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Date: 11/6/2015 1:34:42 PM
Subject: Time Sensitive - Response to Post & Courier on OHAN Investigation

Brian,

Below is our proposed response to the Post & Courier. Please provide feedback and whether, in light of this information, you want us to provide Taron Davis for a brief interview this afternoon.

Good afternoon Lauren,

Thank you for your inquiry. In the future, please send such requests to our office in the form of a FOIA request. Ordinarily, we would treat requests such as those made below as a FOIA request and respond according to the FOIA procedures. However, due to the time sensitive nature of your inquiry, we are making an exception and have strived to provide information responsive to your request.

The OHAN data for 2014-15 shows 994 allegations of abuse were not investigated by the department. Were some of these transferred to law enforcement agencies? If so, how many were transferred and where were they sent? Does DSS follow-up with the law enforcement agencies to determine how the investigations were handled or the outcome of those investigations?

SCDSS is mandated S.C. Code Sec. 63-7-1210 to provide out-of-home abuse and neglect investigations.

The Department maintains records on reports and allegations received and investigates allegations that, if true, would meet the legal definition of abuse or neglect. In order for OHAN to investigate a report, there must be an allegation or a description of actual harm that has occurred to a child or is occurring concurrently with the report, by a person responsible for the child's welfare or the acts or omissions present a significant risk of harm in the immediate or foreseeable future to the child as defined by SC Code 63-7-20. DSS actually receives allegations on a wide range of issues, a number of which do not rise to the level of abuse or neglect, even if all of the allegations were true. One large category of cases that are screened out are certain types of reports from licensed child care facilities, such as children falling on the playground and skinning their knees or falling or being bitten by another child in the facility. A number of these cases are referred to the OHAN unit, but because the allegations would not constitute abuse or neglect by a person responsible for the child's welfare, even if all facts are true as alleged, these reports are "screened out. Where appropriate, the Department refers allegations that do not meet the legal definition of abuse and neglect to law enforcement for investigation. For example, if DSS receives a report of a child-on-child assault, the report may be referred to law enforcement for investigation and DSS will cooperate fully in any law enforcement investigation undertaken. Data on referral to law enforcement agencies is not maintained in report form and, therefore, there are no documents responsive to this request

How many allegations made to DSS were not investigated by OHAN because they failed to meet the criteria for abuse or neglect?

SCDSS refers the Post & Courier to response to the inquiry above.

The report shows OHAN found 8 indicated cases in group homes/institutions, 14 indicated cases in day care and 25 indicated cases in foster homes. Can you disclose where this abuse occurred?

Where were investigations opened?

Information on facilities at which investigations were conducted is provided below, however, under state law, SCDSS cannot provide any additional information. In particular, pursuant to the South Carolina Children's Code, SCDSS is not legally permitted to disclose information on unfounded cases. Reports of child abuse and neglect must be classified in the DSS' data system and records in one of three categories: Suspected, Unfounded, or Indicated. All initial reports must be considered suspected. Reports must be maintained in the category of suspected for no more than sixty days after the report was received by the department. By the end of the sixty-day time period, suspected reports must be classified as either unfounded or indicated pursuant to the agency's investigation. An unfounded report is a report made for which there is not a preponderance of evidence to believe the child is abused or neglected. Pursuant to S.C. Code 63-7-940 "[i]nformation contained in unfounded cases is not subject to disclosure under the Freedom of Information Act ..." and access to and use of the information is "strictly limited."

Any indicated case involving a group home/institution, daycare or foster home is an indicated case against an individual at the facility. Therefore, according to state law, SCDSS cannot provide additional information, other than what is provided in this response, on indicated cases at facilities. SCDSS refers the Post & Courier to SC Code provision 63-7-1990 which outlines when SCDSS can disclose information on indicated cases and the entities to whom the disclosure is authorized. Section 63-7-1990(G)(1) outlines the limited circumstances in which information contained in child protective services records may be disclosed to the media. SCDSS recognizes, however, that investigations of abuse and neglect at group homes is a matter of public interest and has provided information on the number of investigations accepted for investigation on group homes, child caring institutions, residential treatment facilities and inpatient psychiatrist services in SFY15 below. The number of investigations conducted by SCDSS at a facility does not suggest how many cases were actually indicated or unfounded against individuals employed at the facility. Similarly, it does not provide additional context including, but not limited to, what actions were taken by the facility prevent abuse/neglect and what remedial actions were taken by the facility upon notice of an SCDSS investigation. This information cannot be provided by SCDSS because, as set forth above, the Department cannot legally provide such information on indicated or unfounded cases.

Group Home and Institution Intakes Accepted for Investigation in State Fiscal Year 2015

Source: CAPSS effective November 1, 2015 / ADR

Provider Organization Name	# Accepted
AMIkids - Beaufort	1
AMIkids Piedmont	1
Amikids White Pines - Camp I	1
Ashleigh Place-Group Care 3	1
Avalonia Group Home, Inc.	1
Avalonia Group Home, Inc. - CITY	1
Avalonia Group Homes, Inc. - Hampton Rtf	2
Avalonia Group Homes, Inc. - Venice Rtf	3
Babcock Center	1
Bowers-Rodgers Children's Home, Inc.	3
Carolina Youth Development	1
Carolina Youth Development Callen-Lacey	2
Carolina Youth Development Oak Grove	1

Cherokee Childrens Home	1
Crossroads-Group Care 3	1
Excalibur Youth Services, Llc	2
Generations PRTF - Pathways	1
Generations-Hartwell-Group Care 3	1
Generations-Jocasee-Group Care 3	1
Helping Hands of Aiken Group Care 1	1
Helping Hands Of Clemson	1
Hope Center for Children -GC1	1
Jenkins Institute-Group Care 2	1
John K. Crosswell Home For Children	1
Lancaster Children's Home-Boys-GC 2	1
Lancaster Children's Home-GC 1	2
Lighthouse Care Center of Conway-RTF	2
MBH of the Carolinas, LLC dba Seacoast	2
Miracle Hill Boys' Shelter-Group Care 1	1
Nancy K. Perry Children's Shelter	1
New Destiny Center, Inc.	1
New Foundations - Standridge	4
New Hope Carolinas, Inc.	2
New Hope Carolinas, Inc. -Rtf	3
New Horizons Family Center	1
Palmetto Pee Dee Behavioral Health	7
Palmetto Place - Emergency Shelter	4
Palmetto Summerville Behavioral Health	1
Pine Grove, Inc.	6
Pinelands Group Home - PRTF	3
Pinelands Group Homes, Inc.-Group Care 1	1
Seacoast Youth Academy, Inc.	5
South Carolina School For The Deaf, blind	2
Springbrook Behavioral Healthcare System	3
Tamassee Dar School	1
Three Rivers Midlands	5
Turning Point Boys Home-Group Care 3	2
Turning Point Home-Group Care 3-RBHS	2
William S Hall Institute	1
Willowglen Academy- Payee Only	1
Willowglen Academy Summerton - Tdc	1
Willowglen Academy, Inc.	1
Willowglen Academy, Inc. - Rtf	6
Windwood Farm-Group Care 2	1

If OHAN receives a report of suspected child on child sexual abuse, how does the department handle that allegation?

SCDSS refers the Post & Courier to the enclosed Policy on Out of Home Investigations of Residential Institutions and Child Care Facilities.

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