

SECTION 1427 – RESPONSIBLE INDIVIDUALS LIST

CHANGE # 02-2011
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I. INTRODUCTION

The development of the Responsible Individuals List (RIL) is a direct result of federal requirements under the Child Abuse Prevention and Treatment Act (CAPTA), Section 106(a). The CAPTA grant requires each state to establish procedures for individuals found to have abused or neglected a juvenile the ability to appeal that decision. Non-compliance with this requirement could impact the receipt of CAPTA funds.

During the 2005-2006 North Carolina Legislative Session, Session Law 2005-399 (HB-661) was passed. This law authorizes the North Carolina Department of Health and Human Services (DHHS) to establish a list of individuals responsible for the abuse and/or serious neglect of a juvenile, to define serious neglect, and to establish a process for expunction from that list.

However, on March 2, 2010 the N.C. Court of Appeals ruled that the statutory provisions that permitted an individual's name to be placed on the Responsible Individuals List (RIL) without the opportunity for a Judicial Review hearing were un-constitutional. As a result of the court of appeals decision (No. COA09-205) Session Law 2009-507 (SB-567) was enacted. It is now required that an individual identified as responsible for the abuse or serious neglect of a child, have an opportunity for a Judicial Review before their name goes on the RIL.

This policy outlines procedures regarding a responsible individual's request for a Judicial Review of the local department of social services' decision to substantiate abuse, abuse and neglect and/or serious neglect/neglect and the decision to place the name on the RIL. G.S. § 7B-302(a) states, "after the completion of an Investigative Assessment that results in a determination of abuse or serious neglect and the identification of a responsible individual, the director shall personally deliver written notice of the determination to the identified individual." this is interpreted to mean that when a case decision is made to substantiate any combination of abuse, neglect and/or serious neglect, and identify an alleged responsible individual that individual must receive notice regarding the RIL. In other words, use of the RIL is not discretionary.

CPS Assessments that are conducted as Family Assessments are not eligible for the Judicial Review process.

II. DEFINITIONS

Session Law 2010-90 amended the definition of Responsible Individual found in G.S. § 7B-101 and added a definition for Serious Neglect. The definitions read:

(18a) Responsible Individual – A parent, guardian, custodian, or caretaker who abuses or seriously neglects a juvenile.

(19a) Serious Neglect – Conduct, behavior, or inaction of the juvenile's parent, guardian, custodian, or caretaker that evidences a disregard of consequences of such magnitude that the conduct, behavior, or inaction constitutes an unequivocal danger to the juvenile's health, welfare, or safety, but does not constitute abuse.

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G.S. § 7B-311(d) and Administrative Rule (10A NCAC 70A.0104) offer additional definitions that impact the RIL. These definitions read:

- (1) *"Authorized persons" means persons authorized to receive data from the Responsible Individuals List. Individuals authorized to receive information from the Responsible Individuals List are:*
 - (A) *individuals whose job functions include administration of the Responsible Individuals List and provision of information from the List to other authorized persons, as identified by the Director of the North Carolina Division of Social Services;*
 - (B) *individuals as 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 caring institutions;*
 - (D) *any Executive Director or program administrator of a child placing agency licensed by the State of North Carolina or another state or that state's agency;*
 - (E) *individuals as identified by the Director of the Division of Health Service Regulation for group home facilities;*
 - (F) *any 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; and*
 - (H) *any Executive Director or program administrator of other private or non-profit agencies that care for children.*
- (2) *"Personal written notice" means delivery in person of the case decision to the responsible individual by the social worker.*
- (3) *"Serious neglect" means 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.*

The definition of "Serious Neglect" mirrors the definition provided in (G.S. § 7B-101(19a)). The definition provided in Administrative Code regarding "Personal Written Notice" G.S. § 7B-302(g) instructs the Director to provide personal written notice to the alleged responsible individual within **5 business days**.

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Judicial Review: An individual may file for a Judicial Review of the DSS case decision to place the individual's name on the RIL. The Judicial Review Petition (AOC-J-131) must be filed, within 15 days of the case decision notification, in the district court in which the abuse or neglect arose; this refers to the county DSS with child welfare jurisdiction. For additional information regarding child welfare jurisdiction issues, please refer to Chapter V - Jurisdiction in Child Welfare,

III. RESPONSIBLE INDIVIDUALS LIST STATUTE (G.S. § 7B-311)

DHHS is required to establish a list of individuals responsible for the abuse and/or serious neglect of a juvenile and is required to establish due process procedures for the alleged responsible individual to request a Judicial Review of the abuse and/or serious neglect decision and the decision to place their name on the RIL. The case decision can also include other findings in any combination provided at least one of the finding is abuse or serious neglect.

The RIL is used to identify parents, guardians, caretakers, or custodians that have been named as responsible individuals in all substantiated cases of abuse, and/or serious neglect. The case decision can also include other findings in any combination provided at least one of the findings is abuse or serious neglect. Only cases conducted as Investigative Assessments are eligible for Judicial Review. Information from the RIL is only available to authorized persons for the sole purpose of determining current or prospective employability or fitness to care for children. The alleged responsible individual's name shall be placed on the RIL only after one of the following has occurred:

- The responsible individual is properly notified of their right to request a Judicial Review and fails to file a petition (AOC-J-131) for a Judicial Review;
- The court determines that the individual is a responsible individual as a result of a hearing on a Juvenile Petition (AOC-J-130) that identifies the responsible individual or a Judicial Review hearing (AOC-J-131) that determines the individual is a responsible individual; or
- The individual is criminally convicted as a result of the same incident that involved the Investigative Assessment (each DSS shall develop policies and procedures with their District Attorneys regarding the notification to DSS of the criminal conviction).

Requests for information from the RIL shall be directed to the North Carolina Division of Social Services (NCDSS) using the Request for Information from the Responsible Individuals List form (DSS-5268). Local county departments of social services (DSS) may access the RIL for internal employment needs.

At no time shall the Central Registry be used for determining employability or fitness of an individual (volunteer) to provide care to a child. Because the RIL could affect the individual's employment, information maintained on the RIL should be current and updated within the timeframes established. The Judicial Review process only begins when the alleged responsible individual initiates a petition (AOC-J-131) within the timeframes established by G.S. § 7B-323.

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The RIL is subject to strict confidentiality rules. Therefore, it is unlawful for any public official or public employee to knowingly or willfully release information from the Central Registry or the RIL to an unauthorized person. It is unlawful for any person who is authorized to receive the information to release it to an unauthorized person, and it is unlawful for any person who is not authorized to receive information to access or attempt to access it. A person who commits an offense described in this section is guilty of a Class 3 Misdemeanor.

IV. OUT-OF-STATE SITUATIONS

There are instances when a report is received but the incident occurred out-of-state or the alleged responsible individual lives out of state.

A. Child and parent/caretaker reside in NC, maltreatment is out-of-state

When the report indicates that the residence of both the child and the parents or caretakers is in North Carolina but the location of the alleged maltreatment is out-of-state, the county of residence shall conduct the CPS Assessment and, if appropriate, provide notice to the alleged responsible individual regarding the placement of their name on the RIL once the judicial review process is complete.

