

1 House: J.E. Smith, M.S. McLeod, Bernstein
2 Attorney: Cushman
3 Stenographer: Downey
4 Date: May 27, 2014
5 Doc Name: L:\Council\Bills\NBD\11354AC14.DOCX
6
7
8

9 **A HOUSE RESOLUTION**

10
11 TO CALL FOR THE RESIGNATION OF LILLIAN B. KOLLER,
12 DIRECTOR OF THE SOUTH CAROLINA DEPARTMENT OF
13 SOCIAL SERVICES, AND IN THE ALTERNATIVE
14 STRONGLY URGE GOVERNOR NIKKI HALEY TO REMOVE
15 DIRECTOR KOLLER FROM OFFICE.
16

17 Whereas, in early 2011 Governor Nikki Haley appointed Lillian B.
18 Koller as Director of the South Carolina Department of Social
19 Services (DSS), a cabinet agency, directly accountable to the
20 Governor, responsible for the supervision and administration of the
21 public welfare activities and functions of the State; and
22

23 Whereas, foremost among the department's responsibilities is
24 providing child protective services to children in this State who are
25 at risk for abuse or neglect; whereby, the State is charged with
26 establishing a system for protecting these endangered children
27 from injury and harm and with safeguarding their well being and
28 development; and
29

30 Whereas, Mrs. Koller took office February 10, 2011, and by the
31 summer and fall of 2012, reports, concerns, and complaints about
32 the department and its leadership and direction began to surface;
33 the Joint Citizens and Legislative Committee on Children, at one
34 of its fall public hearings, received, among other items, a
35 disturbing report on South Carolina child death statistics; many
36 members of the House of Representatives requested an audit by the
37 South Carolina Legislative Audit Council to determine, among
38 other things, if the department is following state and federal law
39 for child protection; and the Senate Department of Social Services
40 Oversight Committee was established and is conducting public
41 hearings and an ongoing investigation of the department; and
42

1 Whereas, complaints received and testimony given have come
2 from across the State from families, former employees, and
3 stakeholders in the child welfare system, including a county
4 guardian ad litem program, law enforcement, and coroners'
5 offices; overwhelmingly, testimony has demonstrated that, during
6 Lillian Koller's tenure as director, the department has failed in its
7 mission to protect the children of South Carolina; and

8
9 Whereas, not only have systemic concerns been raised, including
10 the department's lack of transparency and cooperation with other
11 agencies, but also concerns about a hostile work environment that
12 has become unbearable for many: for those who dedicated their
13 careers and decades of their lives to providing quality children's
14 services and who have been dismissed or replaced; for those whose
15 caseloads have far exceeded the ability to be effectively managed;
16 for those who have been threatened, humiliated, or degraded, often
17 in the presence of their peers; for those who have chosen not to
18 voice concerns for fear of retaliation; and for many of the more
19 than half of the forty-six county DSS directors who have left the
20 department since Director Koller arrived; and

21
22 Whereas, unfortunately these systemic concerns are greatly
23 surpassed by, but also significantly impact, the quality and
24 effectiveness of protective services that have, or in many cases
25 have not, been provided to South Carolina's vulnerable children
26 who are dependent upon this department to keep them safe and
27 free from harm; and

28
29 Whereas, testimony was presented at an October 2013 public
30 hearing of the Joint Citizens and Legislative Committee on
31 Children based on a review of child death cases referred to the
32 State Law Enforcement Division (SLED) because of suspicious
33 circumstances in the cause of death. It was reported that the
34 Department of Social Services had received a report of abuse or
35 neglect concerning the child: in 312 of the 472 cases referred to
36 SLED since 2009; and in 41 cases out of a monthly average child
37 death rate of thirteen each month from January through August of
38 2013; and

39
40 Whereas, not only is it tragic, and a violation of department policy,
41 but it is unacceptable, that a four year old autistic boy was beaten
42 to death following his return from foster care to the home of his
43 parents when the department had received numerous reports of

1 abuse of this child and had not made a home visit to the child for a
2 number of months before his death; and it is also unimaginable and
3 heartbreaking, and a violation of department policy, that for forty-
4 nine days the department failed to locate the mother of a five
5 month old baby with apnea who died the fiftieth day after the
6 department had received a report from a medical professional that
7 the mother was not complying with a doctor's orders to keep a
8 heart monitor on this infant twenty-four hours a day, seven days a
9 week; and

10

11 Whereas, the members of the South Carolina House of
12 Representatives can no longer accept the mismanagement,
13 deleterious leadership, and, most importantly, the death of innocent
14 South Carolina children to whom the South Carolina Department
15 of Social Services owes a duty to protect and keep safe, and
16 accordingly, the members of the House of Representatives find
17 that Lillian B. Koller is not capable of effectively carrying out the
18 duties and responsibilities required of the director of the
19 department and does not possess the qualifications that this body
20 and the children and citizens of this State rightfully expect and
21 deserve from a person in her position. Now, therefore,

22

23 Be it resolved by the House of Representatives:

24

25 That by this resolution, the members of the South Carolina House
26 of Representatives, call for the resignation of Lillian B. Koller,
27 Director of the South Carolina Department of Social Services, and
28 in the alternative strongly urge Governor Nikki Haley to remove
29 Director Koller from office.

30

31 Be it further resolved that a copy of this resolution be forwarded to
32 Governor Nikki Haley and Lillian B. Koller, Director of the South
33 Carolina Department of Social Services.

34

----XX----