

DSS

Serving Children and Families

KATHLEEN M. HAYES, PH.D.
STATE DIRECTOR

MARK SANFORD
GOVERNOR

Hospital Leaders

RE: Substance Exposed Infants and Plan of Safe Care

Dear Hospital Leader:

The Child Abuse Prevention and Treatment Act (CAPTA) as amended in 2003 and reauthorized in 2006, requires states to ensure that there are policies and procedures to address the needs of infants born and identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure, including a requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such conditions. Upon notification, DSS is to develop a plan of safe care for the infant to address the concerns and ensure the child's safety. Through this communication, we hope to determine the extent to which hospitals and medical facilities have such policies and procedures in place.

South Carolina is unique in that the SC Supreme Court ruled under Whitner v. State, 328 S.C. 1, 492 S.E.2d 777 (1997), that a viable fetus is a child for purposes of child protective services. This means that persons listed in SC Code of Laws Ann. § 20-7-510 as mandated reporters are required to report when there is reason to believe that a child, to include the third trimester fetus, has been or will be harmed by the acts or omissions of the parent, guardian or other person responsible for the child's welfare. This sets up a presumption that at a minimum, health care providers will report the newborn that exhibits withdrawal symptoms or has a positive toxicology screen for illegal substances. Once a report is received, DSS will proceed to investigate and make a determination about the safety of the infant and to work with hospitals and other medical providers to develop a plan of safe care.

In the Department's work with the Citizen Review Panels in South Carolina, we have become aware that Self Regional Healthcare Hospital in Greenwood, SC has developed a protocol for handling cases of drug exposed infants. They have offered to share this information with any other hospital who is interested in replicating the protocol. The contact information is:

Ms. Elaine Davis
Medical Social Work Department
Self Regional Healthcare
1325 Spring Street
Greenwood, SC 29646
Work phone #: (864) 725-4682, Cell phone #: (864) 993-1625
E-mail address: edavis@selfregional.org

We believe that other hospitals have similar protocols and we would like to get feedback from you about any existing procedures you may have in place or your plans to adopt procedures to ensure that children born exposed to illegal substances are identified. This feedback will allow us to determine the extent to which South Carolina has established procedures to ensure that we are identifying children in need of services within this category.

Please respond to the following questions by e-mail to Beth.Williams@dss.sc.gov, or to Beth Williams at SCDSS, PO Box 1520, Columbia, SC 29202.

- 1) Does your hospital have written procedures for the handling of situations when there is information to lead you to believe that a child has been abused or neglected?
- 2) Do your procedures include the reporting of infants born exposed to or affected by illegal substances?
- 3) If you have written procedures, please attach a copy of them.

We will coordinate the analysis of this information with Mr. Jim Walker of the SC Hospital Association to determine the need for other follow up. Thank you in advance for your cooperation and participation in this discussion and we appreciate all your efforts on behalf of children in South Carolina.

If you have questions, please do not hesitate to contact Jocelyn Goodwin, Assistant Director for Division of Human Services at (803) 898-7318 or Jocelyn.Goodwin@dss.sc.gov.

Sincerely,

Kathleen M. Hayes, Ph.D.
DSS State Director

J. Thornton Kirby, President & CEO
South Carolina Hospital Association

KMH:mgw

cc: James R. Walker, Executive Director
South Carolina Hospital Association

Jocelyn L. Goodwin, Assistant Director
Division of Human Services