

**1427 – RESPONSIBLE INDIVIDUALS LIST**

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CHILD WELFARE SERVICES MANUAL  
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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:  
  
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;
  - (A) individuals as identified by the Directors of county Departments of Social Services;
  - (B) individuals as identified by the Director of the Division of Child Development for child caring institutions;
  - (C) 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;
  - (D) individuals as identified by the Director of the Division of Health Service Regulation for group home facilities;
  - (E) 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;
  - (F) the Administrator for the State Guardian Ad Litem program; and
  - (G) 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**.

Judicial Review: An individual may file for a Judicial Review of the local child welfare agency's 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 agency 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 local child welfare agency shall develop policies and procedures with their District Attorneys regarding the notification to the local child welfare agency 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 child welfare agencies 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](#).

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 child welfare agency 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](#).

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 local child welfare agencies 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. Local child welfare agencies 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.

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. Local child welfare agencies 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 the local child welfare agency continues to be responsible for the delivery of protective services and for ensuring the safety of children during the Judicial Review process. Should the local child welfare agency 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 the local child welfare agency 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, 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 is provided; however, the letter may be altered to individualize it. The letter may read:



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Date \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, ZIP \_\_\_\_\_

Dear \_\_\_\_\_,

This agency has completed a Child Protective Services (CPS) Investigative Assessment based on the allegations of:

\_\_\_\_\_.

This Child Protective Services (CPS) Assessment has been substantiated based on the following:

\_\_\_\_\_.

As a result, a case decision to substantiate (or find) abuse and/or serious neglect has been made. 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\(b\)](#)) such as: child caring institutions, child placing agencies, group home facilities, and other providers of foster care, child care, or adoption services (including the Guardian Ad Litem). Information released shall be used to determine current or perspective employability or fitness to care for children.

To request that a **district court judge** review the case decision identifying you as a person responsible for 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-323](#)) states that this petition must be filed within 15 days from your receipt of this letter. Should you choose to file a Judicial Review petition, your name will not be placed on the RIL unless 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. Once filed, the Clerk of \_\_\_\_\_ County will provide a notice of the Judicial Review hearing to the director of this agency and to you as the petitioner. Upon receipt of the notice, this agency's director will review the record to determine the correctness of the case decision and the placement of your name on the RIL. Should this agency's 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 this agency's 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. **You may** present sworn evidence, law or rule. **You also have** 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 this agency's director may appeal the Judicial Review decision.

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.

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

Sincerely,

\_\_\_\_\_  
Social Worker

\_\_\_\_\_  
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 local child welfare agency 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:

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 local child welfare agency 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 decision / 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 local child welfare agency 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 local child welfare agency to identify whether each respondent is alleged to be a responsible individual.

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.

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, the local child welfare agency 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 the local child welfare agency 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 local child welfare agency will not place the individual's name on the RIL.

## **2. CASE DECISION**

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

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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.

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



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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.

```
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.
AIB  :00.1 22/37
```

The RIL menu has 7 functions:



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```
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
416  :00.1  18/13
```

1. Menu Options

- **DSS-5104a Inquiry:** allows the RIL form number to be entered to view the RIL entry.

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              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

03/13
```

- **DSS-5104a Update:** This field allows for the updating of the RIL record.

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              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

03/13
```

If data is entered incorrectly or in error, a DSS-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

Key "3" as the selection and the corresponding DSS-5104 (Central Registry/CYA) number.

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

SEL    CYA FORM    N15654
PERPETRATOR    NAME    DOB    AGE    S    SSN    RIL
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 PERPETRATOR SELECTION

PF3 = PREV SCREEN                                PF10 = CANCEL
RIL4009: PERPS DISPLAYED, PERP(S) ELIGIBLE FOR ENTRY ARE IN WHITE.
07/03
  
```

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
CTY    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

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

PF3 = PREV SCREEN                                PF9 = CONFIRM                                PF10 = CANCEL
RIL4015: ENTER DSS-5104A DATA
09/70
  
```

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
18/31
  
