

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Responsible Individuals List: The How and the Why

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### About this webinar

This webinar was developed through funding from the North Carolina Division of Social Services by the Family and Children's Resource Program, part of the Jordan Institute for Families at the UNC-Chapel Hill School of Social Work.




A recording of this webinar will be available on [ncswLearn.org](http://ncswLearn.org).

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### Goals for this Webinar

*By the end of this webinar, we hope you will be able to:*

- **Explain what the Responsible Individuals List (RIL) is and the role it plays in child welfare in North Carolina**
- **Describe the steps involved in placing a person on the RIL, especially related to:**
  - **Case Decision**
  - **Legal Process**
  - **Data Entry**

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**About Questions**

- We will monitor questions via the chat box and answer them as possible throughout the webinar.
- There will be opportunities during this presentation to pause and answer questions.
- Please, no case-specific questions.
- The webinar recording will be on ncswLearn.org and on the Family and Children's Resource Program webpage (<http://fcrp.unc.edu/webinars.asp>).

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 Peter West

  
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**What Is the RIL?**

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### The Responsible Individuals List

- Used to identify parents, guardians, caretakers, or custodians named as responsible individuals in all substantiated cases of **abuse** or **serious neglect** (or both)
- Only Investigative Assessment case decisions can result in RIL placement
- Non-caretakers responsible for human trafficking

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### Where Is the RIL?

#### Child Welfare Manual

- [Purpose, Philosophy, Legal Basis and Staffing](#)
- [CPS Intake](#)
- [Assessments](#)
- [In-Home Services](#)
- [Permanency Planning](#)
- [Adoptions](#)
- [Interstate Compact on the Placement of Children](#)
- [Foster Home Licensing Manual](#)
- [Child Fatality Prevention and Review](#)
- [Cross Function](#)
- [Appendix 1. CPS Data Collection](#)
- [Appendix 2. CPCS Manual](#)
- [Appendix 3.1 Child Welfare Funding – Overview](#)

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### Where Is the RIL? (continued)

NC DSS  
CPS Data Collection (Non-NC FAST)  
Appendix 1

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|  | Description |
|--|-------------|
| Central Registry.....  |             |
| I. INTRODUCTION.....   |             |
| II. PURPOSE.....   |             |
| III. REPORTING TO THE CENTRAL REGISTRY.....                    |             |
| IV. CONFIDENTIALITY OF THE CENTRAL REGISTRY.....               |             |
| V. CENTRAL REGISTRY - DESIGN AND FUNCTION.....                 |             |
| VI. DSS-5104 FORM FIELDS AND CODES.....                        |             |
| <b>Responsible Individuals List.....</b>                       |             |
| I. INTRODUCTION.....   |             |
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| III. RESPONSIBLE INDIVIDUALS LIST STATUTE (NCGS § 7B-311)..... |             |
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**RIL Starts at CPS Intake**

- What are the allegations?
- Who is the alleged perpetrator?
  - A caretaker?
  - A perpetrator of human trafficking?

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**A Thorough Assessment Is a Must**

- Timely and thorough initiation
- Appropriate safety assessment
- Is LE involved?
- Was there a CME/ forensic interview?
- Thorough collaterals
- Risk assessment
- Supervision

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**Case Decision: Two Steps**

**Step 1: What is the status of the child?**

- Is the child abused or neglected?
- What info do you have that supports this?
- What do the SDM tools show?
- What are the answers to the “four questions?”

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**Case Decision Step 2**

**Step 2: Is there a clear perpetrator?**

- What info do you have that supports this?
- What doubts do you have, and why?
- A good place to involve the agency attorney

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**A Word on Serious Neglect**

- Implies *intentionality*
- Never about the status of the child
- It's about the perpetrator seriously neglecting the child

**EXAMPLE**

*One caretaker is abusing the child and the other is ignoring the abuse.*

*This ignoring caretaker is **seriously neglectful**.*

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**Questions** 

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**It's Not Optional**

- If there is a case decision substantiating abuse and/or serious neglect AND there is an identified perpetrator, the agency **MUST** take steps to place that individual on the Responsible Individuals List (RIL)
- Placement on the RIL is not discretionary

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**Notifying the Perpetrator**

- **Expediently:** no longer 5 days
- **Diligent efforts**

“If the county child welfare worker is unsuccessful in contacting the alleged responsible individual to provide personal written notice within 15 days of the case decision, the notice shall be sent by registered or certified mail, return receipt requested, and addressed to the individual at the individual’s last known address”

- **Barriers? Talk to your attorney**

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**Notifying the Perpetrator (continued)**

**Written Notice**

- Be detailed when filling out the part: “This Child Protective Services (CPS) Assessment has been substantiated based on the following:...”
- Ensure the letter is clear about perpetrator’s right to appeal AND steps they can take to appeal
- We recommend getting a signed statement of receipt

