



Serving Children and Families

KIM S. AYDLETTE, STATE DIRECTOR

Ms. Louise Cooper, Chair
Lowcountry Citizen Review Panel
6296 Rivers Avenue, Ste 307
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Ms. Mary Ann Stroup, Chair
Upstate Citizen Review Panel
528 Edgefield Street
Greenwood, SC 29646

Ms. Sara Ballard, Chair
Midlands Citizen Review Panel
3108 Clark Street
Columbia, SC 29201

RE: South Carolina Citizen Review Panels 2005 Annual Report

Dear Ms. Cooper, Ms. Stroup, and Ms. Ballard:

On December 15, 2006, I received the 2005 Annual Report of the South Carolina Citizen Review Panels of the Child Protective Services System. As required by the Child Abuse Prevention and Treatment Act (CAPTA), within six months of receipt of the annual report, South Carolina Department of Social Services is to provide a written response to you regarding how the agency will incorporate your recommendations into practice in order to improve the State and local child protection system. Enclosed is the agency's response with specific documentation to support our comments. My staff is available should you want to discuss our response in more detail.

I would like to thank each of you for the time, energy and effort that you have put into leading your respective Citizen Review Panels (CRP). As you know, the Panels are a critical part of South Carolina's compliance with CAPTA. Without regard to the mandate, this administration values your contribution and input and will strive to take maximum advantage of the work and recommendations that you have already contributed, as well as any that you and your panels are willing to contribute in the future.

Ms. Louise Cooper, Chair
Ms. Mary Ann Stroup, Chair
Ms. Sara Ballard, Chair
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In addition to input from the Citizen Review Panels, the Department continues to solicit input to improve the child welfare system in South Carolina from other partners and stakeholders quarterly through the Child Welfare Advisory Committee.

I want to express my gratitude again for the hard work of the Citizen Review Panels, and you as chairs, in particular.

Sincerely,

Kim S. Aydlette
State Director

KSA:dww

Enclosure

cc: Richelynn Douglas
Odessa J. Williams
Charles Epps
Kathryn J. Aquino
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South Carolina Department of Social Services
Response to the Citizen Review Panels 2005 Annual Report
December 18, 2006

The South Carolina Department of Social Services (SCDSS) received the 2005 Annual Report of the Citizens Review Panels (CRP) on December 15, 2006. We provide the following response to the concerns identified and recommendations for improvement made by the Citizen Review Panels. The SCDSS is pleased to work with the citizens of South Carolina in our joint effort to improve the child welfare system of assessment and service delivery to children identified as abused or neglected and we look forward to working together in 2007 to achieve mutual aims and goals.

Issue of Concerns:

The 2005 Annual Report calls into question the Department's assurances on two issues – the training of Guardians ad Litem (GAL) and the referrals by medical personnel of infants born affected by illegal substances. SCDSS strongly disagrees with the Citizen Review Panels findings on both issues. The Child Abuse Prevention and Treatment Act (CAPTA) allows states sufficient flexibility to accommodate variance in practices across the nation. A disagreement with quality or type of response does not constitute noncompliance.

GAL Training:

South Carolina uses both volunteer/lay guardians and attorney guardians in responding to the statutorily required representation of children in child abuse and neglect proceedings. Children in family court matters are represented by either a volunteer or lay guardian or an attorney appointed by the family court judge. The South Carolina Guardian Ad Litem Program (GAL) recruits, trains and supervises guardians for children statewide and the Richland County Court Appointed Special Advocate (CASA) program focuses specifically on guardian services for residents of Richland County. Both the State GAL Program and the Richland County CASA program require that all volunteer guardians complete training prior to appointment. This training is documented by each program and is consistent with national standards for CASA-type training.

As to the training of attorneys who serve as guardians for children in family court proceedings when no volunteer guardian is available, currently and as the basis for the assurance submitted in the Annual Progress and Services Plan, the South Carolina Bar Association requires that all attorneys who seek to be admitted to the SC Bar and be licensed to practice law in South Carolina, must complete a training course entitled "Bridge the Gap". This requirement has been in place since 1984 and impacts on all graduates of SC law schools as well as any attorney who desires to practice law in SC.

The course includes a presentation dedicated to working with family court and child abuse cases. The focus of the presentation is on child abuse and juvenile cases and the resources available to assist an attorney who is appointed to represent a child. The course is taught by Children's Law Office (CLO) staff. CAPTA does not specify the type of

training that must be provided but recommends CASA-type training for the lay guardians and suggests the American Bar Association (ABA) or the National Association for Counsel for Children guidelines for attorney guardians. A copy of the Administration for Children and Families (ACF) policy clarification on this issue is attached labeled as Attachment 1 with the relevant sections underlined.

