

**HIGHLAND PRESBYTERIAN CHURCH
CHILDREN AND YOUTH PROTECTION POLICY
June 8, 2010**

A Vision for Children and the Church

Adopted by the 205th General Assembly (1993)



Because we affirm that all children are a gift of God, created by God and created good;
all children are a gift to the whole of the human community;
all children have a real faith, and gifts for ministry;
all children have the right to be children;
and all children are not just tomorrow, they are today.

Because we believe that all children depend upon adults for safety and security in a world that does not always value children;

All children are affected first and most deeply by those things that work against health and wholeness:

where there is disease, children sicken and die;

where there is homelessness, children sleep on the streets and in other dangerous places;

where there is war, children are frightened and without a safe place;

where the air and water are polluted, children feel the effect in their bodies and in their futures;

where there is shame, children's spirits are wounded.

Therefore we hope for a world where all children can find a safe place;

where all ages, races, genders, creeds, and abilities are recognized, valued, and celebrated;

where all adults hear the voices of children and speak with as well as for them;

where all children have "first call" on the world's resources and first place in the minds and hearts of the world's adults.

Because Jesus welcomed children and encouraged us to welcome them in his name; Jesus lifted up a child as an example of what the realm of God is like;

Therefore we hope for a church where we take seriously our baptismal vow to nurture all children committed to our care;

where we bring good news to all those places where children are in need;

where adults and children alike share in ministry.

**We covenant to act so that this vision may be made real for all children,
now and in times to come.**

**HIGHLAND PRESBYTERIAN CHURCH
CHILDREN AND YOUTH PROTECTION POLICY
June 8, 2010**

PURPOSE AND SCOPE

At Highland Presbyterian Church (“HPC”) we are committed to the protection of all children, youth, and adults participating in the activities and programs sponsored by HPC. Consequently, HPC will not tolerate abuse, exploitation, neglect and/or harassment of any form in our church sponsored Children and Youth Ministries (“CYM”) and those child and youth activities held on church property (“collectively CYM”). In furtherance of our goal of protection, HPC has developed the following Child and Youth Protection Policy (“Policy”). This policy applies to all persons, including HPC employees and volunteers, engaged in CYM. Prior to engaging in CYMs, each employee and volunteer (collectively “adult(s)” or “supervising youths”) must be familiar with this Policy, attend training sessions if required, and agree in writing to abide by the terms of the Policy.

Failure to abide by this Policy may result in termination from employment or volunteer activities with children and youth. HPC retains the right to terminate employment or volunteer services regardless of the results of any formal investigation by the Department of Social Services.

ABUSE DEFINED

Neglect of Basic Needs is a form of abuse. Denial of food, water, cleanliness, clothing, and sleep are not appropriate means of discipline.

Physical Abuse is any physical force applied by an adult or older youth in a position of care of authority to a child, youth, or vulnerable adult. Physical force (hitting, spanking, shaking, shoving, etc.) is not to be used by leaders in our programs.

Sexual Abuse is any sexual contact or interaction (i.e., indecent exposure or liberties, communication for immoral purposes, fondling, rape, etc.) between an adult or significantly older youth and a child, youth, or vulnerable adult. Force, threats, bribery, dissemination of pornography, misrepresenting right and wrong are some of the ways this crime is perpetrated. Even if a child, youth, or vulnerable adult, out of ignorance, innocence, or fear does not resist, it is still abuse.

Emotional Abuse is belittling, hateful, or angry words and/or actions directed toward a child, youth, or vulnerable adult. Discipline by humiliation is also emotional abuse.

SCREENING/APPLICATION PROCESS

Employees

Current Employees (Part- and Full Time)

1. Current employees must agree to provide the requisite information and authorization for a criminal background check if such background check has not been conducted in the twelve months prior to the adoption of this policy.
2. Current employees are required to sign the Employee Agreement Regarding Child and Youth Protection Policy which shall supplement the personnel application and be maintained as part of the employee's personnel file.

