

Frequently Asked Questions

The law about how DCDEE investigates child abuse and neglect in child care is changing January 1, 2016. What do you need to know?

What is changing with Investigations of Child Abuse and Neglect in Child Care?

DCDEE and the local departments of social services (DSS) currently work together to investigate reports alleging child abuse and neglect in child care. Effective January 1, 2016, DCDEE will be the sole agency investigating these allegations. Child abuse and neglect in child care will now be called “child maltreatment.” DCDEE will continue to work with law enforcement and other agencies as needed.

These changes are included in Senate Bill 578. You can read the law in its entirety by visiting www.ncleg.net. You may not notice many changes with how investigations are conducted; however, below are some general questions and answers about the new law.

What is child maltreatment?

Child maltreatment is similar to serious child neglect and child abuse. People who have seriously neglected or abused a child are currently placed on the Responsible Individuals List (RIL) with DSS. DCDEE will now have a similar list called the Child Maltreatment Registry. This list will include names of caregivers who maltreat a child in child care. A caregiver will have the opportunity to appeal.

Who is a caregiver?

The new law defines “caregiver” broadly and includes: the operator of 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.

Will any other agencies be involved in child care investigations?

Law enforcement, the State Bureau of Investigation, medical personnel, medical examiner and other state and local officials may be involved in a maltreatment investigation. DSS may also be involved if there are concerns regarding a child’s family or if emergency action needs to be taken to ensure children are safe when maltreatment allegations are received on a weekend or after regular business hours.

How does the law define child maltreatment?

The new law states: “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 include, 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.”

Who is required to report child maltreatment in child care?

Every citizen of the State of North Carolina has a duty to report suspected maltreatment. You can make a report to DCDEE by calling 919-527-6500 or in NC 1-800-859-0829.

What will be different about investigations of child maltreatment in child care?

DCDEE will now be solely responsible for investigations of child maltreatment in child care.

The law requires that information about maltreatment investigations be kept confidential and, as such, nothing about the investigation will be included on the DCDEE website while the investigation is ongoing.

What information is available to the public at the end of a child maltreatment investigation?

- If DCDEE determines that child maltreatment occurred, DCDEE will share the investigation findings, the dates of all visits made during the investigation, and any corrective action taken.
- If DCDEE determines that child maltreatment did not occur, DCDEE will share any violations of child care licensure law or rules cited during the investigation and if any administrative action was taken as a result. DCDEE cannot post on the website that a child maltreatment investigation occurred if the maltreatment was not substantiated.

Can I find out if someone is on the Child Maltreatment Registry?

All child care providers that undergo the criminal background check process for licensed child care will automatically be checked against the registry. DCDEE will maintain the registry. People on the registry are prohibited from working in child care. Licensed child care staff will be checked automatically and do not require any action from the child care facility owner.

Can a member of the general public find out if someone is on the Child Maltreatment Registry?

Yes, the names of individuals on the Child Maltreatment Registry are public. The public can submit a form to DCDEE to find out if someone is on the Registry. The form will be available on our website in January 2016.

Why is DCDEE using a new term “Child Maltreatment?”

The phrase is being used by DCDEE to differentiate situations of child abuse and neglect that happen in child care settings. The “abuse and neglect” terms will continue to be used by DSS in reference to family situations.

Will minor incidents that happen in child care result in a caregiver being added to the maltreatment registry?

No. The registry is for the most serious cases. DCDEE will examine each situation to determine if placement on the Registry is warranted. DCDEE will consider circumstances such as the age of the child, severity of the injury, and actions taken or not taken by the caregiver. The decision of whether or not to substantiate child maltreatment will not be the responsibility of the child care consultant or investigator. A team of individuals will make decisions regarding child maltreatment.

How do I know if my name is added to the Child Maltreatment Registry?

For a caregivers’ protection, before an individual is placed on the Child Maltreatment Registry, she or he will be given the opportunity to appeal the decision before a judge with the Office of Administrative Hearings. During the appeal, the individual is prohibited from working in child care; however, the individual’s name will not be added to the Registry until the appeals process is completed and the judge has made a determination as to whether the actions by DCDEE are appropriate.

As a multi-site owner, will I be at risk if one of my staff members is put on the Child Maltreatment Registry?

If a multi-site owner knew about a situation that was harmful to children, didn’t intervene to stop that situation from occurring, and continued to allow the child maltreatment to occur, the owner could be placed on the Child Maltreatment Registry.

Will the DCDEE website continue to show visits conducted by consultants for investigations that do not end in a substantiation of maltreatment?

