



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

Pat McCrory, Governor

Aldona Z. Wos, M.D.  
Ambassador (Ret.)  
Secretary DHHS

Wayne E. Black  
Division Director

February 10, 2014

**DEAR COUNTY DIRECTOR OF SOCIAL SERVICES**

**ATTENTION: CHILD WELFARE STAFF**

**SUBJECT: CRIMINAL HISTORY RECORD INFORMATION (CHRI)**

The North Carolina Division of Social Services (the Division) is committed to ensuring the safety, protection, and well-being of the children of North Carolina. Additionally, staff safety is of utmost concern. To that end, this letter addresses the process that county child welfare agencies must follow in order to receive nationwide Criminal History Record Information. Currently, unless agencies pay a third-party vendor for nationwide criminal history information, only local and state background checks can be completed as part of the Child Protective Services (CPS) Assessment process.

Under the Adam Walsh Child Protection Act of 2006, Public Law 109-248, states are granted access to CHRI per Section 151 (<http://www.gpo.gov/fdsys/pkg/PLAW-109publ248/pdf/PLAW-109publ248.pdf>). Access to CHRI will provide accurate, up-to-date data on individuals throughout the United States and in some cases will include pending warrants.

The Division has partnered with the State Bureau of Investigation (SBI) to ensure that all local child welfare agencies have access to this nationwide information. Below is a list of documents that the Director will need to review and sign. Soft-copy versions of these documents are attached to this letter.

It is not mandatory that counties utilize this particular method of obtaining CHRI. However, this method is the most comprehensive and contains access to every database necessary to aid social workers in making appropriate decisions in regards to child safety and risk factors. The Division strongly recommends that county staff access nationwide criminal history information as part of a global assessment of family functioning, protective factors, and safety concerns.

Each county that wishes to utilize the process set up by the SBI must follow certain steps. The first step is for the agency to designate a Point of Contact (POC). The POC:

- Serves as the point person at the local agency for matters relating to Criminal Justice Information Services (CJIS) information access;
- Administers CJIS systems programs within the local agency and oversees the agency's compliance with CJIS systems policies. This individual is designated by the agency to act as a liaison between the agency and law enforcement;
- Will be responsible for attending a one-time "indoctrination" training class to address topics such as POC responsibilities, how to handle criminal history data, and the other various topics. The SBI will coordinate the initial round of regional "indoctrination" classes for the POC;

Child Welfare Services

[www.ncdhhs.gov](http://www.ncdhhs.gov) • [www.ncdhhs.gov/dss](http://www.ncdhhs.gov/dss)

Tel. 919-527-6340 • Fax 919-715-6714

Location: McBryde East Building • 820 South Boylan Ave. • Raleigh, NC 27699-2439

Mailing Address: 2406 Mail Service Center • Raleigh, NC 27699-2406

An Equal Opportunity / Affirmative Action Employer



- Will be responsible for in-house training for local child welfare agency employees on the proper use of, access to, and dissemination of CHRI, and
- Will not be required to undergo a background screening.

Next, each agency will need to submit to the Division the following:

#### **I. Originating Router Identifier (ORI) Application**

- The ORI number is assigned by the Federal Bureau of Investigation and must be on all reports, requests and correspondence. The ORI is unique in that it consists of the state abbreviation, a county code, and a department code. The ORI application and instructions are attached to this letter. If incomplete, the application will not be processed and will be returned.
- The ORI application must be signed by the Director and must be notarized.
  - **Section 1.16** must include the title and the name of the Director. Interim Directors may sign the ORI application with the understanding that when a new Director is identified then a new ORI application, User Agency agreement and MOU will need to be completed.
  - **Section 1.11** – The agency is required to provide an email address listed for the Director.

#### **II. Director Statement**

A letter on agency letterhead must accompany the ORI application. The letter needs to specify that your agency is the agency responsible for the delivery of child protective services. The letter must also indicate the name and contact information of your agency's POC. The POC is the individual designated by the agency to act as a liaison between the agency and law enforcement. This person oversees compliance with state and national regulations regarding the use of CHRI. Additional information on the duties of the POC is provided in the first section of this letter.