Potential Employees

1. Potential employees shall provide personal and professional references, employment records, and requisite information and authorization to conduct criminal background checks.
2. Potential employees shall be interviewed in person prior to hiring.
3. Potential employees shall be required to sign the Employee Agreement Regarding Child and Youth Protection Policy as part the personnel application.

Automatic Disqualification

Any potential employee who has a known past conviction of or pending proceeding involving allegations of child abuse, neglect or dependency, shall not be employed by HPC. Further, a criminal conviction related to pedophilic behavior, incest, rape, assault, child pornography, abuse of a minor, or a drug related conviction (occurring within the last three years), shall immediately disqualify the candidate for employment consideration.

Screening Volunteers

At the discretion of the Personnel Committee, criminal background checks may be performed on all CYM volunteers.

Basic Screening for volunteers (NOT participating in overnights with children), serving in Nursery Care, Pre-school church school, Faith.net, Children & Worship, Junior Youth, Middle School Youth, Senior Youth regular meetings, includes the following requirements:

1. All volunteers shall read and sign a Volunteer Application Form.
2. All volunteers shall undergo a brief interview with the Director of Christian Education ("DCE") / Associate Pastor for Youth ("APY") or a representative from respective committees.
3. All volunteers shall attend a volunteer training session, which shall be offered at least once a year.
4. All volunteers will have been a member or had a significant relationship, deemed by the DCE/APY, with Highland for at least six months.

Advanced Screening for volunteers supervising overnight activities, engaging in solo activities with child/youth, and transporting children and youth off church premises, includes the following requirements:

1. Basic screening requirements as set forth above.
2. Submitting necessary information and authorization for a national criminal records check and other background checks as deemed necessary.
3. Prior to transporting children or youth, the volunteer shall provide a copy of a valid NC driver's license, proof of insurance and current Motor Vehicle Record.
4. Advanced screening will take place every two years or more frequently as deemed necessary by the Personnel Committee.

TRAINING

All adults and supervising youth shall review and sign the Volunteer Covenant Statement or Employee Agreement Regarding Child and Youth Protection Policy prior to participating in CYM. All adults and supervising youth shall attend a training session in person or review a video recording of the training session. Training may include, but not be limited to, issues about their responsibilities, defining abuse, reporting abuse requirements, supervision, safety and security, church guidelines, and first aid. The Christian Education Committee and/or Youth Ministry Committee shall be responsible for scheduling and providing the training.

OUTSIDE GROUPS

Groups not directly affiliated with HPC, such as the Boy and Girl Scouts, visiting Youth Groups, Mission Groups, etc., must receive, review, and adhere to this Policy. Leaders of outside groups must sign the Highland Presbyterian Church Agreement for Non-Affiliated Groups Utilizing Church Facilities, in which they agree to receive, review and abide by the procedures and policies set forth in the Policy. The Business Manager shall keep the signed copy of the Agreement with any documentation related to the outside group's use of the church facilities. HPC, however, will not provide any screening or training as set forth in the Policy to the outside groups.

SUPERVISION GUIDELINES

To guard against the potential of abuse or injury, it is important that all of those working with children understand the necessity of proper supervision. The following ratios are to be used as guidelines:

GROUP SIZE

	6	8	10	12	14	16	18	20	22	24
AGE OF CHILDREN										
Infant (birth to 15 months)	1:3	1:4								
12-28 Months	1:3	1:4	1:4	1:4						
21-36 Months		1:4	1:5	1:6						
2.5 years – 3 years old				1:6	1:7	1:8	1:9			
4 years old						1:8	1:9	1:10		
5 years old						1:8	1:9	1:10		
Kindergarten								1:10	1:11	1:12

1. Classrooms / Nurseries

- a. To the extent practicable, all CYM should be supervised by two adult leaders at all times. If two adults are not available, a youth, age 12 or older, may assist the adult in supervising a group of children 7 years old and younger.
- b. Two youths, ages 14 or older, ("supervising youths") may supervise a group of children 7 years old and younger if adult(s) are located nearby, within shouting distance. The adult(s) shall periodically check on the group to determine if the youths need any assistance.
- c. If only one adult is available to supervise the group, the door shall remain at least partially opened or have a window in the door.
- d. Each classroom/office providing services to children must have an open door, a small window in the door, or a half-door with the top open.
- e. Counseling sessions may be conducted in private by staff members only when a nearby staff member or adult volunteer is notified.