The Children's Law Office is working with the SC Bar Association to expand the section on family court appointments to be more consistent with the ABA guidelines for attorney training. The staff who deliver the "Bridge the Gap" training also reinforce to participating attorneys that the CLO exists to assist attorneys who represent children and families in family court to ensure that every attorney knows about this resource. The CLO has extensive resource materials that are provided to attorneys which includes but is not limited to, the "Guidelines for Guardians Ad Litem" that was developed by the Children's Committee of the SC Bar Association with input from the CLO. (See copy of materials provided by CLO in training enclosed identified as Attachment 2.)

The Children's Law Office was established through the efforts of the SC Department of Social Services and the University of South Carolina School of Law to serve as a training and educational resource to judges, attorneys, and guardians who serve children and families in the criminal and civil prosecution of child abuse and neglect. The mission of the CLO meets the specific requirements identified through the Children's Justice Act, as provided for under CAPTA and Public Law 108-36 enacted June 25, 2003. The Children's Law Office is partially funded by the Children's Justice Act grant and through contracts with the SCDSS.

In addition to the ongoing "Bridge the Gap" course, the CLO teaches "Children and the Law" at the University Of South Carolina School Of Law as an elective. As a direct result of the Department's efforts to enhance training for guardians, the director of the Children's Law Office pursued and received permission to amend the course curriculum to reflect more comprehensively the recommendations of the ABA for training of attorney guardians. The revised training will be presented starting in the Spring Semester 2007. According to research completed by The State newspaper and published in October 2006, two-thirds of the current SC Bar are graduates of the University of South Carolina. An analysis of trends documents that eighty percent (80%) of the USC School of Law students are SC residents who will stay in SC to practice law. This information supports that the change in law school course content will impact on the vast majority of attorneys who practice in South Carolina.

The Department has been the first to acknowledge that the state's response needed to be enhanced to improve practice and has worked diligently toward that end. In January 2006, the Department convened a workgroup composed of representatives from the state GAL Program, Richland County CASA program, Midlands Citizen Review Panel, SC Court Administration (SCCA), the Children's Law Office (CLO), and DSS staff. The purpose of the workgroup was to explore options available within South Carolina, create alternatives and advocate for enhancements to this system. While everyone is in agreement about the need to enhance the training program for attorneys, past experience

demonstrates that it would be very difficult to change the administrative court rules to mandate specific training. In light of this, the work group looked at ways to work within the existing court rules. One recommendation as noted above is for the CLO to approach the SC Bar Association to strengthen the segment provided in the “Bridge the Gap” training.

Another recommendation was for the Children’s Law Office to provide training statewide to all practicing attorneys. The Children’s Law Office receives funding from the Department of Social Services to provide training specific to child abuse and neglect to mandated reporters across the state and was asked to expand that role to include specific training for attorneys who might be appointed to serve as guardians ad litem. Through collaboration with all partners (to include DSS and the SC Court Administration), the CLO submitted a grant application to the SC Bar Association for additional funding to provide training that will focus on enhancing the current training. The training will be provided statewide by regions to all attorneys in SC to further ensure that all currently practicing attorneys have training relative to family court and child abuse proceedings. The application was approved and the CLO has moved to hire an attorney to deliver training modeled on the ABA curriculum. The program will include a presentation on ethics. Training on ethics is mandated by the SC Court Administration for all SC lawyers and history shows that the inclusion of ethics training ensures that all attorneys will attend. A roster of attendees will be maintained as documentation for subsequent appointments.

Similar training was offered statewide through the SC Bar continuing legal education (CLE) program and local bar association meetings to all of the then practicing attorneys in the early 1990’s by current DSS Division of Human Services Director Mary C. Williams and Attorney John Elliot. Attorney Elliot was part of the South Carolina workgroup that developed the state’s child protection act in the early 1980’s and has been recognized by the ABA for his work as an advocate for children.

In addition to this grant allocation, the SC Court Administration (SCCA) has been approved for funding through the Court Improvement Program. The proposal will further expand the training to include judges, GAL (to include attorneys), attorneys representing the GAL, and attorneys appointed to represent parents. The SCCA has subcontracted with the CLO to deliver the training. Two attorneys and administrative support will be hired through both funding sources to present the training statewide between October 2006 and September 30, 2007.

Through the statewide training to be provided through the CLO and Court Administration, the “Bridge the Gap” course, previous attorney training, and USC Law School course, all SC attorneys who are appointed to represent a child will have reasonable and appropriate training prior to appointment. SCDSS is confident that this meets the CAPTA requirement that a guardian ad litem has received training appropriate to the role.