B. Child resident of NC, parent/caretaker non-NC resident, maltreatment out-of-state

If maltreatment is alleged to have occurred to a North Carolina child while out-of-state by an individual who is not a resident of North Carolina, the agency should refer that report to the state where the alleged maltreatment occurred. If that state refuses to accept the report, North Carolina should conduct the CPS Assessment with assistance from the other state and, if substantiated for abuse and/or serious neglect the named perpetrator is *not* eligible for the Judicial Review process and shall not have their name placed on the RIL.

C. Child resident of NC, parent/caretaker non-NC resident, maltreatment in NC

If a report alleges that a North Carolina child was maltreated in North Carolina by a parent or caretaker that is not a North Carolina resident, it is the responsibility of the local DSS to conduct the CPS Assessment with the other state's assistance. If the case decision results in a substantiation of abuse and/or serious neglect, the alleged responsible individual is eligible for the Judicial Review process and, if appropriate, to have their name placed on the RIL.

V. JUDICIAL REVIEW

The Judicial Review process is a District Court hearing on a petition (AOC-J-131), initiated by the alleged responsible individual for a review of the director's decision to identify the individual as a responsible individual and to place their name on the RIL. The Judicial Review process has been established by G.S. § 7B-323 and by Administrative Rule 10A NCAC 70A.0114.

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The Judicial Review petition (AOC-J-131) must be filed, within 15 days of receipt of the case decision notification, in the district in which the abuse and/or serious neglect arose.

This refers to the county department of social services with child welfare jurisdiction. For additional information on Child Welfare Jurisdiction Issues, please refer to Chapter V – Jurisdiction in Child Welfare.

Time frames have been established for the alleged responsible individual's right to request a Judicial Review. Should those timeframes expire, the right to request a Judicial Review is forfeit and their name will be placed on the RIL.

A. CASE DECISION NOTIFICATION (G.S. § 7B-320)

Existing policy states that upon completion of either a Family Assessment or an Investigative Assessment, the social worker is required to notify the parties involved of the case decision (Section 1408 – Investigative and Family Assessments). However, only Investigative Assessment findings of abuse and/or serious neglect are eligible for the name of the alleged responsible individual to be placed on the RIL. The case decision can also include other findings in any combination provided at least one of the findings is abuse or serious neglect. The name shall only be placed on the RIL after:

- The alleged responsible individual is properly notified of their right to, and information on, the process by which they can request a Judicial Review and fail to file a petition (AOC-J-131);
- The court determines that the individual is a responsible individual as a result of an adjudication arising from a Juvenile Petition (AOC-J-130); or the court determines that the individual is a responsible individual as a result of a hearing on a Judicial Review petition (AOC-J-131) that determines the individual is a responsible individual;
- The individual is criminally convicted as a result of the same incident that prompted the CPS Investigative Assessment.

Current child welfare policy allows DSS to switch CPS Assessment responses between an Investigative Assessment and Family Assessment during the actual assessment. Switching responses during an assessment should not be done frequently or without a thorough discussion of the case between the social worker and the supervisor. All decisions to change the CPS Assessment response must be done with supervisory approval. Documentation in the record should also clearly show why such a decision was made, and how it helped ensure the safety of the child.

NOTE: While cases of abuse may only be assigned as Investigative Assessments, cases alleging neglect may initially be assigned as a Family Assessment. DSS must insure that neglect allegations that will result in a finding of serious neglect and that have initially been assigned as Family Assessments are reassigned as Investigative Assessments prior to case decision.

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Additionally, prior to case decision, the family shall be notified by the agency that the Family Assessment process is ending and that the case is being reassigned as an Investigative Assessment. DSS shall also review with the family the differences between Family and Investigative Assessments.

Regardless of the response under which the report was accepted, if the case decision is to substantiate abuse and/or serious neglect, the name(s) of the perpetrator(s) are to be entered into the Central Registry via the DSS-5104. Instructions for the completion of the DSS-5104 are located in Chapter VIII, Section 1426. When completing a Family Assessment the finding will be reported to the Central Registry with **no** perpetrator information entered, therefore no identification to the RIL will be made.

North Carolina Administrative Code (10A NCAC 70A.0114) specifies that DSS continues to be responsible for the delivery of protective services and for ensuring the safety of children during the Judicial Review process. Should DSS determine that the family is unwilling to accept critically needed services (or despite the agency's efforts to provide or arrange for those services) the parents have made no progress toward providing adequate care sufficient to ensure the safety of the child, the ability to seek legal / judicial intervention, through the initiation of a juvenile petition (AOC-J-130), is preserved.

During the Judicial Review process, should DSS determine that protective services are no longer necessary and case closure is appropriate, nothing in the Judicial Review process should prevent the closure of the case.

B. PERSONAL WRITTEN NOTICE

The social worker shall make **face-to-face** contact with the alleged responsible individual within **5 business days** of the case decision to explain the reason for the substantiation decision, and to provide written notice of the potential for their name to be placed on the RIL. It is permissible for a social worker other than the social worker that conducted the assessment to deliver the case decision/RIL placement notice. In addition to documentation in the record, it is recommended that the notice include an acknowledgement by the alleged responsible individual that they did receive the case decision/RIL placement notice and the date received.

If it is not possible to make **face-to-face** contact with the alleged responsible individual to deliver the written notice within those **5 business days**, the social worker shall make diligent and persistent efforts to make contact. However, should the social worker be unsuccessful in contacting the alleged responsible individual, no later than **15 calendar days** from the **date of the case decision**, the notice shall be sent by registered or certified mail, restricted delivery, return receipt requested and addressed to the alleged responsible individual, so that the responsible individual is the **only** person who may receive the notice.

Should the case decision/RIL placement notice be returned as undeliverable or signed by someone other than the alleged responsible individual the name shall **not** be placed on the RIL.

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Note: in the event that there is a lack of identifying information for the alleged responsible individual, such as a date of birth or social security number, but the individual did receive the notice it is permissible to place the name on the RIL provided that there is at least one identifier. However, if the notice is undeliverable and there is no identifying information, the name shall *not* go on the RIL.

Amendments to G.S. § 7B-320 specifies that the personal written notice to the responsible individual shall contain the following:

1. A thorough, detailed, summarizing statement informing the individual of the substantial evidence supporting the decision to substantiate abuse and/or serious neglect (without identifying the reporter or collateral contacts) and that the individual has been identified as the responsible individual. The case decision can also include other findings in any combination provided at least one of the findings is abuse or serious neglect. When this occurs the notice to the individual shall also include language that indicates the agency will continue to work with the family on an involuntary basis without the name being placed on the RIL;
2. A statement (in accordance with G.S. § 7B-320(c)(3)) informing the individual that unless the individual petitions for a Judicial Review within the specified timeframe (15 days) their name will be placed on the RIL and that the NCDSS may provide information from that list to child caring institutions, child placing agencies, group home facilities, and other providers of foster care, child care, or adoption services (including Guardian ad Litem) that need to determine the fitness of individuals to care for or adopt children as permitted by G.S. § 7B-311 and 10A NCAC 70A.0107;
3. A clear description of the actions the individual must take to request a Judicial Review to prevent the placement of their name on the RIL. These instructions shall include a copy of the Judicial Review Petition (AOC-J-131).

An example of a case decision letter may read:

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Date

Name
Address
City, NC

Dear _____,

The _____ County Department of Social Services has conducted and completed an Investigative Assessment based on allegations related to: _____.