2. Restrooms

a. On site HPC

Adults accompanying pre-school age children to the restroom should remain outside the bathroom door unless the child needs assistance. If so, the adult may assist but the bathroom door should remain open.

Adults typically do not need to accompany a school age child to the restroom on site at HPC. After informing the adult supervisor, the school age child may go directly to the rest room by him/herself or may choose a same gender buddy to accompany him/her. If a child is sick or needs help the adult may assist but the bathroom door should remain open.

b. Off site

An adult must accompany a child to the restroom and wait outside the door or stall for the child.

3. Overnight CYM

For sleeping arrangements, members of the same gender should be grouped together. At least two adults of the same gender must be present if the adults and youth are required to share sleeping accommodations.

4. Transportation

A single adult may not transport a single child to a CYM function unless written or verbal consent has been given by the child's parent or guardian.

5. Membership or Association

In order to participate in CYM, an adult or youth must have been a member of or associated with HPC for a period of at least six months prior to the volunteer opportunity. This restriction may be waived if the adult will not be in a position to be alone with any of the children or youth during the CYM.

PROHIBITED CONDUCT

HPC prohibits adults from engaging in the following behavior during ANY HPC activities:

- a. Verbally, emotionally, physically harassing or abusing children and youth.
- b. Corporal punishment in any form.
- c. Failing to provide necessities of care, including failure to provide access to bathroom facilities.
- d. Physically restraining a child or youth, unless the restraint is for the protection of the child or youth.
- e. Leaving a child or youth unsupervised.
- f. Changing diapers unless assigned to the volunteer staff.
- g. Releasing a child into the care of anyone other than the child's parent or guardian, or other individual authorized by the parent or guardian.
- h. Using alcohol or illegal drugs during a church event.
- i. Smoking or use of tobacco products during a church event.
- j. Profane language or inappropriate jokes, including but not limited to, jokes reflecting gender bias, sexual bias, racial bias, or mental disability.

REPORTING OBLIGATIONS

Generally

HPC encourages employees and volunteers to offer a nurturing and safe environment for our children and youth. To the extent that they are able, employees and volunteers should be cognizant of the emotional and physical health of the children and youth in their care. Employees and volunteers are required to follow the requirements of this policy in reporting suspected cases of child abuse and neglect.

Reporting and Responding to Violations of Policy (No Abuse or Neglect Suspected)

Adults and supervising youth have an opportunity and obligation to observe the conduct of those working with our children and youth. If an adult observes a policy violation that does not cause immediate concern for the safety of the children, the observer should remind the other adult of the policy in a non-confrontational manner and ask for adherence. If a supervising youth observes a policy violation that does not cause immediate concern for the safety of the children, the observer should notify the supervising adult, Director of Christian Education or Associate Pastor for Youth ("DCE/APY") of the violation. The supervising adult or DCE/APY shall remind the adult violating the Policy of the Policy provisions in a non-confrontational manner and ask for adherence.

If, following the reminder, the adult continues to engage in behavior that violates the Policy, then the observer or adult supervisor, if the observer is a supervising youth, should report the conduct in writing to the DCE/APY by completing an Incident Report.

If the reporter makes a verbal report only, the DCE/APY shall complete the Incident Report. Upon receiving an incident report, the DCE/APY must provide the Incident Report to the Pastor as soon as practicable.

Composition of the Responding Committee

If the alleged policy violations involve an employee, the Pastor, DCE/APY, and member of the Personnel Committee, shall form a Responding Committee.

If the alleged policy violations involve a volunteer, the Responding Committee will consist of the Pastor, DCE/APY, and a member of the Christian Education Committee or Youth Ministry Committee.

If the alleged policy violator involves the Pastor or DCE/APY, the Clerk of Session or chair of the Personnel Committee will replace the alleged violator on the Responding Committee.

