

CHANGE NOTICE FOR MANUAL

CHANGE NUMBER 12-2013

DATE: DECEMBER 2, 2013

MANUAL: CHILD WELFARE SERVICES MANUAL: CHAPTER VIII - CHILD PROTECTIVE SERVICES; SECTION 1427 - RESPONSIBLE INDIVIDUALS LIST

TO: COUNTY DIRECTORS OF CHILD WELFARE AGENCIES

ATTENTION: CHILD WELFARE STAFF AND ATTORNEYS

RE: REVISION OF CHAPTER VIII; SECTION 1427

EFFECTIVE: IMMEDIATELY

I. BACKGROUND | CHANGE INTENT

This policy change addresses changes to Chapter VIII, Section 1427 - Responsible Individuals List. Recent legislative changes have resulted in changes to statutes that affect this section of policy.

The most important change to note is that perpetrators whom the agency wishes to place on the RIL will have their judicial review scheduled within 45 days of the filing of their Petition for Judicial Review with the clerk of court, rather than 15 days. Perpetrators are still only given 15 days from the time that they are given the RIL notice to file the Petition for Judicial Review. This change was effective October 1, 2013, and applies to actions filed on or after October 1, 2013 or actions pending on that date.

Another important change is that as of October 1, 2013, Juvenile Petitions will no longer be used to determine an Individual's placement on the RIL. Therefore, Fields 19-23 on the DSS-5104a (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5104a.pdf>) will no longer be used. To allow time for keying DSS-5104a forms completed prior to October 1, 2013, those fields will continue to remain available for entry. However, an edit will be placed in the system so that the record may only be saved if the entry in Field 23 (Date Adjudication Order Signed) is prior to October 1, 2013.

A third significant change is the ability to place an individual's name on the RIL even in the absence of personal service of the case decision. G.S. § 7B-323(a1) provides that if the director cannot show that the individual has received actual notice, the director shall not place the individual on the RIL until an *ex parte* hearing is held at which a district court judge determines that the director made diligent efforts to find the individual. A

finding that the individual is evading service is relevant to the determination that the director made diligent efforts.

Please see Administrative Letter CWS-AL-03-13

(<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-05/man/>) for more information on the specific language and guidance that is used in the revised statute.

II. SPECIFIC CHANGES

- Language has been changed to reflect the new time frame that the clerk of court is given to schedule an appeal for a perpetrator who has filed a Petition for Judicial Review.
- Fields 19-23 on the DSS-5104a have been removed. This is addressed in policy.
- Information on expunction under the previous RIL statute has been removed.
- Information has been added to help the reader distinguish the Central Registry from the RIL.
- Language changes that do not affect the actual document have been made in order to maintain consistency across manuals.
- Clarification that the RIL may be accessed only for the purposes set out in G.S. § 7B-311 to determine the fitness of individuals to care for or adopt children. Thus, any use of the RIL must fall within these parameters. Use of the RIL for employment purposes is not permitted unless the employee will have temporary or permanent care of children.

III. INSTRUCTIONS

Please note the above changes to Child Welfare Services Manual Chapter VIII; Section 1427 (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/pdf%20docs/CS1427.pdf>) and begin using the revised manual beginning November 20, 2013.

Questions related to Section 1427 or general RIL questions should be directed to Antonia Zimmer - Policy Consultant, at 919-527-6349 | antonia.zimmer@dhhs.nc.gov.

OBSOLETE	USE
NORTH CAROLINA DIVISION OF SOCIAL SERVICES	NORTH CAROLINA DIVISION OF SOCIAL SERVICES

**CHILD WELFARE SERVICES
MANUAL**

CHAPTER VIII: 1427

**RESPONSIBLE INDIVIDUALS LIST
(CHANGE 04-2013)**

**CHILD WELFARE SERVICES
MANUAL**

CHAPTER VIII: 1427

**RESPONSIBLE INDIVIDUALS LIST
(CHANGE 12-2013)**

Sincerely,

A handwritten signature in blue ink that reads "Kevin Kelley". The signature is written in a cursive style with a large initial 'K'.

Kevin Kelley, Section Chief

cc: Wayne Black

Hank Bowers

Child Welfare Services Team Leaders

CWS-CN-12-2013