

N.C.G.S.A. § 7B-301



West's North Carolina General Statutes Annotated [Currentness](#)

Chapter 7B. Juvenile Code ([Refs & Annos](#))

[Subchapter I.](#) Abuse, Neglect, Dependency

[Article 3.](#) Screening of Abuse and Neglect Complaints ([Refs & Annos](#))

**→ § 7B-301. Duty to report abuse, neglect, dependency, or death due to maltreatment**

<Text of section eff. until Oct. 1, 2005.>

Any 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. 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 investigation of the alleged abuse, neglect, dependency, or death as a result of maltreatment.

Upon receipt of any report of sexual abuse of the juvenile in a child care facility, the director shall notify the State Bureau of Investigation within 24 hours or on the next workday. If sexual abuse in a child care facility is not alleged in the initial report, but during the course of the investigation there is reason to suspect that sexual abuse has occurred, the director shall immediately notify the State Bureau of Investigation. Upon notification that sexual abuse may have occurred in a child care facility, the State Bureau of Investigation may form a task force to investigate the report.

Added by [S.L. 1998-202, § 6, eff. July 1, 1999](#). Amended by [S.L. 1999-456, § 60, eff. Aug. 13, 1999](#).

<For text of section eff. Oct. 1, 2005, see § 7B-301, post.>

#### CROSS REFERENCES

Action or proceeding for custody of minor child, see [§ 50-13.1](#).

Child abuse in child care facilities; information for parents, see [§ 110-102](#).

Child care facilities; information for parents, see [§ 110-102](#).

Child fatality prevention, State Team--duties, see [§ 7B-1405](#).

Domestic violence; construction of chapter, see [§ 50B-6](#).

Investigations of child sexual abuse in child care, see [§ 114-15.3](#).

Mental health clients; protection from abuse and exploitation; reporting, see [§ 122C-66](#).

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School personnel to report child abuse, see [§ 115C-400](#).

#### ADMINISTRATIVE DECISIONS CITED

Vuncannon v. Dep't of Health and Human Services, 01 DHR 2332.

#### LAW REVIEW COMMENTARIES

[Child Abuse Registries and Procedural Due Process](#). 73 N.C.L.Rev. 2063, (1995).

[Child Abuse Reporting Laws and Attorney-Client Confidences](#). Robert Mosteller, 42 Duke L.J. 203, (1992).

#### LIBRARY REFERENCES

Infants k13.5.  
Westlaw Topic No. 211.

#### RESEARCH REFERENCES

##### **ALR Library**

[73 ALR 4th 782](#), Validity, Construction, and Application of State Statute Requiring Doctor or Other Person to Report Child Abuse.

[73 ALR 4th 782](#), Validity, Construction, and Application of State Statute Requiring Doctor or Other Person to Report Child Abuse.

##### **Encyclopedias**

[6 Am. Jur. Proof of Facts 2d 345](#), Failure to Report Suspected Case of Child Abuse.

[22 Am. Jur. Proof of Facts 3d 305](#), Affirmative Defenses in Libel Actions.

[33 Am. Jur. Proof of Facts 3d 303](#), Proving Child Sexual Abuse in Custody or Visitation Dispute.

[38 Am. Jur. Trials 1](#), Professional Liability for Failure to Report Child Abuse.

[6 Am. Jur. Proof of Facts 2d 345](#), Failure to Report Suspected Case of Child Abuse.

[22 Am. Jur. Proof of Facts 3d 305](#), Affirmative Defenses in Libel Actions.

[33 Am. Jur. Proof of Facts 3d 303](#), Proving Child Sexual Abuse in Custody or Visitation Dispute.

[38 Am. Jur. Trials 1](#), Professional Liability for Failure to Report Child Abuse.

[Strong's N.C. Index 4th, Infants or Minors § 76](#), Duty to Report Abuse, Neglect, Dependency, or Death as Result of Maltreatment.

[Strong's N.C. Index 4th, Infants or Minors § 76](#), Duty to Report Abuse, Neglect, Dependency, or Death as Result of Maltreatment.

[Strong's N.C. Index 4th, Libel and Slander § 20](#), Establishing Malice or Excessive Publication; Burden of Proof.

[Strong's N.C. Index 4th, Libel and Slander § 20](#), Establishing Malice or Excessive Publication; Burden of Proof.

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[Strong's N.C. Index 4th, Libel and Slander § 44](#), Slander and Libel Per Se; Imputations Affecting Business, Trade, or Professions, or Statements Imputing Crime.

[Strong's N.C. Index 4th, Libel and Slander § 44](#), Slander and Libel Per Se; Imputations Affecting Business, Trade, or Professions, or Statements Imputing Crime.

### Treatises and Practice Aids

[N.C. Juvenile Code: Prac. & Proc. § 2:6](#), Screening and Investigating Abuse, Neglect, and Dependency Complaints.

