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COLUMBIA, S.C. (AP) - Independent gubernatorial candidate Tom Ervin has asked the Legislature to return to Columbia for a special session to take the Department of Social Services out from under Gov. Nikki Haley's control - a request rejected Monday as unrealistic grandstanding 50 days before the election.

Ervin issued the call after authorities revealed last week that a Lexington County father confessed to killing his five children and then dumping their bodies on a rural hilltop in Alabama.

"Our state government has a fundamental responsibility to prevent tragedies like this from happening," he wrote Friday to legislative leaders. "The first priority of DSS is to keep our most vulnerable children safe from harm by abusive parents." Ervin, a former judge and House member, is running as a petition candidate, meaning he submitted the signatures of at least 10,000 registered voters in support of his candidacy.

Social workers visited the family a dozen times over the past three years but never found anything serious enough to take the children away, according to documents released Thursday. Ervin suggests the Legislature vote in a special session to sue Haley and ask a judge to appoint an independent administrator to lead DSS. The agency has had an interim director since Lillian Koller resigned in June amid escalating, bi-partisan calls for her ouster.

But legislators of both parties called Ervin's suggestion highly improbable, if not impossible, as well as unhelpful.

Even if House and Senate leaders chose to call legislators back to Columbia - which is unlikely - both chambers would have to agree by a two-thirds majority to even allow a special session on DSS before they could craft or debate any proposal.

"I don't think there's any possibility that could occur," said Sen. Billy O'Dell, R-Ware Shoals.

And even if it did, there's no plan for what to do next, said Sen. Katrina Shealy, R-Lexington.

"Let's be realistic. It's a little grandstanding right in the middle of election season," she said.

Shealy serves on a bipartisan Senate panel that's been investigating the agency since January. It meets again Tuesday for an update from the interim director on changes made at the agency over the last few months. The panel's chairman, GOP Sen. Tom Young of Aiken, said the goal is to issue recommendations before the Legislature returns in January.

Beyond the Senate hearings, which led to Koller's resignation after months of Haley backing her, the Legislative Audit Council is expected to complete an audit of DSS within the next month.

Crime victims' advocate Laura Hudson said any action before that is premature.

She also noted that a special session would be costly to taxpayers, with no guarantee legislators

could accomplish anything before they're set to reconvene. Besides, she said, "I don't know that pulling DSS out from under the Cabinet would help in any way." She applauded the agency's improvement plan, released last week.

Sen. Shane Massey, R-Edgefield, called Ervin's request tasteless, "even for South Carolina politics."

"Politicizing this tragedy is pretty bad," said Massey, an attorney.

He also said Ervin, a former two-term House member and 14-year judge, should know better than to call for a judge to appoint an agency administrator, Massey said.

"He knows that can't happen," he said.

Haley's Democratic challenger, state Sen. Vincent Sheheen, said Ervin's idea would decrease accountability. He is among legislators who have worked over the past decade to give the governor's office more authority by expanding the Cabinet.

"If you create some amalgam where you have a board or legislative leaders in charge of the Department of Social Services, then it's tough to determine who's in charge and who's really accountable," said Sheheen, D-Camden. "That is why I've supported the Cabinet form of government - to increase accountability."

A simpler solution for changing the agency's leadership, he said, would be for voters to "fire the CEO in charge."

Haley's office did not comment on Ervin's proposal.

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