```

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
15/42
  
```

- **Administrative Menu:** allows for functions not available to all users.
- **Return to Central Registry:**  
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).

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.

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**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)

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

**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)

**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.



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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-131 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 DSS-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 DSS-5104d to the Division.

**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 DSS-5104d to the Division.

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| Code | Value   |
|------|---|
| 01   | The Director determined the name should be on the RIL                 |
| 02   | The Director determined that the name should <b>not</b> 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   | Dismissed / No Adjudication                | No             |
| 1J   | Abuse / RIL Placement                      | Yes            |
| 2J   | Serious Neglect / RIL Placement            | Yes            |
| 3J   | Abuse and Serious Neglect / RIL Placement  | Yes            |
| 4J   | Abuse and Neglect/ RIL Placement           | Yes            |
| 5J   | Serious Neglect and Neglect/ RIL Placement | Yes            |
| 9J   | Adjudication / No RIL Placement            | No             |

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 DSS-5104d to the Division.

**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.

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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 DSS-5104d to the Division.

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

Fields 19 through 23 must be completed when the local child welfare agency 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 the local child welfare agency 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 DSS-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 DSS-5104d to the Division.

**Field 21 - Adjudication Findings**  
(ENTRY REQUIRED IF APPLICABLE)

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:

| Code | Value                       |
|------|-----------------------------|
| 00   | Dismissed / No Adjudication |
| 01   | Abuse                       |
| 02   | Neglect                     |
| 03   | Abuse and Neglect           |
| 04   | Dependency                  |
| 05   | Serious Neglect             |
| 06   | Abuse and Serious Neglect   |
| 07   | Serious Neglect and Neglect |

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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 DSS-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:

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

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 DSS-5104d to the Division.

**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 DSS-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)

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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 DSS-5104d to the Division.

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

**Field 25 - Date of RIL Placement**  
(ENTRY REQUIRED IF APPLICABLE)

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)

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 DSS-5104d to the Division.

**Field 26 - Reserved for Future Use**  
(NO ENTRY)

**Field 27 - Reserved for Future Use**  
(NO ENTRY)

**Field 28 - Date Criminal Order Signed**  
(THIS FIELD IS NOT REQUIRED UNLESS THERE IS AN ENTRY IN FIELD 29)

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 local child welfare agency to its Child Protective Services involvement if applicable. This date cannot be earlier than the date in Field 10 (Date of Case Decision). 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 child welfare agency receives notice of the criminal conviction.

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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 DSS-5104d to the Division. No entry is allowed unless there is an entry in Field 29.

**Field 29 - Criminal Code**

**(THIS FIELD IS NOT REQUIRED UNLESS THERE IS AN ENTRY IN FIELD 28)**

This code will automatically populate to Field 39 on the DSS-5104 (RIL Indicator) only if the individual is not currently on the RIL and if other data keyed on the same DSS-5104 does not place the name on the RIL. If the person is already on the RIL, entry of data in this field will not have any effect on any other fields.

Only the following codes are permitted:

| <b>Code</b> | <b>Value</b>                | <b>RIL Placement?</b> |
|-------------|-----------------------------|-----------------------|
| 1C          | Abuse                       | Yes                   |
| 2C          | Serious Neglect             | Yes                   |
| 3C          | Abuse and Serious Neglect   | Yes                   |
| 4C          | Abuse and/or Neglect        | Yes                   |
| 5C          | Serious Neglect and Neglect | Yes                   |

## RESPONSIBLE INDIVIDUALS LIST USER MANUAL

### GENERAL INFORMATION

This User Manual is written for the Social Worker completing the DSS 5104-a paper form and/or Data Entry staff entering the data from the DSS 5104-a paper form into the Responsible Individuals List.

The Responsible Individuals List is used to identify parents, guardians, caretakers, or custodians that have been identified as perpetrators in all substantiated cases of abuse or serious neglect using the investigative assessment response. Information from the Responsible Individuals List is available only to authorized person for the sole purpose of determining current or prospective employability.

In contrast, the Central Registry is used to gather historical and statistical data on children who have been alleged or identified as victims of abuse, neglect or dependency. It is also used to gather historical and statistical data on parents, guardians, caretakers, and custodians identified as perpetrators of abuse or neglect. Access to the Central Registry is limited by North Carolina Laws and Administrative Rules, and does not change as a result of the Responsible Individuals List. At no time shall the Central Registry be used for determining employability.

Only identified individuals from the North Carolina Division of Social Services and county Departments of Social Services will have direct access to the Responsible Individuals List, just as with current accessibility to the Central Registry System.

Information will continue to be entered into the Central Registry according to the Division's existing policy. The perpetrators identified on the DSS 5104-a, "Report to Central Registry / C.P.S. Application" are the same as the responsible individuals listed on the Responsible Individuals List. When the type found code entered into the DSS 5104-a is a "1" (Abuse), a "3" (Abuse and Neglect), or a "2" (Neglect) where at least one "Serious" block is checked by a "Neglect" maltreatment type **and** the RI Field on the DSS 5104 indicates that a perpetrator should be placed on the Responsible Individuals List, the current fields for the perpetrator's information, county number, Central Registry form number, date of initial report, date of case decision, type found, and type of maltreatment found will automatically populate to corresponding fields in the Responsible Individuals List (Field 1-11). County staff members do not have to enter this information more than once. An automated turnaround, DSS 5104-a, will be generated and sent to the county Department of Social Services. This form is to become part of the case record, and updated if the expunction process is initiated.

**The expunction process only begins if there is a request to do so by the responsible individual.**

If the **Director** receives a request for expunction, the county Department of Social Services staff will enter the information in the "Request for Expunction to the Director" table at the point of the Director's decision (DSS 5104-a **Fields 13-18**). The information entered into the Responsible Individuals List will generate the appropriate modification and / or expunction if needed in the Responsible Individuals List and will update the corresponding RI code (DSS-5104 Field 38) in the Central Registry. An automated turnaround DSS 5104-a will be generated and sent to the county Department of Social Services for the case record.



If there is an expunction request to the **District Attorney**, the county Department of Social Services staff will enter the information in the "Request for Expunction to the District Attorney" table at the point of the District Attorney's decision (DSS 5104-a **Fields 19-23**). The information entered into the Responsible Individuals List will generate the appropriate expunction if needed and will update the corresponding RI code (DSS 5104 Field 38) in the Central Registry System. **Information concerning the case decision in the Central Registry System will not be modified as a result of the decision made by the District Attorney.** An automated turnaround DSS 5104-a will be generated and sent to the county Department of Social Services for the case record.

If there is an expunction request to the **District Court**, the county Department of Social Services staff will enter the information in the "Request for Expunction to District Court" table at the point of the District Court's decision (DSS 5104-a **Fields 24-29**). The information entered into the Responsible Individuals List will generate the appropriate modification on the RIL and / or expunction if needed and will update the corresponding RI code (DSS-5104 Field 38) in the Central Registry. An automated turnaround DSS 5104-a will be generated and sent to the county Department of Social Services for the case record.

*Note: When the District Attorney or the District Court conducts a review of a request for expunction, any decision that reverses or modifies the Director's case decision only effects the placement of the responsible individual's name on the Responsible Individuals List. The Director is required to continue ensuring the safety of the children involved.*

