

Responsible Individuals List

What is it?

10A NCAC 70A.0102: employability or fitness to care for or adopt children

Who Can Access it?
7B-311(b), (c)

- Child care institutions
- Child placing agencies
- Group homes
- Foster care, child care, or adoption services providers

- Sanction: Class 3 misdemeanor

**Responsible Individual
7B-101(18a)**

A parent, guardian, custodian, or caretaker who abuses or seriously neglects a juvenile

**Serious Neglect
7B-101(19a)**

Conduct, behavior, or inaction (by a parent, guardian, custodian, or caretaker) that evinces a disregard of consequences of such magnitude it constitutes an unequivocal danger to the child's health, welfare, or safety, but does not constitute abuse.

≠ Neglect

What is it?



Due Process

- *In re W.B.M.*, 202 N.C. App. 606 (2010)
 - Art. 1, Section 19
 - Liberty interest
 - Pre-deprivation hearing

Father
Alleged abuse
Sexualized
behaviors of
son

NOTICE

- Identified as responsible individual
- Nature of assessment and determination of abuse and/or serious neglect
- Summary of substantial evidence supporting determination
- Appeal rights and copy of form
- w/in 5 days of completion of investigative Ax

Form J-131

Judicial Review

15 days of receipt or waived

- Director
 - After receive notice of hearing, must review records of investigative Ax.
 - If insuff ev, written statement to individual and clerk, cancel hearing
- Court
 - Hearing w/in 45 days
 - Closed if requested
 - Rules of Evidence but court may permit reliable and relevant evidence if interests of justice and general rules of ev. will be served
 - Order w/in 30 days

DSS →

Beyond a Reasonable Doubt
Clear and Convincing
Preponderance of the Evidence

1. Abuse or serious neglect
2. Identification of responsible individual

- Court may review if serves interests of justice or for extraordinary circumstances
- Expunge name

No right to judicial review
Convicted of same incident

Ex Parte Order

- Director cannot show actual notice to individual
- Hearing
- District Court judge determines director made diligent efforts to find the individual
 - Evading service is relevant

A/N/D vs. RIL

Similarities	Differences
<ul style="list-style-type: none">• DSS burden• Abuse• Confidentiality	<ul style="list-style-type: none">• No appointed counsel• Culpability of adult• Serious neglect• Preponderance of the evidence• The parties