The Child Protective Services Investigative Assessment has been substantiated based on the following:

As a result, a case decision to substantiate abuse and/or serious neglect has been made: in addition the case decision also found neglect and/ or dependency (Optional). This substantiation also identifies you as a person responsible for the abuse and/or serious neglect and with that comes the potential for your name to be placed on the Responsible Individuals List (RIL).

The RIL is a list of individuals determined to be responsible for the abuse and/or serious neglect of a juvenile. Information from this list may be released to certain employers (G.S. § 7B-311(d)) such as: child caring institutions, child placing agencies, group home facilities, and other providers of foster care, child care, or adoption services (including Guardian Ad Litem). Information released shall be used to determine current or perspective employability or fitness to care for children; this includes foster and adoptive applicants.

To request that review of the case decision identifying you as a person responsible for the above referenced abuse and/or serious neglect, a petition for Judicial Review: Responsible Individuals List (AOC-J-131) must be filed (see the attached form). North Carolina law (G.S. § 7B-320) states that this petition must be filed within 15 days from your receipt of this letter. Should you chose to file a Judicial Review petition, your name will not be placed on the RIL until the court orders it. If you chose not to file a Judicial Review petition within 15 days, your name will automatically be placed on the RIL.

To file the petition for Judicial Review (AOC-J-131), the petition must be filed with the clerk of court in _____ County ***{provide contact information for the clerk of court}***. Once filed, the clerk of _____ County will provide a notice of the Judicial Review hearing to the Director of _____ County and to you as the petitioner. Upon receipt of the notice, the _____ County Director will review the record to determine the correctness of the case decision and the placement of your name on the RIL. Should the _____ County Director determine that there was not sufficient evidence to identify you as a responsible individual, the Director will provide, in writing, a statement to the clerk of court and to you that will result in the Judicial Review hearing being cancelled. However, should the _____ County Director determine that the agency had sufficient evidence; the Judicial Review hearing will be held at the time scheduled by the clerk of court.

At the Judicial Review hearing you have the right to: obtain an attorney, at your own expense, or represent yourself; present sworn evidence, law or rule; and the right to subpoena witnesses, cross-examine witnesses of the other party; and to make a closing argument. The Judicial Review hearing will be conducted before a judge and there will be no jury. Either you or the _____ County Director may appeal the Judicial Review decision. Please be aware that as a result of the neglect and or dependency finding the agency will continue to work with you on an involuntary basis without your name being placed on the RIL (Optional).

In the event that there are extraordinary circumstances that prevent you from filing for a Judicial Review with 15 days, G.S. § 7B-323(e) allows you to file a Judicial Review petition (AOC-J-131) and the clerk of _____ County has discretion to determine whether the Judicial Review hearing should be held.

G.S. § 7B-307 requires that when abuse or serious neglect is found, the department of social services must notify the District Attorney. In the event that the District Attorney files criminal charges and a criminal conviction occurs, your name will be placed on the RIL, regardless of the outcome of any Judicial Review.

Should you have further questions regarding the placement of your name on the RIL, please contact:
_____ at _____.

Sincerely,
Social Worker and Social Work Supervisor

Responsible Individual signature/initial _____ Date _____

This acknowledges the receipt of this letter not agreement with the finding

C. PETITION FOR JUDICIAL REVIEW (G.S. § 7B-323)

Petitions for Judicial Review (AOC-J-131) must be filed within 15 days of the receipt of the case decision/RIL placement notice, by the alleged responsible individual. The petition for Judicial Review must be filed with the District Court in the county where the abuse and/or serious neglect arose. Once the clerk of court receives and calendars the Judicial Review hearing, the DSS director that made the determination to identify the alleged responsible individual, will be sent a Notice of Hearing. If the individual fails to file the Judicial Review petition (AOC-J-131), within 15 days of receipt of the case decision/RIL placement notice, the right to file a petition is waived. *This will result in the placement of the alleged responsible individual's name on the RIL.*

1. DIRECTOR'S REVIEW AND DETERMINATION

Once notified that a Judicial Review has been calendared the director shall review all records, reports and other information gathered and used during the CPS Assessment case decision process. If, after reviewing the information gathered, the director determines that there is NOT sufficient evidence to support a determination that the individual abused and/or seriously neglected the juvenile AND that the individual is a responsible individual, the director shall prepare a written statement of the director's determination and deliver it to:

Note: when making a determination that there was not sufficient evidence to support a determination of abuse and/or serious neglect but that a finding of neglect and/or dependency was also made as a part of the original case decision, the statement provided to the individual and the clerk of court shall include language that indicates the agency will continue to work with the family on an involuntary basis without the name being placed on the RIL.

- The individual seeking a Judicial Review. The letter can be delivered in person or by first-class mail.
- The clerk of the District Court is responsible for the calendaring the Judicial Review so that the letter can be placed in the court file. The clerk of court, upon receipt of the director's letter, will cancel the Judicial Review (G.S. § 7B-323) with notice of cancellation given to the petitioner. Following the determination by the director that there is NOT sufficient evidence to support that the individual abused and/or seriously neglected the juvenile AND the individual is a responsible individual, the DSS will be unable to place the individual's name on the RIL.

A. Conflict of Interest: When another county, as a result of a Conflict of Interest, conducts the CPS Investigative Assessment, the request for Judicial Review (AOC-J-131) must be made to the District Court in the county where the abuse and/or serious neglect arose and that would have child welfare jurisdiction or in other words, where the incident occurred.

However; it is the director of the county that made the case/RIL placement decision who is responsible for this review by the director and for participating in the Judicial Review.

D. JUDICIAL REVIEW PROCESS (AOC-J-131)

Throughout the Judicial Review process, the rights of the alleged responsible individual and the director shall be preserved. These rights include:

- the right to present sworn evidence, law, or rules;
- the right to represent themselves or obtain the services of an attorney at their own expense and;
- the right to subpoena witnesses, cross-examine witnesses of the other party, and make a closing argument.

The director has the burden of proving by a preponderance of the evidence, evidence to support a determination that the case decision of abuse and/or serious neglect and placement of the person's name on the RIL is correct.

The rules of evidence in civil cases still apply. However, upon judicial determination other reliable and relevant evidence may be admissible. Because the nature of this hearing is very different, the social worker should be prepared to give personal testimony and/or to provide the case record if requested. This hearing shall be before a judge without a jury. The Judicial Review involves the alleged responsible individual and the director as parties to the action. The Judicial Review does not permit the involvement of a Guardian Ad Litem in this type of hearing pursuant to G.S. § 7B-601.

1. JUDICIAL DETERMINATION (G.S. § 7B-323(D))

If, during the Judicial Review process, the Judge establishes by a preponderance of the evidence, that any case decision combination of abuse, neglect and/or serious neglect and the identification of the individual as a responsible individual is correct, the director shall place the name of the individual on the RIL.

Should the court determine that there was insufficient evidence to establish by preponderance that the alleged responsible individual was the person responsible for rendering the juvenile as abused, and/or seriously neglected, the court order shall reflect that the name shall *not* go on the RIL. This does not reflect that the status of the child as maltreated is negated; it only establishes that this was not the person responsible for that maltreatment.

In this instance the DSS would need to decide whether this family requires on-going, involuntary services to protect the child. While the court is not making a determination as the agency's case decision, the court's findings may impact their ability to continue providing on-going, involuntary services.