Investigation by Responding Committee

The Responding Committee will investigate the allegations in the Incident Report. Such investigation should include interviewing the alleged violator and witnesses to the incidents. The Responding Committee will make recommendations as to remedial measures, up to and including, termination of employment if an employee is the alleged violator. If the repeat violator is not an employee, the Responding Committee can make recommendations as to remedial measures, up to and including, prohibiting the adult or supervising youth from participating in CYM.

Duty of Confidentiality

The Responding Committee should keep all aspects of the investigation, including the fact that an investigation is being conducted, confidential, except to the extent necessary to conduct the investigation and to report to the appropriate authorized persons. If an employee is recommended for termination, the Personnel Committee is to be informed. If a volunteer is prohibited from participating in the CYM, the program staff is to be informed.

Documentation

The DCE/APY should indicate on the Incident Report the investigative steps and any remedial measures taken to address the violations. If the violator is an employee, then the Incident Report shall become part of the employee's personnel file.

Termination of Investigation

If, after conducting an investigation, the Responding Committee suspects abuse or neglect of a child, the Responding Committee shall cease all independent investigation and make a report to the Forsyth County Department of Social Services ("DSS") as set forth below.

Suspension during Investigation

During the pendency of the investigation, the alleged violator will not be permitted to engage in CYM.

Reporting and Responding to Violations of Policy (Abuse or Neglect Suspected)

Incidents occurring at HPC or involving HPC Adult

If an adult has cause to suspect that a child or youth is abused or neglected, that adult is required by law to make a report to the Forsyth County Department of Social Services. The report may be made orally, by telephone, or in writing. The report should be made as soon as possible after the adult suspects' abuse or neglect. A copy of the reporting statute is attached as Exhibit A. A copy of the statute granting immunity for good faith reporting is attached as Exhibit B.

**Forsyth County Department of Social Services
336-703-2287**

The adult must also report the suspected abuse or neglect to the DCE/APY by completing a written Incident Report Form. This Form should indicate the date of the DSS report and document all contacts with DSS.

The DCE/APY, Pastor or Associate Pastor may be present when the adult makes the report to DSS. **It is vitally important; however, that church staff or other adults not interfere with or modify the report to DSS. HPC may not conduct its own investigation into the matter if DSS is involved.**

HPC, however, must document all contacts with DSS. Further, HPC staff has an obligation to document additional information or witnesses who come forward and to communicate further reports to DSS.

Responsibilities of Supervisor (DCE/APY) Receiving Report

Upon receipt of the report alleging suspected abuse or neglect, the DCE/APY must:

- confirm with the reporter that DSS has been contacted;
- if the reporter has not contacted DSS, the DCE/APY must direct the reporter to contact DSS;
- if the reporter refuses to contact DSS, the DCE/APY must make the report;
- if an employee is the reporter and does not complete an Incident Report, the DCE/APY or employee supervisor must complete the Incident Report;
- following the report to DSS, the DCE/APY must report the matter to Pastor;
- if the alleged offender is not the child's parent or guardian, as soon as possible the DCE/APY/Associate Pastor/Pastor must notify the parent or guardian of the suspected abuse or neglect;

The DCE/APY is responsible for documenting all contact with DSS.

Upon receiving notice that DSS has been contacted, the Pastor or designee will immediately contact HPC's liability insurance carrier and provide notification as required by the liability insurance policy. (Southern Mutual Insurance Company, Policy #UM001026504. Coverage 5, "What Must Be Done in Case of Loss.")

If a supervising youth suspects abuse or neglect, the youth shall immediately notify the supervising adult or the DCE/APY. The supervising adult or DCE/APY shall then be responsible for making the report to DSS and for following the procedures set forth in this Policy. The supervising adult or DCE/APY shall notify the supervising youth's parent or guardian of the report to DSS based on the youth's report to the supervising adult.

Suspension during Investigation

During the pendency of the investigation, the alleged violator will not be permitted to engage in any CYM.

