

V. Susan Alford, State Director

**South Carolina
Department of Social Services**

**2017 Annual Progress and Services Report
CAPTA Assurance Update
To The 2015 – 2019
Child and Family Services Plan**

Update-Child Abuse Prevention and Treatment Act as Amended by P.L. 111-320 The CAPTA Reauthorization Act of 2010 Section 106(b)(2)(B)(x)

The South Carolina Department of Social Services (“the Department”) submitted a revised CAPTA State Plan (CAPTA Plan) to the ACF on May 30, 2013. At the same time, the state submitted assurances as required by Section 106(b)(2) of the CAPTA Reauthorization Act of 2010 P.L. 111-320. Section 106(b)(2)(B)(x) requires the states to operate a statewide program with “. . . provisions which allow for public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality or near fatality.” During the development of the revised CAPTA State Plan, the Department became aware of the need to improve its procedures in light of this section of the CAPTA and federal policies interpreting the section.

In written correspondence, the ACF acknowledged understanding the state prohibition against disclosure of information contained in unfounded reports of child abuse or neglect, but wrote, “There is no broad exception that would allow for non-disclosure of all unfounded child abuse or neglect reports if those reports are found to be pertinent to the abuse or neglect that led to the child fatality or near fatality.” In the 2016 APSR Update Appendix B Assurances, SCDSS indicated its intent to pursue legislative action to amend state statutes in order to allow for the disclosure of unfounded case information, and also indicated its intent to begin implementation of policies and procedures that would result in meeting the requirements of P.L. 111-320 Section 106(b)(2)(B)(x) by June 2016.

The SCDSS began implementing the policies and procedures and drafted legislation which, if adopted, would allow for the disclosure of unfounded case information in compliance with CAPTA. After more recent analysis, the SCDSS believes the requirements of P.L. 111-320 Section 106(b)(2)(B)(x) can be met under existing state law without the need for amendments regarding disclosure of unfounded case information. Both South Carolina law at section 63-11-1950 and the CWPM section 2.1A.4, Q/A #8 provide for a fatality review panel that is capable of meeting the CAPTA requirement. The South Carolina State Child Fatality Advisory Committee was established to educate the public regarding the incidences and causes of child deaths. S.C. Code Ann. § 63-11-1950. The Committee does so through written reports that are available to the public. The Committee has access to unfounded case information and would be fully capable of including such information in its reports when it is pertinent to the child abuse or neglect that led to the fatality. See S.C. Code Ann. § 63-11-1960(2) and 63-11-1940(5).

In consultation with the ACF Region IV Office, the SCDSS will determine if improvement and coordination of efforts with the State Child Fatality Advisory Committee will allow for the integration of the CAPTA requirements for the State into the existing public disclosure and reporting process through enhancement of the exchange of information, focused development of reporting frameworks designed to meet the CAPTA requirement, and extension of analysis and reporting frameworks to “near fatalities” along with the SCDSS’ other ongoing efforts to improve the capture and reporting of relevant “near fatality” data, which are described herein below. If in consultation with the ACF Region IV Office personnel, it is determined that efforts to meet the disclosure requirement under current law through the review panel will not result in a compliant framework, the SCDSS will identify a sponsor with the goal of pre-filing legislation by December, 2016.