

South Carolina Department of Social Services
MEMORANDUM OF AGREEMENT ON CRIMINAL RECORDS CHECKS
FOR CHILD CARING INSTITUTIONS, GROUP HOMES
AND CHILD PLACING AGENCIES

As the Chief Executive Officer of the Child Caring Institution, Group Home or Child Placing Agency identified below, I am authorized to make the following agreement with the State Director of the South Carolina Department of Social Services (SCDSS) concerning consideration of the results of criminal records checks for employees, volunteers, and other residents, eighteen years of age and older:

1. As the Chief Executive Officer responsible for hiring decisions on employees and volunteers, I shall abide by the requirements of Section 63-7-2350 of the S.C. Code of Laws in considering all staff, volunteers, and other residents, eighteen years of age and older. Specifically, in accordance with Section 63-7-2350, no child shall be placed in foster care with a person:
 - (1) With a substantiated history of child abuse or neglect;
 - (2) Who has pled guilty or nolo contendere to or who has been convicted of (a) An 'Offense Against the Person' as provided for in Chapter 3, Title 16; (b) An 'Offense Against Morality or Decency' as provided for in Chapter 15, Title 16; (c) 'Contribution to the Delinquency of a Minor' as provided for in Section 16-17-490; (d) The common law offense of 'Assault and Battery of a High and Aggravated Nature' when the victim was a person seventeen years of age or younger; (e) 'Criminal Domestic Violence' as defined in Section 16-25-20; or (f) 'Criminal Domestic Violence of a High and Aggravated Nature' as defined in Section 16-25-65; or
 - (3) Who has pled guilty or nolo contendere to or who has been convicted of felony drug related offenses as defined by Section 63-7-2350.

2. I shall consider on a case-by-case basis any other convictions which are reported in the criminal records check of all staff, volunteers, and other residents, eighteen years of age and older of the child caring institution, group home or child placing agency. This review will take into account: the nature of the offense(s) and what the offense(s) may suggest about whether the individual should be providing services to children or have access to children; the length of time that has elapsed since the conviction(s); the individual's life experiences indicating reform or rehabilitation during the ensuing period of time; and the potential impact which the behavior that resulted in conviction(s) might have on the individual's fitness and ability to perform his/her job functions. Documentation of the decision and the basis for it shall be signed by the chief executive officer and maintained in the employee's/volunteer's file.

When the CEO of a facility/agency is considering a new staff person or foster parent that has a pardon for an excluded offense(s), the CEO shall ask for 3 non relative references concerning the character, behavior and work ethic of this potential employee. These must be sent to SCDSS, Office of General Counsel, P.O. Box 1520, Columbia, S.C. 29202, attention: Gwen Babb. The final decision on an individual with a Section 63-7-2350 pardon will be made by the South Carolina Department of Social Services.

Typed Name of Chief Executive Officer

Signature of Chief Executive Officer

Typed Name of Institution/Group Home/Agency

Address of Institution/Group Home/Agency

Telephone Number of Institution/Group Home/Agency

City, State, Zip Code

State Director or Designee, SCDSS

Date of Signature