With the exception of searches conducted by the county Departments of Social Services, all requests for searches of the Responsible Individuals List will be submitted in writing to the Division of Social Services by "authorized individuals" who are strongly considering the responsible individual for employment or volunteer services. The written requests will include the last name, first name and middle initial of the potential responsible individual's. In order to conduct a search the Division also requires that the requests include the potential responsible individual's date of birth, gender, and Social Security Number, as well as an acknowledgement by the potential responsible individual that he or she has been informed that the Division of Social Services will disclose to the authorized individual whether his or her name appears on the Responsible Individuals List. Authorized individuals on the staff of county Department of Social Services will have direct access to the Responsible Individuals List for current or prospective employment purposes only.

**Use of the Central Registry for searches for Safety Resources and checking family history during CPS assessments (family assessments and investigative assessments) are allowed in existing policy. Searches of the Central Registry System are not allowed for any employment purposes.**

Authorized Division staff will be responsible for conducting the searches of the Responsible Individuals List, entering and maintaining its required information, and responding to the authorized individual in writing of the findings.

A Soundex name-search system may be used for searches by authorized Division and county Department of Social Services staff. There must be an exact match of at least the person's date of birth, gender, and Social Security Number to identify him or her as a responsible individual using such a Soundex search system.

It is unlawful for any public official or public employee to knowingly or wilfully release information from the Central Registry or the Responsible Individuals List to a person who is not authorized to receive such information. 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.

*Note: When authorized persons use information from the Responsible Individuals List to deny a person employment they must inform that person that this is the reason for the denial. Only the Responsible Individuals List may be accessed for employment purposes. The Central Registry System may not be accessed for employment purposes.*

## I. Responsible Individuals List Functions

The Responsible Individuals list may be accessed through the Central Registry System. After signing on to the Central Registry System, select Option 9 – Responsible Individuals List Menu.

The Responsible Individuals List has 5 functions available:

**Update by RIL Form Number:** This is the option that is used to update the Responsible Individuals List when the RIL Form Number is known.

**Inquiry by RIL Form Number:** This option is used to view a DSS 5104-a when the RIL Form Number is known.

**SSN Search:** This option is used to search for a Responsible Individual by Social Security Number.

**Name Search:** This option is used to search for a Responsible Individual by name. For this option the individual's last name, first name and middle initial can be entered. Only exact matches to the name entered will be displayed.

**Soundex Name Search:** This option is used to search for a Responsible Individual by name. For the option the individual's last name and first name must be entered. This option will display all names that match and are similar to the name entered.

### Logoff

To logoff, press the 'F3' key twice. At the blank screen key in 'logoff' and press enter. This will take you back to the main state banner screen.

## III. Update by RIL Form Number

After a CPS assessment has been completed, a DSS 5104 paper form must be completed. Once completed, the information from the form is keyed into the Central Registry System. When the type found code entered into the DSS 5104 is a "1" (Abuse), a "3" (Abuse and Neglect), or a "2" (Neglect) where at least one "Serious" block is checked by a "Neglect" maltreatment type **and** the RI Field on the DSS 5104 indicates that a perpetrator should be placed on the Responsible Individuals List, the current fields for the perpetrator's information,

county number, Central Registry form number, date of initial report, date of case decision, type found, and type of maltreatment found will automatically populate to corresponding fields in the Responsible Individuals List. County staff members do not have to enter this information more than once. An automated turnaround, DSS 5104-a, will be generated and sent to the county Department of Social Services. This form is to become part of the case record, and updated only if the expunction process is initiated.

When the DSS 5104-a is generated, a unique RIL Form Number will be assigned to the Responsible Individual. That form number is required in order to update the DSS 5104-a in the Responsible Individuals List system. The form number will appear on the turnaround form that the county receives, or can be immediately accessed by doing a name search or social security number search with the Responsible Individual's information after the DSS 5104 has been entered.

On the DSS 5104-a, Fields 1-6 have identifying information pertaining to the Responsible Individual. Fields 7-12 have information pertaining to the investigative assessment finding. Fields 13-18 have information pertaining to a request for expunction to the director if initiated by the Responsible Individual. Fields 19-22 have information pertaining to a request for expunction to the district attorney if initiated by the Responsible Individual. Finally, Fields 24-29 have information pertaining to a request for expunction to the district court director if initiated by the Responsible Individual.

#### **IV. Inquiry by RIL Form Number**

This option is used to view a DSS 5104-a that has been previously entered when the RIL Form Number is known. To view the DSS-5104a, key "2", as the selection and key in the RIL form number and press enter. This will display the 5104-a. Since this is an inquiry, changes will not be allowed.

#### **V. SSN Search / Name Search / Soundex Name Search**

##### **SSN Search**

When using the Social Security Number Search to query the Responsible Individuals List, the person's accurate social security number must be entered. The search results will only return results that have an exact match.

When using the SSN Search, data entry will key "3" as the selection and the social security number as the key.

##### **Name Search**

When using the Name Search to query the Responsible Individuals List, the individual's last name and first name must be entered. It is critical to put a comma and a space between the last name and the first name or no results will appear, the search results will only return results that have an exact match.

When using the Name Search, data entry will key "4" as the selection and the "last name, first name" as the key.

### **Soundex Name Search**

When using the Soundex Name Search to query the Responsible Individuals List, a last name is required and at least the first letter of the first name is needed. The results will return all names that sound similar to the requested name. Again, make sure to separate the victim's last name and firstname with a comma and a space, or no names will be displayed.

When using the Soundex Name Search, data entry will key "5" as the selection and the "last name, first initial" as the key.

## **DSS-5104 FORM FIELDS AND CODES**

### ***Responsible Individuals' Information***

### ***Fields 1 through 6***

Fields 1-6 will be automatically be retrieved from the Central Registry system when the type found code entered into the DSS 5104 is a "1" (Abuse), a "3" (Abuse and Neglect), or a "2" (Neglect) where at least one "Serious" block is checked by a "Neglect" maltreatment type **and** the RI field indicates that a perpetrator should be placed on the Responsible Individuals List. If the information is incorrect, it must be updated in the Central Registry system using the Central Registry form number for which the Responsible Individual appears on the list.

### ***Field 1. Responsible Individual Name***

### ***ENTRY REQUIRED***

The name of the Responsible Individual will be automatically retrieved from the Central Registry with the last name at the beginning of the last name block, first name at the beginning of the first name block and the middle initial in the middle initial block. It is extremely important that the Responsible Individuals name is as accurate and complete as possible because it is required by law to be released for such purposes as employment screening.

### ***Field 2. Date of Birth***

### ***ENTRY REQUIRED***

The Responsible Individual's birth date will be automatically retrieved from the Central Registry. It is extremely important that the Responsible Individual's date of birth is accurate for identification purposes in the event that Responsible Individuals' names are required by law to be released for such purposes as employment screening.

### ***Field 3. Age***

### ***ENTRY REQUIRED***

The Responsible Individual's age will be automatically retrieved from the Central Registry based on a calculation from the Responsible Individual's date of birth. **If the Responsible Individual's date of birth is unknown and cannot be obtained, the estimated age of the Responsible Individual will be displayed with an "E", denoting that the age and date of birth is estimated.**

### ***Field 4. Race/Ethnicity***

### ***ENTRY REQUIRED***

The Responsible Individual's race/ethnicity will be automatically retrieved from the Central Registry. It will be displayed using one of the following two- (2) digit codes:

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| Code | Value  |
|------|--|
| 01   | White Native (Non Hispanic or Latino)  |
| 02   | White (Hispanic or Latino)   |
| 03   | Black (Non Hispanic or Latino)   |
| 04   | Black (Hispanic or Latino)   |
| 05   | American Indian or Alaskan Native (Non Hispanic or Latino)   |
| 06   | American Indian or Alaskan Native (Hispanic or Latino)   |
| 07   | Asian (Non Hispanic or Latino)   |
| 08   | Asian (Hispanic or Latino)   |
| 09   | Native Hawaiian or Other Pacific Islander (Non Hispanic or Latino)   |
| 10   | Native Hawaiian or Other Pacific Islander (Hispanic or Latino)   |
| 11   | Unable to Determine (Non Hispanic or Latino)   |
| 12   | Unable to Determine (Hispanic)   |
