

North Carolina Mandated Reporter Law

WHO Must Report?

Anyone who suspects abuse must report it. The usual exceptions for privileged communications (clergy, marital) do not apply.

WHAT Must You Report?

North Carolina requires a report when anyone “has cause to suspect” that a child, juvenile, senior and/or disabled adult is abused, neglected, or dependent.

- **Abandonment:** A child is “dependent” when there is no adult responsible for supervision, or the parents/guardians are unable to provide care or supervision.
- **Abuse:** North Carolina requires the reporting of various types of abuse.
 - **Physical Abuse:** Anyone must report “a serious physical injury by other than accidental means” or whenever there is “a substantial risk of serious physical injury by other than accidental means.” Corporal punishment is included when it consists of “cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior.”
 - **Lack of Supervision:** North Carolina includes unsupervised children in its definition of “neglect.”
 - **Domestic Violence:** North Carolina does not specifically require reporting when a child witnesses domestic violence. The law does include in its definition of “neglect” a child “who lives in an environment injurious to the juvenile’s welfare.”
 - **Emotional Abuse:** Anyone must report “serious emotional abuse,” defined as “severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others.”
 - **Sexual Abuse:** The statute requires the reporting of sexual abuse and includes a long and exhaustive list of specific acts.
 - **Teen Sexual Activity:** The age of consent in North Carolina is 16 years old, but there is an exception for consensual acts between a minor who is at least 13 years old and someone less than four years older than the minor. If both children are younger than 16 years old, then the allowable age gap is no more than three years.
 - **Sexual Exploitation:** Required reports include encouraging a child to participate in creating obscene images, adults disseminating obscene materials to juveniles, or allowing a minor to view obscene materials.
 - **Sexting:** North Carolina does not have a statute about sexting. Law enforcement has prosecuted teenagers for possession and transmission of child pornography for sending photos of themselves to others, and the mandated reporter statute specifically requires reporting of that situation.
- **Neglect:** You must report when a child does not receive “proper care, supervision or discipline” from parents or custodians, who does not receive medical or remedial care, or “who lives in an environment injurious to the juvenile’s welfare.”

WHEN Must You Report?

North Carolina requires a report when you have “any cause to suspect” abuse. That standard is lower than the usual “reasonable suspicion” standard. Any time you have any cause to even suspect abuse, you must report it. There is no specified time to make the report, but as soon as possible is the safest course of action.

WHERE Must You Report?

The statute requires a report to the Department of Social Services in the county where the child resides or is found.

WHY Must You Report?

Knowingly or wantonly failing to report suspected abuse is a Class 1 misdemeanor, punishable by up to 120 days in jail and a fine in the discretion of the Court.