

to any child in the household. Law enforcement officers may talk with the child. The child also may be seen by a doctor or other professional as part of the assessment to determine what happened to the child.

Q: What is the process of resolving complaints about a case?

A: First, talk to your worker, then the supervisor, and finally, if questions or problems are not resolved, speak with the Director of Child Protective Services at State DSS.

Children in Foster Care

Investigations of out-of-home abuse or neglect generally involve children already in foster care. The foster child may be moved to another foster care setting during the investigation until a decision can be made. Depending upon the outcome of the investigation and the needs of the child, the child may not be returned to your home.

Treatment services are not provided to a foster caregiver regarding the foster child but services may be provided to a caregiver when the abuse or neglect involves the biological or adopted children of the caregiver. You will be given an additional brochure if that is the situation. DSS encourages you to seek and accept services to help your family.

When the investigation involves the biological or adopted child of a licensed foster parent and when it is believed that the parents cannot protect a child in the home, law enforcement officers or the family court may remove the child from the home. If the child is removed, DSS will place the child in foster care. Foster care is a temporary service for you and your child.

If your child is placed in foster care, in most cases, arrangements will be made for you to visit your child. You and your worker will discuss a plan for services for you and your child. The county DSS office where you live will provide supervision of cases with children in foster care. The family court may order you to do certain things. After a child has been in foster care for a period of time, the court will hold a "permanency planning" hearing. This hearing will review the progress toward the child's return home or any other "permanent plan" approved at an earlier hearing. If the judge decides it is safe for the child to return home, the judge might require that the family be supervised by DSS and receive services. If your child is removed, you will be given more detailed information on the foster care system.

The Department of Social Services Division of Human Services will administer its programs in accordance with Title VI, Section 601 of the Civil Rights Act of 1964; Title V, Section 504 of the Rehabilitation Act of 1973; Title III, Section 303 of the Age Discrimination Act of 1975; Title II of the Americans with Disabilities Act of 1990; and the Multi-Ethnic Placement Act of 1994, each as amended. DSS will not deny unlawfully to any individual, on the basis of race, color, national origin, qualified disability, sex, age, religion, or political belief, or other unlawful basis, the opportunity to participate in or benefit from the aid of any program administered by it.

If You are Reported for Child Abuse or Neglect

If you are reported for child abuse or neglect, you have the following rights:

- To be represented in family court by a lawyer. If you cannot pay for one, a lawyer will be appointed by the family court.
- To be notified that you are the subject of a report and that your name has been recorded by DSS as a "suspected perpetrator" of child abuse or neglect.
- To be notified if your name is entered into the Central Registry of Child Abuse or Neglect.
- To examine the report and evidence used to decide an indicated case, except for the identity of the reporter.
- To a timely handling of your case.
- To visit any children removed from your home, if appropriate.
- To help plan and take part in your family's treatment.
- To be notified of, and take part in family court hearings that involve your case.
- To ask for a review of your case by the OHAN supervisor and/or director of Child Protective Services at State DSS.
- To challenge a finding against you through a DSS administrative appeals hearing if the case is not brought before family court.

Your OHAN Investigator is _____.

The OHAN supervisor is _____.

They can be reached at _____.

The allegation(s) being investigated is/are:

- | | |
|---|---|
| <input type="checkbox"/> Sexual Abuse | <input type="checkbox"/> Educational Neglect |
| <input type="checkbox"/> Physical Abuse | <input type="checkbox"/> Contributing to the Delinquency of a Minor |
| <input type="checkbox"/> Mental Injury | <input type="checkbox"/> Significant Risk of Harm: (Circle type) |
| <input type="checkbox"/> Abandonment | SA PA MI |
| <input type="checkbox"/> Physical Neglect | |
| <input type="checkbox"/> Medical Neglect | |

South Carolina Department of Social Services

**Child Protective Services:
A Guide for Caregivers
in Out of Home Settings**

South Carolina’s law seeks to protect children and keep them safe. The Department of Social Services (DSS) must follow certain steps when it receives a report of child abuse or neglect. As soon as possible after the assessment begins, DSS will give the DSS Brochure 3053 to the caregiver alleged to have harmed the child.

This brochure provides specific information about the investigative process when the report involves a child in an out of home setting. An out of home setting includes licensed foster homes, residential group homes and institutions, and child day care facilities. The Department of Social Services licenses many out of home facilities including the types listed above; therefore the responsibility for investigating these facilities is assigned to a special unit within DSS called the Out of Home Abuse and Neglect (OHAN) unit.

