



CHAPTER 131D
ARTICLE 1A - CONTROL OVER CHILD PLACING AND CHILD CARE

N.C.G.S. § 131D-10.3A.

Mandatory criminal checks.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2025-27, s. 5.3(b) — eighth act in the lineage	21 September 2026, 04:21 UTC	9c32e3a0cbbcf1ac130ae700 - e018e9655cc585a24479ecbc - e6f6bb9545547c8b

- § 131D-10.3A(a)

Effective January 1, 1996, in order to ensure the safety and well-being of any child placed for foster care in a home, the Department shall ensure that the criminal histories of all foster parents, individuals applying for licensure as foster parents, and individuals 18 years of age or older who reside in a family foster home, are checked and, based on the criminal history check, a determination is made as to whether the foster parents, and other individuals required to be checked, are fit for a foster child to reside with them in the home. The Department shall ensure that, as of the effective date of this Article, all individuals required to be checked are checked for county, state, and federal criminal histories.
- § 131D-10.3A(b)

The Department shall ensure that all individuals who are required to be checked pursuant to subsection (a) of this section are checked upon relicensure for county and State criminal histories.
- § 131D-10.3A(c)

The Department shall prohibit an individual from providing foster care by denying or revoking the license to provide foster care if an individual required to submit to a criminal history check pursuant to subsection (a) of this section has a criminal history. The Department may prohibit an individual from providing foster care by denying or revoking the license to provide foster care if the Department determines that the safety and well being of a child placed in the home for foster care would be at risk based on other criminal convictions, whether felony or misdemeanor.
- § 131D-10.3A(d)

The State Bureau of Investigation shall provide to the Department the criminal history of the individuals specified in subsection (a) of this section obtained from the State

and National Repositories of Criminal Histories as requested by the Department. The Department shall provide to the State Bureau of Investigation, along with the request, the fingerprints of the individual to be checked, any additional information required by the State Bureau of Investigation, and a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the State or National Repositories signed by the individual to be checked. The fingerprints of the individual to be checked shall be used by the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

§ 131D-10.3A(e)

At the time of application, the individual whose criminal history is to be checked shall be furnished with a statement substantially similar to the following:

NOTICE**MANDATORY CRIMINAL HISTORY CHECK**

NORTH CAROLINA LAW REQUIRES THAT A CRIMINAL HISTORY CHECK BE CONDUCTED ON ALL PERSONS 18 YEARS OF AGE OR OLDER WHO RESIDE IN A LICENSED FAMILY FOSTER HOME.

"Criminal history" includes any county, State, and federal conviction of a felony by a court of competent jurisdiction or pending felony indictment of a crime for child abuse or neglect, spousal abuse, a crime against a child, including child pornography, or for a crime involving violence, including rape, sexual assault, or homicide, other than physical assault or battery; a county, State, or federal conviction of a felony by a court of competent jurisdiction or a pending felony indictment for physical assault, battery, or a drug related offense, if the offense was committed within the past five years; or similar crimes under federal law or under the laws of other states. Your fingerprints will be used to check the criminal history records of the State Bureau of Investigation (SBI) and the Federal Bureau of Investigation (FBI).

If it is determined, based on your criminal history, that you are unfit to have a foster child reside with you, you shall have the opportunity to complete or challenge the accuracy of the information contained in the SBI or FBI identification records.

If licensure is denied or the foster home license is revoked by the Department of Health and Human Services as a result of the criminal history check, if you are a foster parent, or are applying to become a foster parent, you may request a hearing pursuant

to Article 3 of Chapter 150B of the General Statutes, the Administrative Procedure Act.

Any person who intentionally falsifies any information required to be furnished to conduct the criminal history is guilty of a Class 2 misdemeanor."

Refusal to consent to a criminal history check is grounds for the Department to deny or revoke a license to provide foster care. Any person who intentionally falsifies any information required to be furnished to conduct the criminal history is guilty of a Class 2 misdemeanor.

§ 131D-10.3A(f)

The Department shall notify in writing the foster parent and any person applying to be licensed as a foster parent of the determination by the Department of whether the foster parent or prospective foster parent is qualified to provide foster care based on the criminal history of all individuals required to be checked pursuant to subsection (a) of this section. The Department may provide the foster parent, prospective foster parent, or any other individual required to be checked pursuant to subsection (a) of this section with a copy of that applicant's criminal history information for the purpose of reviewing or challenging the accuracy of the criminal history. The Department shall notify each individual required to be checked pursuant to subsection (a) of this section of the individual's right to review the criminal history information, the procedure for completing or challenging the accuracy of the criminal history, and the foster parent's or prospective foster parent's right to contest the Department's determination. Public child placing agencies, including supervising county departments of social services, are required to have an employee on staff that is trained and certified to receive criminal history record information to the extent required by federal policy, law and standards.

A foster parent or prospective foster parent who disagrees with the Department's decision may request a hearing pursuant to Chapter 150B of the General Statutes, the Administrative Procedure Act.

§ 131D-10.3A(g)

All the information that the Department receives through the checking of the criminal history is privileged information and is not a public record but is for the exclusive use of the Department and those persons authorized under this section to receive the information. The Department may destroy the information after it is used for the purposes authorized by this section after one calendar year.

§ 131D-10.3A(h)

There is no liability for negligence on the part of a supervising agency, or a State or local agency, or the employees of a State or local agency, arising from any action

taken or omission by any of them in carrying out the provisions of this section. The immunity established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity established by this subsection shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Article 31A of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Torts Claim Act, as set forth in Article 31 of Chapter 143 of the General Statutes.

§ 131D-10.3A(i)

The State Bureau of Investigation shall perform the State and national criminal history checks on individuals required by this section and shall charge the Department a reasonable fee only for conducting the checks of the national criminal history records authorized by this section. The Division of Social Services, Department of Health and Human Services, shall bear the costs of implementing this section.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
8 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1995	2010		2025
TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT	
Nº	YEAR	ACT	CHARACTER
01	1995	c. 507, s. 23.26(b)	ENACTED
02	1997	S.L. 1997-140, s. 2	AMENDED
03	1997	S.L. 1997-443, ss. 11A.89, 11A.118(a)	AMENDED
04	2003	S.L. 2003-304, s. 4	AMENDED
05	2007	S.L. 2007-276, ss. 12, 13	AMENDED
06	2014	S.L. 2014-100, s. 17.1(fff)	AMENDED
07	2023	S.L. 2023-134, s. 19F.4(ooo)	AMENDED
08	2025	S.L. 2025-27, s. 5.3(b)	AMENDED

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 131D-10.3A (2025).

PINPOINT

N.C. Gen. Stat. § 131D-10.3A(a) (2025).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1995, c. 507, s. 23.26(b); 1997-140, s. 2; 1997-443, ss. 11A.89, 11A.118(a); 2003-304, s. 4; 2007-276, ss. 12, 13; 2014-100, s. 17.1(fff); 2023-134, s. 19F.4(ooo); 2025-27, s. 5.3(b).)

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