

712 County of Jurisdiction/Legal Residence

CHAPTER 7, Child Protective and Preventive Services	
Revision Number: 10-01	Effective Date: May 18, 2023

712 County of Jurisdiction/Legal Residence

Purpose: To clarify procedures involving jurisdictional issues for a child living in South Carolina or in other states. To be considered in conjunction with the procedures outlined in Section 710 and 719 and the DSS/Law Enforcement Protocol.

Social Service Worker (County of Intake)

1. If the alleged victim child and alleged perpetrator reside in county of intake, proceeds with investigation/assessment as outlined in Section 719, Child Protective Services Investigation.
2. If the alleged victim child resides in county of intake, with alleged perpetrator residing in another county:
 - a. Initiates an investigation as outlined in Section 719, Child Protective Services Investigation; and
 - b. In consultation with the team leader, requests assistance from DSS office in

alleged perpetrator's county of legal residence to assist with interviewing of alleged perpetrator and/or collateral contacts, if needed.

c. If appropriate, refers matter to law enforcement for necessary action and coordination.

3. If the alleged victim child(ren) resides in another county, with alleged perpetrator residing in county of intake, in consultation with the team leader, follows procedures to transfer report to county of child's legal residence. (Reference Section 713, Transferring a Referral to Another County at Intake)

Note: When jurisdiction is unclear and the victim is physically located in the county of intake, the county of intake should act to provide safety. This procedure should never be a barrier to anyone making a valid report or acting to ensure the safety of a child.

Social Service Supervisor

4. Staffs information for appropriateness of decision.

Social Service Worker (County of Intake)

5. If the alleged victim child is a non-resident of South Carolina, but the child is in South Carolina at the time of the report, the department shall:

- a. take emergency action as necessary to ensure child's safety;
- b. conduct an investigation/assessment as outlined in Section 719, Child Protective Services Investigation;
- c. Notify child's state of legal residence of the report and any subsequent investigative or treatment issues which may require follow-up.

6. If the alleged victim child is a non-resident of South Carolina, but was allegedly abused/neglected in South Carolina and is no longer in the state:

- a. Notifies state of child's legal residence of allegation;
- b. Provides assistance by interviewing the alleged perpetrator and/or collaterals, if requested;
- c. Sends written information to state of child's legal residence;
- d. Assists to make any necessary referrals to law enforcement.
- e. Completes intake on automated system process and notes that referral was not taken as a CPS report but is an assist for the state of the child's residence and the referral made to that jurisdiction. Documents any assists in dictation.
- f. If information received through law enforcement or DSS interviews supports by a preponderance of the evidence that the alleged perpetrator would be a threat to children in South Carolina, petitions family court for the purpose of placing name on Central Registry using the standards in §63-7-1930.

7. Assesses for appropriate action, including Emergency Protective Custody, referrals involving families vacationing in or passing through South Carolina. Where follow-up is deemed necessary, the report should be coordinated with the family's state of legal residence. (See Section 750, Reference Data - S. C. Code of Laws, §63-7-620).

8. If the alleged victim child is a resident of South Carolina, but was allegedly abused/neglected outside of South Carolina by a non-resident of SC and is not in SC at the time the allegations are made:

- a. Receives notice of the allegations from the state of child's location/site of alleged abuse or neglect. If allegations involve SC resident as perpetrator, initiates investigation per Section 719;
- b. Provides assistance by interviewing collaterals that live in SC, as appropriate;
- c. Sends written information to state of child's location;
- e. Completes intake on automated system and notes that referral was not

taken as a CPS report but is an assist for the state of the child's location and the referral has been made to that jurisdiction. Documents casework activities in dictation.

f. Provides treatment services to child and family in SC as needed.

9. If the alleged victim child is a resident of South Carolina, but was allegedly abused/neglected outside of South Carolina by a non-resident of SC but has returned to SC at the time the allegations are made:

a. Notifies state where alleged abuse occurred and assesses for safety concerns with child in SC;

b. Provides assistance by interviewing collaterals in SC to include child and caregiver in SC;

c. Sends written information to state where alleged abuse occurred;

e. Completes intake on automated system process and notes that referral was not taken as a CPS report but is an assist for the state of the child's residence and the referral was made to that jurisdiction. Documents casework activities in dictation.

f. Provides treatment services as needed to identified victim child and family in SC.

10. If a child is temporarily living with an alternative caregiver in another county and custody of the child has not been changed by the court, case management of the case remains with the county where the custodial parent resides as this is the child's legal residence. The county where the child is temporarily located will assist in delivery of services as necessary and appropriate.

If after a thorough assessment of the situation, the agency recommends that custody of the child be given to the relative, then the home of the relative becomes the county of the child's legal residence. At that point, case management should transfer to the child's county for provision of services to the child. The county of child's legal residence has responsibility to coordinate

any necessary services for the parents with the county where the parents reside.

Referenced Documents

Revision Comments

June 2009 - updates statute cites.