



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

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Courier # 56-20-25

Michael F. Easley, Governor  
Director  
Carmen Hooker Odom, Secretary

Pheon E. Beal,  
(919) 733-3055

**ADMINISTRATIVE LETTER**

**Children's Service's # 3-02**

**TO:** County Directors of Social Services

**SUBJECT:** Additional Protocol in Reporting CPS Case Decisions to the Licensing Authority

**DATE:** March 28, 2002

**EFFECTIVE DATE:** Immediately

**ATTENTION:** Children's Services Managers and Supervisors  
Children's Services Social Workers

The purpose of this letter is to clarify the requirement for the county Department of Social Services to report the CPS case decision to the licensing authority following investigative assessments within residential child-caring facilities. Please continue to follow the protocol outlined in Vol. I, Chapter VIII, Protective Services, Section 1416, Investigative Assessments in Out-of-Home Living Arrangements, Pages 30-31, Report to the Licensing Authority. It is important to emphasize the need for the report to the licensing authority to include information in the report that will allow the licensing authority not to have to re-interview the victim child(ren). The licensing authority for residential child-caring facilities will be either the Division of Facility Services or the Division of Social Services. We have consulted with our child welfare attorneys in the Attorney General's Office and confirmed that the county DSS may share with the DFS Investigator the details of the child's interview in this report in summary fashion.

Periodically, licensing staff of the Division of Social Services and the Division of Facility Services (DFS) meet to address issues and concerns. In a recent meeting, there was a discussion regarding the DFS licensing authority that is charged with conducting a follow-up investigation on the employee and may have a different outcome than the county DSS' case decision. The licensing authority has their unique definitions of abuse and neglect as it pertains to the actions of the employee and their decision is entered into a Health Care Registry that can adversely affect the employee's future employment options. It should be noted that the definitions that county Departments of Social Services use in Chapter 7B of the North Carolina General Statutes are different than the

definitions the licensing authority is charged to use. Even with these differences, the county DSS and the licensing authority usually have the same outcome of their separate investigations. However, it can be confusing to the residential child-caring facility and to the employee (perpetrator) when there are two different investigations and two different findings.

It should be clear that the county DSS investigation is to ascertain the safety and protection of the child(ren) and not to address licensing/employment issues. In order to achieve consistency, the DFS licensing authority will continue to use the information from the county DSS report to begin their investigation. When their outcome is different from the county DSS' CPS case decision, the DFS investigator will contact the county DSS to consult on the specific case and to determine if the county DSS has some information that might be helpful to the DFS investigator in making their decision. The county DSS can verbally share pertinent information from the case record with the DFS Investigator but cannot share the actual case record. There will continue to be occasions when the outcomes are different, but good communication between our agencies should make it easier for the DFS investigator to explain the reason for the different outcome to the employee. Enclosed please find a procedure that the licensing authority will utilize when the Health Care Personnel Registry investigation has a different outcome from the CPS case decision.

We believe this process will facilitate more consistency in the two different types of investigations. If you have any questions, please contact the Policy and Initiatives Team at (919) 733-4622.

Sincerely,



Charles C. Harris  
Children's Services Section Chief

cc: Pheon Beal  
Sherry Bradsher  
Children's Services Team Leaders  
Children's Services Representatives  
Jesse Goodman

**Duty/Tasks:** NOTIFICATION OF CHILD PROTECTIVE SERVICES (CPS) AND FACILITY ADMINISTRATION WHEN OUTCOME OF HCPR INVESTIGATION DIFFERS FROM CPS OUTCOME

**Purpose:** To ensure CPS and facility administration are informed of rationale for HCPR having a different outcome than CPS.

**Procedure:** CPS and facility administrators are notified when HCPR has investigated an allegation and the outcome is different than that of the CPS investigation.

- a. The Investigator completing the investigation informs the HCPR Assistant Section Chief by telephone that the outcome of the investigation is different than the one that CPS conducted. This is done within one working day of the completed investigation.
- b. The Investigator contacts the local CPS to inform the CPS investigator of the outcome of the HCPR investigation and discusses specifics of the investigation as applicable. **Efforts are made at this time to reach a conclusion based on the facts of the case that is acceptable to both agencies.**
- c. **If the outcome remains different** the HCPR Assistant Section Chief informs the Division of Child Protective Services designee that an investigation by HCPR has an outcome different than a CPS outcome. This is done the same day that the Assistant Section Chief is notified of the HCPR outcome.
- d. After discussing case with the HCPR Assistant Section Chief, the Investigator contacts the facility administrator by telephone and explains why the outcome of the HCPR investigation is different than the outcome of the CPS investigation. Specifics of the evidence may be discussed. The explanation includes that the focus of an HCPR investigation is for taking an action against the alleged perpetrator while the focus of a CPS investigation is the protection of the juvenile victim.
- e. The Investigator follows the telephone contact of the facility administrator with a letter briefly explaining the unsubstantiation or substantiation of the allegation and the reason the outcome is different from the CPS investigation.
- f. The Investigator updates the HCPR Investigations computer database with applicable entries.
- g. Document all contacts in the investigative file.
- h. Place a copy of the letter to the facility administrator in the investigative file.