

**DSS ADMINISTRATIVE LETTER  
CHILD WELFARE SERVICES CWS-AL-02-2015**

**TO:** COUNTY DIRECTORS OF SOCIAL SERVICES

**ATTENTION:** CHILD WELFARE PROGRAM ADMINISTRATORS, MANAGERS,  
SUPERVISORS, AND SOCIAL WORKERS

**DATE:** AUGUST 15, 2015

**SUBJECT:** CHILD CARE INVESTIGATIONS

**EFFECTIVE:** JANUARY 1, 2016

**I. Intent and Background**

The purpose of this letter is to introduce Session Law 2015-123 entitled “An Act to Transition Abuse and Neglect Investigations in Child Care Facilities to the Division of Child Development and Early Education within the Department of Health and Human Services”

<http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?BillID=S578&Session=2015>.

This legislation was developed collaboratively between the North Carolina Division of Social Services and the North Carolina Division of Child Development and Early Education (DCDEE). Currently, North Carolina General Statute § 7B-101 <http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=7b-101>, defines a caretaker to include “any person who has the responsibility for the care of a juvenile in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes and includes include any person who has the approval of the care provider to assume responsibility for the juveniles under the care of the care provider.” County child welfare agencies conduct child protective services investigations when there are allegations of child abuse and/or neglect within a child care facility.

**II. Implications**

Effective January 1, 2016, North Carolina General Statute § 7B-101 will no longer define caretaker to include “any person who has the responsibility for the care of a juvenile in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes and includes include any person who has the approval of the care provider to assume responsibility for the juveniles under the care of the care provider.”

North Carolina General Statute § 110-105.3 defines a caregiver as “the operator or a licensed child care facility or religious-sponsored child care facility, a child care provider, as defined in G.S. § 110-90.2(a)(2), a volunteer, or any person who has the approval of the provider to assume responsibility for children under the care of the provider.” It further applies a definition of child maltreatment in this article as “any act or series of acts of commission or omission by a caregiver that results in harm, potential for harm, or threat of harm to a child. Acts of commission included, but are not limited to, physical, sexual, and psychological abuse. Acts of omission include, but are not limited to, failure to provide for the physical, emotional, or medical well-being of a child, and failure to properly supervise children, which results in exposure to potentially harmful environments.”

North Carolina General Statute § 110-105.5 creates a child maltreatment registry that shall be maintained by DCDEE. This registry will contain the names of all caregivers confirmed by DCDEE to have maltreated a child pursuant to G.S. § 110-105.3.

All reports of child abuse and/or neglect in child care facilities screened in by December 31, 2015 shall be completed by the county child welfare agency.

Effective January 1, 2016, if it is determined during the screening process that a county child welfare agency is receiving a report of suspected child maltreatment pertaining to a caregiver in a child care facility, the Child Protective Services Intake Social Worker shall continue to complete the intake report tool and may screen it out. North Carolina General Statute § 7B-307 states “the director shall notify the Department of Health and Human Services (DCDEE) within 24 hours or on the next working day of receipt of the report.” The completed intake tool shall be faxed to DCDEE at 919-715-1013. The contact number for any individual that would like to make a report of suspected child maltreatment in a child care facility is 1-800-859-0829 or locally at 919-527-6500.

North Carolina General Statute 110-105.3(l) reads, “in performing any duties related to the assessment of a report of child maltreatment, the Department may consult with any public or private agencies or individuals, including the available State or local law enforcement officers, probation and parole officers, and the director of any county department of social services who shall assist in the assessment and evaluation of the seriousness of any report of child maltreatment when requested by the Department. The Department or the Department's representatives may make a written demand for any information or reports, whether or not confidential, that may in the Department's opinion be relevant to the assessment of the report. Upon the Department or the Department's representative's request and unless protected by attorney-client privilege, any public or private agency or individual shall provide access to and copies of this confidential information and the records required by this subsection, to the extent permitted by federal law and regulations.” County child welfare agencies shall assist DCDEE with the assessment if assistance is requested. County child welfare agencies shall share information with DCDEE as appropriate as it relates to the assessment and evaluation of the seriousness of any report of child maltreatment.

### III. Additional Information

DCDEE will be providing a webinar on September 16, 2015 that will take place from 11:00 AM – 12:00 PM in order to discuss the changes brought about with this new legislation (even though the registration shows being able to get in the webinar room at 10:30 AM and the webinar room is open until 12:30 PM). Here is the instructions on how you may register to attend the event:

#### **Transitioning Child Abuse and Neglect Investigations in Child Care Facilities**

Join us for a webinar on Sep 16, 2015 at 10:30 AM EDT.

#### **Register now!**

<https://attendee.gotowebinar.com/register/4398290971015805953>

After registering, you will receive a confirmation email containing information about joining the webinar.

The webinar will be recorded and a link will be sent to the recording so that you may view it if you are unable to attend on this date. Please plan to attend or have a representative from your agency attend as available.

If you have any further questions about this information, please contact your Children's Program Representative or the Child Welfare Policy Team at (919) 527-6340.

Sincerely,



Kevin Kelley, Section Chief  
Child Welfare Services



Andrea Lewis, Senior Manager  
Regulatory Services Section  
Division of Child Development and Early Education

cc: Wayne Black  
Jack Rogers  
Kathy Sommese  
Child Welfare Services Team Leaders  
Children's Services Program Representatives  
Local Business Liaisons  
Tammy Barnes, Interim Director DCDEE  
Jennifer Johnson, Assistant Director DCDEE  
Janice Fain, Assistant Director DCDEE