Sample letter can be found on pages 74-75 in the RIL policy section

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**Director's Review and Determination**

- 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 is a responsible individual
- Notify the individual in writing
- The individual's name may not be placed on the RIL

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**Questions** 

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**The DSS-5104**

**Complete it once a case decision is made.**

- Indicate the Type Found in field 30
- If no perp, enter 00 in field 23; enter 05 in field 31
- If there is a clear perpetrator:
  - Enter the relationship code in field 23
  - Fill out fields 33-40
  - Field 39 is automatically "00" until a DSS-5104a is completed; this will automatically be updated based on the completion of the 5104a

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**NC Fast and the RIL**

**Recommending an Individual for the RIL**

- When a Maltreatment of Abuse or Serious Neglect is Substantiated, NC FAST automatically places Alleged Perpetrator on the **Responsible Individual Recommendation List with an RIL Status of "In Progress"** (unless the individual is unknown). **This DOES NOT place the person on the RIL. It simply starts the process.**
- If the Supervisor approves the case decision it then **enables the personal written notice tab for the worker,** if the Supervisor does not approve the RIL part of the decision, the Supervisor can then cancel or return the decision.

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**NC Fast and the RIL**

**Disposing the RIL Recommendation**

- The RIL Recommendation **cannot** be Disposed in NC FAST until 16 days after the Delivery Date of the Personal Written Notice.
- **Only a Child Welfare Supervisor** or above can dispose a RIL recommendation. An individual will not appear on the RIL until the supervisor completes that step.
- If a RIL petition has not been filed, a task for disposing the RIL recommendation is generated in NC FAST on the 16th day after the delivery date of the Personal Written Notice.

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**NC Fast and the RIL**

**Reminder**

- When searching for individuals placed on the RIL, remember to search in Legacy and NC FAST.
- There are additional steps for updating the RIL after Director's Review, Judicial Review, and manual entries on the RIL. Please refer to the Job Aid entitled:  
Responsible Individual List (RIL) Complete Process – Recommendation, Appeal Rights, and Final Determination

**Located at:**  
<https://ncfasttraining.nc.gov/>

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**Questions** 

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**Final Steps for County DSS Staff**

- 1. Please take a brief survey**
  - We will provide link for those logged on
  - Can also access thru [ncswlearn.org](http://ncswlearn.org)
- 2. To receive training credit, you must "Complete Course" WITHIN ONE WEEK**
  - Log in to [www.ncswlearn.org](http://www.ncswlearn.org)
  - Select "PLP"
  - Select "Webinars"
  - Click "Enter"
  - Click "Complete Course" button

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# **Responsible Individuals List at a Glance**

## **RESPONSIBLE INDIVIDUALS LIST STATUTE (NCGS § 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 placement of his or her name on the RIL.

## **WHAT IS IT?**

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. Thus, only case decisions made as a result of an Investigative Assessment can result in RIL placement. Perpetrators of Human Trafficking regardless of relationship to the child are now considered perpetrators and thus would be eligible for placement on the RIL.

## **IF A CHILD IS DETERMINED TO BE ABUSED OR SERIOUSLY NEGLECTED WITH A CLEAR PERPETRATOR, THE RIL PROCESS IS NOT OPTIONAL**

## **PLACEMENT ON THE RIL OCCURS AFTER ONE OF THE FOLLOWING HAS OCCURRED:**

1. The responsible individual is properly notified of his or her right to request a judicial review and fails to file a petition for judicial review in a timely manner,
2. The court determines that the individual is a responsible individual as a result of a hearing on the individual's petition for judicial review, or
3. The individual is criminally convicted as a result of the same incident involved in the Investigative Assessment. The district attorney shall inform the director of the result of a criminal proceeding. Each county child welfare agency shall develop policies and procedures with its district attorney regarding the notification to the agency of the criminal conviction.

## **OUT-OF-STATE SITUATIONS**

Please refer to page 69 in the RIL Policy section for direction when working a case that involves children and/ or caretakers who are from or live out of state.

## **CASE DECISION**

### **Two-step process**

- 1) Status of the child
- 2) Clearly identified perpetrator

## **NOTIFICATION PROCESS**

- 1) Face to Face in an expeditious manner
- 2) Use a Letter (Sample is on pages 73-74)
  - a. Statement of Findings
  - b. Their right to appeal
  - c. The process for appeal
- 3) If no response within 15 days, proceed with RIL placement.
- 4) If they file notice of appeal:
  - a. Director's Review
    - i. Is there evidence they are the perp?
      1. Yes, proceed with Judicial Review
      2. No, do not place on RIL
    - ii. This does not affect case decision
  - b. Judicial Review
    - i. If the court agrees, continue with RIL
    - ii. If court disagrees, do not place on RIL