



North Carolina Department of Health and Human Services
Division of Social Services

325 North Salisbury Street • MSC 2408 • Raleigh, North Carolina 27699-2408
Courier # 56-20-25

Beverly Eaves Perdue, Governor
Lanier M. Cansler, Secretary

Sherry S. Bradsher, Director
(919) 733-3055

April 16, 2010

DEAR COUNTY DIRECTOR OF SOCIAL SERVICES

ATTENTION: CHILD WELFARE PROGRAM ADMINISTRATORS

**SUBJECT: ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006 AND
ACCESS TO CRIMINAL HISTORY RECORD INFORMATION**

The Division has been working with the North Carolina State Bureau of Investigation (SBI) to establish indirect access to the national Criminal History Record Information (CHRI) under the [Adam Walsh Child Protection and Safety Act of 2006](#). Section 151 of this act makes Criminal History Record Information (CHRI) available to governmental social service agencies with child protection responsibilities for use in investigating or responding to reports of child abuse, neglect or exploitation; CHRI can not be accessed for placement purposes.

There are certain requirements that must be met to obtain access. The requirements under which this information is made available are federal requirements and the role of the SBI is to facilitate access. The steps to obtain access are:

1. Submission of an *ORIGINATING ROUTING IDENTIFIER (ORI) APPLICATION* (form CIIS-7).
 - The ORI Application and instructions for completion are only attached to this message and will not be posted on-line.
 - The ORI Application must be signed and notarized by the county director of social services.
 - One individual per county will be identified as the Terminal Agency Coordinator (TAC). The TAC will be required to undergo a background check, attend training and provide training on issues surrounding data security. The TAC identified by the county will have the ability to designate additional individuals who are authorized to submit information requests to the local law enforcement agency.
 - The application needs to be submitted to the Division's point of contact and will need to include the name, e-mail address and telephone number of the county's identified TAC.
 - Allow approximately 4 weeks from the date of submission to obtain your county ORI.
 - Please note that at anytime a new director is identified for a county a new ORI Application will need to be submitted.

2. Submission of a *USER AGENCY AGREEMENT* (form CIIS-5A)
 - The User Agency Agreement form is attached only to this message and will not be posted on-line
 - Completed upon receipt of county agency ORI
 - The agreement needs to be submitted to the Division's point of contact

3. Development of a MOU / Service Agreement

- Each county is required to identify the local law enforcement entity to enter into a MOU/Service Agreement with. The N.C. Sheriff's Association is aware of Section 151 in Adam Walsh and is prepared to cooperate with the development of an MOU/Service Agreement.
- The MOU/Service Agreement should address:
 - fees to be charged, if any
 - define the process to be used to obtain the information including whether the request is on agency letterhead or is on the suggested information request form
 - specific personnel and data security protocols.
 - criteria for positively identifying an individual when multiple "hits" are returned.

At the October 2009 Children's Services Committee meeting, a number of questions about the benefits of obtaining access to CHRI were raised. The nature of these questions pertained to on-line access to criminal history checks. Most commercial on-line services will assess a fee. These on-line services are not complete national real time records checks and do not always define criminal history checks the same and they do not have access to the FBI maintained records. Our partners at the SBI have also provided the following information regarding the use of on-line services: "The CHRI information being provided is the full and complete record available from the states, obtained directly from the originating sources, in complete and accurate detail. These state records then make up the national record on the individual. All that information comes together into one national profile. This national profile is not available online. [Commercial] online information is usually not supported by fingerprint cards. Without fingerprint cards, requestors cannot be assured of positive identification. Online information returned, in some cases, may be incorrectly applied/attributed to an individual by that provider".

The SBI has also clarified for us the other pieces of information that are provided when CHRI is obtained. In response to a question about CHRI indicating pending charges and arrest warrants, we were informed that "CHRI does not include pending charges or warrants. However, CHRI from some states, which are returned in the national record, may show charges without disposition information. Additionally, criminal history record checks conducted by a sheriff's office, under the proposed model, will return wanted person information, including warrants, as well as sex offender registration, protection order and other national person file information, not available through online private entities/vendors or public record checks".

The original and notarized *ORI* (form CIIS-7) and *USER AGENCY AGREEMENT* (form CIIS-5A) with original signatures must be submitted by mail to the Division at:

Child Welfare Services Section
325 N. Salisbury St.
MSC 2408
Raleigh, NC 27699-2408
Attn: Terri T. Reichert

If you have any questions, or need additional electronic copies of the *ORIGINATING ROUTING IDENTIFIER (ORI) APPLICATION* (form CIIS-7) or a *USER AGENCY AGREEMENT* (form CIIS-5A), please contact Terri T. Reichert, CPS Policy Consultant, at (919) 733-4622 or by email at terri.reichert@dhhs.nc.gov.

Sincerely,



Charisse S. Johnson, Chief
Child Welfare Services

cc: Sherry Bradsher
Sarah Barham
Hank Bowers
Children's Program Representatives
Child Welfare Services Team Leaders
Local Business Liaisons
Work First Representatives
Jack Rogers
Regulatory and Licensing Consultants