Issue of Concern – Referrals of Infants Affected by Substance Abuse:

In regard to the CAPTA requirement that states have in place procedures for the referral of infants born affected by substance abuse, the CRP 2005 Annual Report states that SC is not in compliance. We disagree with the analysis stated in the CRP 2005 Annual Report for the following reasons.

South Carolina has in place a mandatory reporting law with accompanying agency procedures to facilitate the referrals of children suspected of being abused or neglected. Under agency procedures, children found to have been abused or neglected are provided appropriate services and children not abused or neglected but believed to need services for other reasons are referred to the appropriate service providers. SCDSS provides training (either by agency staff or through contract) to ensure that persons mandated to report suspected child abuse and neglect are aware of their statutory and ethical requirement to report.

CAPTA does not require that the referral be a report of child abuse or neglect for the state to be in compliance. However, under *Whitner vs. State of South Carolina*, the acts of the pregnant women that endanger the unborn child in the third trimester can be considered suspected child abuse or neglect. This South Carolina Supreme Court ruling deals specifically with the taking of illegal substances by the pregnant woman. Given this ruling, the exposure of the unborn infant to illegal substances by acts of the pregnant woman would provide grounds to suspect child abuse and neglect. Therefore, medical personnel who identify that a baby is born exposed or affected by illegal substances are required by state law to report this situation to the Department of Social Services. Treatment services will be provided to the infant identified as affected by substance abuse. Referral of the child to the Baby Net, early intervention program under IDEA Part C, is an example of service provision in the plan of care for such infants.

The fact that medical personnel have commented to the CRP that a report is not always made suggests a lack of understanding of the law by the medical community and a need for follow up from the DSS, not an issue of non-compliance with CAPTA. Through the combination of a state statute providing for mandatory reporting and case law (*Whitner*), South Carolina has procedures in place for the referral of infants born affected by substance abuse. Through surveys, the Citizen Review Panels have found that mandated reporters choose not to report for a variety of reasons, none of which would be a defense under state statute for their failure to report. However, it does raise a red flag for DSS in regard to the training for mandated reporters and it would be helpful to DSS to have a report of the analysis of the survey of mandated reporters to address specific concerns.

In 2005, the Department of Social Services contracted with the Children's Law Office for training mandated reporters with the stated expectation that they will aggressively schedule training for all groups of mandated reporters. The University of South Carolina Center for Child and Family Studies (CCFS) had the training contract for many years. CCFS trained groups only as requested, a practice that resulted in three training sessions

being delivered in one year. Please note that the Department of Social Services identified this problem and took action to correct the problem.

As part of the efforts to work with the medical community around this issue, DSS and CLO staff met with the director of the SC Hospital Association in March 2006 to plan for training for hospital staff. The CLO has hired additional training staff and is arranging and coordinating statewide mandated reporter training that will include additional emphasis on infants born affected to illegal substances to ensure that the medical community is fully aware of their responsibility to report suspected abuse and neglect. Attached is a copy of the booklet printed by the CLO that is provided to all mandated reporters. DSS has recommended that the booklet be revised to include specific additional information for the medical community on this duty to report.

DSS RESPONSE TO THE CRP 2005 ANNUAL REPORT

Recommendation One:

Enforce consistent guidelines for straightforward communication.

Response:

The narrative attached to this recommendation refers to concerns of the CRP to the 2004 Response and the 2005 Report includes a letter dated July 21, 2005 that was sent to SCDSS. In an apparent oversight, this letter did not reach the staff assigned to work with the Citizen Review Panels and supportive program staff until the draft 2005 Report was received in October 2006 and we were not aware of the concerns voiced by the Panels. We all acknowledge that this oversight does support the concern of the Panels about internal communication between Agency staff and it also helps us to better understand the 2005 Report. However, Agency staff and the Coordinator and Panel Chairs have been meeting monthly for about 2 years and our expectation is that this ongoing communication will insure that such an oversight is not allowed to happen again.

Also in an effort to improve communication, the Department has entered into a Memorandum of Understanding (MOU) with the Citizen Review Panels which articulates clearly and reinforces the operating procedures and strategies. It is our belief that communications greatly improved in 2006. Attached is a copy of the MOU signed by all parties identified as Attachment 3.

Recommendation Two:

Maintain SCDSS Policy and Procedure Manuals on Internet server.

Response:

It is acknowledged that the response to this recommendation in 2004 missed the mark. The comment was read as "Intranet" not "Internet", primarily because all comments and conversations between the Coordinator and SO Program staff about program manuals had dealt with the need for DSS staff in the counties to have immediate access to up to date manuals. Given these conversations, the former Assistant Director for Child Protective

Services focused the response in that direction and accepts full responsibility for missing the point.

