



North Carolina Department of Health and Human Services
Division of Social Services

325 North Salisbury Street • MSC 2439 • Raleigh, North Carolina 27699-2439
Courier # 56-20-25

Beverly Eaves Perdue, Governor
Lanier M. Cansler, Secretary

Sherry S. Bradsher, Director
(919) 733-3055

March 4, 2011

DEAR COUNTY DIRECTORS OF SOCIAL SERVICES

DEAR EXECUTIVE DIRECTORS OF PRIVATE CHILD-PLACING AGENCIES

**ATTENTION: CHILD WELFARE ADMINISTRATORS AND SUPERVISORS
FOSTER HOME LICENSING STAFF**

SUBJECT: FINGERPRINTS

In May 2010 the Federal Bureau of Investigation (FBI) audited the Division of Child Development (DCD) and the Division of Social Services (DSS) to measure compliance with the Integrated Automated Fingerprint Identification System (IAFIS). This audit assessed compliance with Interstate Identification Index (III) / National Fingerprint File (NFF) participation standards and the federal laws and regulations associated with the use, dissemination, and security of national criminal history record information (CHRI). The audit found that DSS was out-of-compliance with two federal requirements regarding access and use, and dissemination.

Requirement 1: Access to and Use of CHRI: Public Law 92-533 authorizes the FBI to exchange CHRI with, and for the official use of, authorized officials of the Federal Government, States, cities and other institutions. Under this legislation CHRI may be used in connection with licensing or employment purposes for which dissemination is authorized by federal law. It was determined that North Carolina was not compliant with this requirement because CHRI has been used interchangeably for foster care and adoptive applicants.

Therefore, CHRI obtained under this authority may only be used for the purpose for which the record was requested. If CHRI is requested for a foster care license the information obtained from that request can not be used if the applicant later requests to be an adoptive applicant.

If this occurs, applicants will have to submit another set of fingerprints to DCD strictly for the purpose of adoption. Conversely, should adoptive parents later become foster parent applicants they are required to submit another set of fingerprints to DCD strictly for the purpose of foster care.

The State Bureau of Investigation (SBI) has voiced their opinion that there is no relief for this requirement and North Carolina will jeopardize its access to CHRI if we do not comply with the federal regulations. This access to CHIR under Adam Walsh is for the purpose of licensing foster and adoptive applicants and does not impact the proposed access to CHRI during a CPS Assessment. Loss of access to CHRI for licensing has significant ramifications for Title IV-E funding eligibility.

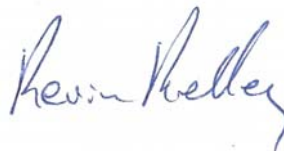
The Criminal Record Check letter from DCD (Sheryl McNeill) that is submitted to the Licensing Office on prospective foster parents must state that the applicant MEETS THE CRITERIA for a foster parent and not an adoptive parent, otherwise the foster home licensing packet will be returned to your agency.

Requirement 2: Dissemination of CHRI: The federal legislation makes it clear that access to CHRI by authorized officials is subject to cancellation if information is disseminated outside the receiving departments, related agencies, or other authorized entities. This requirement only applies to private agencies.

North Carolina was found to be out-of-compliance because CHRI identifying information was provided to private agencies concerning foster parent applicants. Private agencies are to be advised that the applicant has criminal charges. No other information can be provided by the Licensing Authority. The applicant must provide the private agency information related to their criminal history. This history must match the information the Licensing Office receives as a result of the fingerprints. The applicant can obtain a copy of their criminal history by following the procedures at this website (http://www.ncdoj.gov/getdoc/97522fed-73d5-4549-9f2c-d804e90bc57a/Right-to-Review_-packet.aspx). The applicant can then provide this information to the private agency.

If you have questions feel free to contact the Regulatory and Licensing Services Office at 828-669-3388.

Sincerely,

A handwritten signature in blue ink that reads "Kevin Kelley". The signature is written in a cursive style with a large, looped "K" and a long, sweeping tail.

Kevin Kelley, Interim Section Chief
Child Welfare Services

cc: Sherry Bradsher
Jack Rogers
Child Welfare Services Team Leaders

CWS-03-11