



State of South Carolina

Department of Social Services

Policies and Procedures: Child Welfare Services

Subject:	Out of Home Abuse and Neglect (OHAN) Investigations
Authority:	S.C. Code Sections 63-7-1210; § 63- 7-20; 63-7-920; 63-7-670; 63-7- 1960; 63-7-1990 S.C. Code of Regulations 114-4520
Standards:	Guiding Principles and Standards (GPS) Practice Model
Application:	Out of Home Abuse and Neglect Staff, Foster Care Case Managers, Adoption Case Managers, Licensing Staff, and Childcare Licensing Staff
Purpose:	
To promote safety of children who reside in or receive care and supervision in foster homes, residential group homes and institutions, and childcare facilities, this policy outlines procedures for receiving and investigating reports of abuse or neglect; and enhancing protection of children in these settings.	
Policy Statement:	
The South Carolina Department of Social Services (DSS) receives and investigates reports of abuse or neglect of children who reside in or receive care and supervision in foster homes, residential group homes, residential institutions, and childcare facilities. Based upon the nature of the allegations, DSS Intake may assign the following response timeframes to initiate investigations: • 0 – 2 hours; • 2 – 24 hours; or, • 24 hours – 2 business days In all cases involving a Foster Care youth under the age of 18, DSS makes initial contact within 24 hours of accepting the OHAN report for investigation.	
Policy Administration:	
The Child Welfare Services Safety Division is the owner of this policy, and the Director, or the Director's designee, will review this policy at least annually from the date published in the Child Welfare Manual, or as needed due to changes in law or practice.	
Procedures:	
A. Initial Contact	1. OHAN case managers must make initial contact in all investigations based on the assigned time frame. Initial contact shall include face-to-face interaction with the alleged victim child

Subject: OHAN Investigations

	to assess safety and well-being and shall include an assessment for all typologies of abuse or neglect. 2. Should the assigned OHAN case manager be unable to physically reach the location within the assigned timeframe, the OHAN case manager or team leader secures the assistance of another CWS staff in closer proximity. 3. The case manager making initial contact documents the action in CAPSS within business five days in accordance with Work Aid 400.1: Documentation. 4. Exceptions to the standard requirement of face-to-face contact by the OHAN case manager are: a. Another certified county CWS staff is first to see the child. If this exception applies, the OHAN case manager: i. Makes contact within 24 hours with the person who made initial contact to be briefed before assuming lead responsibility for the investigation; and ii. Follows up with face-to-face contact with the victim child within two business days. b. The child has been returned to the home of biological parents and the family refuses contact; c. The child is deceased; d. The child is in a facility that restricts access due to medical requirements; e. The child is missing (i.e., kidnapped, trafficked, runaway, etc.); and f. Natural disasters in accordance with Policy 739: Child Welfare Services Disaster Response Policy. 5. The OHAN case manager makes the alleged perpetrator aware of the nature of the allegations and the rights of those involved in the investigation. In accordance with S.C. Code Section 63-7-920(D), the department must provide to the alleged perpetrator(s) a standardized form with the following information as soon as reasonably possible after starting an investigation: a. The name of the OHAN case manager; b. The allegations being investigated; c. Whether the person(s) name has been recorded by the department as a suspected perpetrator of abuse or neglect; d. Statutory and family court available to complete the investigation and to protect the child if the parent or guardian or subject of the report indicates a refusal to cooperate; e. How information provided by the parent or guardian may be used; f. The possible outcomes of the investigation; and
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Subject: OHAN Investigations

	g. The telephone number and name of a department employee available to answer questions. 6. The OHAN case manager provides a copy of DSS Brochure 3053: A Guide for Caregivers in Out of Home Settings and DSS Booklet 30253: Child Abuse, Child Neglect: What Out of Home Caregivers Should Know if They Are Investigated to describe legal and due process considerations for the alleged perpetrator to be notified in writing of the findings at the conclusion of the investigation. 7. The OHAN case manager conducts safety assessments in accordance with Investigations Work Aid 3.3: Initial Contact which include, but are not limited to, the following: a. An on-site visit to the premises where the incident is alleged to have occurred; b. Private interviews with the child(ren) as appropriate for their age, developmental levels, history of abuse or neglect, and trauma in accordance with Investigations Work Aid 3.4: Conducting Interviews; c. Arranging for an interpreter or other special assistance if the individual has an impairment which would require such assistance utilizing DSS Form 2664: Accommodation Assessment; d. Requests for emergency medical treatment, consultation, or examinations as appropriate to the child's needs and the integrity of the CWS investigation; and e. Obtaining legal consent from parents or guardians for medical records of children who are not in the state's custody utilizing DSS Form 4003: Disclosure and Authorization to Disclose Protected Information. Note: The OHAN case manager shall not reveal the reporter's identity.
B. Investigation Procedures	1. For any investigation involving a serious abuse allegation including, physical abuse, sexual abuse, or medical neglect of a child, the OHAN case manager makes referrals to Child Advocacy Centers in accordance with Policy 301: Investigations Policy. 2. The OHAN case manager notifies law enforcement by phone and in writing, within 24 hours of receiving a report containing any allegations that are criminal in nature, including: a. Sexual abuse/sexual assault or suspected sex/human trafficking; b. Child exploitation (substance misuse or contributing to the delinquency of a minor); c. Severe injuries requiring medical attention resulting from the caregiver's acts or omissions;

