



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

325 North Salisbury Street • MSC 2408 • Raleigh, North Carolina 27699-2408
Courier # 56-20-25

Beverly Eaves Perdue, Governor
Lanier M. Cansler, Secretary

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

October 15, 2010

DEAR COUNTY DIRECTORS OF SOCIAL SERVICES

**DEAR EXECUTIVE DIRECTORS OF PRIVATE CHILD-PLACING AGENCIES
RESIDENTIAL CHILD-CARE INSTITUTIONS AND RESIDENTIAL MATERNITY CARE**

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

SUBJECT: RESPONSIBLE INDIVIDUALS LIST (RIL) CLEARANCE PROCEDURES

In May 2006 the Responsible Individuals List was created in response to federal requirements under the Child Abuse and Treatment Act to develop a child abuse registry that was accessible by employers, including foster and adoptive applicants, to assess the fitness of those individuals to provide care to children. Providers of residential child care/foster care/adoption services/residential maternity care was identified as authorized users of the Responsible Individuals List.

However, 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>) finding that the statutes governing the procedures used to place an individual's name on the Responsible Individuals List (RIL) violated the North Carolina Constitution. In July of this year, new legislation (Session Law 2010-90) was passed that re-created the RIL. Please note that all names placed on the RIL from May, 2006 until March, 2010 are no longer on the RIL.

This federal legislation also requires public and private agencies who are considering individuals to become foster parents or adoptive parents, to conduct a child abuse and neglect background check for every state that the prospective foster or adoptive parents or any adult members of the household have lived in for the previous 5 years. Checking the RIL fulfills that requirement for current and previous residents of North Carolina. The RIL is also available for child-placing agencies, residential child care institutions and residential maternity care to conduct a child abuse and neglect check of current and prospective employees or volunteers.

Child placing agencies, residential child-care institutions and residential maternity care should submit the request for information on the [DSS-5268](#) according to the instructions on the form.

When a county department of Social Services, a private child placing agency, residential child-care institution or a residential maternity care agency is working to approve a foster family, an adoptive or a prospective employee or volunteer the agency will:

1. Complete with the family or perspective employee or volunteer, the [DSS-5268](#)
2. Submit the DSS-5268 to the Division

N.C. Division of Social Services
325 N. Salisbury St.
MSC 2408
Raleigh, N.C. 27699-2408
Attn: RIL
3. The Division will check the RIL and complete the [DSS-5268](#).
4. The Division will return the [DSS-5268](#) to the submitting agency for their records.
5. Please note that the completed [DSS-5268](#) will need to be included in the foster parent licensing packet when they are submitted to the Regulatory and Licensing Services Office in Black Mountain.

Requests for information submitted via the [DSS-5268](#) will be returned in the order in which they were received. The expected turn around time for these requests is 10-14 days; an expedited process is not in place at this time. Contacting the Division to determine the status of a request prior to the 10-14 day time frame will significantly slow down the process; therefore, it is requested that only those requests with extreme circumstances, be the subject of any inquiry.

If you have any questions, please feel free to contact Terri T. Reichert, CPS Policy Consultant, at (919) 733-1106 or by email at terri.reichert@dhhs.nc.gov.

Sincerely,



Kevin Kelley, Interim Chief
Child Welfare Services

cc: Sherry Bradsher
Jack Rogers
Kathy Sommese
Hank Bowers
Child Welfare Services Team Leaders
Local Business Liaisons
Work First Representatives

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