

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE DRH90039-LU-63 (03/08)

Short Title: Access Confidential Info/Child Abuse/Neglect.-AB

(Public)

Sponsors: Representatives Glazier and Stevens (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT CLARIFYING WHEN, TO WHOM, AND UNDER WHAT CIRCUMSTANCES
3 THE IDENTITY OF A PERSON REPORTING CHILD ABUSE OR NEGLECT MAY BE
4 RELEASED; AND CLARIFYING WHAT INFORMATION THE DIVISION OF SOCIAL
5 SERVICES IS REQUIRED TO MAINTAIN IN THE FOSTER CARE REGISTRY AND
6 UNDER WHAT CIRCUMSTANCES INFORMATION IN THE REGISTRY MAY BE
7 WITHHELD.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 7B-302(a1) reads as rewritten:

10 "(a1) All information received by the department of social services, including the identity
11 of the reporter, shall be held in strictest confidence by the department, except ~~that~~under the
12 following circumstances:

13 (1) The department shall disclose confidential information to any federal, State,
14 or local government entity or its agent in order to protect a juvenile from
15 abuse or neglect. Any confidential information disclosed to any federal,
16 State, or local government entity or its agent under this subsection shall
17 remain confidential with the other government entity or its agent and shall
18 only be redisclosed for purposes directly connected with carrying out that
19 entity's mandated responsibilities.

20 (1a) The department shall disclose confidential information regarding the identity
21 of the reporter to any federal, State, or local government entity or its agent
22 with a court order. The department may only disclose confidential
23 information regarding the identity of the reporter to a federal, State, or local
24 government entity or its agent without a court order when the entity
25 demonstrates a need for the reporter's name to carry out the entity's
26 mandated responsibilities.

27 (2) The information may be examined upon request by the juvenile's guardian
28 ad litem or the juvenile, including a juvenile who has reached age 18 or been
29 emancipated.

30 (3) A district or superior court judge of this State presiding over a civil matter in
31 which the department of social services is not a party may order the
32 department to release confidential information, after providing the
33 department with reasonable notice and an opportunity to be heard and then
34 determining that the information is relevant and necessary to the trial of the
35 matter before the court and unavailable from any other source. This



1 subdivision shall not be construed to relieve any court of its duty to conduct
2 hearings and make findings required under relevant federal law, before
3 ordering the release of any private medical or mental health information or
4 records related to substance abuse or HIV status or treatment. The
5 department of social services may surrender the requested records to the
6 court, for in camera review, if the surrender is necessary to make the
7 required determinations.

8 (4) A district or superior court judge of this State presiding over a criminal or
9 delinquency matter shall conduct an in camera review prior to releasing to
10 the defendant or juvenile any confidential records maintained by the
11 department of social services, except those records the defendant or juvenile
12 is entitled to pursuant to subdivision (2) of this subsection.

13 (5) The department may disclose confidential information to a parent, guardian,
14 custodian, or caretaker in accordance with G.S. 7B-700 of this Subchapter."

15 **SECTION 2.** G.S. 131D-10.6C reads as rewritten:

16 **"§ 131D-10.6C. Maintaining a register of applicants by the Division of Social Services.**

17 (a) The Division of Social Services shall keep a register of all licensed family foster and
18 therapeutic foster home applicants, homes. The register shall contain the following information:

19 (1) The name, age, and address of each applicant, foster parent.

20 ~~(2) The date of the application.~~

21 (3) The applicant's foster parent's supervising agency.

22 (4) ~~Any~~ The number of hours of mandated training completed by the applicant
23 ~~and the dates of training, foster parent.~~

24 (5) ~~Whether the applicant was licensed and the~~ The date of the initial licensure.

25 (6) The current licensing period.

26 (7) Any adverse licensing actions.

27 ~~(8) Any other information deemed necessary by the Division of Social Services.~~

28 (b) The register shall be a public record under Chapter 132 of the General Statutes.
29 However, the Division, without penalty, may withhold any specific information about a foster
30 parent to the extent the release of the information would likely pose a threat to the health or
31 safety of the foster parent or a foster child. A person who is denied access to information under
32 this section may seek a court order compelling disclosure or copying in accordance with
33 G.S. 132-9(a). Information not specified in subsection (a) of this section shall be considered
34 confidential and not subject to disclosure."

35 **SECTION 3.** This act becomes effective October 1, 2011.