Abuse or Neglect Occurring Elsewhere

Children and youth may disclose abuse or neglect to trusted caregivers or teachers. If an adult suspects that a child is being abused or neglected outside the church environment, the adult has an obligation to report the abuse or neglect to DSS. If the child's parent or guardian is not the suspected offender, the adult should inform the parent or guardian of the report to DSS. Although not required to report the suspicion to church staff, the observer may wish to consult with the Pastor or Associate Pastor to determine if the child or family needs counseling assistance. The reporter should not discuss the matters with members of the congregation in order to minimize damage to the child and his/her family.

Termination of Employee or Volunteer Relationship

Due to the length of some DSS investigations and the complexities of documenting and proving abuse or neglect, HPC retains the right to terminate employment of any employee in accordance with established procedures or dissolve the relationship between HPC and adult or supervising youth at any time after the initial report to DSS. HPC may terminate the employee relationship or dissolve the volunteer relationship even if DSS does not substantiate abuse or neglect.

**HIGHLAND PRESBYTERIAN CHURCH
INCIDENT REPORT FORM**
(Please print all information.)

Date of incident: _____

Time of incident: _____

Name of child/youth involved: _____
(A separate form should be completed for each child involved in order to keep the information confidential.)

Address of child/youth: _____

Phone Number of child/youth: _____

Name of parent/guardian: _____

Location of incident: _____

Name of person(s) who witnesses incident:

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

Please describe in detail the incident:
(Attach additional pages if necessary.)

Additional relevant information:

Signature of person completing the form

Date

This form should be returned to the Director of Christian Education or Associate Pastor for Youth and should be filed with the Office Manager.

**HIGHLAND PRESBYTERIAN CHURCH
RESPONDING COMMITTEE REPORT**
(Please print or type all information.)

Date Incident Report Directed to Pastor: _____

Date Responding Committee formed: _____

Responding Committee members:

1. _____

2. _____

3. _____

Describe investigative steps taken by Responding Committee:
(Attach additional sheets if necessary.)

Responding Committee's Recommendation for Remedial Action:
(Attached additional sheets if necessary.)

Signatures of Responding Committee Members (To be signed upon completion of investigation and final recommendation.)

1. _____

Date: _____

2. _____

Date: _____

3. _____

Date: _____

**HIGHLAND PRESBYTERIAN CHURCH
REPORT TO
FORSYTH COUNTY DEPARTMENT OF SOCIAL SERVICES**

(Please print or type all information.)

(All persons initially completing or supplementing this report should list their name and the date immediately following the information they record on this report.)

**FORSYTH COUNTY DSS REPORTING LINE
336-703-2287**

Date of Report: _____

Person(s) making the report: _____

Person(s) present at time of making report: _____

Name of DSS employee receiving report: _____

Date of incident: _____

Time of incident: _____

Name of child/youth involved: _____

(A separate form should be completed for each child involved in order to keep the information confidential.)

Address of child/youth: _____

Phone Number of child/youth: _____

Name of parent/guardian: _____

Location of incident: _____

Name and address of person(s) who witnessed incident:

Name and address: _____ Phone: _____

Name and address: _____ Phone: _____

Name and address: _____ Phone: _____

For all information requested below, attach additional pages as necessary.

Describe in detail the report given to DSS:

Describe response of DSS to initial report, i.e. action to be taken:

Describe any additional information received from witnesses or other sources after the initial report to DSS. This information should be conveyed promptly to DSS.

Describe all additional contacts with DSS, including name of person making contact, the person contacted, the date, and any information received or provided.

Describe all contacts with parent(s) or guardian of child, including the name of the person making the contact, the date of contact, the information provided, and any pertinent responses by the parent/guardian.

**HIGHLAND PRESBYTERIAN CHURCH
VOLUNTEER COVENANT STATEMENT**

(To be signed by adults and youth volunteering to work with our children and youth.)

The congregation of Highland Presbyterian Church is committed to providing a safe and secure environment for all children, youth and volunteers who participate in ministries and activities sponsored by the church. The following policy statements reflect our congregation's commitment to preserving this church as a sanctuary for all who would enter and as a place in which people can experience the love of God through relationships with others.