[N.C. Juvenile Code: Prac. & Proc. § 2:6](#), Screening and Investigating Abuse, Neglect, and Dependency Complaints.

[N.C. Juvenile Code: Prac. & Proc. § 2:8](#), Nonsecure Custody.

[N.C. Juvenile Code: Prac. & Proc. § 2:8](#), Nonsecure Custody.

### NOTES OF DECISIONS

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#### 1. Construction and application

Single, isolated incident of physically offensive conduct on the part of male staff member at state hospital directed toward minor female patient which did not result in any physical harm did not show a situation involving child abuse required to be reported by statute. [Susan B. v. Planavsky, 1982, 298 S.E.2d 397, 60 N.C.App. 77](#), review denied [301 S.E.2d 388, 307 N.C. 702](#). Infants  13

[N.C. Gen. Stat. 7A-543](#) and [115C-400](#) do not prohibit the nineteen schools in the Stanly County School System from having the same contact person to receive and report cases of suspected child abuse. Op.Atty.Gen., Morton, Oct. 14, 1997.

A county director of social services may provide the local law enforcement agency with information concerning a report of child abuse and may secure the assistance of the agency in conducting the investigation, all pursuant to [N.C.G.S. 7A-543](#). Additionally [N.C.G.S. 7A-548](#) requires that if the investigation reveals evidence of child abuse, as defined by [N.C.G.S. 7A-517\(1\)](#), the director must make a written report of his findings to the prosecutor. 51 Op.Atty.Gen. 6, Riley, Aug. 28, 1981.

#### 2. Legislative intent

Maternal grandparents seeking custody of grandchildren and alleging unfitness of mother were not restricted to making allegations of potential harm to grandchildren only through allegations to Department of Social Services (DSS); legislature did not intend to provide access to courts only through protracted process of social service investigation while closing courthouse door to those who could be most concerned, members of child's extended family. [Sharp v. Sharp, 1996, 124 N.C.App. 357, 477 S.E.2d 258](#). Child Custody  413

#### 3. Liability

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Duty to report child abuse is not the type of discretionary law enforcement function that is shielded by the public-duty doctrine, under which there is no liability to municipality or its agents for failure to provide police protection to specific individuals. [Smith v. Jackson County Bd. of Educ., 2005, 608 S.E.2d 399](#). Infants  13.5(2)

Public-duty doctrine, under which there is no liability to municipality or its agents for failure to provide police protection to specific individuals, did not bar claim of female student's parent, individually and as student's guardian ad litem, against school resource officer, who was employee of county sheriff, for negligence concerning alleged failure to report possible child abuse concerning teacher purportedly manipulating student to have sex with 18-year-old male student; officer's duty to report abuse was imposed by statute and involved no deliberation or discretionary consideration, and thus officer's alleged failure to report known child abuse was outside scope of conduct generally associated with law enforcement. [Smith v. Jackson County Bd. of Educ., 2005, 608 S.E.2d 399](#). Schools  147

When the statutory steps are followed, the responsibility to report suspected child abuse is conjoined with immunity from civil or criminal liability; equally important, this responsibility, when met by complying with those requisites, is conjoined with the statutory presumption that such reports are made in good faith. [Dobson v. Harris, 2000, 352 N.C. 77, 530 S.E.2d 829](#). Infants  13

Employee of county department of social services, who had been advised by children's mother that children had been abused by her former husband, the children's father and stepfather, respectively, was not insulated from liability for former husband's subsequent alleged murders of both children; statute providing immunity to anyone who makes report of child abuse was intended to encourage citizens to report suspected instances of child abuse and has no application to employees of social services agency in performance of their official duties. [Coleman v. Cooper, 1988, 366 S.E.2d 2, 89 N.C.App. 188](#), review denied [371 S.E.2d 275, 322 N.C. 834](#). Infants  17

#### 4. Slander

Evidence supported trial court's finding that wife's statements to the Department of Social Services that her husband molested her sons were made with actual malice, thereby negating any defense of privilege; audiotapes offered by wife contained no evidence from which a reasonable person could conclude that sexual misconduct had occurred, both sons testified that husband had not molested them in any way and that they had informed wife, when she inquired, that husband had not molested them in any way, and trial court found as fact that husband had not molested either son and that wife knew her statements were false when she made them. [Kroh v. Kroh, 2002, 152 N.C.App. 347, 567 S.E.2d 760](#), review denied [356 N.C. 673, 577 S.E.2d 120](#). Libel And Slander  112(2)

