

**DSS ADMINISTRATIVE LETTER
CHILD WELFARE SERVICES CWS-AL-01-11**

TO: COUNTY DIRECTORS OF SOCIAL SERVICES

ATTENTION: CHILD WELFARE SERVICES PROGRAM ADMINISTRATORS / MANAGERS,
SUPERVISORS, SOCIAL WORKERS, AND COUNTY DATA ENTRY STAFF

DATE: March 15, 2011

SUBJECT: CORRECTION TO RESPONSIBLE INDIVIDUALS LIST FORM ([DSS-5104A](#))
INSTRUCTIONS

EFFECTIVE DATE: IMMEDIATELY

I. BACKGROUND

The Responsible Individuals List (RIL) was re-established under new legislation ([Senate Bill S567](#)) and became effective practice on August 20, 2010 ([DSS Administrative Letter CWS-AL-40-10](#)). This revised legislation refined the definition of a Responsible Individual and incorporated the definition of *serious neglect* into statute ([G.S. § 7B-101](#)) and created a process for a Judicial Review instead of an expunction process.

Policy regarding the Judicial Review was released on August 20, 2010 and identifies the process for identifying a perpetrator as a responsible individual while preserving their due process rights. A perpetrator can only be named a responsible individual after one of three actions occurs:

1. the alleged responsible individuals fails to file a Judicial Review petition within 15 days after being properly notified (pursuant to [G.S. § 7B-320](#));
2. the court determines, through either an adjudication of a Juvenile Petition or of a Judicial Review Petition that the individual is a responsible individual; or
3. the alleged responsible individual is criminally convicted as a result of the same incident that led to the Child Protective Services involvement.

It has been determined that the instructions for completing the Responsible Individuals List form ([DSS-5104a](#)) require a correction.

II. PRACTICE IMPLICATIONS

Initial policy instructions for Filed 25 – Date of RIL Placement ([Child Welfare Services Manual Chapter VIII; Section 1427](#)) indicates:

Enter the date (in the eight-digit numeric MMDDYYYY format) for the date that the decision was made to place the name of the individual on the RIL. This date is usually the same as the date of the case decision (Field 7 of the [DSS-5104](#)).

These instructions are incorrect. The date of placement of an individual's name on the RIL must be a minimum of 15 days past the case decision date. The minimum of 15 days assumes that the alleged responsible individual received notification on the same day as the agency made its case decision.

The Division would also like to remind counties that when submitting the Responsible Individuals List Form ([DSS-5104a](#)) supporting documentation is required to ensure that the responsible individual's due process has been preserved prior to state staff placing the name on the RIL:

When a DSS-5104a is provided to the Division that identifies a name to be placed on the RIL, supporting documentation shall accompany the DSS-5104a. For instance, should a Judicial Review determine that the name of the identified individual be placed on the RIL, a copy of the court order shall accompany that DSS-5104a.

Accepted documentation to support the placement of a name on the RIL shall include:

1. a photocopy of the agency's *case decision letter* when the decision to place the individual's name on the RIL occurs as a result of the Director' original case decision and the alleged individual has failed to file for Judicial Review;
2. a photocopy of the *signed* court order authorizing the placement of the individual's name on the RIL (this may be a result of an adjudication of either a Judicial Review Petition or of a Juvenile Petition);
3. a photocopy of the *signed* court order resulting in the responsible individual's criminal conviction of the same incident that led to the agency's Investigative Assessment.

Please do not submit the entire [DSS-5010](#), the Structured Documentation Instrument for CPS Assessment, or any other forms of narrative documentation.

This process will remain in effect until the automated data system goes into production. When this happens counties will resume responsibility for assuring that the individual's due process has been met prior to keying their name onto the RIL and the submission of supporting documentation to the Division will cease.

Should you have any questions please contact your agency's Regional Program Representative or Terri Reichert at 919-334-1106 or at terri.reichert@dhhs.nc.gov.

Sincerely,



Kevin Kelley, Interim Section Chief
Child Welfare Services

cc: Sherry S. Bradsher
Child Welfare Services Team Leaders
Children's Services Program Representatives
Local Business Liaisons
Regulatory and Licensing Services Consultants
Jack Rogers