

**DSS ADMINISTRATIVE LETTER  
CHILD WELFARE SERVICES CWS-AL-01-2019**

**TO:** COUNTY DIRECTORS OF SOCIAL SERVICES

**ATTENTION:** ALL CHILD WELFARE STAFF

**DATE:** NOVEMBER 25, 2019

**SUBJECT:** STATE CHILD WELFARE LEGISLATIVE CHANGES 2019

**EFFECTIVE:** December 1, 2019

**I. Intent and Background**

The purpose of this Administrative Letter is to provide information regarding legislative changes to the caretaker definition and the Responsible Individuals List procedure during the 2019 North Carolina General Assembly's session. Please discuss revised legislation in its entirety with your agency's attorney(s) or legal staff to understand the impact it will have within your county. The Session Laws and all other state statutes can be accessed through the North Carolina General Assembly website (<http://www.ncleg.net>).

**II. Legislative Summary**

**Session Law 2019 – 33**

**An Act to Make Revisions to the Juvenile Code Pursuant to Recommendations by the Court Improvement Program (CIP) Responsible Individuals List" (RIL).**

The definition of a responsible individual under 7B-101(18a) now includes an "individual *responsible for subjecting a juvenile to human trafficking*" (including both labor and sex trafficking). In addition, the timeframe under 7B-320(a) to send the personal written notice of a determination that a person is a responsible individual is revised from 5 working days after the assessment to "in an expeditious manner." These revisions do not require changes to data collection through the central registry or the RIL. Once a petition for a judicial review has been filed and the hearing is scheduled, G.S. 7B-723(b) is amended to allow law enforcement investigating the same allegations to remain in the hearing even when the courtroom is closed to the public. During the judicial review, information from a child medical evaluation and child and family evaluation reports can now be admitted at the hearing as evidence (in the judge's discretion.)

Eligibility for a judicial review is clarified to specify that those responsible individuals who are criminally convicted for the same incident of abuse or neglect are not eligible. The amendment takes this one step further to clarify that if a conviction occurs after the petition for judicial review is filed, the court must dismiss the petition with prejudice.

**Session Law 2019-245**

*An Act to Protect Children from Sexual Abuse and to Strengthen and Modernize Sexual Assault Laws*

### **Caretaker in Abuse and Neglect Cases**

The definition of caretaker under 7B-101(3) is expanded to now read “an adult entrusted with the juvenile’s care.” This change removes the limitation that the adult be a relative, and the caretaker designation can now be applied to relatives and nonrelatives.

### **III. Additional Information**

The Division will continue to review other legislative changes that may have an impact on child welfare work. The Division is working to make any necessary changes to policy, and those will be included in upcoming manual revisions and communicated through regular correspondence.

If you have any questions about these legislative changes, please contact your Children’s Program Representative.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Cauley".

Lisa Cauley, Deputy Director  
Child Welfare Services