



# Out of the Shadows

North Carolina Conference of District Attorneys

August 2008 Volume 4, Issue 1

**How to Contact the Child Abuse Resource Prosecutor**  
[laura.e.parker@nccourts.org](mailto:laura.e.parker@nccourts.org)

Phone: 919.890.1500

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## Upcoming Child Abuse Trainings

### State:

*Fourteenth Annual Symposium on Child Abuse and Neglect*  
September 9-11, 2008  
Lake Junaluska, NC

For more information, please visit: [www.cacnc.org](http://www.cacnc.org)

*Interrogation of Child Sex Offenders*  
October 10, 2008  
Raleigh, NC

For more information, please visit:  
[www.ncdistrictattorney.org](http://www.ncdistrictattorney.org) or contact Laura Parker at 919.890.1500

### National:

Forensic Interviewing of Children  
Dates: September 22-26/October 27-31, 2008  
Location: Huntsville, AL

*Child Abuse Summit*  
Dates: Sept 15-18, 2008

*The Seventh North American Conference on Shaken Baby Syndrome*  
Dates: October 5-8, 2008  
Location: Vancouver, B.C. Canada

For more information on these trainings, please visit:  
[www.ncdistrictattorney.org/childabuse/training.htm](http://www.ncdistrictattorney.org/childabuse/training.htm)

## ***THE ROLE OF DISTRICT ATTORNEYS IN THE EXPUNCTION PROCESS FOR THE RESPONSIBLE INDIVIDUALS LIST***

*By: Terri Reichert*

The Division of Social Services receives federal funding for the delivery of child welfare services, in part, through the Child Abuse and Prevention Treatment Act Grant (CAPTA). See 42 U.S.C. § 5101 *et seq.* All states that receive this funding must comply with certain federal requirements, one of which requires states to have a process by which individuals identified as responsible for the abuse or neglect of a child can request a review of that decision.

In 2005, our General Assembly, in order to bring North Carolina into compliance with this provision, enacted HB 661. This legislation provides an expunction process for those individuals who believe that their name has been placed erroneously on a separate list of individuals (the Responsible Individuals List or RIL) determined to be responsible for the abuse or *serious neglect* of a juvenile. See N.C.G.S. §§ 7B-311 and 320-24. It was enacted to provide due process for identified responsible individuals because information from the RIL may be provided 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 an individual's fitness to care for or adopt children. Serious neglect was then defined in Administrative Rule 10A NCAC 70A.0104 as conduct, behavior, or inaction that evidences a serious disregard of consequences of such magnitude as to constitute an unequivocal danger to a child's health, welfare, or safety.

The expunction process is three tiered, and includes a significant role for District Attorneys. Initially, an identified responsible individual requests the DSS Director of the county that conducted the CPS assessment to expunge the individual's name from the RIL. Upon a timely request, the DSS Director, within 15 business days, must review the case record, determine whether there is substantial evidence to support the case decision and the placement of the individual's name on the RIL and communicate the Director's decision to the responsible individual. If the DSS Director refuses to expunge the individual's name from the RIL, the responsible individual is instructed for further review to contact the District Attorney of the prosecutorial district in which the abuse or neglect arose or to file a petition for expunction with the District Court of the prosecutorial district in which the abuse or neglect arose.

Within 30 days from the receipt of the DSS Director's notice of refusal to expunge the identified responsible individual's name from the RIL, the responsible individual may request, in writing, that the District Attorney review the case record. If the request is not received by the District Attorney in a timely manner, a responsible individual waives the right to this review. N.C.G.S. § 7B-322(b) dictates that the District Attorney will, within 30 days of a timely request, complete a review of all the information the DSS Director used in making the determination that the individual's name should remain on the RIL, either agree or disagree with the DSS Director's decision and give notice, in writing, of the District Attorney's own decision to the DSS Director and the responsible individual.

Since the establishment of the expunction process, some confusion surrounding the process has been created when a District Attorney does not respond to an identified responsible individual's request for expunction. Pending criminal charges from the same incident of child abuse and neglect have also contributed to this confusion. Therefore, we encourage all District Attorneys to meet with their county Directors of Social Services to establish a procedure for responding to requests for expunction to ensure that the expunction process is carried out within the guidelines established by statute. Should you have any questions regarding the expunction process, you may contact the Family Support and Child Welfare Services Section of the Division of Social Services at 919.733.4622.

