

## Child Abuse Definitions

Abuse. In general, any intentional infliction of physical or emotional injury on a child, or the encouragement or approval of any morally depraved activity, by a parent or person standing in the place of a parent constitutes child abuse. North Carolina law specifically defines an "abused child" as one whose parent, guardian, custodian (who has been awarded custody or has otherwise assumed that status and obligation of a parent) or caretaker (who has responsibility for the child's health and welfare in a residential setting):

- inflicts or allows others to inflict serious physical injury on the child by other than accidental means, or
- created or allows other to create a substantial risk of serious physical injury to the child by other than accidental means, or
- uses or allows others to use cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify the child's behavior, or
- commits, permits or encourages the commission of sexually-related crimes with or upon the child, or
- encourages, directs, or approves of delinquent acts involving moral turpitude committed by the child, or
- creates or allows to be created serious emotional damage to the child, which is evidenced by the minor's severe anxiety, depression, withdrawal or aggressive behavior .

N.C. Gen. Stat. Section 7B-101(1).

Neglect. A child is neglected if the child:

- does not receive proper care, supervision or discipline, or
- has been abandoned, or
- does not receive necessary medical or remedial care
- lives in a harmful environment, or
- has been illegally placed for care or adoption.

N .C. Gen. Stat. Section 7B-101(15).

Dependency. A dependent child is one who needs assistance or placement because the child has no parent, guardian or custodian who is responsible for the child's care and supervision. A dependent child is also one who may have a parent, guardian or custodian but who is not receiving appropriate care and supervision because the adult is unable to provide it and has not made arrangements for appropriate care and supervision.

N .C. Gen. Stat. Section 7B-101(9).

Violations of Reporting Requirement. It is important to note that, in North Carolina, a reporter should provide as much information as he has, because under North Carolina law, withholding information is considered obstruction of or interference with a child abuse investigation if a reporter's withholding of information makes it impossible for DSS to conduct its investigation. Obstruction or interference includes:

- refusing to disclose the whereabouts of the child;
- refusing to allow DSS to have personal access to the child;
- refusing to allow DSS to observe or interview the child in private;
- refusing DSS access to confidential information and records;
- refusing to allow DSS to arrange for an evaluation of the child by a physician or other expert, or
- other conduct that makes it impossible for DSS to conduct its investigation.

If DSS believes that a person's conduct constitutes obstruction or interference, DSS can obtain a court order that requires him to cooperate with the investigation. A person's failure to obey such an order can subject him to civil or criminal contempt charges. N.C. Gen. Stat. Section 7B-303.

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

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.

(1979, c. 815, s. 1; 1991 (Reg. Sess., 1992), c. 923, s. 2; 1993, c. 516, s. 4; 1997-506, s. 32; 1998-202, s. 6; 1999-456, s. 60.)