

Excerpt from NC Division of Social Services Family Services Manual, Vol I. Children's Services; Chapter VIII: Protective Services, 1427 – Responsible Individuals List

<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1427-04.htm#TopOfPage>

An example of a case decision letter is provided; however the letter may be altered to individualize it. The letter may read:

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

The RIL is a list of individuals determined to be responsible for the abuse and/or serious neglect of a juvenile. Information from this list may be released to certain employers ([G.S. § 7B-311\(b\)](#)) 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 fitness to care for or adopt 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. This Petition for Judicial Review should be filed with the clerk of court in _____ County. Should you choose to file a Petition for Judicial Review, your name will not be placed on the RIL unless the court finds you are an individual responsible for the abuse and/or serious neglect of a child. If you chose not to file a Petition for Judicial Review within 15 days, your name will automatically be placed on the RIL.

G.S. § 7B-320(b) provides that, at the judicial review hearing, the director shall have the burden of proving by a preponderance of the evidence the abuse or serious neglect and the identification of the individual seeking judicial review as a responsible individual. The hearing shall be before a judge without a jury, and the rules of evidence applicable to civil cases shall apply. However, the court in its discretion may permit the admission of any reliable and relevant evidence if the general purposes of the rules of evidence and the interests of justice will best be served by its admission.

G.S. § 7B-323(c) further provides that the parties have the right to present relevant 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.

In the event that there are extraordinary circumstances that prevent you from filing for a judicial review within 15 days, [G.S. § 7B-323\(e\)](#) allows you to file a Petition for Judicial Review and a district court judge in _____ 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,

Child Welfare Worker

Child Welfare Supervisor

Alleged Responsible Individual signature/initial _____
Date _____

This acknowledges only the receipt of this letter, not agreement with the finding of abuse and/or serious neglect .