

Article 3A.

Judicial Review; Responsible Individuals List.

§ 7B-320. Notification to individual determined to be a responsible individual.

(a) After the completion of an investigative assessment response that results in a determination of abuse or serious neglect and the identification of a responsible individual, the director shall personally deliver written notice of the determination to the identified individual in an expeditious manner.

(a1) If the director determines that the juvenile is the victim of human trafficking by an individual other than the juvenile's parent, guardian, custodian, or caretaker, the director shall cooperate with the local law enforcement agency and district attorney to determine the safest way, if possible, to provide notification to the identified responsible individual. If the director does not provide notification in accordance with this subsection, the director shall document the reason and basis for not providing the notification.

The director shall not provide notification to the responsible individual or proceed further under this Article if notification is likely to cause any of the following to occur:

- (1) Cause mental or physical harm or danger to the juvenile.
- (2) Undermine an ongoing or future criminal investigation.
- (3) Jeopardize the State's ability to prosecute the identified responsible individual.

(b) If personal written notice is not made within 15 days of the determination and the director has made diligent efforts to locate the identified individual, the director shall send the notice to the individual by registered or certified mail, return receipt requested, and addressed to the individual at the individual's last known address.

(c) The notice shall include all of the following:

- (1) A statement informing the individual of the nature of the investigative assessment response and whether the director determined abuse or serious neglect or both.
- (1a) A statement that the individual has been identified as a responsible individual.
- (2) A statement summarizing the substantial evidence supporting the director's determination without identifying the reporter or collateral contacts.
- (3) A statement informing the individual that unless the individual petitions for judicial review, the individual's name will be placed on the responsible individuals list as provided in G.S. 7B-311, and that the Department of Health and Human Services may provide information from this list to child caring institutions, child placing agencies, group home facilities, and other providers of foster care, child care, or adoption services that need to determine the fitness of individuals to care for or adopt children.
- (4) A clear description of the actions the individual must take to seek judicial review of the director's determination.

(d) In addition to the notice, the director shall provide the individual with a copy of a petition for judicial review form. (2005-399, s. 3; 2010-90, s. 5; 2013-129, s. 4; 2019-33, s. 3; 2021-132, s. 2(a).)