In regard to public access to the agency's policy and procedures, the Department provides printed information when requested without restriction. The HS Policy Manual has been readily provided to the Citizen Review Panels, Foster Care Review Board, Foster Parent Association, Guardian ad Litem program and other partners when requested. However, to facilitate direct access to this information, the Division of Human Services supports the concept of having agency program manuals located on the agency website and have independently explored expanding the website. We will continue to pursue this as the agency is able to assign staff to support website maintenance.

It is well known that DSS lost 28% of staff agency-wide over the past four years due to budget cuts. It is less well known that the State Office absorbed cuts equal to all 46 county offices in an effort to minimize the impact on the front line direct services. This resulted in the significant cuts to support services in state office as very difficult priorities had to be established. These cuts mean that remaining support services have had to focus on the most critical functions. Managing the website was a low priority; therefore no staff was assigned to that function. We will advocate with management for staff to be assigned to this function. We support the idea of Humans Services Policy and Procedures Manual, along with critical data, being added to the agency website.

Recommendation Three:

Offer pending draft revisions, plans, or proposals when partners inquire about specific agency policies or practices.

Response:

It is difficult to share work in progress with partners as draft policies and procedures must be reviewed internally by agency legal staff and other management staff and may require extensive revising. Also, we have found that draft versions have a way of becoming the accepted procedure even when marked "Draft". The agency must reserve the right to determine at what stage a drafted revision, plan or proposal is to be shared outside the agency. Revised policy and procedures have been provided to the CRP generally within the month following release to the field. For example, revisions to Chapter 7 were released to the county offices on 11/3/05 and e-mailed to the CRP Coordinator 11/4/06 and again on 11/28/05.

Recommendation Four:

Designate loci of responsibility in the State Office and publish those designations both inside and outside the agency.

Response:

There are clearly designated managers within the State Office. To respond to the report's example of the agency's organizational chart, when this information was originally requested, the Coordinator was informed that the chart was being revised due to the agency reduction in force and the agency response to the MAP Commission process and

that DSS management would release the chart when it was completed. The revised chart was provided to the CRP as soon as authorized by the State Director. Specific contact information is published on the agency's website. It would be helpful to receive more specific information about specific problems in order to adequately respond to the concern.

Noted in the narrative was a failure to provide to the Citizen Review Panels information from the quarterly PIP reports. The summary reports were provided electronically to ACF for each quarter and a copy sent to the CRP Coordinator after submission. There were some glitches in the process early on but we believe those problems to have been corrected. The attachments for the PIP report could not be sent electronically and paper attachments were submitted to the Federal office. The attachments were quite numerous and constituted hundreds of pages of information from all program areas on all sections of the PIP. The attachments given to the Panels were also in paper format. We provided paper copies of several quarters' attachments to the Panels. As this is a large amount of paper information, the option to review and print only the information that was deemed necessary was offered to the Panels on several occasions. In addition, summary information for the PIP reports was provided to the Child Welfare Advisory Committee (CWAC) and activities related to the PIP were discussed at each quarterly meeting of the CWAC. The Coordinator and Chairpersons of each Panel are members of the committee.

The CRP Report questions not being given renegotiation information prior to finalization. The Department made an internal decision to not provide information about the renegotiations conducted between the Department and ACF until final decisions were made and approval received by ACF because of the frequency and complexity of the negotiations. Once completed, the Department gave the renegotiated matrix to the Panels and to the Child Welfare Advisory Committee. The Coordinator did not like the matrix format but the fact that the Coordinator wanted a different format does not constitute a failure to provide information to the Panels. On this and on other matters, the agency has attempted within our resources to provide information in good faith to the Panels.

Not as an excuse but as a statement of fact, we point out that the agency was and has been under extraordinary budget constraints, which included loss of staff and resources, and under direct and intense scrutiny by the federal office (ACF). Failure to meet the federal standards will result in severe funding sanctions if compliance is not reached. Our efforts to provide information had to coincide with and mirror how information was provided to the Federal office so as not to duplicate efforts. There was not staff time available to do something different.

Recommendation Five:

Create viable mechanisms by means of which to exercise lead agency responsibility to convey requirements to partners, assure training as appropriate, and monitor compliance.

Response:

In general and to the extent possible and with ongoing input and coordination with partners, the Department will endeavor to implement this recommendation. At this time,

the Child Welfare Advisory Committee (CWAC), the three CWAC subcommittees and other ongoing meetings with partners for various initiatives, such as the CJA Task Force, are used to share information and get input from partners.