### *About the Author:*

Terri Reichert has worked in Child Protective Services for 9 years in both Harnett and Wake counties conducting investigations. Terri began working as a CPS Consultant for the Division of Social Services in May of 2005.

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## ***“INTERROGATION OF CHILD SEX OFFENDERS” TRAINING***

On October 10, 2008, the Conference of District Attorneys will present “Interrogation of Child Sex Offenders.” This training will be for both law enforcement and prosecutors. The main presenter is Detective Mike Johnson of the Plano Police Department of Plano, Texas.

Detective Johnson earned a Bachelor’s Degree in Criminal Justice with a minor in Psychology at Southwest Texas State University in San Marcos, Texas. He joined the Plano Police Department in September 1982. Johnson began investigating child abuse in 1986 and is considered an ambassador for child advocacy. He is currently assigned to the Juvenile division of the Plano Police Department. In addition to serving on numerous national boards and task forces, including the National Board of Directors for the American Professional Society on the Abuse of Children (APSAC), Johnson has been instrumental in helping shape Texas laws relating to child abuse by serving on the Texas State Attorney General’s Sexual Offender Protocol Task Force. Detective Johnson will cover the psychosexual spectrum of child victimization, understanding perpetrators, and interrogation techniques, incorporating videos of actual interviews with perpetrators.

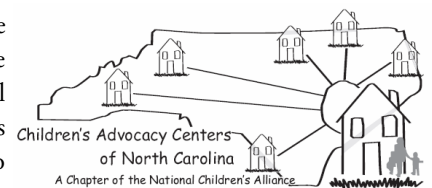
The training will conclude with a legal update on interrogation in North Carolina by Jeff Welty, Assistant Professor of Public Law and Government for the UNC School of Government.

The Conference will be sending out registration brochures to your offices in the next month, as well as invitations to all the law enforcement agencies in the state. Please encourage your local law enforcement officers to attend.

For more information, please visit <http://www.ncdistrictattorney.org/childabuse/training/htm> or contact Laura Parker at [Laura.E.Parker@nccourts.org](mailto:Laura.E.Parker@nccourts.org) or at 919.890.1500.

## ***THE FOURTEENTH ANNUAL SYMPOSIUM ON CHILD ABUSE AND NEGLECT***

The Children’s Advocacy Centers of North Carolina have announced “Reflections XIV: The Fourteenth Annual Symposium on Child Abuse and Neglect,” September 9-11, 2008 at the Lake Junaluska Assembly in Haywood County. The Symposium is designed for all professionals who work with victims of child abuse and neglect. This year the Children’s Advocacy Centers of North Carolina have worked with the Conference of District Attorneys to include topics at the Symposium to appeal to prosecutors across the state. Topics will include internet crimes against children, child interviewing techniques, forensic analysis at the NC SBI crime lab, a prosecutor’s approach to a case, presented by Ashlie Shanley, Chief Assistant District Attorney of District 19A and Elizabeth Lari, Assistant District Attorney of District 27B, a medical update on abusive head trauma, legal implications of abusive head trauma, presented by Laura Parker, Child Abuse Resource Prosecutor, medical aspects of child sexual abuse, and evidence presentation and testifying in court. CLE credits will be available. Costs will be reimbursed according to normal AOC policy. Please visit [www.cacnc.org](http://www.cacnc.org) for more information on how to register for this important gathering of child abuse professionals.



## ***CHILD ABUSE RESOURCE MANUAL***

The Conference of District Attorneys has additional copies of the Child Abuse Resource Manual for prosecutors. This comprehensive manual covers information on topics spanning the investigation, medical examination, trial preparation and strategy, and sentencing in child sexual abuse cases. If your office is need of extra copies, please contact Laura Parker at [Laura.E.Parker@nccourts.org](mailto:Laura.E.Parker@nccourts.org) or at 919.890.1500.

## ***“IN THE NEWS” SUBMISSIONS***

The Conference of District Attorneys would like to ask for your submissions to include on the “In the News” portion of our child abuse website. If you have recently prosecuted a child abuse case (or someone in your office has) and would like for us to post any newspaper article related to the case on the Conference website, please contact Laura Parker at [Laura.E.Parker@nccourts.org](mailto:Laura.E.Parker@nccourts.org) or at 919.890.1500.

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