



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

325 North Salisbury Street

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Courier # 56-20-25

Michael F. Easley, Governor
Dempsey Benton, Secretary

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

February 7, 2008

Dear County Director of Social Services

Attention: Child Welfare Program Administrators and Supervisors

**Subject: CPS Assessments in Juvenile Justice and Delinquency
Prevention Centers**

It has recently come to our attention that there is still some question about whether county departments of social services (DSS) have the authority to assess reports of abuse or neglect of a juvenile residing in a Department of Juvenile Justice and Delinquency Prevention (DJJDP) secure detention facility. In September of 2000, the Attorney General's Office provided guidance regarding this issue. The purpose of this letter is to further clarify this issue.

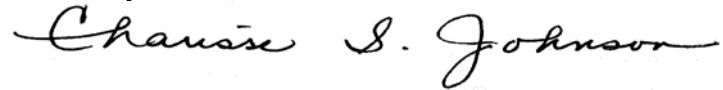
Although these facilities are exempt from licensure, they are still **residential child-care facilities**. Residential child-care facilities are defined in 131D-10.2 as "a staffed premise with paid or volunteer staff where children receive continuing full-time foster care." Foster care is also defined in this statute as the "provision of the essentials of daily living on a 24-hour basis for dependent, neglected, abused, abandoned, destitute, orphaned, undisciplined, or delinquent children who due to similar problems of behavior or family conditions are living a part from their parents, relatives, or guardians in a family foster home or residential child-care facility."

However, because DJJDP is now its own department and no longer under the Department of Health and Human Services (DHHS), the definitional part of "caretaker" referring to "any employee or volunteer of a division, institution, or school operated by DHHS" does not apply to secure detention facilities. While every "employee or volunteer" of a DJJDP secure detention facility is no longer subject to a CPS assessment, the caretaker definition still applies to employees who have "responsibility for the health and welfare of a juvenile" at such a facility. Thus, if a report is received and the person alleged to have abused or neglected the juvenile is the cook, the janitor, the groundskeeper, etc., the report would not be accepted for CPS assessment but reported to law enforcement when required.

If the person alleged to have abused or neglected the juvenile is a correctional officer employed with DJJDP or otherwise has "responsibility for the health and welfare of a juvenile", the report would be accepted for CPS assessment and referred to law enforcement when required.

If you have any questions about this letter, please feel free to contact your Children's Program Representative or the Family Support and Child Welfare Team at (919) 733-4622.

Sincerely,



Charisse S. Johnson, Chief
Family Support and Child Welfare Services

cc: Sherry S. Bradsher
Sarah Barham
Local Business Liaisons
Jo Ann Lamm
Children's Services Program Representatives
Family Support and Child Welfare Services Team Leaders

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