



South Carolina Department of Social Services

712 County of Jurisdiction and Legal Residence Supplemental to DSS Policy: Chapter 2: Intake

A. Procedure Responsibilities	1. The case manager assesses the county of jurisdiction according to the below procedures. 2. The case manager consults with their team leader for appropriateness of decision.
B. State Jurisdiction at Intake	DSS has jurisdiction at intake for all in-home referrals of abuse or neglect, if any of the following criteria are met: 1. The child who was allegedly abused or neglected resides in SC. 2. The alleged abuse or neglect occurred in SC AND the alleged perpetrator resides in SC. 3. Emergencies include but are not limited to when a: a. Caregiver is arrested while driving in the state and law enforcement request us to intervene despite the family not residing in SC. b. Family is visiting SC and by reason of abuse or neglect the child's life, health, or physical safety is in substantial and imminent danger. Note: If none of these criteria apply but there is concern that abuse or neglect has occurred and needs to be addressed by another jurisdiction, intake staff must make a referral to the appropriate jurisdiction the same day that the referral was received. Also, if at the time of referral, intake staff are aware another state is assuming jurisdiction for the investigation, then DSS may screen out the referral in reference to the other state's investigation.
C. Assigning County of Jurisdiction by Legal Residence in South Carolina	1. If the family is already the subject of an open CWS investigation, any new referral will be assigned to the county which currently holds the open investigation. 2. If the family is not already the subject of an open CWS investigation, then the county in which the caregiver with primary legal custody is residing determines the county of jurisdiction. 3. If custody is unclear and the child is enrolled in school, then the county where the child attends school determines the county of jurisdiction. 4. If custody is unclear and school enrollment is unknown or unavailable, then the county where the child is currently residing is the county of

	jurisdiction. 5. If a child is temporarily living with a caregiver in another county and primary legal 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. The county where the child is temporarily located will assist in delivery of services if the home is more than 60 miles from the county of jurisdiction. a. 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. b. The county of child's legal residence has responsibility to coordinate any necessary services for the parents with the county where the parents reside. 6. If the alleged victim child resides in county of jurisdiction at intake, with alleged perpetrator residing in another county: a. Initiates an investigation as outlined in 301 Child Welfare 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. d. If parties included in the intake reside outside of the county of jurisdiction, an assist request should be completed to parties' respective DSS office. The receiving DSS office must accept the assist request if the parties address is at least 60 miles away from the requesting DSS office. • OHAN case managers do not transport foster children. When OHAN is notifying the appropriate county that a response is required to come to the scene, appropriate assist at the county is required from a foster care worker. 7. If the alleged victim child(ren) resides in another county, with alleged perpetrator residing in county of jurisdiction at intake, in consultation with the team leader, follows procedures to transfer report to county of child's legal residence. (Refer to Intake Work Aid 2.7: Reconsiderations and File Fix Requests for more information.) 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.
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D. Victim Child is a Resident of South Carolina, but Abuse Occurred in Another State	1. If the alleged victim child is a resident of SC, but was allegedly abused/neglected <u>outside</u> of SC by a non-resident of SC and <u>is not in SC</u> at the time the allegations are made: a. Receives notice of the allegations from the state of child's location of alleged abuse or neglect. b. Provides assistance by interviewing collaterals that live in SC, as appropriate; c. Sends written information to state of child's location; d. Completes intake in CAPSS and notes that referral was not taken as a CWS 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. Note: Provides treatment services to child and family in SC as needed. If allegations involve SC resident as alleged perpetrator, initiates investigation per 301 Child Welfare Services Investigation. 2. If the alleged victim child is a resident of SC, but was allegedly abused or neglected <u>outside</u> of SC by a non-resident of SC but <u>has returned to SC</u> 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; d. Completes intake in CAPSS and notes that referral was not taken as a CWS 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. e. Provides treatment services as needed to identified victim child and family in SC.
E. Victim Child is NOT a Resident of South Carolina	1. If the alleged victim child and alleged perpetrator are non-residents of SC, but the alleged abuse or neglect occurred in SC and either the victim or perpetrator are physically located in the state, then the following shall occur: 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 in CAPSS and notes the referral was not taken as a CWS 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; and 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 SC, petitions family court for the purpose of placing name on Central Registry using the standards in §63-7-1930. 2. Assesses for appropriate action, including Emergency Protective Custody, referrals involving families vacationing in or passing through SC. Where follow-up is deemed necessary, the report should be coordinated with the family's state of legal residence.
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