| 13   | White/Black (Non Hispanic or Latino)   |
| 14   | White/Black (Hispanic or Latino)   |
| 15   | White/American Indian or Alaskan Native (Non Hispanic or Latino)   |
| 16   | White/American Indian or Alaskan Native (Hispanic or Latino)   |
| 17   | White/Asian (Non Hispanic or Latino)   |
| 18   | White/Asian (Hispanic or Latino)   |
| 19   | White/Native Hawaiian or Other Pacific Islander (Non Hispanic or Latino)                                   |
| 20   | White/Native Hawaiian or Other Pacific Islander (Hispanic or Latino)                                       |
| 21   | Black/American Indian or Alaskan Native (Non Hispanic or Latino)   |
| 22   | Black/American Indian or Alaskan Native (Hispanic or Latino)   |
| 23   | Black/Asian (Non Hispanic or Latino)   |
| 24   | Black/Asian (Hispanic or Latino)   |
| 25   | Black Native Hawaiian or Other Pacific Islander (Non Hispanic or Latino)                                   |
| 26   | Black/Native Hawaiian or Other Pacific Islander (Hispanic or Latino)                                       |
| 27   | American Indian or Alaskan Native/Asian (Non Hispanic or Latino)   |
| 28   | American Indian or Alaskan Native/Asian (Hispanic or Latino)   |
| 29   | American Indian or Alaskan Native/Native Hawaiian or Other Pacific Islander (Non Hispanic or Latino)       |
| 30   | American Indian or Alaskan Native/Native Hawaiian or Other Pacific Islander (Hispanic or Latino)           |
| 31   | Asian/Native Hawaiian or Other Pacific Islander (Non Hispanic or Latino)                                   |
| 32   | Asian/Native Hawaiian or Other Pacific Islander (Hispanic or Latino)                                       |
| 33   | White/Black/American Indian or Alaskan Native (Non Hispanic or Latino)                                     |
| 34   | White/Black/American Indian or Alaskan Native (Hispanic or Latino)   |
| 35   | White/Black/Asian (Non Hispanic or Latino)   |
| 36   | White/Black/Asian (Hispanic or Latino)   |
| 37   | White/Black/Native Hawaiian or Other Pacific Islander (Non Hispanic or Latino)                             |
| 38   | White/Black/Native Hawaiian or Other Pacific Islander (Hispanic or Latino)                                 |
| 39   | White/American Indian or Alaskan Native/Asian (Non Hispanic or Latino)                                     |
| 40   | White/American Indian or Alaskan Native/Asian (Hispanic or Latino)   |
| Code | Value  |
| 41   | White/American Indian or Alaskan Native/Native Hawaiian or Other Pacific Islander (Non Hispanic or Latino) |
| 42   | White/American Indian or Alaskan Native/Native Hawaiian or Other Pacific Islander (Hispanic or Latino)     |

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|    |  |
|----|--|
| 43 | White/Asian/Native Hawaiian or Other Pacific Islander (Hispanic or Latino)                           |
| 44 | White/Asian/Native Hawaiian or Other Pacific Islander (Hispanic or Latino)                           |
| 45 | Black/American Indian or Alaskan Native/Asian (Non Hispanic or Latino)                               |
| 46 | Black/American Indian or Alaskan Native/Asian (Hispanic or Latino)                                   |
| 47 | Black/American Indian or Alaskan Native/Native Hawaiian (Non Hispanic or Latino)                     |
| 48 | Black/American Indian or Alaskan Native/Native Hawaiian (Hispanic or Latino)                         |
| 49 | Black/Asian/Native Hawaiian or Other Pacific Islander (Non Hispanic or Latino)                       |
| 50 | Black/Asian/Native Hawaiian or Other Pacific Islander (Hispanic or Latino)                           |
| 51 | American Indian/Asian/Native Hawaiian or Other Pacific Islander (Non Hispanic or Latino)             |
| 52 | American Indian/Asian/Native Hawaiian or Other Pacific Islander (Hispanic or Latino)                 |
| 53 | White/Black/American Indian/Asian (Non Hispanic or Latino)   |
| 54 | White/Black/American Indian/Asian (Hispanic or Latino)   |
| 55 | White/Black/American Indian/Native Hawaiian or Other Pacific Islander (Non Hispanic or Latino)       |
| 56 | White/Black/American Indian/Native Hawaiian or Other Pacific Islander (Hispanic or Latino)           |
| 57 | White/Black/Asian/Native Hawaiian or Other Pacific Islander (Non Hispanic or Latino)                 |
| 58 | White/Black/Asian/Native Hawaiian or Other Pacific Islander (Hispanic or Latino)                     |
| 59 | White/American Indian/Asian/Native Hawaiian or Other Pacific Islander (Non Hispanic or Latino)       |
| 60 | White/American Indian/Asian/Native Hawaiian or Other Pacific Islander (Hispanic or Latino)           |
| 61 | Black/American Indian/Asian/Native Hawaiian or Other Pacific Islander (Non Hispanic or Latino)       |
| 62 | Black/American Indian/Asian/Native Hawaiian or Other Pacific Islander (Hispanic or Latino)           |
| 63 | White/Black/American Indian/Asian/Native Hawaiian or Other Pacific Islander (Non Hispanic or Latino) |
| 64 | White/Black/American Indian/Asian/Native Hawaiian or Other Pacific Islander (Hispanic or Latino)     |

**Field 5. Sex**

**ENTRY REQUIRED**

The Responsible Individual's sex will be automatically retrieved from the Central Registry. It will be displayed using one of the following one- (1) digit codes:

| Code | Definition |
|------|------------|
| 1    | Male       |
| 2    | Female     |

It is extremely important that the Responsible Individual's sex is accurate for identification purposes in the event that Responsible Individuals' names are required by law to be released for such purposes as employment screening.

***Field 6. Social Security Number***

***ENTRY REQUIRED***

The Responsible Individual's social security number will be automatically retrieved from the Central Registry. **It is extremely important to make every effort to obtain the Responsible Individuals' social security number for identification purposes in the event that perpetrator's names are required by law to be released for such purposes as employment screening.**

***Investigative Assessment Findings***

***Fields 7 through 12***

Fields 7-11 will be automatically be retrieved from the Central Registry system when the type found code entered into the DSS 5104 is a "1" (Abuse), a "3" (Abuse and Neglect), or a "2" (Neglect) where at least one "Serious" block is checked by a "Neglect" maltreatment type **and** the RI field indicates that a perpetrator should be placed on the Responsible Individuals List. If the information is incorrect, it must be updated in the Central Registry system using the Central Registry form number for which the Responsible Individual appears on the list. Field 12 must be completed by the social worker and entered into the Responsible Individuals List on the date that the required notice was delivered to the Responsible Individual.

***Field 7. County***

***ENTRY REQUIRED***

The County code will be automatically retrieved from the Central Registry. It will be displayed using one of the following two- (2) digit codes:

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

**Field 8. Central Registry Form Number**

**ENTRY REQUIRED**

The Central Registry Form Number associated with the event that placed the Responsible Individual on the list will be automatically retrieved from the Central Registry.

**Field 9. Date of Initial Report**

**ENTRY REQUIRED**

The Date of Initial Report associated with the event that placed the Responsible Individual on the list will be automatically retrieved from the Central Registry.

**Field 10. Case Decision**

**ENTRY REQUIRED**

The Date of Case Decision associated with the event that placed the Responsible Individual on the list will be automatically retrieved from the Central Registry.

**Field 11. Type Found**

**ENTRY REQUIRED**

The Type Found code associated with the event that placed the Responsible Individual on the list will be automatically retrieved from the Central Registry. Only type found codes "1" (Abuse), "3" (Abuse and Neglect), or "2" (Neglect) where at least one "Serious" block is checked by a "Neglect" maltreatment type are valid for those placed on the Responsible Individuals List.



| Code | Type Found                            | Definition   |
|------|---------------------------------------|--|
| 1    | Abuse<br>Substantiated                | A situation in which a juvenile's parent, guardian, custodian, or caretaker inflicts or allows to be inflicted, creates or allows to be created a substantial risk of serious physical injury by other than accidental means; or uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior; or commits, permits, or encourages the commission of any sexual offense by, with, or upon the juvenile in violation of the law; promotes the prostitution of the juvenile; or creates or allows to be created serious emotional damage to the juvenile; or encourages, directs or approves of delinquent acts involving moral turpitude committed by the juvenile.      |
| 2    | Neglect<br>Substantiated              | A situation in which a juvenile does not receive proper care, supervision, or discipline from the juvenile's 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. In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives in a home where another juvenile has died as a result of abuse or neglect or lives in a home where another juvenile has been subjected to sexual abuse or severe physical abuse by an adult who regularly lives in the home. |
| 3    | Abuse and<br>Neglect<br>Substantiated | A situation in which both abuse and neglect are found.   |

**Field 12. Date Notice to the Responsible Individual Delivered**

**ENTRY  
REQUIRED**

Enter the month, day and year [use a leading zero (0) for any month or day less than ten (10)] that the notice to the Responsible Individual was delivered. This date can not precede the Date of Case Decision listed in Field 10.

**Requests for Expunction**

There are four ways in which an individual placed on the RIL can request expunction. The expunction process and the results will be tracked with the DSS-5104a. If an expunction request has been made, regardless of the final outcome, the value in Field 38 on the DSS-5104 will be automatically updated to indicate what type of decision was made. The update to Field 38 will be automatic, based on the information entered on the DSS-5104a.

| Code  | Value   |
|-------|---|
| 41-44 | <b>Expungements</b>   |
| 41    | The individual was expunged from the Responsible Individuals List at the Director Level.  |
| 42    | The individual was expunged from the Responsible Individuals List at the District Attorney Level.   |
