



South Carolina Department of Social Services

Work Aid 3.9: School Contact Supplemental to DSS Policy Manual: Investigations

Purpose: This work aid provides guidance to Child Welfare staff if they are meeting with children in the school setting for initial contact during the investigation phase.

A. Initial Interviews with Children	1. This School Contact Work Aid is meant to guide Initial Contact the school setting for an interview, bear in mind Initial Contact can take place in a school, residence, day care, or another location. If questions arise concerning authority to conduct an interview at school, case managers can refer the school to S.C. Code Section 7-920(C), as well as the 2022 SC Attorney General opinion on the topic. 2. This work aid is supported by state law found in the Children's Code in section 63-7-920, allowing for DSS to conduct initial contact and interview the child in the school, and it also helps the DSS team and others comply with the privacy and confidentiality requirements of section 63-7-1990 and 940. 3. School personnel often erroneously believe they have the absolute right to sit in on the initial interview and may incorrectly say the DSS investigator cannot interview the child unless school personnel are present in the initial interview. At this early phase of the investigation before a case determination has been made, and where suspected cases under investigation are still considered unindicated, the DSS investigator should ask the child if they would be more comfortable having the school counselor or sworn law enforcement officer in the room. Many times the child would be assisted by having a familiar face or a trusted law enforcement officer in the room. Notably, school personnel should not ask this question, since that may make the child feel that they cannot say "no." No other school personnel should be allowed to remain in the interview room. If the child says they do not want others in the room these wishes should be honored. Sometimes children are embarrassed about abuse and may want to hide it from people they know. Each child is different in this way and that's why it's important to ask them and support their answer. 4. As a general rule, and specifically pursuant to 63-7-940 DSS staff may not share information on unindicated cases. 940C provides additional guidance on the conduct of the interview which is covered in greater detail below. Child Welfare staff must protect the privacy of all DSS records and information, only sharing information as prescribed by S.C. Code Sections 63-7-940 and 63-7-1990.
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B. Notice of Child Welfare Services Report	1. Via CAPSS, the investigations case manager will print the CAPSS report “HRI565-R01 Notice of Child Welfare Services” in preparation to make initial contact at the school. This document is not to be provided to school personnel or copied and made a part of any official school record. This document’s intent is to show that the case manager is on official Department of Social Services business and the DSS workers are authorized by DSS to make the investigative contact at the school. However, school personnel, upon request, may visually inspect the contents of the Notice of Child Welfare Services. • Case managers access “HRI565-R01 Notice of Child Welfare Services,” report via CAPSS reports under Intake. 2. This report, which includes minimal information from an Intake Summary report, has been created for the purpose of sharing with school personnel when they ask. Please note that the Intake Summary report cannot be provided to the school.
C. Investigation Initial Contact at the School	1. Prior to conducting initial contact at the school, the below are not requirements, however, they are a courtesy to the school and mutually supportive of their security needs and procedures: a. The case manager shall consult with co-workers and team leader to inquire as to how the school has responded in the past to initial contacts for investigations to determine if there may be barriers to the case manager visiting with the child at school. b. Given the information known at the time about the case, the case manager shall attempt to call to inform the school that it is necessary to perform an Investigation interview at the school. 2. Upon arrival at the school, the case manager will have a copy of the CAPSS report “HRI565-R01 Notice of Child Welfare Services” and their DSS badge available when checking into school, as well as the 2022 SC Attorney General opinion summarizing the ability of DSS to interview the child at school. Some schools may ask to photocopy the DSS worker’s SC Driver’s License (SCDL). Case managers should ask that school personnel only copy the DSS ID, though the case manager’s SCDL may be shown to the school personnel to establish identity. 3. Maintain confidentiality when requesting access to the child for interviewing. a. The case manager is to refrain from giving out any information regarding the family and the allegations, but it is entirely reasonable to provide things such as your DSS ID for photocopying, your SCDL (the school should not ask to copy your SCDL) an official document from CAPSS (the school shall not keep or photocopy this report) identifying the child and possibly other children we are there to see, who is safe to pick the child up and who is not, etc. b. When appropriate, the case manager may need to share limited information with the designated school staff including the licensed school counselor, principal, and sworn law enforcement officer. While only the licensed counselor or sworn law enforcement officer are contemplated to sit in on the interview, after requirements mentioned here have been met, the principal,

	counselor or law enforcement officer may need to know limited case information (mainly dealing with safety) such as who is permitted to pick the child up from school, etc. 4. The case manager requests a private room or office to meet with the child free from any school staff. 5. The case manager should ask the child if he or she would prefer to have a licensed <u>school counselor</u> or <u>sworn law enforcement officer</u> acting as the school resource officer in the room to make the child more comfortable. If there are any concerns, refer to Section D of this document. 6. If there is a delay in access to the child, the case manager can use that time to request access to public school records such as attendance, grades, and disciplinary actions. 7. The case managers should behave professionally with school personnel and keep all interactions non-confrontational even when the school makes demands that we feel may be improper or violate the child's confidentiality. Note: Teachers and other staff are not bound by the same confidentiality requirements that DSS workers are, but the licensed school counselor is bound to keep certain private matters confidential.
D. School Refuses Private Contact with Child	1. Provide the school staff a copy of the 2022 SC Attorney General opinion summarizing the ability of DSS to interview the child at school, with the below contact information of the DSS Education Liaison. Shana Charles (803) 898-3123 Shana.Charles@dss.sc.gov 2. Notify the team leader of the issue and notify the DSS Education Liaison. The case manager should not leave the school until these parties have been contacted. 3. If this is for an investigation and there is imminent danger to the child, the case manager must not leave the school until access to the child is granted. 4. These steps are taken when private access to the child has been denied following the case manager showing their DSS badge and CAPSS report "HRI565-R01 Notice of Child Welfare Services." Note: In the event the school insists on having personnel present, proceed with the interview with school personnel present since leaving the school might delay our investigation and place the child's safety at risk. Note: Please note that the Attorney General opinion is not law, it is commentary on the law, and the greatest use for the opinion is to express how a court would likely rule if the question was presented to a court to decide. This opinion is a very good summary of how several laws work together for the benefit of children.

E. Attorney Letters	1. In rare cases a school may have been sent a letter by the family attorney which claims DSS staff do not have the parents' permission to see the child in school. If presented with such a letter, the case manager contacts the DSS Education Liaison and consults regarding the next steps to take. 2. Designated DSS attorney assigned to advise the DSS Education Liaison shall consult with the county legal supervisor to determine if there is need for an inspection warrant and advise on further steps to obtain one. An inspection warrant is normally drafted and submitted by county legal staff. 3. The case manager will contact their county legal staff about how to acquire an inspection warrant if this is determined as needed following contact with the DSS Education Liaison. • County legal staff have a form in Legal Case Management System (LCMS) for gaining school access. Note: It is standard that Attorney Letters do not have legal impact on DSS, but the DSS Education Liaison and members of OGC are equipped to assist case managers when faced with this situation.
AUG 19, 2022 SC Attorney General Opinion	<u>Opinion addressing the parameters that a school board of trustees may establish regarding interviews of children on school grounds by employees of the Department of Social Services.</u> This AG opinion can be found at <u>www.scag.gov/opinions/</u>