Genuine issues of material fact existed as to whether department store employee made report that customer abused child with reckless disregard for truth, knowledge of its falsity, or high degree of awareness of its probable falsity, precluding summary judgment for employee on grounds of statutory qualified privilege afforded to those who report child abuse in good faith, in customer's action for slander per se based on false report of felony child abuse. [Dobson v. Harris, 1999, 134 N.C.App. 573, 521 S.E.2d 710](#), review allowed [351 N.C. 186, 541 S.E.2d 729](#), motion to dismiss denied [351 N.C. 353, 541 S.E.2d 728](#), review denied [351 N.C. 353, 541 S.E.2d 728](#), reversed [352 N.C. 77, 530 S.E.2d 829](#). Judgment  181(33)

A plaintiff claiming slander per se based on false report of felony child abuse may overcome statutory presumption that a defendant reported suspected child abuse in good faith, so as to avoid civil and criminal immunity conferred on defendants who in good faith report suspected child abuse, by showing that a defendant acted with actual malice. [Dobson v. Harris, 1999, 134 N.C.App. 573, 521 S.E.2d 710](#), review allowed [351 N.C. 186, 541 S.E.2d 729](#), motion to dismiss denied [351 N.C. 353, 541 S.E.2d 728](#), review denied [351 N.C. 353, 541 S.E.2d 728](#), reversed [352 N.C. 77, 530 S.E.2d 829](#). Libel And Slander  51(4)

Department store could not be liable for slander per se under doctrine of respondeat superior based on any statements made by its employee regarding customer's alleged abuse of child while in store, as such statements would only be actionable against employee if made with actual malice by employee, which would place them outside the scope of her employment. [Dobson v. Harris, 1999, 134 N.C.App. 573, 521 S.E.2d 710](#), review allowed

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[351 N.C. 186, 541 S.E.2d 729](#), motion to dismiss denied [351 N.C. 353, 541 S.E.2d 728](#), review denied [351 N.C. 353, 541 S.E.2d 728](#), reversed [352 N.C. 77, 530 S.E.2d 829](#). Labor And Employment 🔑 3057

If plaintiff claiming slander per se based on report of felony child abuse cannot meet his burden of showing that defendant made report with actual malice, the statutory qualified privilege afforded to those who in good faith report suspected child abuse operates as an absolute privilege and bars any recovery for the communication, even if the communication is false. [Dobson v. Harris, 1999, 134 N.C.App. 573, 521 S.E.2d 710](#), review allowed [351 N.C. 186, 541 S.E.2d 729](#), motion to dismiss denied [351 N.C. 353, 541 S.E.2d 728](#), review denied [351 N.C. 353, 541 S.E.2d 728](#), reversed [352 N.C. 77, 530 S.E.2d 829](#). Libel And Slander 🔑 43

#### 5. Presumption of good faith

Statutes imposing affirmative duty to report suspected child abuse relieves the defendant in a slander action of the burden of going forward with evidence of her good faith and imposes upon the plaintiff the burden to go forward with evidence of the defendant's bad faith or malice. [Kroh v. Kroh, 2002, 152 N.C.App. 347, 567 S.E.2d 760](#), review denied [356 N.C. 673, 577 S.E.2d 120](#). Libel And Slander 🔑 101(4)

Facts alleged in mother's complaint and summary judgment affidavit supporting her claim for slander per se were insufficient to overcome presumption that store employee acted in good faith, and without actual malice, in **reporting** suspected **child abuse** to Department of Social Services (DSS); while mother stated in her affidavit that employee made report because mother informed employee of mother's intent to report employee to her supervisor for her unprofessional attitude, such conclusory averments rested not on experienced or otherwise substantiated fact, but on mother's subjective assessment of employee's motivations. [Dobson v. Harris, 2000, 352 N.C. 77, 530 S.E.2d 829](#). Libel And Slander 🔑 101(4)

The statutes that impose a duty upon everyone to report suspected child abuse together provide immunity not merely conditional upon proof of good faith, but a "good faith" immunity, one which endows the reporter with the mandatory presumption that he or she acted in good faith; thus, in a defamation action arising from such a report, the defendant is relieved of the burden of going forward with evidence of her good faith, and the plaintiff has the burden to go forward with evidence of the defendant's bad faith or malice. [Dobson v. Harris, 2000, 352 N.C. 77, 530 S.E.2d 829](#). Infants 🔑 13; Libel And Slander 🔑 101(4)

#### 6. Violations

Psychologist violated statute, and thus violated ethical principle stating that psychologist must adhere to relevant governmental laws and institutional regulations, where psychologist did not report allegations of sexual abuse, despite psychologist's allegation that he did not report abuse as required because he thought matter was already in judicial system and that parents and attorneys knew of alleged sexual abuse of child. [White v. North Carolina State Bd. of Examiners of Practicing Psychologists, 1990, 388 S.E.2d 148, 97 N.C.App. 144](#), dismissal allowed, review denied [393 S.E.2d 891, 326 N.C. 601](#). Health 🔑 204

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