#### **III. Submission of a User Agency Agreement**

The User Agency Agreement (UAA) is an acknowledgment by the agency that the duties and requirements for accessing CHRI are understood and certifies that policies and procedures will be followed. Please note that on the top left hand corner of the form, the Primary Agency ORI section is for the ORI number. Do not put anything in this section. Once the ORI number is assigned, the number will be filled in by the Division and submitted to the SBI.

#### **IV. Memorandum of Understanding (MOU) or Servicing Agreement**

The Servicing Agreement must be entered into prior to obtaining CHRI. This agreement spells out the user's responsibilities, the forms and methods of acceptable use, penalties for violations, and disclaimers. Additionally:

- Each county is required to identify the local law enforcement entity with whom they wish to enter into a MOU/Servicing Agreement and should modify the agreement template as needed;
- Agencies are encouraged to begin having a discussion with the law enforcement agency of their choosing regarding the MOU. The agreement will also need to spell out personnel and data security information; and
- The SBI has provided a template for developing an MOU which is attached to this letter.

Child Welfare Services

[www.ncdhhs.gov](http://www.ncdhhs.gov) • [www.ncdhhs.gov/dss](http://www.ncdhhs.gov/dss)

Tel. 919-527-6340 • Fax 919-715-6714

Location: McBryde East Building • 820 South Boylan Ave. • Raleigh, NC 27699-2439

Mailing Address: 2406 Mail Service Center • Raleigh, NC 27699-2406

An Equal Opportunity / Affirmative Action Employer



The Division will forward all documents to the SBI. Once the following are complete, please send to the Division using the contact information below:

1. ORI Application
2. Servicing Agreement
3. Director's statement on letterhead
4. User Agency Agreement

Mail to:

NC DSS – Child Welfare Services  
Attn: Antonia Zimmer, MSW  
820 S. Boylan Ave  
MSC 2408  
Raleigh, North Carolina 27699-2408

As a reminder, please review these highlighted points in regards to accessing CHRI through the above protocol.

- CHRI may only be accessed during the assessment of child abuse, neglect or dependency allegations. It may not be accessed during an In-Home case or a Foster Care case. CHRI may not be accessed for placement purposes. However, when a child is “placed” with a safety resource during a CPS Assessment, it is acceptable to access CHRI;
- A state or federal audit may be required; including an on-site visit. If a negative audit finding results from a child welfare agency’s action, a corrective action plan will be put into place;
- Re-disclosure of CHRI is not permissible to a parent’s attorney in juvenile cases. Re-disclosure in court hearings would require a certified true copy be presented to the judge for review. It is permissible to summarize the CHRI in any court report;
- It is required that CHRI be kept in a locked storage area, such as a file cabinet or file room. If CPS records are kept on a social workers desk, filing cabinet, or in a briefcase, the desk would need to be in a locked room and the filing cabinet would need to be locked. Due to the difficult nature of ensuring that CHRI kept in a briefcase is maintained securely it is not recommended that social workers keep CHRI in a briefcase; and
- A physically secure location would be a facility or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect CHRI and associated information systems.

If you have any questions about this guidance, please contact child welfare policy consultant Antonia Zimmer at (919) 527 6349 or [antonia.zimmer@dhhs.nc.gov](mailto:antonia.zimmer@dhhs.nc.gov). You may also contact your Children’s Program Representative for additional information.

Sincerely,



Kevin Kelley, Section Chief  
Child Welfare Services

Attachments (5)

CC: Wayne Black  
Hank Bowers  
Child Welfare Services Team Leaders

CWS-03-2014

Child Welfare Services

[www.ncdhhs.gov](http://www.ncdhhs.gov) • [www.ncdhhs.gov/dss](http://www.ncdhhs.gov/dss)

Tel. 919-527-6340 • Fax 919-715-6714

Location: McBryde East Building • 820 South Boylan Ave. • Raleigh, NC 27699-2439

Mailing Address: 2406 Mail Service Center • Raleigh, NC 27699-2406

An Equal Opportunity / Affirmative Action Employer