| 43    | The individual was expunged from the Responsible Individuals List at the Court Level  |
| 44    | The individual was expunged from the Responsible Individuals List at an Adjudication Hearing  |
| 51-59 | <b>Modifications</b>  |
| 51    | RIL Indicator was modified to Abuse at the Director Level.  |
| 52    | RIL Indicator was modified to Serious Neglect at the Director Level.  |
| 53    | RIL Indicator was modified to Abuse and Neglect at the Director Level.  |
| 54    | RIL Indicator was modified to Abuse at the Court Level.   |
| 55    | RIL Indicator was modified to Neglect at the Court Level.   |
| 56    | RIL Indicator was modified to Abuse and Neglect at the Court Level.   |
| 57    | RIL Indicator was modified to Abuse at an Adjudication Hearing.   |
| 58    | RIL Indicator was modified to Serious Neglect at an Adjudication Hearing.   |
| 59    | RIL Indicator was modified to Abuse and Neglect at an Adjudication Hearing.   |
| 61-64 | <b>Original Decision Upheld</b>   |
| 61    | The original decision to place the name on the RIL was upheld at the Director Level.  |
| 62    | The original decision to place the name on the RIL was upheld at the District Attorney Level  |
| 63    | The original decision to place the name on the RIL was upheld at the Court Level (also includes Dismissed petitions and other court actions.) |
| 64    | The original decision to place the name on the RIL was upheld at an Adjudication Hearing.   |

***Request for Expunction: Director Review***

***Fields 13 through 18***

Fields 13 through 18 must be completed if the Responsible Individual appeals to the County Director for review. Except for Field 16, which is only required if the Director chooses to modify the the status of the responsible individual on the RIL, all fields must be completed before the data can be entered into the system. Once Fields 13 through 18 are complete, a turnaround form will be generated which should be kept in the case record.

***Field 13. Date Director Request Received***

***ENTRY REQUIRED***

Enter the month, day and year [use a leading zero (0) for any month or day less than ten (10)] that the Director received the request to expunge the individual from the Responsible Individuals List. This date can not precede the date the notice was delivered to the Responsible Individual listed in Field 12.

***Field 14. Date of Director Decision***

***ENTRY REQUIRED***

Enter the month, day and year [use a leading zero (0) for any month or day less than ten (10)] that the Director reached their decision regarding whether the individual should be

expunged from the Responsible Individuals List. This date can not precede the date the request to the Director was received as listed in Field 13.

**Field 15. Director Decision**

**ENTRY REQUIRED**

Enter the appropriate two (2) digit code regarding the Director's decision:

| Code | Value   |
|------|---|
| 01   | The individual should remain on the Responsible Individuals List.   |
| 02   | The individual should remain on the Responsible Individuals List, but the RIL Indicator should be modified. |
| 03   | The individual should be expunged from the Responsible Individuals List.                                    |

If code "01" is selected, there will be no change to the Responsible Individuals List.

Field 38 on the DSS-5104 will automatically be updated to code "61" indicating that the director upheld the original decision to place the name on the RIL.

If code "02" is selected, there will be no change to the Responsible Individuals List, and it is required that **Field 16** is completed.

If code "03" is selected, the individual will be automatically expunged from the Responsible Individuals List, and Field 38 (RIL) of the DSS-5104 will automatically be updated to code "41" indicating that the individual has been expunged from the Responsible Individuals List by the director.

**Field 16. Director Type of Modification**

**ENTRY REQUIRED  
IF APPLICABLE**

This field should be completed only if Field 15 equals code "02". If so, enter the appropriate two (2) digit code regarding the Director's modification to the RIL Indicator (status of the responsible individual on the RIL):

| Code | Value  |
|------|--|
| 01   | The RIL Indicator should be modified to abuse.             |
| 02   | The RIL Indicator should be modified to serious neglect.   |
| 03   | The RIL Indicator should be modified to abuse and neglect. |

If the Director modifies the status of the responsible individual due to an expunction review, Field 38 "Responsible Individuals List" on the DSS-5104 will automatically be updated to reflect the Director's modification to the RIL Indicator resulting from the Director's expunction review.

If code "01" is selected the DSS-5104 will automatically be updated to code "51" indicating that the Director modified the RIL Indicator to abuse.

If Code "02" is selected the DSS-5104 will automatically be updated to code "52" indicating that the Director modified the RIL Indicator to serious neglect.

If a "03" is selected the DSS-5104 will automatically be updated to code "53" indicating that the Director modified the RIL Indicator to abuse and serious neglect.

**Field 17. Date of Director Notice to the Responsible Individual** **ENTRY REQUIRED**

Enter the month, day and year [use a leading zero (0) for any month or day less than ten (10)] that the Director's notice was delivered to the individual requesting expunction. This date can not precede the date of the Director's decision listed in Field 14.

**Field 18. Date of Director Notice to the Division** **ENTRY REQUIRED**

Enter the month, day and year [use a leading zero (0) for any month or day less than ten (10)] that notice of the Director's decision was delivered to the Division. This date can not precede the date of the Director's decision listed in Field 14. Must be entered into the system no later than 5 days from the date of the Director's decision. **This date will be auto-filled on the date of entry.**

**Request for Expunction: District Attorney Review** **Fields 19 through 22**

Fields 19 through 22 must be completed if the Responsible Individual appeals to the District Attorney for review. All fields must be completed before the data can be entered into the system. Once Fields 19 through 22 are completed, a turnaround form will be generated which should be kept in the case record.

**Field 19. Date DA Request Received** **ENTRY REQUIRED**

Enter the month, day and year [use a leading zero (0) for any month or day less than ten (10)] that the District Attorney received the request to expunge the individual from the Responsible Individuals List.

**Field 20. Date of DA Decision** **ENTRY REQUIRED**

Enter the month, day and year [use a leading zero (0) for any month or day less than ten (10)] that the District Attorney reached their decision regarding whether the individual should be expunged from the Responsible Individuals List. This date can not precede the date the request to the District Attorney was received as listed in Field 19.

**Field 21. DA Decision** **ENTRY REQUIRED**

Enter the appropriate two (2) digit code regarding the District Attorney's decision:

| Code | Value  |
|------|--|
| 01   | The individual should remain on the Responsible Individuals List.        |
| 03   | The individual should be expunged from the Responsible Individuals List. |

If code "01" is selected, there will be no change to the Responsible Individuals List. Field 38 on the DSS-5104 will be automatically updated to a code "62" indicating that the District Attorney upheld the original decision to place the name on the RIL.

If code "03" is selected, the individual will be automatically expunged from the Responsible Individuals List, and Field 38 (RIL) of the DSS 5104 will automatically be updated to code "42" indicating that the individual has been expunged from the Responsible Individuals List by the district attorney.

**Field 22. Date of DA Notice to the Responsible Individual ENTRY REQUIRED**

Enter the month, day and year [use a leading zero (0) for any month or day less than ten (10)] that the District Attorney's notice was delivered to the individual requesting expunction. This date can not precede the date of the DA's decision listed in Field 20.

**Field 23. Date of DA Notice to the Division ENTRY REQUIRED**

Enter the month, day and year [use a leading zero (0) for any month or day less than ten (10)] that notice of the DA's decision was delivered to the Division. This date can not precede the date of the DA's decision listed in Field 20. Must be entered into the system no later than 5 days from the date of the DA's decision. **This date will be auto-filled on the date of entry.**

**Petition for Expunction: District Court Review Fields 24 through 29**

Fields 24 through 29 must be completed if the Responsible Individual petitions the District Court for review. Except for Field 27, which is only required if the District Court chooses to modify the RIL Indicator, all fields must be completed before the data can be entered into the system. Once Fields 24 through 29 are complete, a turnaround form will be generated which should be kept in the case record.

**Field 24. Date of Court Petition ENTRY REQUIRED**

Enter the month, day and year [use a leading zero (0) for any month or day less than ten (10)] of the court petition to expunge the individual from the Responsible Individuals List.

**Field 25. Date of Court Hearing ENTRY REQUIRED**

Enter the month, day and year [use a leading zero (0) for any month or day less than ten (10)] for the date of the court hearing. This date can not precede the date of court petition listed in Field 24.

**Field 26. Court Decision ENTRY REQUIRED**

Enter the appropriate two (2) digit code regarding the Court's decision:

| Code | Value   |
|------|---|
| 01   | The individual should remain on the Responsible Individuals List.   |
| 02   | The individual should remain on the Responsible Individuals List, but the RIL Indicator should be modified. |

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|    |  |
|----|--|
| 03 | The individual should be expunged from the Responsible Individuals List. |
| 04 | Petition dismissed.  |
| 05 | Other court action.  |

If code "01", "04" or "05" is selected, there will be no change to the Responsible Individuals List. Field 38 on the DSS-5104 will automatically be updated to a code "63" indicating that the District Court upheld the original to place the name on the RIL.