For instance, there may be times in which children are both abused and/or seriously neglected **and** may also be neglected. In cases where children are abused and/or seriously neglected **and** neglected, the agency may still have grounds to petition the court to adjudicate the child as abused and/or seriously neglected **and** neglected in the event that a Judicial Review finds that the agency did not establish by a preponderance of the evidence that the alleged perpetrator was the individual responsible for the abuse and/or serious neglect.

Within **30 calendar days** of the conclusion of the Judicial Review hearing the Court shall sign and enter a written order containing the findings of fact and conclusion of law. The responsible individual or the director may appeal the District Court's decision. Indication by the named responsible individual that an appeal of the District Court's finding will be made will not prohibit the director from placing that responsible individual's name on the RIL.

Should the Court of Appeals reverse the District Court's finding and order that an individual's name be removed from the RIL, the director will notify the NCDSS and request that individual's name be removed.

2. EXTRAORDINARY CIRCUMSTANCES

G.S. § 7B-323(e) has been revised to reflect that upon the filing of a petition (AOC-J-131) for Judicial Review by an alleged responsible individual, the District Court may review the director's determination at any time if that review is based upon extraordinary circumstances or serves the interests of justice (even if the petition is filed beyond the 15 day timeframe outlined in G.S. § 7B-320(b)).

E. JUDICIAL INVOLVEMENT PRIOR TO CASE DECISION

This section only pertains to those cases in which a Juvenile Petition (AOC-J-130) is filed prior to a case decision being made.

When this occurs, the Juvenile Petition (AOC-J-130), allows the DSS to identify whether each respondent is alleged to be a responsible individual.

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If, at the time the Juvenile Petition (AOC-J-130) is filed, DSS does not have sufficient information to identify the respondent(s) as a responsible individual, the Juvenile Petition may be amended as allowed by G.S. § 7B-800 if additional information is made available that identifies the respondent(s) as a responsible individual.

NOTE: If the agency is conducting a Family Assessment and, during the course of that Family Assessment and prior to case decision, the agency finds that it is necessary to file a Juvenile Petition alleging abuse and/or serious neglect or any combination of abuse or serious neglect and neglect, the agency shall reassign the case to an Investigative Assessment. However, if the allegations do not rise to abuse and/or serious neglect, it may not be necessary to switch tracks. If the case is reassigned from a Family Assessment to Investigative Assessment, DSS shall notify the family of the reassignment as a result of the agency's intent to file a Juvenile Petition alleging abuse and/or serious neglect or any combination of abuse or serious neglect and neglect. The agency shall also review with the family the differences between Family Assessments and Investigative Assessments and the potential for placement of the alleged perpetrator's name on the RIL. A Child and Family Team Meeting *may* be instrumental in assisting DSS with making this decision and can provide a venue for the agency to discuss these issues with the family.

1. JUDICIAL FINDINGS

During the adjudication of the Juvenile Petition (AOC-J-130), the court will be making a finding of abuse, serious neglect, neglect or dependency and/or a finding that the name of the respondent be placed on the RIL.

G.S. § 7B-324(b) has been amended to reflect that if the juvenile court case concludes with an adjudication of abuse and/or serious neglect, and a determination that the respondent has abused and/or seriously neglected a juvenile and is a responsible individual, the Director shall place the name of the individual on the RIL, consistent with the court's order.

However, if the juvenile court case is involuntarily dismissed OR concludes without adjudication of abuse and/or serious neglect and the adjudication also considered RIL placement with a determination that the individual is a responsible individual, the name will not be placed on the RIL.

If the juvenile court case concludes with an adjudication of abuse, serious neglect, and/or neglect in combination with abuse or serious neglect but does NOT identify a responsible individual, the DSS will not place the individual's name on the RIL.

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2. CASE DECISION

Once a Juvenile Petition (AOC-J-130) has been filed the DSS case decision should be made as soon as sufficient information has been gathered that allows the agency to make a case decision.

VI. ELIGIBILITY

G.S. § 7B-324(a) establishes criteria for when an individual alleged to be a responsible individual is **not** eligible to petition (AOC-J-131) for a Judicial Review and states:

An individual who has been identified by a director as a responsible individual may not petition for judicial review if any of the following apply:

- (1) *The individual is criminally convicted as a result of the same incident. The district attorney shall inform the director of the result of the criminal proceeding.*
- (2) *The individual is a respondent in a juvenile court proceeding regarding abuse or [serious] neglect resulting from the same incident that concludes with an adjudication of abuse or [serious] neglect and a determination that the individual has abused or seriously neglected the juvenile and is a responsible individual.*
- (3) *After proper notice, the individual fails to file for judicial review with the district court in a timely manner*

This same statutes allows that at any time during the Judicial Review process an individual seeking the Judicial Review is named as a respondent in a juvenile court case resulting from the same incident, the court may stay the Judicial Review process or consolidate the Judicial Review with the juvenile court case.

VII. DSS-5104a FORM COMPLETION: FIELDS AND CODES

All CPS Investigative Assessments shall include a discussion with the family that, as a part of the Investigative Assessment, a case decision to substantiate abuse and/or serious neglect carries with it the potential for their name to be placed on the RIL. The DSS-5104a is the mechanism by which the placement of the responsible individuals name on the RIL occurs.

If the Director is notified that a Judicial Review petition (AOC J-131) has been filed, staff will enter the information regarding the Judicial Review at the conclusion of the Judicial Review hearing via the DSS-5104a, (fields 13-18). The name of the responsible individual is only placed upon the RIL if the court makes that determination. If the determination of the court is that the name is to be placed on the RIL, the Central Registry will automatically be updated to reflect the decision of the court on the Judicial Review Petition (AOC J-131) once the DSS-5104a is entered.

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If the Director files a juvenile petition (AOC J-130), staff will enter the information regarding the juvenile petition after the petition has been adjudicated (fields 19-23). The name of the responsible individual is only placed upon the RIL if the court makes that determination. If the determination of the court is that the name is to be placed on the RIL, the Central Registry will automatically be updated when the DSS-5104a is entered to reflect the decision of the court on the Juvenile Petition (AOC J-130).

Should the alleged responsible individual fail to file a Judicial Review petition (AOC J-131) within the timeframe allowed, 15 business days, the original decision of the Director stands and staff will enter information regarding the original decision of the Director to identify the perpetrator as a responsible individual (fields 24-26). The Central Registry will automatically be updated to reflect the decision of the Director when the DSS-5104a is entered.

When the DSS-5104a is initially opened for data entry, Fields 1-11 will be auto populated from the case-in the Central Registry (DSS-5104).The remaining fields document the process of placing the name of the alleged responsible individual on the RIL. The form is meant to provide as accurate a timeline as possible and tracks events that occurred. The form is updated as needed and only submitted to the North Carolina Division of Social Services once the appropriate processes are complete.

Due to system requirements, the agency will not be able to enter information as it becomes available, but must wait until each process is complete before keying. For instance, in cases where a Judicial Review is filed, the date the AOC J-131 is filed (Field 13) cannot be keyed until the information for Date of Judicial Review (Field 14), Director Determination (Field 15), JR Determination (Field 16), and Date Judicial Review Signed (Field 18) is also available. The Juvenile Petition path also cannot be completed until all information is available. The single exception is in cases where the Director is responsible for placing someone on the RIL. Fields 24 (RIL Code) and 25 (Date of RIL placement) should be keyed as soon as possible and not be held until the Responsible Individual has been criminally convicted (if applicable). The system will allow the Date of Criminal Conviction (Field #28) to be keyed at a later time.

