



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

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Courier # 56-20-25

Beverly Eaves Perdue, Governor
Lanier M. Cansler, Secretary

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

March 10, 2010

DEAR COUNTY DIRECTOR OF SOCIAL SERVICES

ATTENTION: CHILD WELFARE PROGRAM ADMINISTRATORS AND SUPERVISORS

SUBJECT: RESPONSIBLE INDIVIDUALS LIST

On March 2, 2010, the North Carolina Court of Appeals issued an opinion (<http://www.aoc.state.nc.us/www/public/coa/opinions/2010/pdf/090205-1.pdf>) that the statutory procedures pertaining to the expunction process and the Responsible Individuals List (RIL) are unconstitutional. After consulting with the Division's child welfare attorneys regarding the implication of the Court's opinion, the Division is suspending the expunction process until such times as appropriate changes to the current process can be implemented.

Suspension of the expunction process will require several immediate changes. First, when a case decision is made that identifies the perpetrator as responsible for abuse and/or serious neglect of a juvenile, that the case decision letter should no longer inform the individual that there is an expunction process or that there is a list that is available to certain employers who wish to determine employability. The case decision letter shall inform the individual of the allegations assessed during the CPS Assessment, the reason for the case decision and the next course of action with the individual. Change Notice CWS-CN-01-10 has been released indicating that the Family Services Manual (Volume 1); Chapter VIII; Section 1427 (Expunction); and all attachments has been made obsolete. The remaining sections of Chapter VIII will be updated to reflect these changes.

Suspension of the expunction process will also require that those expunction reviews that are currently in progress cease and that the individual be informed of the Court of Appeals ruling and that their name will be removed from the RIL. A sample letter has been attached to this letter for your consideration.

As of March 5, 2010 all versions of the SYA910-1 (Central Registry Responsible Individuals List Report), from XPTR have been deleted. All access to the RIL, either from the Central Registry (CYA) Main Menu (Option 9), or directly through transaction SY10 has been removed. Should an attempt be made to access the RIL the following error message displays:

DFHAC2008 <date> <time> CICSNC16 Transaction SY10 has been disabled and cannot be used.

When a case decision has been made, current policy states that data gathered during the course of the CPS Assessment is to be documented on the DSS-5104, within 10 working days and reported to the Division via the DSS-5104. Completion and data entry of the DSS-5104 has not been suspended. At the present time, continue to enter the DSS-5104 as required.

The Division is aware of concerns regarding the entry of the DSS-5104 and the edits that require entry of a code in Field #39, Responsible Individuals List Indicator. Disabling the edits for Field #39 and revision of the DSS-5104 will take additional time. Entry of a code in Field #39 (this Field captures the case decisions of abuse, abuse and neglect or neglect determined to be serious) is still required, at this time. Although these codes in the Central Registry system indicate the status of the individual's name on the RIL, the RIL is no longer available. Therefore, any data compiled as a result of an entry in field #39 is not accessible until such time as a final decision can be made regarding the capture of this data. The Division has twenty days from the date the Court of Appeal's opinion was filed to implement the edit to Field #39.

On March 2, 2010 the Division ceased responding to requests for information from the RIL. Those agencies requesting information will be informed of the ruling and informed that information from our Central Registry is confidential and can only be released to other states or governmental agencies in the performance of their mandated duty to protect children.

The child welfare policy team continues to consult with our child welfare attorneys regarding the ruling. Additional guidance will be communicated when it becomes available. The Division will continue to work closely with its information technology colleagues, child welfare attorney and its child welfare staff to provide the guidance and future instructions.

Should you have further questions, please contact your assigned Children's Program Representative (CPR).

Sincerely,



Charisse S. Johnson, Chief
Child Welfare Services

Attachment: [Expunction Decision Letter](#)

cc: Sherry Bradsher
Sarah Barham
Hank Bowers
Children's Program Representatives
Family Support and Child Welfare Services Team Leaders
Local Business Liaisons
Work First Representatives
Jack Rogers

CWS-07-10