If code "02" is selected, there will be no change to the Responsible Individuals List, and it is required that Field 27 is completed.

If code "03" is selected, the individual will be automatically expunged from the Responsible Individuals List, and Field 38 (RIL) of the DSS 5104 will automatically be updated to code "43" indicating that the individual has been expunged from the Responsible Individuals List by the District Court.

**Field 27. Court Type of Modification**

**ENTRY REQUIRED IF APPLICABLE**

Enter the appropriate two (2) digit code regarding the court's modification to the RIL Indicator:

| Code | Value  |
|------|--|
| 01   | The RIL Indicator should be modified to abuse.             |
| 02   | The RIL Indicator should be modified to serious neglect.   |
| 03   | The RIL Indicator should be modified to abuse and neglect. |

If the District Court modifies the RIL Indicator due to an expunction hearing, Field 38 "Responsible Individuals List" on the DSS-5104 will automatically be updated to reflect the result of the District Court's expunction hearing.

If code "01" is selected the DSS-5104 will automatically be updated to code "54" indicating that the District Court modified the RIL Indicator to abuse and left the name on the RIL.

If code "02" is selected the DSS-5104 will automatically be updated to code "55" indicating that the District Court modified the RIL Indicator to Neglect (serious) and left the name on the RIL.

If code "03" is selected the DSS-5104 will automatically be updated to code "56" indicating that the District Court modified the RIL Indicator to Abuse and Neglect and left the name on the RIL.

**Field 28. Date of Court Decision**

**ENTRY REQUIRED**

Enter the month, day and year [use a leading zero (0) for any month or day less than ten (10)] of the court's decision. This date can not precede the date of the court hearing listed in Field 25.

**Field 29. Date of District Court Notice to the Division**

**ENTRY REQUIRED**

Enter the month, day and year [use a leading zero (0) for any month or day less than ten (10)] that the Division was notified of the Court's decision. This date can not precede the date of the court decision listed in Field 28. Must be entered into the system no later than 5 days from the date of the District Court's decision. **This date will be auto-filled on the date of entry.**

**Juvenile Petition: Adjudication Hearing**

**Fields 30 through 34**

Fields 30 through 34 must be completed if during an Investigative Assessment it became necessary to file a juvenile petition alleging abuse or neglect prior to a case decision being made. Fields 30 through 34 documents the decision of the court during an adjudication hearing.

**Field 30. Date of Juvenile Petition**

**ENTRY REQUIRED**

Enter the month, day and year {use a leading zero (0) for any month or day less than ten (10)} that the juvenile petition was filed in district court. This date can not be later than the date of the case decision listed in Field 31.

**Field 31. Adjudication Disposition**

**ENTRY REQUIRED**

Enter the appropriate two (2) digit code regarding the decision of the court during the adjudication hearing.

| Code | Value  |
|------|--|
| 01   | The court adjudicated the same as the original case decision and the name remains on the list. |
| 02   | The court adjudicated something different than the original case decision.                     |
| 03   | The court did not adjudicate the petition and the name is expunged from the list.              |

If code "01" is selected Field 38 on the DSS-5104 will automatically updated to a code "64" indicating that the court adjudicated the same case decision and the name will remain on the RIL.

If code "02" is selected there will be no change to the Responsible Individuals List, and it is required that Field 33 is completed.

If code "03" is selected the individual will be automatically expunged from the Responsible Individuals List, and Field 38 of the DSS-5104 will automatically be updated to code "44", indicating that the individual has been expunged from the RI L.

**Field 32. Type of Court Adjudication**

**ENTRY REQUIRED**

Enter the appropriate two (2) digit code regarding the court's adjudicatory finding that is different from the original case decision.

| Code | Value                                   |
|------|---|
| 01   | The Court adjudicated abuse             |
| 02   | The Court adjudicated neglect           |
| 03   | The Court adjudicated abuse and neglect |
| 04   | The Court adjudicated dependency        |

Field 38 "Responsible Individuals List" on the DSS-5104 will be updated to reflect the result of the adjudication hearing and the change to the RIL Indicator.

If code "01" is selected, the DSS-5104 will automatically be updated to code "57" indicating that the court adjudicated abuse and the name will remain on the RIL.

If code "02" is selected the DSS-5104 will automatically be updated to code "58" indicating that the court adjudicated Neglect

If code "03" is selected the DSS-5104 will automatically be updated to code "59" indicating that the court adjudicated abuse and neglect and the name will remain on the RIL.

If code "04" is selected the DSS-5104 will automatically be updated to code "44" indicating that the name will be expunged from the RIL.

**Field 33. Date of Court Disposition**

**ENTRY REQUIRED**

Enter the month, day and year {use a leading zero (0) for any month or day less than ten (10)} that the court adjudicated the petition. This date cannot precede the date that the juvenile petition was filed.

**Field 34. Date of Adjudication Notice to the Division**

**ENTRY REQUIRED**

Enter the month, day and year [use a leading zero (0) for any month or day less than ten (10)] that the Division was notified of the Court's adjudication decision. This date cannot precede the date of the court decision listed in Field 34. This must be entered into the system no later than 5 days from the date of the Adjudication hearing. **This date will be auto-filled on the date of entry.**



## VI. RIL INQUIRY TRANSACTION TRACKING SCREEN (Option 6)

### A. General Information

The Central Registry Responsible Individual List System (RIL) is changed to provide a historical tracking screen of changes made to the DSS-5104a.

When changes are made in CR that impacts the RIL, the changes will be tracked from the initial RIL entry and continues throughout the life cycle of the DSS-5104a.

When changes are made to the DSS-5104a that already exists in the RIL System, the changes will also be tracked from the initial RIL entry and continues throughout the life cycle of the DSS-5104a.

Historical records are tracked for all transactions for the RIL from the date created through the history of the RIL.

Both the Central Registry and the RIL generate transaction records. To view, the user must have INQUIRY access.

Logon Procedures:

From the Banner screen, key 'CICSNC16'. Press Enter. On the blank screen key 'SY01'. Press Enter. The Central Registry Selection Menu displays.

|   |                                    |            |
|---|------------------------------------|------------|
| SY01 CYA001FM   | DATE: 04/04/2008<br>TIME: 15:35:56 |            |
| STATE OF NORTH CAROLINA<br>DEPARTMENT OF HUMAN RESOURCES<br>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          |
| RIL MENU  |                                    | 9          |
| SELECTION   | KEY                                |            |
| CYA261 - PLEASE MARK A SELECTION.   |                                    |            |

From the Central Registry Selection Menu, enter 9 in the SELECTION field. Press ENTER. The Responsible Individual List Main Menu displays.

|                               |  |                        |
|-------------------------------|--|------------------------|
| CYA050FM                      | RESPONSIBLE INDIVIDUAL LIST<br>MAIN MENU | 04/04/2008<br>08:33:54 |
| OPTIONS                       | DESCRIPTION                              | KEY                    |
| 1                             | UPDATE BY RIL CLIENT                     | RIL NUMBER             |
| 2                             | INQUIRY BY RIL CLIENT                    | RIL NUMBER             |
| 3                             | SSN SEARCH (UPDATE AND BROWSE)           | SSN                    |
| 4                             | NAME SEARCH (UPDATE AND BROWSE)          | LAST, FIRST, MI        |
| 5                             | CENTRAL REGISTRY MENU                    | NONE                   |
| 6                             | RIL INQUIRY TRANSACTION TRACKING         | RIL NUMBER             |
| OPTION 6                      | KEY XXXXXX                               |                        |
| PF4=EXIT RIL<br>SELECT OPTION |  |                        |

- B. From the Responsible Individual List Main Menu, enter 6 in the OPTION field and a valid six digit RIL Number in the KEY field. Press ENTER. The Responsible Individual List Transaction Tracking Inquiry Screen displays.

|  |  |                                 |         |       |             |          |        |
|--|--|---------------------------------|---------|-------|-------------|----------|--------|
| CYA070FM   | RESPONSIBLE INDIVIDUAL LIST<br>TRANSACTION TRACKING INQUIRY SCREEN | DATE 4/04/2008<br>TIME 08:32:48 |         |       |             |          |        |
| FORM: xx3884   |  |                                 |         |       |             |          |        |
| PLACE AN I BESIDE THE DESIRED TRANSACTION AND PRESS ENTER  |  |                                 |         |       |             |          |        |
| -----  | TRANSACTION  | -----                           | USER    | ----- | TRANSACTION | -----    | USER   |
| SEL  | DATE   | TIME                            | ID      | SEL   | DATE        | TIME     | ID     |
| -  | 20071015   | 17.09.41                        | HRSSxxx | -     | 20080331    | 08.53.59 | TS3xxx |
| -  | 20080331   | 08.57.01                        | TS3xxx  | -     | 20080331    | 09.11.33 | TS3xxx |
| PF3=MAIN MENU ENTER=INQUIRY PF7=PAGE BACK PF8=PAGE FORWARD<br>CYA705: END OF HISTORICAL RIL FORMS REQUESTED FOR DISPLAY. |  |                                 |         |       |             |          |        |

- C.** To select a transaction, enter 'I' (Inquiry) to the left of the transaction under the SEL column. Press ENTER. The RESPONSIBLE INDIVIDUAL LIST REGISTER, RIL INQUIRY TRACKING screen displays.

The RIL INQUIRY TRANSACTION TRACKING SCREEN displays transactions related to the RIL form keyed and displays a maximum of 26 transactions per page.

