

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

S

2

SENATE BILL 1282  
Judiciary I Committee Substitute Adopted 9/24/02

Short Title: Agencies Share Juvenile Information.

(Public)

Sponsors:

Referred to:

June 10, 2002

1 A BILL TO BE ENTITLED  
2 AN ACT TO CODIFY RULES FOR SHARING OF JUVENILE INFORMATION  
3 BETWEEN AGENCIES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 7B-3100 reads as rewritten:

6 "§ 7B-3100. Disclosure of information about juveniles.

7 (a) ~~The Department, after consultation with the Conference of Chief District~~  
8 ~~Court Judges, shall adopt rules designating certain local agencies that are authorized to~~  
9 ~~share information concerning juveniles in accordance with the provisions of this section.~~  
10 ~~Agencies so designated shall share with one another, upon request, information that is in~~  
11 ~~their possession that is relevant to any case in which a petition is filed alleging that a~~  
12 ~~juvenile is abused, neglected, dependent, undisciplined, or delinquent and shall continue~~  
13 ~~to do so until the juvenile is no longer subject to the jurisdiction of juvenile court.~~  
14 ~~Agencies that may be designated as "agencies authorized to share information" include~~  
15 ~~local mental health facilities, local health departments, local departments of social~~  
16 ~~services, local law enforcement agencies, local school administrative units, the district's~~  
17 ~~district attorney's office, the Department of Juvenile Justice and Delinquency~~  
18 ~~Prevention, and the Office of Guardian ad Litem Services of the Administrative Office~~  
19 ~~of the Courts.~~

20 The following agencies shall share with one another, upon request, information in  
21 their possession that is relevant to any case in which a petition is filed alleging that a  
22 juvenile is abused, neglected, dependent, undisciplined, or delinquent:

23 (1) The Department of Juvenile Justice and Delinquency Prevention.

24 (2) The Office of Guardian Ad Litem Services of the Administrative  
25 Office of the Courts.

26 (3) County departments of social services.

27 (4) Area mental health, developmental disabilities, and substance abuse  
28 authorities.

- 1           (5) County mental health, developmental disabilities, and substance abuse  
2           authorities.  
3           (6) Local law enforcement agencies.  
4           (7) District attorneys' offices, except as otherwise provided in this section.  
5           (8) Local school administrative units.  
6           (9) Local health departments.  
7           (10) Any other local agency designated in an administrative order issued by  
8           the chief district court judge of the district court district in which the  
9           agency is located or operates.

10        (a1) Any agency that receives information disclosed pursuant to this section, and  
11 shares information with another authorized agency, shall document the name of the  
12 agency to which the information was provided and the date the information was  
13 provided.

14        (a2) When the disclosure of requested information is prohibited or restricted by  
15 federal law or regulations, a designated agency shall share the information only in  
16 conformity with the applicable federal law and regulations. At the request of the  
17 initiating designated agency, the designated agency refusing the request shall inform  
18 that agency of the specific law or regulation that is the basis for the refusal.

19        (a3) Any designated agency that refuses another designated agency's written  
20 request for information under this section shall, upon request of the requesting agency,  
21 provide the requesting agency with a written statement of the reason for the refusal. A  
22 requesting agency may file a motion in the pending juvenile matter for the limited  
23 purpose of asking the court to order disclosure of the requested information. An agency  
24 from which information is requested may file a motion in the pending juvenile matter  
25 for the limited purpose of asking the court to order that disclosure of some or all of the  
26 requested information is not required because:

- 27           (1) This section does not require disclosure of the information;  
28           (2) The juvenile's best interest requires that the information not be  
29           disclosed; or  
30           (3) There is other good cause for not disclosing the information.

31 A movant under this subsection must serve the motion and notice of hearing on all  
32 parties and on the other designated agency. The court may conduct an in camera  
33 inspection of information that is the subject of the motion. At the conclusion of the  
34 hearing on the motion, the court shall enter an order requiring the disclosure of some or  
35 all of the requested information, or declaring that some or all of the information is not  
36 required to be disclosed. Based on a finding of good cause, the court may deny or  
37 prohibit disclosure of information that otherwise would have to be disclosed under this  
38 section.

39        (a4) Any information shared among agencies pursuant to this section shall remain  
40 confidential, shall be withheld from public inspection, and shall be used only for the  
41 protection of the juvenile and others or to improve the educational opportunities of the  
42 juvenile, and shall be released in accordance with the provisions of the Family  
43 Educational and Privacy Rights Act as set forth in 20 U.S.C. § 1232g. Nothing in this  
44 section or any other provision of law shall preclude any other necessary sharing of

1 information among agencies. Nothing herein shall be deemed to require the disclosure  
2 or release of any information in the possession of a district attorney.

3 (b) Disclosure of information concerning any juvenile under investigation or  
4 alleged to be within the jurisdiction of the court that would reveal the identity of that  
5 juvenile is prohibited except that publication of pictures of runaways is permitted with  
6 the permission of the parents."

7 **SECTION 2.** This act is effective when it becomes law.