NOTE: Family Assessments do not identify a perpetrator so no Family Assessment finding will be captured on the DSS-5104a.

A. RESPONSIBLE INDIVIDUALS LIST FUNCTIONS

The RIL can be accessed through the Central Registry system main menu by selecting Option 9.

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SY01  CYA001FM                                DATE: 09/23/2011
                                                TIME: 12:53:47

STATE OF NORTH CAROLINA
DEPARTMENT OF HUMAN RESOURCES
CENTRAL REGISTRY SELECTION MENU

FUNCTION                                KEY                                SELECTIONS
DSS-5104 ENTRY                          1
DSS-5104 INQUIRY                        FORM NUMBER                       2
DSS-5104 CHANGES                        FORM NUMBER                       3

VICTIM NAME DISPLAY                     LAST, FIRST, MI                   4
SOUNDEX VICTIM NAME DISPLAY             LAST, FIRST                       5
PERPETRATOR NAME DISPLAY                LAST, FIRST, MI                   6

ADMINISTRATIVE MENU                     7
FATALITIES MENU                         8

RESPONSIBLE INDIVIDUALS LIST MENU       9

SELECTION _ KEY

CYA261 - PLEASE MARK A SELECTION.
4B █ :00.1 22/37
  
```

The RIL menu has 7 functions

```

RIL010FM                                RESPONSIBLE INDIVIDUAL LIST          09/23/2011
                                MAIN MENU                               12:55:03

OPTIONS                                DESCRIPTION                          KEY
-----                                -----
1    DSS-5104A INQUIRY                RIL NUMBER
2    DSS-5104A UPDATE                 RIL NUMBER
3    DSS-5104A ENTRY                  CYA FORM NUMBER
4    SEARCH BY SSN (INQUIRY/UPDATE)    RIL SSN
5    SEARCH BY NAME (INQUIRY/UPDATE)   RIL LAST, FIRST, MI
6    ADMINISTRATIVE MENU
7    RETURN TO CENTRAL REGISTRY

OPTION _ KEY

PF3= CENTRAL REGISTRY MAIN MENU    PF4= LOGOFF
RIL1010: SELECT OPTION & ENTER REQUIRED FIELDS    00000
4B █ :00.1 18/13
  
```

1. Menu Options

- DSS-5104a Inquiry: allows the RIL form number to be entered to view the RIL entry.
 - i. Key “1” as the selection followed by the RIL form number. This will display the DSS-5104a record. The Inquiry function displays a view-only screen and no changes or updates may be made.

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RIL020FM          RESPONSIBLE INDIVIDUAL LIST          DATE: 09/26/2011
                   RIL INQUIRY                      09:33:53
RIL FORM: 000015
RESPONSIBLE INDIVIDUAL
  LAST NAME      FIRST NAME      MI      DOB      AGE      RACE      SEX      SSN
  PERPETRATOR    SECOND
  062            N15654            06011983  028      01      2      333113333
INVESTIGATIVE ASSESSMENT FINDINGS
  CTY      CYA FORM      INITIAL REPORT      CASE DECISION      RIL IND      NOTICE DEL
  062      N15654            06012011            06302011            1D            07012011

JUDICIAL REVIEW (AOC-J-131) HEARING
  DATE J131 FILED      JUD REV DATE      DIR DETERM      JR DETERM      JR SIGNED

JUVENILE PETITION (AOC-J-130)
  DATE J130 FILED      DATE ADJUDICATION      ADJ FIND      RIL FIND      JP SIGNED

ORIGINAL RIL INDICATOR STATUS DSS-5104
  RIL CODE      DATE RIL PLACEMENT      DATE CRIM CONVICTION
  1D            07202011

PF3 = PREV SCREEN      PF9 = CONFIRM      PF10 = CANCEL
RIL2003: DISPLAYED. ENTER NEW RIL OR PF3 EXIT
  
```

- **DSS-5104a Update:** This field allows for the updating of the RIL record.
 - i. Key “2” as the selection followed by the RIL form number. This will display the DSS-5104a record. Only those fields that do not have a value entered may be updated. Fields with values displayed in blue are locked and may not be changed.

```

RIL030FM          RESPONSIBLE INDIVIDUAL LIST          DATE: 09/26/2011
                   RIL UPDATE                      10:50:50
RIL FORM: 000014
RESPONSIBLE INDIVIDUAL
  LAST NAME      FIRST NAME      MI      DOB      AGE      RACE      SEX      SSN
  PERPETRATOR    FIRST
  062            N15654            06011979  032      01      1      111221111
INVESTIGATIVE ASSESSMENT FINDINGS
  CTY      CYA FORM      INITIAL REPORT      CASE DECISION      RIL IND      NOTICE DEL
  062      N15654            06012011            06302011            1D            07012011

JUDICIAL REVIEW (AOC-J-131) HEARING
  DATE J131 FILED      JUD REV DATE      DIR DETERM      JR DETERM      JR SIGNED

JUVENILE PETITION (AOC-J-130)
  DATE J130 FILED      DATE ADJUDICATION      ADJ FIND      RIL FIND      JP SIGNED

ORIGINAL RIL INDICATOR STATUS DSS-5104
  RIL CODE      DATE RIL PLACEMENT      DATE CRIM CONVICTION
  1D            07302011

PF3 = PREV SCREEN      PF9 = CONFIRM      PF10 = CANCEL
RIL3001: ENTER CLIENT CHANGES
  
```

- ii. If data is entered incorrectly or in error, a 5104d must be submitted to the Division for the appropriate modification or deletion.
- **DSS-5104a Entry:** allows for the initial entry of a DSS-5104a
 - i. Key “3” as the selection and the corresponding DSS-5104 (Central Registry/CYA) number.
 - ii. A screen will appear listing all perpetrators associated with the DSS-5104 Users will be able to select which perpetrator(s) to enter the DSS-5104a.

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RIL040FM          RESPONSIBLE INDIVIDUAL LIST          9/23/2011
                   PERPETRATOR DISPLAY                13:00:36
CYA FORM N15654
SEL  PERPETRATOR  NAME          DOB          AGE  S   SSN          RTL
S    PERPETRATOR  FIRST         06011979  032  1   111221111   00
    PERPETRATOR  SECOND        06011983  028  2   333113333   00
    PERPETRATOR  THIRD         06011989  022  2   555225555   00

ENTER 'S' NEXT TO PREPETRATOR SELECTION

PF3 = PREV SCREEN          PF10 = CANCEL
RIL4009: PERPS DISPLAYED,PERP(S) ELIGIBLE FOR ENTRY ARE IN WHITE.
  
```

Once a perpetrator has been selected, the DSS-5104a screen will display with Fields 1-12 auto populated from the Central Registry. The RIL form number will be displayed at the top left of the screen.