```

CYA075FM      RESPONSIBLE INDIVIDUAL LIST REGISTER      DATE: 04/04/2008
ACTION:                RIL INQUIRY TRACKING              TIME: 12:45:07
RIL FORM: XXXXXX      DATE: 20080331      TIME: 09.43.49      USER: XXXXXXXX
RESPONSIBLE INDIVIDUAL
  LAST NAME  FIRST NAME  MI  DOB  AGE  RACE  SEX  SSN

INVESTIGATIVE ASSESSMENT FINDINGS
  CTY  CYA FORM  INITIAL REPORT  CASE DECISION  RIL CODE  NOTICE DEL

REQUEST FOR EXPUNCTION: DIRECTOR REVIEW
REQUEST REC'D  DECISION DT  DECISION  MOD TYPE  NOTICE IND  NOTICE DIV

REQUEST FOR EXPUNCTION: DISTRICT ATTORNEY REVIEW
REQUEST REC'D  DECISION DT  DECISION          NOTICE IND  NOTICE DIV

PETITION FOR EXPUNCTION: DISTRICT COURT
PETITION DT  HEARING DT  DECISION  MOD TYPE  DECISION DT  CRT NOTICE

JUVENILE PETITION: ADJUDICATION HEARING
PETITION DATE  ADJ DISP  TYPE COURT ADJ  COURT DISP DATE  ADJ NOTICE TO DIV

PF3=MAIN MENU  PF5=SEARCH INQUIRY  PF7=PREV TRANS  PF8=NEXT TRANS
CYA702 ALL  HISTORY INFORMATION IS  NOT AVAILABLE FROM FORM/PERP TABLES 100
  
```

## 1. ACTION

This field indicates what type of action was keyed to create the transaction. The following Action Types display on the RESPONSIBLE INDIVIDUAL LIST REGISTER, RIL INQUIRY TRACKING screen.

**ADD** displays if the CR and RIL code keyed was 10, 20, or 30.

**PERP DELETE** displays if the perpetrator is deleted from an existing CR DSS-5104 case or when an RIL form is deleted within the RIL Update Menu.

**CASE DELETE** displays if the CR DSS-5104 case is deleted via the Administrative Menu/Report Delete function.

**CR UPDATE** displays when the case is updated in the CR via DSS-5104.

**UPDATE** displays when a case is updated in the RIL system via DSS-5104a.

## 2. DATE

The date the transaction was keyed displays in the DATE field.

**3. TIME**

The time the transaction was keyed displays in the TIME field.

**4. USER**

The user id of the worker that keyed the transaction displays in the USER field.

### Attachment 3: Personal Written Notice to the RI

Date \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

Dear \_\_\_\_\_;

On \_\_\_\_\_ (date), \_\_\_\_\_ (agency name) received a report stating that child(ren) you are caring for are being .....

We have completed our assessment and have found that .....

Now that we have found abuse/neglect your name will go on a list. North Carolina law (N.C.G.S. 7B-311) requires this. This list is called the Responsible Individuals List.

Some employers see the Responsible Individuals List, and when your name is on this list, you may not be allowed, or continue to be allowed, to work or volunteer around children.

Because your name is on this list and it may stop you from working or volunteering around children, North Carolina law (N.C.G.S. 7B-321) allows you to request that your name be removed from the Responsible Individuals List.

You can make the following 3 requests to have your name taken off the Responsible Individuals List, however, if you make such a request and move or change your address, please let us know so you can receive a response to your request:

1. The first step is to contact the Director of Social Services, who will review your case. This request must be in writing. You must deliver the request in person or by certified mail return receipt requested and be received by the Director no later than \_\_\_\_\_. Please send your written request to:

*Instruction: provide the mailing address for the Director of the county that conducted the assessment. In cases where the assessment was conducted by another county, provide the mailing address for the Director of the county that conducted the assessment. In cases where there was a conflict add this sentence;*

Remember that (county name) Department of Social Services conducted your assessment so you need to send your request there.

Within 15 working days the Director should let you know if he will take your name off the list.

If the Director does not take your name off the list or does not respond to your request to take your name off the list, you have two more options. You may then ask the District Attorney or the District Court to have your name removed from the list. These two options are explained below.

Attachment 3: Personal Written Notice to the RI

2. To request the District Attorney to review your case, you must make that request no more than 30 days from the date the director should send you notice of his decision (no letter from the director is a refusal to take your name off the list), and in writing. You will need to provide the District Attorney your name, the name of the child, and both or your dates of birth and address. Please send the request to:

*Provide the name and address for the District Attorney.*

The District Attorney should let you know within 30 days if he will take your name off the list. If the District Attorney does not agree to take your name off the list, you have 30 days to file a petition with the District Court to have your name taken off the list.

3. If you chose to request that the District Court remove your name from the list you must file a petition with the Clerk of Court within 30 days from either the Director's refusal or the District Attorney's refusal to take your name off the list. A copy of a petition that can be completed and filed with the District Court is attached. To calculate the last day that the petition can be filed, count 90 days from the date that the director should have sent you his notice.

*Provide a phone number and address for the Clerk of Courts.*

It is important for you to know that you may skip a review by the District Attorney and file the petition requesting removal of your name from the list with the District Court.

During the review process (county name) continues to be responsible for providing services to you and your family. If you decide you are unwilling to accept services and the safety of your children becomes uncertain, that could make it necessary for a juvenile petition seeking custody of your children to be filed.

There is a situation that will stop the review of your request that your name be removed from the list. If you are involved in a juvenile court case because of the abuse or neglect, the review will stop until the court case is finished.

Should you have any further questions, please feel free to contact me at \_\_\_\_\_.

Sincerely,

Social Worker  
Supervisor

Enclosure: AOC J 131 Petition for Expunction from the Responsible Individuals List.

Attachment 4 Notification by the Director denying the request for Expunction

Date

Name  
Address  
City, State, Zip

Dear \_\_\_\_\_;

On \_\_\_\_\_ (date), \_\_\_\_\_ County Department of Social Services received your request to review the decision to place your name on the Responsible Individuals List as a person who is responsible for abusing or seriously neglecting your child(ren).

The case record has been reviewed and the decision to identify you as a responsible individual is being ..... This determination is based on.....

Therefore, in accordance with North Carolina law (N.C.G.S. 7B-311) that requires that individuals who have been determined responsible for abusing or seriously neglecting a juvenile to have their names place on a Responsible Individuals List, your name will remain on the Responsible Individuals List.

Placement of your name on the Responsible Individuals List could affect your employment in certain settings. Information from this Responsible Individuals List may be provided to authorized employers to assist them in determining current or prospective employment or a person's fitness to care for a child(ren).

This is a final agency decision. To complain about this decision you must go outside the agency as explained below.

North Carolina law (N.C.G.S. 7B-321) provides procedures to request a further review of the request for expunction from the Responsible Individuals List. You have a choice of asking the District Attorney or the District Court to review your request. To ensure that you receive notifications, the agency must have a current address for you, otherwise you may become ineligible for requesting expunction from the responsible individuals list.

1. Within 30 days of this notice, \_\_ (date) \_\_ you may submit a written request for the District Attorney to review your request or you may proceed directly to District Court as described below.

*Instruction: Provide contact information for District Attorney.*

2. Within 30 days of either the written notice of the Director's decision not to expunge your name or written notice from the District Attorney of the decision to uphold the Director's decision not to expunge your name, you may file a petition in District Court for a hearing to request expunction from the responsible individuals list. You may file a petition to the District Court after the director's decision and may petition the District Court without going to the District Attorney. A sample copy of this petition is attached. The deadline for filing this petition is   (date)  .