In keeping with the covenant of baptism, we have committed ourselves and our resources to the nurturing of our children. We understand that children cannot grow in faith and in wisdom when they are frightened, distrustful, anxious, or depressed. They cannot learn to love and trust God when those who represent God to them are unloving and untrustworthy. We promise our children that we will provide the structure, education, and the policies that will keep them safe from harm and abuse. In that context, we will screen volunteers, train them, and ask that they abide by the policies of our church. We will make sure that volunteers working with our children will have been members of or associated with this church for at least six months.

As a volunteer working with children in this congregation, I agree to read, observe and abide by the Highland Presbyterian Child and Youth Protection Policy regarding working in ministries with children and youth. I understand that failure to abide by the Policy may result in my not being able to participate in children and youth ministries. I further understand that Highland Presbyterian Church may conduct a thorough investigation into my background using all available methods of investigation, including a criminal background check and a check of any available offender registries. I understand that these investigative procedures are not directed at me personally but are procedures designed to protect our children and youth and the volunteers who work with them.

Signature of Applicant

Date

Signature of Clerk of Session

Date

**HIGHLAND PRESBYTERIAN CHURCH
EMPLOYEE AGREEMENT REGARDING
CHILD AND YOUTH PROTETION POLICY**

As an employee working with children in this congregation, I agree to read, observe and abide by the Highland Presbyterian Church Child and Youth Protection Policy regarding working in ministries with children and youth. I understand that failure to abide by the Policy may result in my not being able to participate in children and youth ministries or termination of my employment. **I further understand that Highland Presbyterian Church may conduct a thorough investigation into my background using all available methods of investigation, including a criminal background check and a check of any available offender registries.** I understand that these investigative procedures are not directed at me personally but are procedures designed to protect our children and youth and the employees who work with them.

Signature of Applicant

Date

Signature of Clerk of Session

Date

**HIGHLAND PRESBYTERIAN CHURCH
APPLICATION TO WORK WITH CHILDREN AND YOUTH**
(To be completed by all applicants for any position involving the supervision or custody of minors.)

Date of application: _____

Name of applicant: _____

Address: _____

Years at this address: _____

If you have lived out of state within the past seven years, please provide a list previous addresses: _____

Date of birth: _____

Gender: _____

Driver's License No. _____ State issued: _____

(This information will be kept strictly confidential and shall be used only in connection with conducting a criminal or civil background check or driving record.)

List previous experience in working with children and youth:

Provide at least two personal references, including name, address and phone number.

1. _____
2. _____

I have been a member of HPC since _____.

I am not a member of HPC but have been regularly attending services at HPC since _____.

I state that the above information is true and accurate to the best of my ability and knowledge. I authorize HPC to conduct any necessary criminal or civil background checks in order to accept my application to work with children and youth at HPC. I understand that the procedures requiring background checks are not directed at me personally but are procedures adopted to protect our children and youth and volunteers who work with them.

Signature of Applicant

Date

**HIGHLAND PRESBYTERIAN CHURCH
AGREEMENT FOR NON-AFFILIATED GROUPS
UTILIZING CHURCH FACILITIES**

As a supervising member/leader of _____(name of group), I am responsible for the activities of the members of _____(name of group), while using the facilities of Highland Presbyterian Church. I have received and read a copy of Highland Child and Youth Protection Policy. I agree to abide by policies and procedures set forth in the Policy. I understand, however, that Highland Presbyterian Church will not perform background checks, personal and professional reference checks, or provide training to the leaders/supervisors of _____ (name of group.) I further understand that failure to abide by the Policy may result in the termination of _____ (name of group) use of Highland Presbyterian's facilities on a temporary or permanent basis.

Signature of Leader/Supervisor

Date

➔§ 7B-101. Definitions

As used in this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings:

