



HOUSE BILL 823: Child Advocacy Centers/Share Information.

2021-2022 General Assembly

Committee:		Date:	May 11, 2021
Introduced by:	Reps. Saine, Riddell	Prepared by:	Jennifer Hillman
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *House Bill 823 would establish criteria for Children's Advocacy Centers to receive State funds, would establish certain requirements for the sharing of information and records held by Children's Advocacy Centers and multidisciplinary teams, and would establish immunity from civil liability for individuals working for a Children's Advocacy Center.*

BILL ANALYSIS: Section 1 would establish a new Article 3A, pertaining to Children's Advocacy Centers, in Chapter 108A of the General Statutes. The new Article would contain the following definitions in new **G.S. 108A-75.1**:

- "Child" would mean an individual under the age of 18 or an individual with a developmental disability as defined in statute.
- "Child maltreatment" would include sexual abuse, physical abuse, human trafficking, exploitation, neglect, or dependence of a child.
- "Children's Advocacy Center" would mean a child-focused, trauma-informed, facility-based program in good standing with the Children's Advocacy Centers of North Carolina, Inc. (CACNC), or its successor, that assists in the coordination of a multidisciplinary response to cases of child maltreatment.
- "Multidisciplinary team" would mean a team of individuals from at least the following professions: law enforcement, district attorney, child protective services, mental health services provider, health care provider, victim advocate, and staff of a Children's Advocacy Center.

New **G.S. 108A-75.2** would establish requirements that a Children's Advocacy Center must meet prior to receiving any funding appropriated or allocated by the State. CACNC would track and document compliance with the requirements and any funds it administers to a Children's Advocacy Center. To qualify for funding, a Children's Advocacy Center must meet all of the following:

- Be in good standing with standards set by CACNC, or its successor.
- Be an independent nonprofit with policies to ensure quality of services and sustainability.
- Provide a child-friendly, trauma-informed space for children suspected to be victims of child maltreatment and their nonoffending family members as well as a space for multidisciplinary team meetings.
- Utilize a forensic interviewer to conduct on-site interviews with children in suspected child maltreatment cases.
- Maintain a multidisciplinary team of experienced individuals who meet regularly.

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- Have a written interagency agreement that is reviewed and signed annually by the multidisciplinary team members.
- Have written protocols that are updated every 3 years and comply with State and national standards related to the following areas: case review, access to health treatment, confidentiality of health records, information sharing, functions of the multidisciplinary team, roles and responsibilities of team members, victim support, and advocacy services.
- Have a designated staff that is supervised and approved by the Children's Advocacy Center, and ensure that staff is screened and trained in accordance with State and national standards.
- Provide case tracking and data regarding cases served through the Children's Advocacy Center.
- Provide medical exams by, or referrals to, health care providers trained in child abuse.
- Provide mental health services by, or referrals to, professionals delivering trauma-focused, evidence-supported treatment.
- Provide training for various disciplines in the community that deal with child maltreatment.
- Provide victim support and advocacy that meets State and national standards.
- Complete a community assessment every 3 years to maintain cultural competency and diversity.
- Provide annual trainings or educational opportunities for multidisciplinary team members.
- Provide services regardless of ability to pay.

New **G.S. 108A-75.3** would require each member of a multidisciplinary team to share with the other members of the team all relevant information concerning a child whose case is being investigated or discussed by the team, notwithstanding any other provision of law. This section would also require any individual or State agency with information or records that are relevant to the child's case to share the information or records with a multidisciplinary team that has accepted the child's case for investigation or treatment, upon request by the multidisciplinary team. The county department of social services would not be required to disclose the identity of the person who reported the child maltreatment or confidential records related to substance abuse or HIV status.

Information disclosed to the multidisciplinary team would be confidential except to the extent necessary to perform case consultations, to carry out a treatment plan or recommendations, or as required under this Article.

A multidisciplinary team member acting in good faith would be immune from civil or criminal liability for disclosure of information.

New **G.S. 108A-75.4** would establish that records compiled or created by a Children's Advocacy Center are confidential except as required by federal law and except that they may be released to the Department of Health and Human Services, county departments of social services, law enforcement agencies, a prosecuting district attorney, the State Attorney General, a grand jury, an attorney or guardian-ad-litem for the child, a health care provider, a multidisciplinary team member, and a member of the Child Fatality Task Force, and as permitted under G.S. 7B-3100 of the Juvenile Code. Other permitted disclosures would include: (i) in camera inspection by a court, (ii) confirmation between Children's Advocacy Centers that a child has been seen for services, and (iii) information necessary to receive essential services or supports from CACNC. Information disclosed under this section shall further be kept confidential by the person receiving the information except as required by State statute or court order. The section also limits the copies of an interview of a child interviewed at a Children's Advocacy Center to one copy for the

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prosecuting attorney and one for the defendant's counsel, each of which must be filed with the clerk of court at the close of the case.

New **G.S. 108A-75.5** would provide immunity for board members, staff members, and volunteers of a Children's Advocacy Center or CACNC for acts done in good faith in the scope of their duties or in their participation in a judicial proceeding.

EFFECTIVE DATE: The bill would become effective July 1, 2022.