requirements are matters of state law, and statutes differ from state to state. They tend to have elements that are similar, however. Since enactment of the federal Child Abuse Prevention and Treatment Act of 1974 (Pub. L. No. 93-247) states have been required, as a condition of receiving certain federal child welfare funds, to include specified elements in state law definitions of abuse and neglect.

4. G.S. 7B-301.
6. 1971 N.C. Sess. Laws ch. 710. In this law, “professional” included “a physician, surgeon, dentist, osteopath, optometrist, chiropractor, podiatrist, physician-resident, intern, a registered or practical nurse, hospital administrator, Christian Science practitioner, medical examiner, coroner, social worker, law enforcement officer, or a school teacher, principal, school attendance counselor or other professional personnel in a public or private school.”
10. Id.
11. SL 1998-202, s. 6. G.S. 7B-301 replaced former G.S. 7A-543, which was repealed when the current Juvenile Code, G.S. Chapter 7B, became effective.