Investigating Reported Abuse or Neglect In Out of Home Settings

After DSS receives a report that a child has been harmed by someone responsible for the child, DSS must begin to investigate and assess the situation within 24 hours. The person assigned to look into the report is called an investigative worker. His/her name and phone number is on the back of this brochure. The investigator will talk to the caregiver and the child to find out what happened. The investigator or county caseworker for the child will notify the parents of a foster child of the suspected abuse or neglect as well as the outcome of the investigation. It is likely that the investigative worker will need to talk to other people who may know about the situation.

The investigation may include, but may not be limited to, an examination of the child by a doctor and the taking of photographs. DSS has 45 days to complete this investigative process. If there is specific information that can’t be gathered in that time, 15 extra days may be approved.

When the allegations involve a child in foster care, the child may be moved to another foster home until a decision is made about the incident under investigation. If the child is alleged to have been abused at a child day care facility, in addition to assessing the incident, the parents’ ability to protect may be assessed. If a child not in the state’s custody cannot be protected by the non-abusing parent or guardian, DSS will have to consider petitioning family court for a decision on custody of the child. DSS will coordinate investigations with local law enforcement when the allegations involve sexual abuse and serious injury.

Central Registry of Child Abuse and Neglect

At the end of the investigation, the name of the person found to have harmed the child will be entered into the SC Central Registry of Child Abuse and Neglect. That person may appeal the decision through the Administrative Appeals process provided under state statute or through Family Court when appropriate. Additional information about this appeals process will be provided at the time of case decision to the person found to have harmed the child.

Frequently Asked Questions

Q: *What are the possible outcomes of the investigation?*

A: The case may be “indicated” or “unfounded.”

- ♦ “Indicated” means that it is more likely than not that the child was abused or neglected.
- ♦ “Unfounded” means the report is untrue or not supported by the information gathered.

Unfounded cases fall into four categories:

- *Category I:* Abuse or neglect was ruled out following assessment.
- *Category II:* There is not enough evidence to decide if the child was abused or neglected.
- *Category III:* The assessment could not be completed because DSS could not locate the child or family or for some other reason.
- *Category IV:* Information received about harm to a child did not result in an investigation.

Q: *Will my name be recorded in DSS records as a suspected perpetrator?*

A: Yes. Your name will be recorded in DSS records as a suspected perpetrator until a case decision is made following the assessment.

Q: *Is my name going to be entered in a central registry of child abuse or neglect?*

A: If you are a foster parent or an employee or volunteer of a group home, institution or child care facility, your name will be entered into the Central Registry of Child Abuse and Neglect if the case is indicated. The Central Registry is not the same thing as the DSS case record. The Central Registry is a confidential perpetrator registry separate from the DSS agency automated case record.

You can appeal the agency’s decision through the Administrative Appeals process. Information will be given to you about the case decision and appeals process. If you appeal and the appeals process finds that you did not abuse or neglect the child, your name will be removed from the Central Registry immediately. If you do not appeal or your appeal is unsuccessful, the decision becomes final and your name will remain in the Central Registry.

Q: *What happens to records in an unfounded case?*

A: If the case is unfounded, the records will be kept in confidence, but will be used to assess other reports or for certain purposes as allowed by state law.

Q: *Do I have the right to inspect DSS records about the investigation?*

A: Yes. You do have a right to inspect these records if the case is indicated. You also have the right to a copy of the report but not to the name of the person making the report. If the report is unfounded and you think the report was made by someone who was only trying to hurt you, ask your worker what you can do about it.

Q: *What if I don’t cooperate with the caseworker?*

A: DSS still must complete the assessment. DSS will use the family court or law enforcement to help it do that job. You have the right to consult with a lawyer at any time you wish. However, the right to a court-appointed lawyer, if you cannot pay for one, does not exist unless your case is going to court. In some areas of the state, the local legal services organization may be able to assist you if you cannot afford an attorney.

Q: *If I give DSS information, how will that information be used?*

A: It may be used to determine if a child was abused or neglected. It may be used to determine who abused or neglected the child. In an indicated case, DSS may share the information you provide with people who need it in order to serve the child, you or your family. Your worker will tell you who gets any information you provide.

Q: *Can the worker give the information to law enforcement?*

A: Yes. Under state statute, DSS records are available to law enforcement officials investigating certain crimes.

Q: *If I am involved in a report of abuse or neglect, how will the records be kept?*

A: Information about an investigation or a case is kept in a paper file and on the agency database. Paper records will be filed in the state DSS office when foster parents or employees or volunteers of an institution, residential group home or child care facility are involved in a report.

For both paper files and database records, information on indicated reports is kept for seven years from the date the case is closed. If no abuse or neglect is found, the records will be kept for at least five years from the date of the decision to unfound. Information contained in agency records, whether on paper or in the electronic database, is kept confidential.

Q: *Is someone going to talk to the child?*

A: Yes. During the course of the assessment, DSS workers will talk to the child believed to have been harmed. A parent’s or other caregiver’s permission is not necessary for DSS workers to talk