Subject: OHAN Investigations

	d. Any other case as required by a local DSS/Law Enforcement Protocol in accordance with Work Aid 13.2: OHAN Notification Procedures; or e. Any act by one minor child against another minor child that could be considered criminal in nature, considering factors such as age difference, developmental differences, severity of the injuries or the circumstances appear to be bullying or gang-like activities, etc. 3. The OHAN case manager interviews the alleged perpetrator(s), witness(es), and others with pertinent information according to Investigations Work Aid 3.4: Conducting Interviews. 4. The OHAN case manager assesses risks of further maltreatment to all children in the setting, using the OHAN Family Advocacy and Support Tool (FAST) in accordance with the FAST Policy, and documents observations in CAPSS according to the following: a. The FAST shall be documented within 72 hours of initial contact; and b. The FAST shall include a justification for any item rated a '2' or '3'. 5. The OHAN case manager shall take photos of the children involved in the case and the location of the incident in accordance with Investigations Work Aid 3.3: Initial Contact. Photographs shall be documented in CAPSS linked files, and shall include: a. The child's name and date of birth (DOB); b. When the photo was taken; c. Who took the photo; and d. The number of photos, numbered 1 of 1, 1 of 2, etc. 6. The OHAN case manager shall review photographs provided, link photographs in CAPSS, and documentation shall include, at a minimum, the child's name, the name of the person who took the photo, when it was taken, and the number of photos. 7. The OHAN case manager records all interviews, evidence, and observations in a manner consistent with training and CWS performance standards, including not altering or changing physical evidence or photographs. 8. The OHAN case manager requests and reviews the foster home licensing file, childcare licensing record, or the institutional licensing file to determine if there are any patterns or regulatory issues that might have contributed to the abuse or neglect and consults with the appropriate licensing specialist, as needed. 9. OHAN staff are not excluded from transporting children as necessary. If questions arise regarding the viability of transporting
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Subject: OHAN Investigations

	by the OHAN case manager, contact the OHAN Program Manager or designee. If the OHAN case manager is moving a child from a placement, staff must collect all the child's belongings. This process shall be done in collaboration with the child's assigned county case manager. 10. The OHAN case manager shall complete a follow-up visit with the victim children prior to completing a case determination. When it is determined that a follow-up visit is not necessary, documentation and the case determination consultation must clearly state the facts as to why a follow-up was unable to be completed.
C. Response to Identified Safety Threats	2. Safety threats identified during an OHAN investigation shall be reflected in the FAST assessment. 3. In a childcare setting, the OHAN case manager contacts the regulatory/licensing unit in a situation of imminent danger through coordination with the Director of the facility to ensure all parents are notified. If needed, the OHAN case manager and regulatory/licensing unit shall consult with the Office of General Counsel for legal action. 4. When allegations pertain to a foster home, residential facility, or a childcare facility, the OHAN case manager requests licensing action from the regulatory/licensing unit and other pertinent authorities (i.e., law enforcement, county staff, or medical personnel), as necessary, to take steps to protect children from imminent or impending risk by: a. Remaining on the premises until the proper authorities arrive; b. Assisting with the supervision of the children; and c. If legal action is needed for removal and placement, the OHAN case manager works with the legal department of the county to testify and provide evidence, as necessary. 5. For investigations that occur with Department of Public Health (DPH) facilities, the OHAN case manager requests the assistance of the facility administrator or department personnel in taking protective action or consults with the Office of General Counsel regarding petitioning the court for injunctive action. 6. For investigations that occur with the Department of Disability and Special Needs (DDSN) facilities, the OHAN case manager requests the assistance of the facility administrator or department personnel in taking protective action or consults with the Office of General Counsel regarding petitioning the court for injunctive action.

