



Florence 1
Schools
Students first -

Mandated Reporting in South Carolina

South Carolina law requires that certain professionals report suspected cases of child abuse or neglect, because they have unique opportunities to observe and interact with children. All F1S employees under our safe schools procedures are required mandatory reporters.

When to Report

Mandated reporters must report abuse or neglect when, in their professional capacity, they receive information giving them reason to believe that a child's physical or mental health has been, or may be, adversely affected by abuse or neglect. A decision to report must be based upon a reasonable belief that a child has been, or may be, abused or neglected. Thus, mandatory reporters need not have conclusive proof that a child has been abused or neglected prior to reporting abuse or neglect to the proper authorities.

Mandated reporters must make a report immediately, when information is received in their professional capacity that gives them reason to believe that a child has been or may be abused or neglected.

- Reporting to a supervisor or person in charge of an institution, school, facility, or agency does not relieve a mandated reporter of his individual duty to report.
- The duty to report is not superseded by an internal investigation of an institution, school, facility, or agency. (S.C. Code Ann. § 63-7-310(A), (C))

PROTECTIONS FOR MANDATED REPORTERS-Immunity from Liability

The State of South Carolina provides both civil and criminal immunity to those reporting suspected child abuse or neglect, provided that such persons have acted in good faith. Immunity covers full disclosure of all the facts that led the person to reasonably believe that a child has been or may be abused or neglected.

POSSIBLE PENALTIES

Failure to Report A mandated reporter who knowingly fails to report suspected child abuse or neglect is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500.00, or imprisoned not more than six months, or both.

False or Malicious Reports It is unlawful to knowingly make a false or malicious report. False or malicious reporting is a misdemeanor and, upon conviction, is punishable by a fine of up to \$5000 or imprisonment up to 90 days, or both.

<https://dss.sc.gov/abuse/neglect/mandated-reporters/>
<http://childlaw.sc.edu/>

Reconizing Child Abuse and Neglect

See Children's Law Center Guide - Page 9

Procedures for Reporting Child Abuse and Neglect in Florence 1 Schools

These procedures have been developed in order to standardize the responses made by school personnel to an issue of child abuse or neglect and should be used by employees of Florence 1 Schools where a report to authorities is indicated by the circumstances.

Important Information for District Faculty and Staff

1. A school employee may briefly question a child to determine if there is reason to believe that the child's injuries results from physical or sexual abuse, or by the child's caretaker and/or household member (e.g., What happened to you? How did this happen?). However, in no case should the child be subjected to undue pressure in order to validate the suspicion of abuse and/or neglect. Any doubt about reporting a suspected situation is to be resolved in favor of protecting the child and the report made immediately. The building level Principal is to be notified of the incident, and notify the central office.

2. DSS and LEO should take any photographs needed for the case.

School district employees do not take photographs of student's wounds. Under no circumstances should an employee use a personal cell phone or device to take photographs or electronically transmit images of the student via email, text message, etc.

3. A school district employee may briefly question a child to determine if there is reason to believe that the child's injuries results from physical or sexual abuse, or by the child's caretaker and/or household member (e.g. What happened? Where? Who? Are safe? Do you need medical attention? When did the incident occur? However, in no case should the child be subjected to undue pressure in order to validate the suspicion of abuse and/or neglect. The setting should be one where confidentiality and privacy can be assured.

4. School district employees making child abuse or neglect reports shall maintain the confidentiality of the information contained in the report; only those with a bona fide need to know (such as the principal or other school professionals used for consultation) shall be informed. Such information is to be released only to DSS or law enforcement.

5. Consulting with others does not remove a school district employee's responsibility for making a direct and timely report to DSS or to law enforcement.

6. In the event that a child is in need of emergency medical treatment as a result of suspected abuse or neglect, the school principal, in collaboration with the school nurse or other health professional when available, shall arrange for the child to be taken immediately to the nearest hospital. The DSS or law enforcement officer should be consulted before taking the child to the hospital when feasible; in cases where the emergency conditions prevent such consultation, the DSS should be notified as soon thereafter as possible. In all other instances, it is the role of the DSS and/or law enforcement officer to seek medical treatment for the child.

Procedures for Reporting Suspected Abuse or Neglect:

1. Make the call - Who to call DSS or Law Enforcement?

- A. When the alleged perpetrator of the abuse or neglect is the child's parent, guardian, or a person responsible for the child's welfare, mandated reporters must report to the county DSS office or to Law Enforcement in the county where the child resides or is found.
- B. When the alleged perpetrator of the abuse or neglect is not the child's parent, guardian, or other person responsible for the child's welfare, the law requires that a report be made to law enforcement.
- C. If the alleged perpetrator's identity or relationship to the child is unclear or unknown, the report should be made to DSS.
- D. In the event of an emergency, reporters may choose to contact law enforcement.
- E. If the school district employee suspects abuse or neglect by school personnel, the employee contacts the school principal and Human Resources immediately. Sexual abuse that is perpetrated by school personnel must be reported immediately to the District's Title IX Coordinator,

2. Report the Necessary Information Needed for DSS or LEO

The school district employee who first receives information that leads them to believe a child has been abused or neglected must make the report immediately to DSS or law enforcement.

The report shall be made *immediately* to DSS by phone or law enforcement.

The report should include the following:

Reason for Reporting- Nature and extent of injuries or description of abuse or neglect

Student Name

Address

Ages of student and known siblings

Parent Guardian Name

Address of parent or caretaker

Date & Time of Report and whom you spoke with

Any other information that might help establish the cause of the injuries or condition

After the call has been made

The report is confidential and school employees should not reveal to others or to the parent/guardian the source of the report or the details of the report. In some cases, the parent/guardian will realize that the information could only have come from the school; however, the identity of the individual who reported should not be revealed nor should the source of the report be confirmed at the school. The reporter may request follow up regarding the acceptance or outcome of the case.

DSS and/or law enforcement will determine how to contact parents- NOT school personnel. DSS or law enforcement will make contact with the parents.

It is not the responsibility of school district employees to *investigate or prove* abuse or neglect, but to report it to the Department of Social Services (DSS) or law enforcement. Once a report is made to DSS or law enforcement, that agency will determine whether or not to investigate.



Mandated Reporting Flow Chart for Cases of Child Abuse and Neglect

Mandated reporters must report abuse or neglect when, in their professional capacity, they receive information giving them reason to believe that a child's physical or mental health has been, or may be, adversely affected by abuse or neglect. A decision to report must be based upon a reasonable belief that a child has been, or may be, abused or neglected.

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