

I. CHAPTER OVERVIEW

The Child Abuse/Neglect Branch in the [Regulatory Services Section of the Division of Child Development \(DCD\)](#) investigates all reports of alleged abuse or neglect involving licensed and illegal facilities. This chapter provides general information on how DCD responds to child abuse or neglect reports. For policies concerning the investigation of unlicensed homes, refer to [Chapter 17: Approval Process for Nonlicensed Homes and In-Home Care](#).

II. DETERMINATION PROCEDURES

A. Cooperative Investigations Between Two Agencies

Both the county department of social services (DSS) and DCD have responsibility for investigating allegations of child abuse or neglect in child care facilities. Although the investigations by the two agencies are concurrent and cooperative, each agency has a different focus. The DCD focuses on the investigation of the child care facility. The DSS focuses on the victim child and determines if the child is abused, neglected, or dependent as defined in the North Carolina Juvenile Code. For more information about the role of the county departments of social services in the investigation of reports of child abuse or neglect in child care programs, see the [Children Services Manual, Chapter VIII](#). The investigation by DCD is made to determine:

1. If abuse or neglect occurred in the child care facility;
2. Whether the operator/director caused, had knowledge of, or after exercising reasonable care and diligence, should have knowledge of the abuse or neglect;
3. The identity of the perpetrator(s) involved in the abuse or neglect incident;
4. The extent to which other child care regulations were violated, if at all, and whether these violations contributed to the abuse or neglect; 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

Local agencies may share certain information with parents regarding the abuse or neglect investigation and its conclusion, including a substantiation of child abuse or neglect by providers in regulated child care arrangements. Parents may thus make an informed decision regarding whether to choose another child care provider. Local purchasing agencies (LPA's) may share general information with parents, either verbally or with copies of

ABUSE AND NEGLECT INVESTIGATIONS IN CHILD CARE FACILITIES 10/01/02

correspondence from DCD regarding an investigation or substantiation of child abuse or neglect in a child care setting. **Records pertaining to specific children are confidential.** This may include information that an investigation has occurred (or is underway), the type of report, and the outcome of the investigation. The information, which LPA's may share with parents, is the same public information that is available from DCD. This information can also be shared with local child care resource and referral agencies.

If the parent who receives subsidized child care continues to indicate a preference for the regulated provider after receiving the general information, the 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](#).

C. Reporting Allegations of Child Abuse or Child Neglect to DCD

North Carolina law (G.S. 7B-301) requires that any person who even suspects that a child is being abused or neglected, whether or not the child is in a child care facility, must make a report to the department of social services in the county where the child lives or is found.

Anyone can make a report regarding suspected child abuse or child neglect in a child care facility to either the DSS or DCD. The telephone number for DCD is 1-800-859-0829. **The DSS is required by law to refer any reports of abuse or neglect in child care facilities received by the agency to DCD within 24 hours or on the next working day. DCD is required to refer reports it receives to the county DSS within the same time frame.** DCD and the county DSS share the significant information gathered from the reporter about the allegations.

The [Children Services Manual](#), Chapter VIII, Section 1418 states that reported information provided to DCD by the county child protective services (CPS) workers should include the following:

1. The name and address of the child care arrangement;
2. The nature of the report and name(s) of alleged victim child or children;
3. The date the DSS received the report and the date of the alleged incident;
4. The nature of any help needed in conducting the investigative assessment; and
5. The name and address of the alleged perpetrator(s).

ABUSE AND NEGLECT INVESTIGATIONS IN CHILD CARE FACILITIES 10/01/02

The Children Services Manual authorizes DSS to share information from the CPS case record with authorized agencies and Department of Health and Human Services (DHHS) personnel responsible for licensing child care facilities. The policy states that pertinent information, including the name of the victim child, may be shared with DCD. Questions regarding the policy stated in this paragraph should be directed to the Division of Social Services, Child Welfare Policy Team, at (919) 733-4622.

D. Timelines of Response to Reports

The law mandates that DCD conduct a site visit to investigate a report alleging child abuse or neglect in a child care 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. Role of the Child Care Social Worker

A representative from DCD communicates with the CPS social worker at the DSS when a report involving child abuse or child neglect is received. The child care social worker at the DSS receives written notification from DCD that an investigation has been initiated. At the close of an investigation, the child care social worker also receives a copy of the conclusion letter mailed by DCD to the child care operator.

F. Substantiating an Allegation

Both the DSS and DCD have responsibility for making decisions about whether child abuse or neglect occurred in a child care facility. DCD has the additional responsibility for determining if violations of the child care requirements contributed to an incident of child abuse or neglect. DCD also assesses the probability of reoccurrence of a similar incident and takes steps to prevent reoccurrence.

In all cases, DCD must receive the county department of social service's conclusion report concerning an investigation before DCD's investigation conclusion is determined. In addition, DCD is the only agency that can take administrative action against the child care operator at the conclusion of an investigation.

For information about the various [Administrative Actions](#), see [Chapter 15: Noncompliance with Licensing Requirements](#), Section IV A.