Subject: OHAN Investigations

	7. If a child/youth is placed by the Department of Juvenile Justice (DJJ) in the out-of-home setting and the child/youth is under the supervision of DJJ, the OHAN case manager contacts DJJ for assistance with placement and protective action for the child/youth.
D. OHAN Team Leader Duties During an Investigation	1. OHAN team leaders shall conduct designated case consultations, in accordance with Investigations Work Aid 3.1: Investigative Case Consultations, at the following benchmarks in the life of a case: a. Pre-Initial Case Consultation b. 48 hours Case Consultation c. Post-Initial Contact Case Consultation d. 20-Day Case Consultation e. Determination Case Consultation 2. The OHAN team leader may request a one-time extension of 15 days from the OHAN Program Manager if the decision cannot be made within 45 days but is reasonably expected to be made within the 15-day extension. • Whenever possible, the request for an extension shall be made by day 42 of the investigation and must include documentation of the case consultation with the team leader which includes the justification for the extension. In no case may a request for an extension be made on or after day 45. 3. An extension may be granted at the discretion of the OHAN Program Manager or the CWS Safety Division Director for good cause, including: a. The child or other relevant party could not be located within 45 days, despite the concerted efforts of the department, is expected to be located within the next 15 days; b. Specific diagnostic information, including, but not limited to, medical records, law enforcement records and/or investigative decisions, or autopsy results is needed; or c. Other compelling reasons as presented by staff on a case-by-case basis if there is a reasonable expectation the investigation can be completed in an additional 15 days. 4. The OHAN team leader shall review the case file and submit applicable notifications to the OHAN Program Assistant in accordance with Work Aid 13.2: OHAN Notification Procedures. Note: Please refer to Work Aid 13.2: Notification Procedures for OHAN Investigations.
E. Notification Procedures at	The OHAN program notifications must be sent at specific points in the life of the case to include:

Subject: OHAN Investigations

Case Initiation and Case Determination	1. Case initiation; 2. Preliminary notification of potential indication; and 3. Case determination. Note: For more information on notification procedures and who is responsible for completing the notifications, please refer to Work Aid 13.2: OHAN Notification Procedures.
F. Case Determination	Within 45 calendar days of a report being screened in, or 60 days if an extension was granted, a case determination consultation must be held to decide whether the report should be indicated or unfounded. For more information, please see Investigations Work Aid 3.1: Investigative Case Consultations. A decision must be made as to whether the report is indicated or unfounded by selecting one of the following options: 1. Unfounded Category I DSS received a report according to S.C. Code Section 63-7-910 and abuse and neglect were ruled out following the investigation. 2. Unfounded Category II DSS received a report according to S.C. Code Section 63-7-910 and the investigation did not produce a preponderance of the evidence that the child is an abused or neglected child. 3. Unfounded Category III DSS received a report of abuse or neglect and an investigation could not be completed because DSS was unable to locate the child or family despite concerted efforts or for some other compelling reason. The investigation may be reopened at a later date if the child or family is located or the compelling reason for the inability to complete the investigation is removed. If it is determined the investigation may be reopened, the case manager shall complete DSS Form 3073: Notice of the Reopening of a Child Welfare Services Investigation for Category III Unfounded Reports, and upload a copy to the linked files in CAPSS. DSS must make a case decision within 45 days after an investigation is reopened. 4. Unfounded Category IV DSS received a report according to S.C. Code Section 63-7-350 which is not investigated by DSS. 5. Indicated

Subject: OHAN Investigations

	DSS received a report of abuse or neglect and found by a preponderance of the evidence that the child is an abused or neglected child.
G. Case Closure	1. The OHAN case manager shall review the case file and submit applicable notification documents to their team leader following case determination in accordance with Work Aid 13.2: OHAN Notification Procedures. 2. The CAPSS file must include all linked files and documentation prior to the investigation line being closed. 3. The OHAN team leader is responsible for the following when closing out an OHAN investigation: a. Reviewing DSS Form 3069: Determination Fact Sheet for OHAN USE ONLY for accuracy and documenting the approved case determination in CAPSS; b. Completing the case summary narrative report and uploading it into CAPSS Linked Files; c. Finalizing the FAST assessment; and d. Complete required investigative letters to be sent to the OHAN Program Assistant. 4. OHAN case managers and team leaders must: a. Preserve all information which must be maintained in a paper file; b. Verify all required documents are in the file; c. Verify all relevant parties have been interviewed and notified; d. Verify documentation supports the case decision; and e. Turn in all physical case files no later than 10 days after case determination.
H. Appealed Case Decisions	1. The Director of the CWS Safety Division conducts an interim review of the case record of an indicated case within 14 days of the receipt of the request to appeal the agency's decision. The review determines if there is a preponderance of evidence that the child was abused or neglected, and that the appellant committed the abuse or neglect. 2. The interim review will result in one of three outcomes: a. The indicated case that the appellant abused or neglected the child is not supported by a preponderance of the evidence: i. The case is converted to unfounded, and the appellant's name shall be removed from the Central Registry. ii. At this time, the OHAN Program Assistant notifies the Office of Administrative Hearings (OAH) and the appellant or appellant's representative of the decision of the Director of the CWS Safety Division, in writing, that

