

Subsidized Child Care Assistance Program Policy Manual
Chapter 14. Child Maltreatment Investigations in Child Care Facilities

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I. CHAPTER OVERVIEW

The Child Maltreatment Investigations Unit in the [Regulatory Services Section of the Division of Child Development and Early Education \(DCDEE\)](#) investigates all reports of alleged child maltreatment involving licensed and illegal facilities. This chapter provides general information on how DCDEE responds to child maltreatment reports.

II. DETERMINATION PROCEDURES

A. Conducting Investigations

DCDEE has the responsibility for investigating allegations of child maltreatment in childcare facilities. Regulatory Services of DCDEE focuses on the investigation of the child care facility and determines if child maltreatment occurred as defined in North Carolina General Statute 110-105.3(b)(3). The investigation by DCDEE is made to determine:

1. If maltreatment occurred in the childcare facility;
2. Whether the provider/director caused, had knowledge of, or after exercising reasonable care and diligence, should have knowledge of the maltreatment;
3. The identity of the perpetrator(s) involved in the maltreatment incident;
4. If violations of childcare regulations occurred and whether these violations contributed to the maltreatment; and
5. The type of administrative action, if any, which needs to be taken against the program, including a corrective action plan.

B. Sharing Investigative Information

During the pendency of an investigation, all matters regarding the investigation, including any complaint, allegation, or documentation regarding inspections or the identity of the reporter must be held in the

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strictest confidence. Any confidential information disclosed to any federal, state, or local government entity or its agent in order to protect a child from maltreatment shall remain confidential with the other government entity or its agent.

Local agencies may share certain information with parents regarding a substantiation of child maltreatment by providers in regulated child care arrangements. The Department of Social Services (DSS) or Local purchasing agencies (LPA) may share general information with parents, either verbally or with copies of correspondence from DCDEE regarding a substantiation of child maltreatment, dates of visits made, and corrective actions taken in a child care setting. Parents may thus make an informed decision regarding whether to choose another childcare provider. **Records pertaining to specific children are confidential.** The information, which LPA's may share with parents, is the same public information that is available from DCDEE. This information can also be shared with local childcare resource and referral agencies.

If the recipient who receives subsidized childcare assistance continues to indicate a preference for the regulated provider after receiving the general information, the DSS/LPA must allow the parent to use the provider unless a Notice of Revocation or Summary Suspension has been issued by the Division. For more information regarding parental choice refer to Chapter 9: Parental Choice and Voucher Procedures.

If the recipient wants to move the child immediately due to a child maltreatment concern, the DSS/LPA may authorize care at another facility effective immediately. The DSS/LPA would still be required to pay the notice period to the original facility. Refer to Chapter 16: Payment Policies, Section III., for instructions on paying during the notice period.

C. Reporting Allegations of Child Maltreatment to DCDEE

North Carolina General Statute 110-105.4 requires that any person who has cause to suspect that a child in a childcare facility has been maltreated or has died as a result of maltreatment occurring in a childcare facility, shall report the case of that child to the department.

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Anyone can make a report regarding suspected child maltreatment in a childcare facility to DCDEE. The telephone number for DCDEE is 919-814-6300 or 1-800-859-0829, select option 5.

NC Child Welfare Manual, CPS Intake Policy, Protocol, and Guidance, states when a county child welfare agency receives a report of suspected child maltreatment by a caregiver in a childcare facility, a CPS Intake must be completed in NC FAST or using a structured intake tool and the report be screened out. DSS/LPA is required to refer any reports of maltreatment in childcare facilities received by the agency to DCDEE within 24 hours or on the next working day and fax the DSS-5282 with the completed Intake Report tool.

D. Timelines of Response to Reports

The law mandates that DCDEE conduct a site visit to investigate a report alleging child maltreatment in a childcare facility within seven (7) calendar days after the report is received. The length of time required to complete an investigation varies and is often influenced by the nature of the report, the number of people to be interviewed, and the number of agencies involved.

E. Substantiating an Allegation

DCDEE has the responsibility for making decisions about whether child maltreatment occurred in a childcare facility. DCDEE has the additional responsibility for determining if violations of the childcare requirements contributed to an incident of child maltreatment. DCDEE also assesses the probability of reoccurrence of a similar incident and takes steps to prevent reoccurrence.

DCDEE is the only agency that can take administrative action against the childcare provider at the conclusion of an investigation. For information about the various Administrative Actions, see Chapter 12 Licensing Requirements, Non-compliance, and Sanctions

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For additional information on policy described in this chapter please refer to:

SCCA Manual:

Chapter 9: Recipient Choice and Voucher Procedures

Chapter 12: Licensing Requirements, Non-Compliance, and Sanctions

Chapter 16: Payment Policies