It is the responsibility of   Agency Name   to provide protective services to your family even if you chose to request a review. Should   Agency Name   determine that your family is unwilling to accept critically needed services or despite its efforts to provide services no progress toward providing adequate care that ensures the safety of the child has been made, the option to seek legal / judicial intervention is still available to the agency.

If at anytime during the review process you are named as a responsible person in a juvenile court proceeding regarding the same incident that is under review, the review process will be stopped until the court proceeding is completed.

Should you have any further questions, please feel free to contact me at                     .

Sincerely,

Director



Attachment 5 Notification by the Director Expunging the Responsible Individuals Name.

Date

Name  
Address  
City, State, Zip

Dear \_\_\_\_\_;

On \_\_\_\_ (date) \_\_\_\_, (County Name) County Department of Social Services received your request to review the decision to place your name on the Responsible Individuals List (RIL) as a person who is responsible for abusing or seriously neglecting child(ren).

The case record has been reviewed, and a decision has been made to remove your name from the Responsible Individuals List. The RIL will reflect that the case decision has been changed from \_\_\_\_\_ to \_\_\_\_\_ and your name can no longer be released to potential employers or to others who have a responsibility to ensure that anyone who works or volunteers around children is responsible for the abuse or serious neglect of a child. This determination is based on.....

It is important for you to be aware that unless your case decision has been changed to being unsubstantiated, (County Name) Department of Social Services remains responsible for providing services to you and your family. If you decide you are unwilling to accept services and the safety of your children becomes uncertain, that could make it necessary for a juvenile petition seeking custody of your children to be filed.

Should you have any further questions, please feel free to contact me at \_\_\_\_\_.

Sincerely,

Director

**STATE OF NORTH CAROLINA**

File No. \_\_\_\_\_

In the General Court of Justice  
District Court Division

\_\_\_\_\_ County

**IN THE MATTER OF:**

Name And Address of individual seeking expunction

**PETITION  
FOR EXPUNCTION**  
From Responsible Individuals List

G.S. 7B-323

Name of Juvenile determined by Agency to be  
Abused or Seriously Neglected

- ☐ Child Abuse
- ☐ Serious Neglect

Pursuant to G.S. 7B-200(a) (9), I seek to invoke the jurisdiction of this Court. Pursuant to G.S. 7B-323, I file this petition to expunge my name from the responsible individuals list maintained by the N.C. Department of Health and Human Services.

## 1. Pursuant to G.S. 7B-320(b)

☐ I received personal written notice of the results of the  
investigative assessment and the placement of my name on the  
responsible individuals list on \_\_\_\_\_  
or

☐ I did not receive personal written notice of the results of the  
investigative assessment and placement of my name on the  
responsible individuals list, but I became aware that my name  
was included on the responsible individuals list on \_\_\_\_\_ by  
\_\_\_\_\_  
and therefore request a review pursuant to G.S. 7B-323(e) in the  
interest of justice or for extraordinary circumstances as follows  
\_\_\_\_\_.

2. Pursuant to 7B-321 (a), I have previously requested the director who  
determined the abuse or serious neglect, to expunge my name from the  
responsible individuals list in writing and delivered the request in  
person or certified mail on \_\_\_\_\_.

## 3. Pursuant to G.S. 7B-321(b)

☐ The director determined that there was substantial evidence  
gathered during the investigative assessment to support a  
determination of abuse or serious neglect and my identification  
as a responsible individual, and refused my request for  
expunction from the responsible individuals list on \_\_\_\_\_.

or

☐ I did not receive a written response from the director to my request for expunction within 15 working days, pursuant to G.S. 7B-321(c).

4. ☐ Pursuant to G.S. 7B-322(a), I have previously requested the district attorney of the prosecutorial district in which the abuse or serious neglect report arose, to review the director's decision not to expunge my name from the responsible individuals list. I submitted this request on \_\_\_\_\_. Pursuant to G.S. 7B-322 (d), I received notice from the district attorney of the decision not to expunge my name from the responsible individuals list. I received this response on \_\_\_\_\_.

or

☐ Pursuant to G.S. 7B-323, I have elected to proceed with this petition for expunction in District Court. I chose not to use the District Attorney's review.

5. Pursuant to G.S. 7B-324 I affirm I

- ☐ have not been criminally convicted as a result of this incident,
- ☐ have not been named as a respondent in a juvenile court proceeding regarding abuse or neglect resulting from the same incident,
- ☐ made a request for expunction to the director within the timeframes established by G.S. 7B-321(a),
- ☐ filed this petition for expunction with this Court within the timeframes established by G.S. 7B-323(a),
- ☐ kept the county Department of Social Services informed of my current address.

Optional

☐ I do request the Court to close the hearing to all people except officers of the Court, the parties and their witnesses.

I request the Court to hear the case to determine whether the director can show by a preponderance of the evidence, the correctness of the director's decision determining Abuse or Serious Neglect, and my identification as a responsible individual.

### VERIFICATION

Being first duly sworn, I say that I have read this Petition and that the same is true to my own knowledge, except as to those matters alleged upon information and belief, and as to those, I believe it to be true.

|   |  |                         |
|---|--|-------------------------|
| <b>SWORN AND SUBSCRIBED TO BEFORE ME</b>  |  | Signature of Petitioner |
| Date  | Signature of Person Authorized to Administer Oaths | Address                 |
| <input type="checkbox"/> Deputy CSC<br><input type="checkbox"/> Assistant CSC<br><input type="checkbox"/> Clerk of Superior Court | <b>SEAL</b> <input type="checkbox"/> Notary        | City, State, Zip        |
|   | Date My Commission Expires                         | Telephone No.           |

### Witness(es)

| Name | Address | Telephone No. |
|------|---------|---------------|
|      |         |               |
|      |         |               |
|      |         |               |
|      |         |               |

Attachment 8: Personal Written Notice to the Responsible Individual of the Case  
Decision After Petition

Date

Name  
Address  
City, State, Zip

Dear \_\_\_\_\_;

On \_\_\_\_\_ (date), \_\_\_\_\_ Agency Name \_\_\_\_\_ received a report alleging the abuse and/or neglect of your child(ren). As a result of that report, the agency initiated a Child Protective Services Assessment with your family. Because of the information obtained during the Assessment, it became necessary to file a petition and place your child(ren) into foster care.

A thorough Assessment has been completed, and based on the information obtained, it has been determined that your child(ren) have been abused or seriously neglected in that \_\_\_\_\_.

Now that a case decision has been made, you are being identified as a person responsible for abusing or seriously neglecting a child. North Carolina law (G.S. 7B-311) requires that your name be placed on a list identifying you as a responsible individual. This list is called the Responsible Individuals List.

Because your name is on the Responsible Individuals List, you could be denied or terminated from employment or prohibited from situations where you would be around children. Information from this list is only available to authorized requestors, such as employers and those that may need to determine your fitness to care for or work with children.

You also need to be aware that as a result of a petition being filed and the issues being brought in front of the court that you are no longer considered eligible for the expunction process as provided for in G.S. 7B-324, as your hearing in court will also serve as your expunction hearing.

Should you have any further questions, please feel free to contact me at \_\_\_\_\_.

Sincerely,

Social Worker

Supervisor