Subject: OHAN Investigations

	the Interim Review found the appellant did not abuse or neglect the child and the case decision is overturned. iii. The OHAN Program Assistant notifies the Director of Child Welfare Licensing of the decision of the Director of the CWS Safety Division. iv. In cases involving adoptive families, the OHAN Program Assistant notifies the Adoption Administrator of the decision of the Director of the CWS Safety Division. v. The OAH then dismisses the appeal. b. The appellant did not abuse or neglect the child, but the child was abused or neglected by someone else or a person unknown: i. The indicated case finding remains, but the appellant's name is removed as perpetrator of the abuse or neglect and from the Central Registry. ii. The OHAN Program Assistant notifies the appellant or appellant's representative and OAH of the decision by the State Director's designee, in writing, that the case remains indicated, but the appellant will not be listed as the perpetrator. iii. The OHAN Program Assistant notifies the Director of Child Welfare Licensing of the decision of the Director of the CWS Safety Division. iv. In cases involving adoptive families, the OHAN Program Assistant notifies the Adoption Administrator of the decision of the Director of the CWS Safety Division. v. The OHAN case manager shall consult with the Office of General Counsel to file a motion. vi. OAH then dismisses the appeal. c. The indicated case is supported by a preponderance of the evidence that the appellant abused or neglected the child: i. The OHAN Program Assistant notifies the appellant or appellant's representative of the decision by the Director of the CWS Safety Division, in writing, that the indication is upheld, and the appeals process will continue. ii. A copy of the letter is sent to OAH. iii. The OHAN case manager cooperates with the Office of General Counsel to prepare for the appeals hearing. 3. The case indication that the appellant abused or neglected the child may be appealed within 30 days after receipt of the certified notice of indication. Appeals are filed through OAH, a unit of the DSS Office of Individual and Provider Rights. Appeals must be made in writing.
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Subject: OHAN Investigations

	4. Upon receipt by OAH of a request for appeal, the OHAN Program Assistant is notified, responding with the following: a. To OAH, provide a copy of the certified letter green card and the Determination Fact Sheet. b. To the Director of the CWS Safety Division for interim review, provide the appeal route sheet, the appeal request letter, and the entire case file. c. To OGC, provide a copy of the appeal request. 5. The OHAN Program Assistant notifies the applicable OHAN team leader of the interim review outcome and records the outcome resulting from the interim review in CAPSS dictation.
I. Records	1. The OHAN Program Assistant destroys information related to unfounded reports five years from the date the report was determined to be unfounded. 2. OHAN maintains indefinitely the records of all indicated cases.

Forms and Resources:	DSS Brochure 2416: Know Your Rights DSS Form 3022: OHAN Intake and Central Registry Sheet DSS Brochure 3053: A Guide for Caregivers in Out of Home Settings DSS Form 3061: Central Registry Information for Indicated Child Welfare Services Investigations DSS Form 3065: Notice of Unfounded Investigations/Assessments DSS Form 3069: Determination Fact Sheet for OHAN USE ONLY DSS Booklet 30253: Child Abuse, Child Neglect: What Out of Home Caregivers Should Know if They Are Investigated
Related Management Reports:	SC110-R01 – Intake Accepted for Investigation or Assessment Daily SC110-R02 – Intake Accepted for Investigation or Assessment Office Summary Daily SC110-R04 – Intake Accepted with No Investigation or Assessment SC115-R01 – Intake Accepted for Investigation or Assessment Initial Contact 24 Hours Daily SC115-R03 – Intake Accepted for Investigation or Assessment Initial Intake 24 Hours by Worker Daily SW215-R04 – Intakes with No Decisions by Worker Daily

Glossary:
Caregiver: a foster parent, kinship foster parent, or employee of a group home who is designated to make decisions regarding age or developmentally appropriate activities

Subject: OHAN Investigations

or experiences on behalf of a child in the custody of the department placed in any residential program, any child placed privately in a residential or group home placement, or any person whose duties include direct care, supervision, and guidance of children in a childcare facility.

Out-of-home setting: a setting where children reside or receive care or supervision by caregivers, including settings such as childcare facilities, daycare facilities, residential child caring institutions, group homes, and foster homes.