

## **510.8 Allegations of Abuse or Neglect & Child Deaths**

### **CHAPTER 5, Foster Care & Permanency Planning**

Revision Number: 16-01

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Effective Date: 07-21-2016

#### **PURPOSE STATEMENT:**

The agency is committed to providing safe placements for children in foster care. This policy section seeks to further this goal through providing procedures for timely and thorough investigation of (1) suspected child abuse and neglect and (2) child fatalities involving children in care.

## **POLICY:**

1. If, at any time during which a child is in foster care, the agency receives an allegation that a child has been subjected to abuse or neglect by or in the child's current or former foster placement, the worker shall immediately make a report to the Out of Home Abuse and Neglect (OHAN) division.
2. If, at any time during which a child is in foster care, the agency receives an allegation of sexual abuse or other criminal violation involving the child, the agency shall notify local law enforcement within 24 hours.
3. The agency shall respond to all allegations made by a child while in foster care regarding abuse and neglect that occurred prior to the child's entry to foster care through the procedures described in Chapter 2: Intake and Investigations.
4. Upon learning that a child known to the agency (as defined in the Child Death Protocol) has died, the agency shall:
  - a. investigate the circumstances of the death and ensure safety for any other children in the placement or household;
  - b. coordinate with law enforcement and other entities as appropriate and as set forth in the Child Death Protocol;
  - c. minimize the traumatic impact on those involved with the child, including family members, caregivers, and agency staff; and
  - d. Refer all public requests for information to the Office of General Counsel.

## **PROCEDURES:**

### **OHAN Investigations**

If, at any time during which a child is in foster care, the child or someone on the child's behalf discloses allegations of abuse or neglect occurring during a current or past placement:

1. the Foster Care/IFCCS Worker shall immediately make a report to the OHAN division;
2. the Foster Care/IFCCS Worker shall coordinate with OHAN to conduct emergency removal from placement if child is in immediate danger at the time of the report or at any time during the investigation;
3. The Foster Care/IFCCS Worker shall notify the County Director, Foster Family and Licensing Support Coordinator (FSC), and the child's guardian *ad litem* of the ongoing investigation and the final result of the investigation.
  - a. If an OHAN investigation is substantiated, the Foster Care/IFCCS Worker shall remove the child from the placement.

- b. If the report involves allegations of sexual abuse or other criminal violations involving the child, the worker shall notify, in writing, local law enforcement within 24 hours of the report.
- c. See Section 750.1 regarding the licensing procedures that are to take place when an OHAN report is made against a member of a foster family's home.

## **Death of a Child in Foster Care**

1. If a child dies while in DSS custody, the Foster Care/IFCCS Worker or the worker's supervisor shall immediately notify:
  - a. all family members, fictive kin, the child's guardian *ad litem*, and other appropriate individuals related to or connected to the child;
  - b. the worker's supervisor and County Director (or IFCCS Program Director);
  - c. the Office of Investigation;
  - d. an appropriate medical examiner or coroner; and
  - e. Law enforcement, if the Foster Care/IFCCS Worker has reason to believe that the fatality was a result of criminal activity.
2. The Foster Care/IFCCS Worker or the worker's supervisor shall immediately assess the nature of the fatality, and the risk to other children in the household or facility, to determine if CPS or OHAN action is necessary.
3. The County Director or IFCCS Program Director shall take immediate possession of all records related to the case and shall notify the Regional Director.
4. The County Director or the director's designee shall:
  - a. determine within one working day, in consultation with the Office of General Counsel, whether the child is known to DSS as defined in the Child Death Protocol to ensure compliance with the procedures described in the protocol;
  - b. determine, in consultation with the worker's supervisor, what supports or services are needed to address or minimize any trauma experienced by the worker as a result of the child's death;
  - c. coordinate with state office to confirm that an accurate child fatality report is completed;
  - d. assist the biological family in funeral preparations, if appropriate;
  - e. coordinate with appropriate state office staff to access funds to assist with the funeral costs; and

- f. Cooperate with the child fatality review process.
- 5. The Foster Care/IFCCS Worker shall coordinate with the DSS Attorney to assist the coroner in the performance of his or her duties.
- 6. All staff shall refer any public request for information (formal or informal) to the Office of General Counsel and notify their immediate supervisors of the request.

**DOCUMENTATION:**

- ♦ All contacts with child and family
- ♦ All correspondence with agency staff
- ♦ Copy of OHAN report or CPS Intake report

**COLLABORATION:**

- ♦ Foster Care/IFCCS Worker
- ♦ Foster Care/IFCCS Supervisor
- ♦ Guardian *ad Litem*
- ♦ County Director or IFCCS Program Director
- ♦ Regional Director
- ♦ Regional Foster Family and Licensing Support Coordinator (FSC)
- ♦ Family Members & Fictive Kin
- ♦ Foster Care Program Staff
- ♦ Office of Investigation
- ♦ General Counsel

**REFERENCES:**

**Legal Citations:**

S.C. Code Ann. § 63-7-310: mandatory reporters

S.C. Code Ann. § 63-7-1210 thru 1230: OHAN investigations

S.C. Code Ann. § 63-11-1900 et seq.: Department of Child Fatalities & State Child Fatality Advisory Committee

**Tools:**

Child Death Protocol

**Forms:**

**Practice Guidance:**

**REVISION COMMENTS:**