Visits conducted by licensing consultants will appear on the website; however, all visits will be displayed as “announced” or “unannounced visits.” If an investigation alleges child maltreatment, if maltreatment is not substantiated at the conclusion of the investigation, only visits with violations of child care requirements will display on the website. If maltreatment is substantiated at the conclusion of an investigation, all visits related to the investigation, regardless of violations, will display on the DCDEE website.

Example: Let’s say there is a maltreatment investigation that includes five unannounced visits. During one of those visits the investigations consultant found a medication violation but the

other four visits resulted in no violations being cited and there was no substantiation of maltreatment at the end of the investigation.

In this scenario, only the visit with the medicine violation would appear on the website, and it would be classified as “unannounced visit.” The only information available to the public would be that there was a medication violation found and how that violation was corrected. There would be nothing to link that visit to a series of other visits or to a maltreatment investigation.

Will “Complaint Visit” still show up on the DCDEE website?

No. DCDEE is eliminating that category of visit and will only refer to visits as either “announced” or “unannounced.”

Can operators request to have “self-reports” of possible maltreatment noted online when they call in the complaint?

No, the DCDEE website does not show when the child care operator self-reports. All child care operators are still required by law to report any concerns of child maltreatment that occur.

If an incident happens prior to the end of the year, will the new maltreatment laws and rules apply?

No, the new process will only apply to any investigations of complaints received on or after January 1, 2016. Any case opened prior to December 31, 2015 will be investigated under the old “abuse/neglect” process and investigated jointly by DCDEE and DSS.

Does implementation of the new law decrease transparency for parents who are choosing child care?

Where DCDEE determines that child maltreatment occurred, all information about visits conducted, any administrative action issued and corrective action taken by the operator will be public record and available to the public. In situations where DCDEE determines child maltreatment did not occur, DCDEE will continue to post any violations cited on its website.

Parents should continue to be diligent. Be sure to ask questions and follow your instincts when it comes to choosing care. Parents should ask questions of all prospective and current child care providers and voice their concerns about the quality of care. Be sure to contact DCDEE to report any concerns you have about child safety or possible violations of child care requirements.

How is the new process better than the old?

The elimination of duplication of work between DCDEE and DSS will result in a more streamlined approach to investigations in child care. The elimination of multiple agencies taking the lead in child care investigations will also result in more timely case closure.

Consultants will continue to cite violations and DCDEE will continue to issue administrative actions when there are concerns. Operators will still be required to correct any violations consultants cite. In addition, consultants will continue to work with operators to make any needed corrections. Consultants can put immediate measures in place to ensure children are safe. In addition, the new child maltreatment registry will ensure that individuals who maltreat a child are not able to work in child care.

What is the county DSS's responsibility to assist DCDEE in maltreatment investigations?

If the county receives a call with allegations of child maltreatment and learns that the caller is referencing an incident in a child care program, they should continue to take all the information from the reporter. DSS should let the reporter know that the reporter can also contact DCDEE; however, DSS should tell the reporter that they will forward the reporter's concern to DCDEE for investigation.

If DSS receives a call with allegations of child maltreatment related to a child care program over the weekend or overnight and an emergency situation exists, the on-call social worker should assist with the facility and contact law enforcement if needed. In such a situation, DSS may want to visit the child care program to assess the situation for safety concerns and investigate with law enforcement. DSS should contact the DCDEE intake unit on the next business day and share all the information from the findings. DCDEE will take over the investigation at that point. Based on current trends, DCDEE does not anticipate that this sort of situation will arise often.

Will DSS and DCDEE ever jointly investigate in child care?

Possibly, if there is a situation where it is unclear where or when a child has been harmed. For example, if a child is injured and it is difficult to pinpoint whether the injury occurred at the child's home or at the child care facility, DSS may be involved in the investigation. DSS will be investigating the family and DCDEE will be investigating the child care facility.

Can DSS still make visits to a child care facility?

Yes, if DSS is assessing a family situation and DSS believes it is necessary to interview the child outside of the home.

If a situation requires immediate attention and DSS gets involved, who should DSS notify?

DSS should immediately contact law enforcement if there is an emergency at a child care facility. In addition, DSS should contact the DCDEE Intake Unit on the next business day.

How will the results of the DCDEE investigation be communicated?

Violations of child care requirements and substantiations of child maltreatment will be shared with the child care operator and posted on the DCDEE website. If DCDEE issues an administrative action to the facility, the child care operator must share that information with all parents. The website reflects when an administrative action is issued against a facility. If an investigation determines child maltreatment occurred and an individual is placed on the Child Maltreatment Registry, that name can be shared with the public.

Will DCDEE contact the local DSS for information during an investigation?

There may be times that the DCDEE investigations consultant learns that DSS is investigating a family situation that may be related to the child maltreatment investigation in child care. In this case, the consultant may request information from the DSS social worker if that information is needed to protect the health and safety of children.