```

RIL000FM          RESPONSIBLE INDIVIDUAL LIST          DATE: 09/23/2011
                   RIL ENTRY                          13:17:45
RIL FORM: 000015
RESPONSIBLE INDIVIDUAL
LAST NAME          FIRST NAME          MI          DOB          AGE  RACE  SEX   SSN
PERPETRATOR SECOND 06011983  028  01  2   333113333
INVESTIGATIVE ASSESSMENT FINDINGS
CITY              CYA FORM          INITIAL REPORT  CASE DECISION  RIL IND  NOTICE DEL
062              N15654          06012011      06302011      00      -
JUDICIAL REVIEW (AOC-J-131) HEARING
DATE J131 FILED  JUD REV DATE  DIR  DETERM  JR DETERM  JR SIGNED
JUENILE PETITION (AOC-J-130)
DATE J130 FILED  DATE ADJUDICATION  ADJ FIND  RIL FIND  JP SIGNED
ORIGINAL RIL INDICATOR STATUS DSS-5104
RIL CODE  DATE RIL PLACEMENT  DATE CRIM CONVICTION
PF3 = PREV SCREEN          PF9 = CONFIRM          PF10 = CANCEL
RIL4015: ENTER DSS-5104A DATA
  
```

When all of the information regarding the perpetrator has been entered the message “DSS-5104 VALIDATED. PF9 ADD TO RIL OR PF10 CANCEL RIL.” will display at the bottom of the screen. The user will be returned to the RIL entry screen and the message “FORM PROCESSED.PERP(S) IN GREEN. ENTER NEW CYA FORM OR PF3 EXIT” will be displayed.

If there are additional perpetrators from the DSS-5104 that should be added to the RIL, they may be selected and added. If all perpetrators that are Responsible Individuals have been added, hit PF3 to return to the main menu. When all perpetrators on the DSS-5104 have had a DSS-5104a entered, the message “ALL PERPETRATORS OF THIS FORM HAVE BEEN ADDED” will be displayed.

Note: Not all perpetrators on a particular DSS-5104 should necessarily have an associated DSS-5104a. There should only be one DSS-5104 entered for the assessment, which should include all perpetrators; however some perpetrators may not be appropriate for placement on the RIL. In that case, simply do not key a DSS-5104a for those perpetrators, and they will continue to show in white.

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RIL010FM                                RESPONSIBLE INDIVIDUAL LIST                                09/23/2011
                                          MAIN MENU                                                15:33:22

-----
OPTIONS                                DESCRIPTION                                KEY
-----                                -----                                -----
1                                DSS-5104A INQUIRY                                RIL NUMBER
2                                DSS-5104A UPDATE                                RIL NUMBER
3                                DSS-5104A ENTRY                                CYA FORM NUMBER
4                                SEARCH BY SSN (INQUIRY/UPDATE)                RIL SSN
5                                SEARCH BY NAME (INQUIRY/UPDATE)              RIL LAST, FIRST, MI
6                                ADMINISTRATIVE MENU
7                                RETURN TO CENTRAL REGISTRY

OPTION 5                                KEY Perpet*_

PF3= CENTRAL REGISTRY MAIN MENU          PF4= LOGOFF
RIL1010: SELECT OPTION & ENTER REQUIRED FIELDS                                00000
400.1                                     18/31
  
```

ii. Results will be shown as below. Users may select a specific record for Inquiry “I” or Update “U”, depending on their access level.

```

RIL060FM                                RESPONSIBLE INDIVIDUAL LIST REGISTER                                09/23/2011
                                          CLIENT NAME SEARCH                                        15:28:56

S  FORM  *****NAME*****                SSN      DOB      S  RL  RPT DATE  CASE DEC
- 000014 PERPETRATOR  FIRST    111221111 06011979 1  1D  06012011  06302011
- 000011 PERPETRATOR  PERP     888888888 05011983 1  1D  05012011  05202011
- 000015 PERPETRATOR  SECOND   333113333 06011983 2  1D  06012011  06302011

NEW SEARCH==>
I= CLIENT INQUIRY  U = CLIENT UPDATE
PF3= PREV SCREEN  PF7= PAGE BACK  PF8= PAGE FORWARD
RIL6006: SELECTION MUST BE EITHER 'I' OR 'U' - REENTER
400.1                                     15/42
  
```

- Administrative Menu: allows for functions not available to all users.
- Return to Central Registry:
 - i. Key “7” to return to the Central Registry.
- Log off: allows the user to logoff. When “F3” is pressed twice, a blank screen will show and the user then types “logoff” and press enter. The screen will then return to the main state banner screen.

B. RESPONSIBLE INDIVIDUALS' INFORMATION (FIELDS 1 THROUGH 11)

Fields 1-6 contain information regarding the identity of the responsible individual when the type found code entered into the DSS 5104 is a “1” (Abuse), “3” (Abuse and Neglect), “3S” (Abuse and Serious Neglect), “2N” (Serious Neglect and Neglect) or a “2S” (Serious Neglect).

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Fields 7-11 contain addition information regarding the CPS Assessment. These fields are auto populated from the Central Registry (DSS-5104) and cannot be changed.

FIELD 1 - RESPONSIBLE INDIVIDUAL NAME

(Pulled from the Central Registry; field 33)

The name will display exactly as it appears in the Central Registry.

FIELD 2 - DATE OF BIRTH

(Pulled from the Central Registry; field 34)

The date of birth will appear exactly as it appears in the Central Registry. Without a date of birth or a social security number, the name shall not be placed on the RIL.

FIELD 3 – AGE

(Pulled from the Central Registry; field 35).

The age of the individual will be calculated from the entry in field 2. Should the date of birth be unknown and “E” will appear indicating the age as estimated.

FIELD 4 - RACE/ETHNICITY

(Pulled from the Central Registry; field 36)

FIELD 5 - SEX

(Pulled from the Central Registry; field 37)

The responsible individual's sex will be displayed using one of the following one-digit codes:

Code	Value
1	Male
2	Female

FIELD 6 - SOCIAL SECURITY NUMBER

(Pulled from the Central Registry; field 38)

Without a date of birth or a social security number, the name shall not be placed on the RIL.

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FIELD 7 - COUNTY

(Pulled from the Central Registry; field 1)

