

Reporting Institutional Abuse & Neglect

Understanding your duty to report suspected child abuse or neglect in an institutional setting

Duty to Report

In South Carolina, childcare workers in childcare centers or foster care facilities who are 18 or older are mandated reporters and are required by law to report suspected child abuse and neglect under S.C. Code Ann. § 63-7-310.

As a mandated reporter:

- You must make a report when you receive information in your **professional capacity** that gives you **reason to believe** a child has been or may be abused or neglected as defined in S.C. Code Ann. § 63-7-20.
- You do not need to have conclusive proof; your duty to report is triggered when you have reason to believe that a child has been or may be abused or neglected.
- You have a legal obligation to report abuse or neglect to an authorized agency.
- Reporting to a supervisor or person in charge of an institution, school, facility, or agency does not relieve a mandated reporter's individual duty to report, and the duty to report is not superseded by an internal investigation of the institution, school, facility, or agency. S.C. Code Ann. § 63-7-310(C).

Where to Report

Suspected child abuse and neglect that occurs at a childcare facility or foster care placement should be reported to the Out of Home Abuse and Neglect Investigations Unit (OHAN) of the Department of Social Services (DSS).

OHAN Contact Information:

- Between 8:30am-5pm: 803-898-7669
- After Hours: 1-800-645-9789

Confidentiality

DSS and law enforcement are required by state law to keep the reporter's identity confidential. S.C. Code Ann. § 63-7-330. Release of the reporter's identity is only allowed under very limited circumstances, for example, when information is needed for conducting a criminal investigation

arising from the report or upon a finding that the reporter knowingly made a false report.

Immunity from Liability

Mandated reporters are protected from civil and criminal liability as long as they make the report in good faith. The law creates a rebuttable presumption that mandated reporters have reported in good faith. S.C. Code Ann. § 63-7-390.

Penalties for Failure to Report

A person who is required to report child abuse or neglect and fails to do so is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500 or imprisoned not more than six months, or both. S.C. Code Ann. § 63-7-410.

Investigation of Institutional Abuse

DSS is responsible for investigating reports of child abuse and neglect involving children "who reside in or receive care or supervision in residential institutions, foster homes, and childcare facilities." The Out of Home Abuse and Neglect Investigations Unit (OHAN) is the designated unit within DSS assigned to these investigations. However, DSS does not have authority to investigate reports of child abuse and neglect in institutions operated by DSS. S.C. Code Ann. § 63-7-1210(A).

The State Law Enforcement Division (SLED) handles investigations of reports of "institutional abuse and neglect alleged to have occurred in any institution or foster home operated by the Department of Juvenile Justice and any institution or childcare facility operated by DSS." S.C. Code Ann. § 63-7-1220.

Additional Information

For a detailed overview of mandated reporter requirements, see the Mandated Reporter Guide found on the Children's Law Center website at <http://childlaw.sc.edu>.

To schedule a free training on mandated reporting, contact the Children's Law Center at 803-777-1646.