



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

325 North Salisbury Street • Raleigh, North Carolina 27603  
Courier # 56-20-25 MSC 2408

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April 28, 2006

## **DEAR COUNTY DIRECTOR OF SOCIAL SERVICES:**

### **DEAR PARTNERS:**

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Association of Directors of Social Services  
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The Children's Home Society of N.C.  
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Another Choice for Black Children  
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Methodist Home for Children  
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**ATTENTION: Child Welfare Program Administrators and Supervisors**

**SUBJECT: Responsible Individuals List Authorized Users**

The Division of Social Services would like to inform you of a resource that will assist your agency in determining the suitability of employees or other individuals to care for children. Your agencies have been identified as "Authorized Persons" to have access to information that will assist you in ensuring safety for children. The Department of Health and Human Services was authorized under Session Law 2005-399 (HB 661) to establish a list of individuals determined to be responsible for the abuse or "serious neglect" of children. This legislation has allowed the Department to be fully compliant with federal regulations under the Child Abuse Prevention and Treatment Act (CAPTA) that requires an expunction process for parents or caretakers of children if that decision to substantiate could affect their employment opportunities. We have complied with the legislation and established rules through the Social Services Commission to put this process in place. The implementation date for the expunction process and creation of the Responsible Individuals List is May 1, 2006 and will *not* be retroactive.

Not all alleged "perpetrators" will appear on the Responsible Individuals List. The Responsible Individuals List consists of the names of those individuals determined to be responsible for the abuse or "serious neglect" of a child. For all cases accepted on or after May 1, 2006 that receive a substantiation of abuse or "serious neglect" as a result of an investigative assessment will have information about the alleged "perpetrator" or responsible individual placed on the Responsible Individuals List. Cases that are conducted as a family assessment will not have information placed on the Responsible Individuals List as no "perpetrator" is identified. Cases in which a finding of neglect (not serious), or dependency will not have information placed on the Responsible Individuals List.

Information from the Responsible Individuals List is accessible to "Authorized Persons." Administrative Code 10A N.C.A.C. 70A.0104 identifies authorized persons as:

- (A) individuals whose job functions include administration of the Responsible Individuals List and provision of the information from the list to other authorized persons, as identified by the Director of the North Carolina Division of Social Services,
- (B) individuals identified by the Directors of county Departments of Social Services,
- (C) individuals as identified by the Director of the Division of Child Development for child care institutions,
- (D) any Executive Director or program administrator of a child placing agency licensed by the State of North Carolina or another state of that state's agency,
- (E) individuals as identified by the Director of the Division of Facility Services for group home facilities,
- (F) an Executive Director or program administrator of other providers of foster care, child care and adoption services determined by the Department of Health and Human Services,
- (G) the Administrator for the State Guardian Ad Litem program,
- (H) any Executive Director or program administrator of other private or non-profit agencies that care for children.

We anticipate that at some point in the future the "Authorized Persons" list will be expanded. Initially the amount of information contained on the Responsible Individuals List will be minimal. As we go forward we will be in a better position to know the needs of our partners across the State to access this information.

Information from the Responsible Individuals List will be available to authorized users for the sole purpose of determining current or prospective employment or the fitness of an individual/volunteer to provide care for children. Requests for information from the Responsible

Individuals List are to be made to the Division of Social Services using form DSS-5268 entitled "Responsible Individuals List Employer Request form." So when you are considering an individual, you will need to review the attached form with the individual and submit this form along with the individual's signature which acknowledges they understand that the Division of Social Services will be contacted to determine if their name appears on the Responsible Individuals List.

**Do not contact county departments of social services for this information. County departments of social services have access to this information for their employment purposes only.** This form is available on the Division of Social Services website, [NC DHHS Forms](http://info.dhhs.state.nc.us/olm/forms/dss/) (<http://info.dhhs.state.nc.us/olm/forms/dss/>). You will need to make copies of this form for your use. Faxes will not be accepted. This request is to be sent to:

North Carolina Division of Social Services  
Regulatory and Licensing Services  
952 Old U.S. 70 Highway  
Black Mountain, N.C. 28711  
Attn: RIL

Upon receipt of the request for information, Division staff will review the Responsible Individual List and submit the form back to you by mail with the findings. Please note that any form submitted incomplete will be mailed back to the employer without the Responsible Individuals List check completed. Please remember that any report received and assessed prior to May 1, 2006, will not have information placed on the Responsible Individuals List. When a request for information is returned with nothing found on the Responsible Individuals List, that does not indicate that there has not been prior central registry history.

Authorized users need to be aware that when denying an individual employment based on information received from the Responsible Individuals List, the individual must be informed that the information received was the basis for the denial.

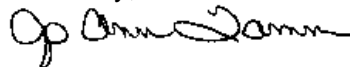
Because of the potentially harmful and confidential nature of the information requested it is a Class 3 misdemeanor (G.S. 7B-311(c)) to disclose information obtained from the Responsible Individuals List to anyone who is not authorized to receive the information or to request information when not authorized to do so.

Please note that the Expunction process is an individual's due process in cases that are substantiated for abuse or "serious neglect." Serious Neglect has been defined by the Social Services Commission (10A N.C.A.C. 70A.0104) as: conduct, behavior, or inaction that evidences a disregard of consequences of such magnitude as to constitute an unequivocal danger to a child's health, welfare or safety. This does not change the definition of Neglect that is defined in G.S. 7B-101(15) and reads: a juvenile who does not receive proper care, supervision or discipline from the juveniles parent, guardian, custodian, or caretaker; or who has been abandoned; or who is not provided necessary medical care; or who is not provided necessary remedial care; or who lives in an environment injurious to the juvenile's welfare; or who has been placed for care or adoption in violation of the law. Any neglect found under G.S. 7B-101(15) is serious if it is found to meet the definition under 10A N.C.A.C. 70A.0104 during the course of an investigative assessment.

A very detailed process has been outlined in statute and Administrative Rules regarding the requests for expungement. The review process begins with the first request to be made to the director of the county Department of Social Services that made the case decision to substantiate abuse or "serious neglect." Should the director refuse to expunge the individual's name, the responsible individual may make a request to the District Attorney for the prosecutorial district in which the report arose or file a petition for Expunction with the District Court for the prosecutorial district in which the report arose. Making the request for information from the Responsible Individuals List will not involve your agency in this expunction process.

The establishment of the Responsible Individuals List is another step towards achieving the safety, well-being and permanence of children in North Carolina. Please distribute information regarding the Responsible Individuals List to those whom are identified on the list of "Authorized Persons." Should you have any questions regarding this process please feel free to contact our policy consultant, Terri Reichert, at (919) 212-4622 or by email at [terri.reichert@ncmail.net](mailto:terri.reichert@ncmail.net).

Sincerely,



Jo Ann Lamm, Chief  
Family Support and Child Welfare Section

JAL: ttr

Attachment:

[DSS 5268 Responsible Individuals List Employer Request form](#)

cc: Sherry Bradsher  
Children's Program Representatives  
Work First Representatives  
Family Support and Child Welfare Team Leaders  
Local Business Liaisons  
Sarah Barham  
Child Welfare Attorneys

**FSCWS-30-06**