

Family Support and Child Welfare Services 06-05

TO: County Directors of Social Services

SUBJECT: NEW LEGISLATION REGARDING ADOPTIVE FAMILIES AND CRIMINAL RECORDS CHECKS

Date: August 25, 2005

EFFECTIVE: IMMEDIATELY

ATTENTION: Children's Services Program Managers

Children's Services Supervisors

I. GENERAL INFORMATION

The purpose of this letter is to inform you of legislative changes regarding fingerprint-based criminal records checks for adoptive families who are attempting to adopt a child who is in the custody or placement responsibility of a county Department of Social Services. Session Law 2005-114, House Bill 451 was passed by the 2005 General Assembly effective June 24, 2005. This is entitled: "An act to require criminal background checks for any individual eighteen years of age or older who resides in the household of a prospective adoptive parent, to expand the persons who are subject to criminal record checks by department of health and human services, and to make other conforming changes." This legislation amends GS 48-3-309 and GS 114-19.7.

This legislation brings North Carolina in compliance with the federal Child Abuse Prevention and Treatment Act (CAPTA) which now requires that all individuals living in the household of a prospective adoptive family who are eighteen years of age or older must have local, state and national criminal background checks. This means that before a child that is in the custody or placement responsibility of a county Department of Social Services can be placed with a family for the purpose of adoption, there must be criminal background checks on each individual in the home that is eighteen years of age or older. Note that this legislation does not pertain to adoptions of children who are not in the custody or placement responsibility of a county Department of Social Services in North Carolina.

II. IMPLEMENTATION PROCEDURES

All agencies working with families who are applying to adopt a child who is in the custody of a county Department of Social Services must implement this law **immediately**. Effective **immediately**, you should submit the fingerprints and the required releases of information for all applicants for adoption and any individuals 18 years old or older who are to be living in the adoptive applicants' home to the DHHS Criminal Records Check Unit at the address below. To

contact the DHHS Criminal Records Check Unit regarding submission of fingerprints, status of requests in progress or requests for fingerprint cards, etc., please contact the following:

NC Department of Health and Human Services

Criminal Records Check Unit

2201 Mail Service Center

Raleigh, NC 27699-2201

Tel. # (919) 773-2856 or (800) 859-0829 (in state only)

Fax: (919) 661-6167

Unit E-mail: DHHS.CRC.UNIT@ncmail.net

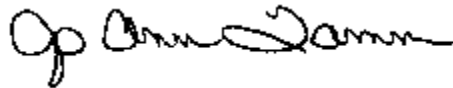
Contacts:

Sheryl McNeill sheryl.mcneill@ncmail.net

Melynda Swindells melynda.swindells@ncmail.net

If you have any questions regarding this legislation, please contact your Children's Programs Representative or Sara Anderson Mims at (919) 733-4622.

Sincerely,



Jo Ann Lamm, Chief

Family Support and Child Welfare Services Section

JAL: sam

[Attachment](#)

CC: Pheon Beal

Sherry Bradsher

Sarah Barham

Peggy Ball

Kathy Shepherd

Sheryl McNeill

Melynda Swindells

Austin Conners

Local Business Liaisons

Family Support and Child Welfare Services Team Leaders

Child Welfare Attorneys

Children's Program Representatives

Work First Representatives

Family Support and Child Welfare Services Monitors