<u>Co. #</u>	<u>County Name</u>	<u>Co. #</u>	<u>County Name</u>	<u>Co. #</u>	<u>County Name</u>	<u>Co. #</u>	<u>County Name</u>
<u>01</u>	<u>Alamance</u>	<u>26</u>	<u>Cumberland</u>	<u>51</u>	<u>Johnston</u>	<u>76</u>	<u>Randolph</u>
<u>02</u>	<u>Alexander</u>	<u>27</u>	<u>Currituck</u>	<u>52</u>	<u>Jones</u>	<u>77</u>	<u>Richmond</u>
<u>03</u>	<u>Alleghany</u>	<u>28</u>	<u>Dare</u>	<u>53</u>	<u>Lee</u>	<u>78</u>	<u>Robeson</u>
<u>04</u>	<u>Anson</u>	<u>29</u>	<u>Davidson</u>	<u>54</u>	<u>Lenoir</u>	<u>79</u>	<u>Rockingham</u>
<u>05</u>	<u>Ashe</u>	<u>30</u>	<u>Davie</u>	<u>55</u>	<u>Lincoln</u>	<u>80</u>	<u>Rowan</u>
<u>06</u>	<u>Avery</u>	<u>31</u>	<u>Duplin</u>	<u>56</u>	<u>Macon</u>	<u>81</u>	<u>Rutherford</u>
<u>07</u>	<u>Beaufort</u>	<u>32</u>	<u>Durham</u>	<u>57</u>	<u>Madison</u>	<u>82</u>	<u>Sampson</u>
<u>08</u>	<u>Bertie</u>	<u>33</u>	<u>Edgecombe</u>	<u>58</u>	<u>Martin</u>	<u>83</u>	<u>Scotland</u>
<u>09</u>	<u>Bladen</u>	<u>34</u>	<u>Forsyth</u>	<u>59</u>	<u>McDowell</u>	<u>84</u>	<u>Stanly</u>
<u>10</u>	<u>Brunswick</u>	<u>35</u>	<u>Franklin</u>	<u>60</u>	<u>Mecklenburg</u>	<u>85</u>	<u>Stokes</u>
<u>11</u>	<u>Buncombe</u>	<u>36</u>	<u>Gaston</u>	<u>61</u>	<u>Mitchell</u>	<u>86</u>	<u>Surry</u>
<u>12</u>	<u>Burke</u>	<u>37</u>	<u>Gates</u>	<u>62</u>	<u>Montgomery</u>	<u>87</u>	<u>Swain</u>
<u>13</u>	<u>Cabarrus</u>	<u>38</u>	<u>Graham</u>	<u>63</u>	<u>Moore</u>	<u>88</u>	<u>Transylvania</u>
<u>14</u>	<u>Caldwell</u>	<u>39</u>	<u>Granville</u>	<u>64</u>	<u>Nash</u>	<u>89</u>	<u>Tyrrell</u>
<u>15</u>	<u>Camden</u>	<u>40</u>	<u>Greene</u>	<u>65</u>	<u>New Hanover</u>	<u>90</u>	<u>Union</u>
<u>16</u>	<u>Carteret</u>	<u>41</u>	<u>Guilford</u>	<u>66</u>	<u>Northampton</u>	<u>91</u>	<u>Vance</u>
<u>17</u>	<u>Caswell</u>	<u>42</u>	<u>Halifax</u>	<u>67</u>	<u>Onslow</u>	<u>92</u>	<u>Wake</u>
<u>18</u>	<u>Catawba</u>	<u>43</u>	<u>Harnett</u>	<u>68</u>	<u>Orange</u>	<u>93</u>	<u>Warren</u>
<u>19</u>	<u>Chatham</u>	<u>44</u>	<u>Haywood</u>	<u>69</u>	<u>Pamlico</u>	<u>94</u>	<u>Washington</u>
<u>20</u>	<u>Cherokee</u>	<u>45</u>	<u>Henderson</u>	<u>70</u>	<u>Pasquotank</u>	<u>95</u>	<u>Watauga</u>
<u>21</u>	<u>Chowan</u>	<u>46</u>	<u>Hertford</u>	<u>71</u>	<u>Pender</u>	<u>96</u>	<u>Wayne</u>
<u>22</u>	<u>Clay</u>	<u>47</u>	<u>Hoke</u>	<u>72</u>	<u>Perquimans</u>	<u>97</u>	<u>Wilkes</u>
<u>23</u>	<u>Cleveland</u>	<u>48</u>	<u>Hyde</u>	<u>73</u>	<u>Person</u>	<u>98</u>	<u>Wilson</u>
<u>24</u>	<u>Columbus</u>	<u>49</u>	<u>Iredell</u>	<u>74</u>	<u>Pitt</u>	<u>99</u>	<u>Yadkin</u>
<u>25</u>	<u>Craven</u>	<u>50</u>	<u>Jackson</u>	<u>75</u>	<u>Polk</u>	<u>00</u>	<u>Yancey</u>

Field 8 - Central Registry Form Number

(The DSS-5104 number assigned to the record when created in the Central Registry.)

Field 9 - Date of Initial Report

(Pulled from the Central Registry; field 5)

Field 10 – Date of Case Decision

(Pulled from the Central Registry; field 7)

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Field 11 – RIL Indicator Status

(Pulled from the Central Registry; field 39;
RIL Indicator Status)

This field will initially show as “00” to reflect at the time of entry this individual is not on the RIL. No entry in this field is allowed.

When the DSS-5104a is completed, this field will automatically update based on the entry in fields 16, 22 and 24, which populate field 39 on the DSS-5104.

Field 12 - Date Notice to the Responsible Individual Delivered

(ENTRY REQUIRED)

Enter the date (in the eight-digit numeric MMDDYYYY format) that the notice to the responsible individual was delivered. This date cannot precede the Date of Case Decision listed in field 10 on the DSS-5104.

C. JUDICIAL REVIEW (AOC-J-131) HEARING - FIELDS 13 THROUGH 18

The alleged responsible individual has 15 days from the delivery date of the case decision notice to file a petition requesting Judicial Review (AOC-J-131). Fields 13-18 will document the decision of the court and whether or not the alleged responsible individual's name will appear on the RIL.

Field 13 - Date AOC-J-131 Filed

(ENTRY REQUIRED IF APPLICABLE)

Enter the date (in the eight-digit numeric MMDDYYYY format) that the Judicial Review Petition was filed by the alleged responsible individual. This date can not be earlier than the date in field 12. If there is a value in field 19, Date AOC-J-1310 was filed, no entry may be made. Once there is an entry for this field it cannot be modified or changed by county users. A modification to this field requires the submission of a 5104d to the Division.

Field 14 - Date of Judicial Review

(ENTRY REQUIRED IF APPLICABLE)

If there is a value entered in field 13, this is a required field.

Enter the date (in the eight-digit numeric MMDDYYYY format) that the Judicial Review hearing was held. Once there is an entry for this field it cannot be modified or changed by county users. A modification to this field requires the submission of a 5104d to the Division.

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Field 15 - Director Determination

(ENTRY REQUIRED IF APPLICABLE)

If there is a value entered in field 13, this is a required field.

Enter the appropriate two-digit code regarding the Director's determination regarding the appropriateness of the case decision using one of the following codes: Once there is an entry for this field it cannot be modified or changed by county users. A modification to this field requires the submission of a 5104d to the Division.

Code	Value
01	The Director determined the name should be on the RIL
02	The Director determined that the name should not be on the RIL

Field 16 - Judicial Review Determination

(ENTRY REQUIRED IF APPLICABLE)

If there is a value in field 13, this field is required.

Enter the two-digit code regarding the court's determination using one of the following codes:

Code	Value	RIL Placement?
0J	<u>Dismissed / No Adjudication</u>	<u>No</u>
1J	<u>Abuse / RIL Placement</u>	<u>Yes</u>
2J	<u>Serious Neglect / RIL Placement</u>	<u>Yes</u>
3J	<u>Abuse and Serious Neglect / RIL Placement</u>	<u>Yes</u>
4J	<u>Abuse and Neglect/ RIL Placement</u>	<u>Yes</u>
5J	<u>Serious Neglect and Neglect/ RIL Placement</u>	<u>Yes</u>
9J	<u>Adjudication / No RIL Placement</u>	<u>No</u>

The use of code 0J encompasses those situations where the Judicial Review petition is dismissed by one of the parties or there is no adjudication. An example of a situation where there is no adjudication is when the court combines an adjudication of a Juvenile Petition with the Judicial Review. When this occurs, completions of fields' #19-23 are required.

