

From: Godfrey, Rob <RobGodfrey@gov.sc.gov>
To: Patel, SwatiSwatiPatel@gov.sc.gov
CC: Symmes, BrianBrianSymmes@gov.sc.gov
Pisarik, HollyHollyPisarik@gov.sc.gov
Date: 12/3/2015 4:57:54 PM
Subject: Re: Reuters National Story on Infant Death with DSS Involvement

Brian has discussed some potential options with them.

B - will you briefly give us a run down?

Rob

On Dec 3, 2015, at 4:30 PM, Patel, Swati <SwatiPatel@gov.sc.gov> wrote:

How does DSS plan to respond?

From: Symmes, Brian
Sent: Thursday, December 03, 2015 4:26 PM
To: Patel, Swati
Cc: Godfrey, Rob; Pisarik, Holly
Subject: RE: Reuters National Story on Infant Death with DSS Involvement

This story is going to run on NBC Nightly News on Monday and this case is the sole focus of the report at this point in time. Their deadline is tomorrow.

From: Symmes, Brian
Sent: Thursday, December 03, 2015 3:05 PM
To: Patel, Swati
Cc: Godfrey, Rob; Pisarik, Holly
Subject: FW: Reuters National Story on Infant Death with DSS Involvement

NBC News is now working in conjunction with Reuters on the story detailed below and has reached out to DSS for comment. Karen is going to follow up with me shortly with the details of the story – when it will run, how prominent this particular case will be in the story, etc.

I've included the latest request from NBC below:

Hi Karen,

I am a producer for NBC News, working on a story in conjunction with Reuters, about the laws and enforcement of the laws involving babies who are born drug exposed.

In hospital records released to us, with respect to a woman name Jennifer Lacey Frazier, and her daughter Jacey, born 12/6/11. Mom was on methadone, and former Percocet abuser.

Records show that on 12/9/11: hospital social worker says "DSS can follow up with infant and mother at their home if needed." Hospital may discharge

On 12/12/11 "Spoke w/Becky Mann, York County DSS, who reported that the CPS report was not accepted for investigation and they will not be following up with infant."

Kept in hospital. NAS scores started rising (drug withdrawal). Treated in hospital with morphine 12/17 to 12/29, then released.

There's no other reference in the file to DSS considering following up with this infant. She went home with the mother, lived in SC for a while, then moved to Florida, where she died 6/30/12 of an accidental methadone overdose.

The mother, Jennifer Frazier, tells us that she wishes DSS had provided services to her, and that they never followed up.

Can you provide comment on why this did not happen, as Frazier alleges?

Thank you.

Rich McHugh

From: Symmes, Brian
Sent: Friday, November 20, 2015 3:22 PM
To: Patel, Swati
Cc: Godfrey, Rob
Subject: Reuters National Story on Infant Death with DSS Involvement

Swati – I wanted to put a story coming out of DSS on your radar.

Reuters National Bureau is reporting on an infant's death that had some involvement with SC DSS. When the baby was born in South Carolina, it tested positive for traces of methadone and was treated for withdrawal. DSS chose not to investigate further because the mother had been treated for addiction with methadone, while pregnant with the child. According to DSS, they are not required to investigate further if there is a medical reason for the traces of methadone to be found in the child, so the caseworker decided not to.

The infant was found deceased June 30 of this year, in Jacksonville, FL, as a result of an overdose. The mother continued to use methadone while breastfeeding.

The mother is charged with aggravated manslaughter and has reached out to Reuters to tell them that she wishes SC DSS had provided services at the time of the infant's birth.

DSS obviously can't comment on the specifics of the case, but has suggested the response below:

Thank you again for contacting South Carolina DSS and providing as an opportunity to comment on this story. As you know, under the South Carolina Children's Code, the Department cannot comment on the particulars of the case you referenced in your email. However, the Department is able to provide information regarding the policies that guide our handling of allegations of a drug-dependent infant. As we discussed in our call, the Department's primary source of guidance is the South Carolina Code. Under the South Carolina Code Section 63-7-1660(f), a presumption exists that an infant is abused or neglected if the a blood or urine test of the child at birth or a blood or urine test of the mother at birth shows the presence of any amount of a controlled substance or a metabolite of a controlled substance unless the presence of the substance or the metabolite is the result of medical treatment administered to the mother of the infant or the infant. SCDSS then has created policy to interpret and apply the standards under the laws. I have attached for your reference, SCDSS' Intake Considerations for CPS Involving Drug Addicted and Drug Exposed Infants and Unborn Children. The policy is used to guide SCDSS employees while applying the law. Therefore, for example, if an infant tests positive for a controlled substance (e.g. OxyContin), but that substance is administered as part of medical treatment for the mother, the case would not be accepted for investigation if no other indicators of abuse or neglect are contained in the report that is made to SCDSS. However, if the report raised questions as to whether the substance was properly administered as part of medical treatment or other indicators of abuse and neglect were reported, under SC law and policy, the report would likely be accepted for investigation.

Brian Symmes
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