

FAMILY SUPPORT AND CHILD WELFARE SERVICES FSCWS-07-06

TO: County Directors of Social Services

ATTENTION: DSS CPS Supervisors and Program Managers

DSS CPS Social Workers

DATE: June 29, 2006

SUBJECT: CAPTA PROVISION CLARIFICATIONS

AOC CRIMINAL RECORDS CHECKS

EFFECTIVE DATE: Immediately

Recent clarifications to section 106 (b)(2)(A)(xviii) of Child Abuse Prevention and Treatment Act (CAPTA) from the Administration for Children and Families (ACF), Children's Bureau, has been provided in the form of a Question and Answer update to the Child Welfare Policy Manual

2.1H CAPTA, Assurances and Requirements, Notification of Allegations

http://www.acf.hhs.gov/j2ee/programs/cb/laws_policies/laws/cwpm/policy.jsp?idFlag=2. Upon review, we are in compliance with all areas and wanted to provide clarity to one provision.

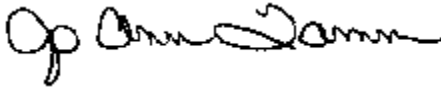
The provision at section 106 (b)(2)(A)(xviii) requires that the Department of Social Services notify the individual of the complaints or allegations made against him or her at the initial time of contact regardless of how that contact is made. At the time of initial contact, the Department of Social Services must advise the individual subject to a child abuse or neglect assessment of the complaint or allegation against him/her whether the Department has assigned the report as an investigative assessment or a family assessment.

This provision allows each County Department of Social Services to continue to move towards enhanced Family Centered Practice in both investigative as well as family assessments by making the assessment process more "transparent." Initially, this may not appear to be "family centered" but it does support a partnership with parents/caretakers. Due to confidentiality concerns, the first contact is interpreted to mean the first contact at which the Department of Social Services is certain that the individual to whom they are speaking is the same individual to whom the allegations are made against. For instance, if the method of first contact is via telephone and the Department of Social Services is certain they are speaking to the individual against whom the allegations are made, the Department of Social Services would then inform that individual of the allegations made against them. With assessments involving allegations of domestic violence, this provision does not affect the Departments of Social Services continued practice to make every effort to first contact the non-offending parent/adult victim outside the presence of the alleged perpetrator of domestic violence. The non-offending parent/adult victim will be advised of the allegations at that initial time of contact before contacting the alleged perpetrator of domestic violence. Departments of Social Services are cautioned against disclosing the allegations in communication forms that might compromise confidentiality issues (for instance, a note detailing reported allegations left on the family's front door or via a voicemail or e-mail).

The Division of Social Services would also like to take this opportunity to remind County Departments of Social Services to utilize the Administrative Office of the Courts (AOC) access to the Automated Criminal/Infraction System (ACIS). All Departments of Social Services should have staff trained to conduct criminal record checks on foster and adoptive parents, potential social workers, parents, guardians, custodians, and caretakers substantiated for abuse, neglect, or dependency, caregivers under CPS Assessment, caregivers responsible for children in foster care, and on possible kinship providers (refer to Dear County Director Letter dated August 16, 2004 entitled AOC Contract and Implementation Schedule). This criminal record check is not a substitute for a fingerprint based check or legally binding criminal record check that can be verified with a seal from the Clerk of Court, but it is a tool that provides your agency the opportunity to perform inquiries of all adults regarding criminal records and or pending charges in North Carolina.

Please contact your Children's Program Representative or the Work First / CPS Policy Team at (919) 733-4622 if you have questions about this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jo Ann Lamm". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jo Ann Lamm, Chief

Family Support and Child Welfare Services

JAL:erz

cc: Sherry S. Bradsher

Family Support and Child Welfare Team Leaders

Children's Program Representatives

Work First Program Representatives

Local Business Liaisons