Code 9J refers to the Judicial Review court's adjudication of abuse, serious neglect, abuse and neglect, abuse and serious neglect, serious neglect and neglect, neglect, and/or dependency without the placement of the individual on the RIL. This entry will auto populate to field 39 on the DSS 5104.

Once there is an entry into this field it cannot be modified or changed by county users. A modification to this field requires the submission of a 5104d to the Division.

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Field 17 – Reserved for Future Use \

(NO ENTRY)

Field 18 - Date of Judicial Review Signed

(ENTRY REQUIRED IF APPLICABLE)

If there is a value in field 13, this field is required.

Enter the date (in the eight-digit numeric MMDDYYYY format) that the presiding Judge signed the court order placing the name on the RIL.

This date cannot precede the date of the Judicial Review listed in field 14. Entry of the DSS-5104a should be no later than 7 days from the date of that the order was signed.

Once there is an entry for this field it cannot be modified or changed by county users. A modification to this field requires the submission of a 5104d to the Division.

D. JUVENILE PETITION (AOC-J-130) - FIELDS 19 THROUGH 23

Fields 19 through 23 must be completed when the DSS files a Juvenile Petition (AOC-J-130) alleging that the perpetrator has abused, seriously neglected and/or neglected a juvenile and that the perpetrator is a responsible individual.

Field 19 - Date Juvenile Petition (AOC-J-130) Filed

(ENTRY REQUIRED IF APPLICABLE)

Enter the date (in the eight-digit numeric MMDDYYYY format) that DSS filed a Juvenile Petition alleging that the individual named on the petition has abused and/or seriously neglected a juvenile and is the individual responsible for the abuse and/or serious neglect. Once there is an entry for this field it cannot be modified or changed by county users. A modification to this field requires the submission of a 5104d to the Division.

Field 20 - Date of Adjudication

(ENTRY REQUIRED IF APPLICABLE)

If there is a value in field 19, this field is required.

Enter the date (in the eight-digit numeric MMDDYYYY format) that the District Court reached a decision regarding whether or not the individual should be identified as a responsible individual. This date cannot precede the date listed in Field 19.

Once there is an entry for this field it cannot be modified or changed by county users. A modification to this field requires the submission of a 5104d to the Division.

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Field 21 - Adjudication Findings

(ENTRY REQUIRED IF APPLCIABLE)

If there is a value in field 19, this field is required.

Enter the appropriate two-digit code regarding the court's determination using one of the following codes:

<u>Code</u>	<u>Value</u>
<u>00</u>	<u>Dismissed / No Adjudication</u>
<u>01</u>	<u>Abuse</u>
<u>02</u>	<u>Neglect</u>
<u>03</u>	<u>Abuse and Neglect</u>
<u>04</u>	<u>Dependency</u>
<u>05</u>	<u>Serious Neglect</u>
<u>06</u>	<u>Abuse and Serious Neglect</u>
<u>07</u>	<u>Serious Neglect and Neglect</u>

Once there is an entry for this field it cannot be modified or changed by county users. A modification to this field requires the submission of a 5104d to the Division.

Field 22 - Juvenile Petition RIL Finding

(ENTRY REQUIRED IF APPLCABLE)

If there is a value in field 19, this field is required.

Enter the appropriate two-digit code regarding the court's determination using one of the following codes:

<u>Code</u>	<u>Value</u>	<u>RIL Placement?</u>
<u>0A</u>	<u>Dismissed / No Adjudication</u>	<u>No</u>
<u>1A</u>	<u>Abuse / RIL Placement</u>	<u>Yes</u>
<u>2A</u>	<u>Serious Neglect / RIL Placement</u>	<u>Yes</u>
<u>3A</u>	<u>Abuse and Serious Neglect / RIL Placement</u>	<u>Yes</u>
<u>4A</u>	<u>Abuse and Neglect/RIL Placement</u>	<u>Yes</u>
<u>5A</u>	<u>Serious Neglect and Neglect/ RIL Placement</u>	<u>Yes</u>
<u>9A</u>	<u>Adjudication / No RIL Placement</u>	<u>No</u>

Code 9A refers to the Judicial Petition adjudication of abuse, serious neglect, abuse and neglect, abuse and serious neglect, serious neglect and neglect, neglect, and/or dependency without the placement of the individual on the RIL. This entry will auto populate to field 39 on the DSS 5104.

Once there is an entry for this field it cannot be modified or changed by county users. A modification to this field requires the submission of a 5104d to the Division.

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Field 23 - Date Adjudication Order Signed

(ENTRY REQUIRED IF APPLCABLE)

Enter the date (in the eight-digit numeric MMDDYYYY format) that judge signed the adjudication order that placed the name on the RIL. This date cannot precede the date listed in field 20. Entry of the DSS-5104a should be no later than 7 days from the date of that the order was signed.

Once there is an entry for this field it cannot be modified or changed by county users. A modification to this field requires the submission of a 5104d to the Division.

E. DIRECTOR DETERMINATION- FIELDS 24 THROUGH 29

Fields 24 and 25 must be completed when the perpetrator is identified as a responsible individual and fails to file a petition for a Judicial Review.

Field 24 - RIL Code

(ENTRY REQUIRED IF APPLICABLE)

Enter the appropriate two-digit code regarding the Director's determination using one of the following codes: The Director's determination may be different than the type found of the case decision; therefore the dates in fields 11 (Type Found) and 24 (RIL Code) are not required to mirror each other.

Once there is an entry for this field it cannot be modified or changed by county users. A modification to this field requires the submission of a 5104d to the Division.

<u>Code</u>	<u>Value</u>	<u>RIL Placement?</u>
<u>1D</u>	<u>Abuse / RIL Placement</u>	<u>Yes</u>
<u>2D</u>	<u>Serious Neglect / RIL Placement</u>	<u>Yes</u>
<u>3D</u>	<u>Abuse and Serious Neglect / RIL Placement</u>	<u>Yes</u>
<u>4D</u>	<u>Abuse and/or Neglect and Other Finding / RIL Placement</u>	<u>Yes</u>
<u>5D</u>	<u>Serious Neglect and Neglect/ RIL Placement</u>	<u>Yes</u>

Field 25 - Date of RIL Placement

(ENTRY REQUIRED IF APPLCABLE)

If there is a value in field 24, this field is required.

Enter the date (in the eight-digit numeric MMDDYYYY format) this date must be a minimum of 15 days past the case decision date (Field 7 of the DSS-5104)

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Once there is an entry for this field it cannot be modified or changed by county users. A modification to this field requires the submission of a 5104d to the Division.

Field 26 - Reserved for Future Use

(NO ENTRY)

Field 27 - Reserved for Future Use

(NO ENTRY)

Field 28 - Date of Criminal Conviction

(THIS FIELD IS NOT REQUIRED)

Enter the date (in the eight-digit numeric MMDDYYYY format) that the alleged responsible individual was criminally convicted as a result of the same incident that led DSS to its Child Protective Services involvement if applicable. A value may be entered after the agency has entered its initial DSS-5104a. However, information on the date of the criminal conviction must be entered, no later than 7 days from the date the local DSS receives notice of the criminal conviction.

Once there is an entry for this field it cannot be modified or changed by county users. A modification to this field requires the submission of a 5104d to the Division.

Field 29 – Reserved for Future Use

(NO ENTRY)