

Title: Child Abuse, Neglect & Human Trafficking Reporting Policy	Policy Number: 1.3
Approved By: Belinda Pettiford, MPH	Program Area: Family Planning
Effective Date: January 12, 1999	Revised Date: September 1, 2012

**Purpose statement of policy:**

To provide assurance that *any person* (including contract personnel, volunteers, trainees and students) employed by the local health department who has cause to suspect child abuse, neglect, or dependency in any child under the age of 18 seen through the Family Planning Clinics report to the county Department of Social Services (DSS) as directed by General Statutes 7B-301. In addition, any client regardless of age must be reported to the local sheriff if suspicion of human trafficking is identified by the above persons.

**Definitions:**

Defined within the child abuse, neglect & human trafficking reporting policies the following areas must be addressed as to conditions or circumstances that must be reported:

- Abuse or neglect of a child under age 18 that is committed by a parent, guardian, custodian or caretaker. If abuse or neglect is committed by someone who is not a parent, guardian, custodian or caretaker, DSS will notify local law enforcement agency according to General Statute 7B-307.
- Dependency of a child under age 18. Dependency means the child needs assistance or placement because the child has no parent, guardian, or custodian responsible for his or her care or supervision, or the child’s parent, guardian, or custodian is unable to provide for the care or supervision and lacks an appropriate alternative child care arrangement.
- Death of a child under age 18 that is due to maltreatment.
- Reporting to DSS under G.S. 7B-301 does not violate HIPAA privacy rules and providers may not invoke the physician-patient privilege or any other privilege as a reason for failing to report child abuse, neglect, or dependency.
- State law: G.S. 7B-309 provides immunity from liability for a person who makes a report in good faith.
- There is no legal duty to report statutory rape per se. In some cases however, a report might need to be reported to DSS or law enforcement. Such cases may include: 1) the child’s sexual partner is the parent, guardian, custodian, or caretaker 2) is the child’s parent, guardian, custodian, or caretaker permitting or encouraging a relationship that involves one of the crimes that constitutes sexual abuse (such as crime against nature or indecent liberties) 3) is the statutory rape/sexual offense occurring because the child’s parent, guardian, custodian or caretaker does not provide proper supervision.

- Any client, regardless of age, who is suspected of being in a human trafficking situation (see §14 Article 10A for complete description) must be reported to the sheriff of the county and is punishable by law for failure of not reporting.

**Responsibilities:**

It is the responsibility of the local health department and its designated personnel to develop, implement, and insure compliance among all staff in the Family Planning Program and/or staff who provide direct services to Title X clients on the administration of the child abuse, neglect and human trafficking reporting policy.

**Policy:**

The local health department will insure that written policies are in place for the administration of child abuse, neglect and human trafficking reporting policies that address the above required areas in the definition section for all clients under age 18 seeking services in the Title X Family Planning Clinics.

**Legal Authority:**

This policy is based on North Carolina General Statutes 7B-301 and 7B-309 and Chapter 14 Article 10A and the Office of Population Affairs Program Instruction Series 11-1, 99-1 and 06-1.

**Reference:**

North Carolina G.S. 7B-301 and 7B-309

General Statutes can be accessed at:

<http://www.ncga.state.nc.us/gascripts/Statutes/StatutesTOC.pl?Chapter=0007B>

North Carolina G.S. Chapter 14 Article 10A

General Statutes and definition can be accessed at:

[http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/ByArticle/Chapter\\_14/Article\\_10A.pdf](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_14/Article_10A.pdf)

Office of Population Affairs Program Instruction Series can be accessed at:

<http://www.hhs.gov/opa/familyplanning/toolsdocs/xinstruction.html>

**For example policies from the local level, please contact your Women’s Health Regional Nurse Consultant.**

NC Women’s Health Branch

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