

Purpose of this Resource and Guidance Document

The North Carolina Division of Social Services (NCDSS) is dedicated to ensuring that adequate resources are provided to assist in reducing the number of firearm related deaths and injuries to children and youth. This guidance document will help county child welfare workers understand North Carolina law regarding safe storage of firearms and provide education and awareness of resources to support families with firearms in the home. It will also provide additional information, resources, and tools about firearm safety to support county child welfare workers' engagement with families.

Legal Basis

§ 14-315.1. Storage of firearms to protect minors.

a) Any person who resides in the same premises as a minor, owns or possesses a firearm, and stores or leaves the firearm (i) in a condition that the firearm can be discharged and (ii) in a manner that the person knew or should have known that an unsupervised minor would be able to gain access to the firearm, is guilty of a Class 1 misdemeanor if a minor gains access to the firearm without the lawful permission of the minor's parents or a person having charge of the minor and the minor:

- 1) Possesses it in violation of G.S. 14-269.2(b);
- 2) Exhibits it in a public place in a careless, angry, or threatening manner;
- 3) Causes personal injury or death with it not in self defense; or
- 4) Uses it in the commission of a crime.

b) Nothing in this section shall prohibit a person from carrying a firearm on his or her body, or placed in such close proximity that it can be used as easily and quickly as if carried on the body.

(c) This section shall not apply if the minor obtained the firearm as a result of an unlawful entry by any person.

(d) "Minor" as used in this section means a person under 18 years of age who is not emancipated. (1993, c. 558, s. 2; 1994, Ex. Sess., c. 14, s. 11.)

§ 14-316. Permitting young children to use dangerous firearms.

a) It shall be unlawful for any person to knowingly permit a child under the age of 12 years to have access to, or possession, custody or use in any manner whatever, of any gun, pistol or other dangerous firearm, whether such weapon be loaded or unloaded, unless the person has the permission of the child's parent or guardian, and the child is under the supervision of an adult. Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor. (b) Air rifles, air pistols, and BB guns shall not be deemed "dangerous firearms" within the meaning of subsection (a) of this section except in the following counties: Caldwell, Durham, Forsyth, Gaston, Haywood, Mecklenburg, Stokes, Union, Vance. (1913, c. 32; C.S., s. 4441; 1965, c. 813; 1971, c. 309; 1993, c. 539, s. 218; 1994, Ex. Sess., c. 24, s. 14(c); 2013-369, s. 4; 2014-119, s. 10(a).)

§ 14-269.8. Purchase or possession of firearms by person subject to domestic violence order prohibited.

- a) In accordance with G.S. 50B-3.1, it is unlawful for any person to possess, purchase, or receive or attempt to possess, purchase, or receive a firearm, as defined in G.S. 14-409.39(2), machine gun, ammunition, or permits to purchase or carry concealed firearms if ordered by the court for so long as that protective order or any successive protective order entered against that person pursuant to Chapter 50B of the General Statutes is in effect. (b) Any person violating the provisions of this section shall be guilty of a Class H felony. (1995, c. 527, s. 2; 2003-410, s. 2; 2011-268, s. 7.)

10A NCAC 70E .1110 (g) Environmental Regulations

- g) Explosive materials, ammunition, and firearms shall each be stored separately, in locked places.

Guidance for Firearm Safety

On average, over 3,000 children and adolescents ages 0 to 19 die each year in the U.S. from a firearm injury. In children and adolescents ages 10-19, approximately 4 in 10 of those deaths are by suicide.¹ Throughout the provision of services to families involved in the child welfare system, the county child welfare worker is required to inquire about the possession and storage of firearms in the home. It is critically important that all workers be aware of their own personal biases, experiences, and knowledge of firearms. The assessment of safety is ongoing and addressing it throughout the life of the case plays an important role in achieving positive outcomes.

Intake

When a county child welfare agency receives a report, it is a requirement to include questions regarding whether there are firearms in the home. It is important for the Intake worker to ask additional questions about the location and whether the firearm is locked up when it is indicated that there is a firearm in the home. If an Intake worker determines that there is an improperly stored firearm in the home and the caretaker is aware that the child has access, a report should be accepted for assessment per policy. Any information received from the reporter should be documented in the intake report.

Family and Investigative Assessments

As a part of the Assessment, child welfare workers must inquire about firearms in the home and ensure that they properly stored. Firearm safety education provided to the family should include:

- At minimum, using a gun locking device that renders the firearm inoperable when not in use; AND
- Ensuring firearms are in a location inaccessible by children and cannot be handled by anyone without permission.
- Storing ammunition in a locked location separate from firearms.
- Best practice is using a gun lock as an additional safety precaution; AND
- Storing firearms in a locked cabinet, safe, gun vault, or storage case when not in use.

Child Welfare Resources for Firearm Safety in the Home

Child welfare workers must assess and educate firearm safety in the homes of other places the child may reside including the non-resident parents' home and a Temporary Safety Provider should a family choose to use this resource.

Children and teens are naturally curious about firearms and, as a result, may be tempted to “play” with a firearm they find. County child welfare workers can provide safety guidelines to families to educate youth and prevent accidental shootings such as:

- Do not go snooping, or allow other kids to go snooping, for guns in the house.
- If you find a gun in your house, or anywhere else, stop and do not touch it. Leave the area and be sure to immediately tell an adult.
- Even if a gun looks like a toy, do not touch it. Some real guns look like toy guns, so do not take a chance. Leave the area and immediately tell an adult.