- (1) Abused juveniles.--Any juvenile less than 18 years of age whose parent, guardian, custodian, or caretaker:
 - a. Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means;
 - b. Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means;
 - c. Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior;
 - d. Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile: first-degree rape, as provided in [G.S. 14-27.2](#); second degree rape as provided in [G.S. 14-27.3](#); first-degree sexual offense, as provided in [G.S. 14-27.4](#); second degree sexual offense, as provided in [G.S. 14-27.5](#); sexual act by a custodian, as provided in [G.S. 14-27.7](#); crime against nature, as provided in [G.S. 14-177](#); incest, as provided in [G.S. 14-178](#); preparation of obscene photographs, slides, or motion pictures of the juvenile, as provided in [G.S. 14-190.5](#); employing or permitting the juvenile to assist in a violation of the obscenity laws as provided in [G.S. 14-190.6](#); dissemination of obscene material to the juvenile as provided in [G.S. 14-190.7](#) and [G.S. 14-190.8](#); displaying or disseminating material harmful to the juvenile as provided in [G.S. 14-190.14](#) and [G.S. 14-190.15](#); first and second degree sexual exploitation of the juvenile as provided in [G.S. 14-190.16](#) and [G.S. 14-190.17](#); promoting the prostitution of the juvenile as provided in [G.S. 14-190.18](#); and taking indecent liberties with the juvenile, as provided in [G.S. 14-202.1](#);
 - e. Creates or allows to be created serious emotional damage to the juvenile. Serious emotional damage is evidenced by a juvenile's severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others; or
 - f. Encourages, directs, or approves of delinquent acts involving moral turpitude committed by the juvenile.
- (2) Aggravated circumstances.--Any circumstance attending to the commission of an act of abuse or neglect which increases its enormity or adds to its injurious consequences, including, but not limited to, abandonment, torture, chronic abuse, or sexual abuse.
- (3) Caretaker.--Any person other than a parent, guardian, or custodian who has responsibility for the health and welfare of a juvenile in a residential setting. A person responsible for a juvenile's health and welfare means a stepparent, foster parent, an adult member of the juvenile's household, an adult relative entrusted with the juvenile's care, any person such as a house parent or cottage parent who has primary responsibility for supervising a juvenile's health and welfare in a residential child care facility or residential educational facility, or any employee or volunteer of a division, institution, or school operated by the Department of Health and Human Services. "Caretaker" also means any person who has the responsibility for the care of a juvenile in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes and includes any person who has the approval of the care provider to assume responsibility for the juveniles under the care of the care provider. Nothing in this subdivision shall be construed to impose a legal duty of support under Chapter 50 or Chapter 110 of the General Statutes. The duty imposed upon a caretaker as defined in this subdivision shall be for the purpose of this Subchapter only.
- (9) Dependent juvenile.--A juvenile in need of assistance or placement because the juvenile has no parent, guardian, or custodian responsible for the juvenile's care or supervision or whose parent, guardian, or custodian is unable to provide for the care or supervision and lacks an appropriate alternative child care arrangement.
- (10) Director.--The director of the county department of social services in the county in which the juvenile resides or is found, or the director's representative as authorized in [G.S. 108A-14](#).
- (11b) Investigative assessment response. -- A response to reports of child abuse and selected reports of child neglect and dependency as determined by the Director using a formal information gathering process to determine whether a juvenile is abused, neglected, or dependent.
- (14) Juvenile.--A person who has not reached the person's eighteenth birthday and is not married, emancipated, or a member of the armed forces of the United States.
- (15) Neglected juvenile.--A juvenile who does not receive proper care, supervision, or discipline from the juvenile's parent, guardian, custodian, or caretaker; or who has been abandoned; or who is not provided necessary medical care; or who is not provided necessary remedial care; or who lives in an environment

injurious to the juvenile's welfare; or who has been placed for care or adoption in violation of law. In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives in a home where another juvenile has died as a result of suspected abuse or neglect or lives in a home where another juvenile has been subjected to abuse or neglect by an adult who regularly lives in the home.

N.C.G.S.A. § **7B-301**

➡§ **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 assessment 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 assessment 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.

N.C.G.S.A. § **7B-309**

➡§ **7B-309. Immunity of persons reporting and cooperating in an assessment**

Anyone who makes a report pursuant to this Article, cooperates with the county department of social services in a protective services assessment, testifies in any judicial proceeding resulting from a protective services report or assessment, or otherwise participates in the program authorized by this Article, is immune from any civil or criminal liability that might otherwise be incurred or imposed for that action provided that the person was acting in good faith. In any proceeding involving liability, good faith is presumed.