Additionally, keeping firearms secured is one prevention method for teenage suicide and homicide that parents can control. Child welfare workers must ask during initiation and ongoing visits about any mental or behavioral health changes the family is aware, including concerns shared by the children and youth about themselves. When concerns are presented for mental health, child welfare workers should reiterate safety measures that include securing firearms and anything that could be used as a weapon, in addition to following through with mental health services for the child or youth.

In-Home Services

The goal of In-Home Services is to support families in maintaining their child(ren) safely in the home. Firearms in the home with children are considered a risk factor and the worker providing In-Home services must continue to assess for safety and address issues as they become aware of them. That includes the continuing education and provision of resources to families regarding firearms as well as the assessment of safety. It is important to ensure that education and provision of resources extends to non-resident parents and Temporary Safety Providers.

Permanency Planning

During the provision of Foster Care services, child safety must remain the priority for child welfare. Licensed foster homes and foster care placements are required to maintain a stricter level of firearm storage for safety. The Foster Care Licensing manual addresses firearm safety: “Firearms must be kept securely locked. If the owner wishes to enhance the security of the firearm by using a trigger lock, this is commendable. The minimum requirement is that the firearm, with or without a trigger guard, be locked up. Ammunition for the firearm must be locked up and stored separately from the firearm. If a gun cabinet is used to store both firearm and ammunition, the cabinet must have separate locked areas for the firearm and the ammunition.” It is important that workers providing foster care services continue to include firearm safety education for children as well as and their foster and biological families. Child welfare workers providing foster care services must also ensure firearms are properly secured in the family home prior to a trial home placement. It is necessary that there is, at minimum, a gun lock on the firearm and it is inaccessible to the children, unless otherwise directed in the court order.

Resources

Gun violence is considered a public health epidemic and the American Academy of Pediatrics (AAP) has developed resources to help professionals and parents/caretakers talk about firearm safety. The AAP promotes the End Family Fire Gun safety model, Asking Kids Saves lives (ASK), and is a simple way to help keep kids safe. Professionals can ask parents and guardians “*Is there an unlocked gun in your house?*” To help parents and caretakers assess if their child(ren) has access to guns, county child welfare workers can help educate parents and caretakers in becoming more comfortable asking questions of those their children visit. Some examples include:

- Parents dropping off their kids for a playdate: “My kid is pretty curious, and our doctor recommended that I ask — is there an unlocked gun where my child will play?”
- Teens taking their first babysitting job: “Is there an unlocked and/or loaded gun in your home?”
- Young adults moving into a group home: “Does anyone own a gun? If so, how is it stored?”
- When considering the care of an elderly family member, especially those who may suffer from a form of dementia: “Do we need to rethink how we safely store the guns?”

Children’s Safety Network¹: <https://www.childrenssafetynetwork.org/infographics/firearm-safetypreventing-death-suicide>

America Academy of Pediatrics: <https://services.aap.org/en/news-room/campaigns-and-toolkits/gun-safety/>

Healthy Children: <https://www.healthychildren.org/English/safety-prevention/at-play/Pages/Is-There-A-Gun-Where-Your-Child-Plays-Asking-Can-Save-Lives.aspx>

[Division of Public Health: Injury and Violence Prevention Branch](#)

The Injury and Violence Prevention Branch provides tools, resources and data on firearm-related injuries and death in NC.

Specific information about:

- Importance of firearm safe storage
 - Reduce Death, Injury, Hospitalization to Children and Youth
 - Firearm Access is a risk factor for suicide - statistics
 - Resource – [Means Matter information and data on the lethality of firearms](#)
 - Harm and Violence Reduction
- Recommendations on firearm safety for suicide prevention
 - [NC Recommendations on Firearm Safety for Suicide Prevention 2020 report](#)
- A toolkit for Communities to Use for Firearm Safety Education and Awareness
- How to Obtain a Free or Discounted Gun lock
- Additional Resources

Child Welfare Resources for Firearm Safety in the Home

[Project ChildSafe](#)

Project ChildSafe is a program of the National Shooting Sports Foundation committed to promoting genuine firearms safety through the distribution of safety education messages and free firearm safety kits to communities across the U.S.

- To find a Project ChildSafe partner to obtain a free safety kit visit: https://projectchildsafe.org/safety_kit_site/?safety_kit_state=north-carolina
- Tips for parents with firearms in the home: <https://projectchildsafe.org/parents-and-gun-owners/>
- Ten Tips for Firearms Safety in your home printable brochure: https://projectchildsafe.org/wp-content/uploads/2020/05/PCS_FirearmsSafety_Jan2019_v2.pdf
- Education: <https://projectchildsafe.org/educators/>
 - Videos:
 - It's your call – Playing it Safe Around Guns
 - Parents talking with their kids about gun safety
 - Gun safety messages for age and developmental status
- Find a Safety Kit: <https://projectchildsafe.org/parents-and-gun-owners/>

Child Fatality Task Force report on firearm safety: <https://webservices.ncleg.gov/ViewDocSiteFile/71090>