Specifically, the narrative associated with this recommendation refers to the issue of referral of substance-affected newborns to DSS for safe care planning. This issue is discussed in the Areas of Concern on page 3 & 4.

Recommendation Six:

Establish a process for authenticating assurances presented in the Annual Progress and Services Report, especially assurances based on other agencies' performance or status.

Response:

Generally, the Department will endeavor to implement this recommendation to the extent possible and with ongoing input and coordination with partners.

Specifically, the narrative associated with this recommendation refers to the allegation of the Midlands Panel that SC is not in compliance with CAPTA that is responded to in Areas of Concern on pages 1-3. The narrative appears to argue that SC is not in compliance because the training for attorneys is not CASA-type training. Administration of Children and Families (ACF) policy clarification provides that states should consider the CASA curricula for volunteer guardians training. Further, ACF suggests that training for the attorneys follow the American Bar Association (ABA) or the National Association of Counsel for Children approved standards of practice guidelines as outlined below. The ABA guidelines are being used by the Children's Law Office in their training described on pages 1-3. ACF does not require that states use the CASA-type training for attorneys in order to be in compliance.

The following is an excerpt (full copy attached) from policy clarification issued by the Administration of Children and Families (underlined emphasis added):

“The law is silent on the precise content of what training is “appropriate” to the GAL role. We therefore provide the following guidance to the states. First, the volunteer curriculum developed by the National CASA Association provides a model for training of CASA volunteers before they begin to receive appointments by the court on behalf of individual children. States should consider offering training for lay volunteer CASA or GAL equivalent to that specified in the National CASA Association curricula. Second, two national authorities on the quality of attorney training in child abuse/neglect proceedings – the American Bar Association and the National Association of Counsel for Children – each have approved standards of practice for lawyers representing children in abuse and neglect cases that include a provision specifying the content of “appropriate” training. An outline of this follows, and state and local training for attorneys who serve as legal representatives for children should consider providing training that at least encompasses this:

I-2. Content of Lawyer Training. The appropriate state administrative office of the trial, family, or juvenile courts should provide educational programs, live or

on tape, on the role of a child's attorney. At a minimum, the requisite training should include:

- (1) Information about relevant federal and state laws and agency regulations;
- (2) Information about relevant court decisions and court rules;
- (3) Overview of the court process and key personnel in child-related litigation;
- (4) Description of applicable guidelines and standards for representation;
- (5) Focus on child development, needs, and abilities;
- (6) Information on the multidisciplinary input required in child-related cases, including information on local experts who can provide consultation and testimony on the reasonableness and appropriateness of efforts made to safely maintain the child in his or her home;
- (7) Information concerning family dynamics and dysfunction including substance abuse, and the use of kinship care;
- (8) Information on accessible child welfare, family preservation, medical, educational, and mental health resources for child clients and their families, including placement, evaluation/diagnostic, and treatment services; the structure of agencies providing such services as well as provisions and constraints related to agency payment for services; and
- (9) Provision of written material (e.g., representation manuals, checklists, sample forms), including listings of useful material available from other sources.

I-3. Continuing Training for Lawyers. The court system should also assure that there are periodic opportunities for lawyers who have taken the “basic” training to receive continuing and “new developments” training.”

Recommendation Seven:

Require notice to reporter as to disposition of CAN report and again as to outcome of investigation if any, with the burden on the agency to provide notice and not on the reporter to request it. If SC statute would prohibit this, advocate for legislative change that will permit such policy revision.

Response:

Current state statute permits the agency to summarize the outcome of an investigation with reporters when the reporter requests the information, with discretion to the Department as to what is shared.

Current law:

SC Code of Laws Ann., Section 20-7-690(F) The department is authorized to summarize the outcome of an investigation to the person who reported the suspected child abuse or neglect if the person requests the information at the time the report is made. The

department has the discretion to limit the information disclosed to the reporter based on whether the reporter has an ongoing professional or other relationship with the child or the family.

The Department's policies and procedures are revised routinely to be consistent with state statute amendments. The issue of family confidentiality still remains and there must be discretion for the Department in sharing of information with reporters who are not involved directly with the family as defined by statute. Existing agency policy requires that staff provide outcome information to reporters who request feedback. It is clear and unambiguous as to this requirement. (Reference Human Services Manual Chapter 7, Section 710, #17, 27, 28, 36, Section 710.01.12 – copy attached and marked Attachment 4)

Because not every reporter wants or needs feedback, existing state law appears to the Department to be reasonable. The 2005 Report notes that reporters state that no feedback is being given even when requested, therefore, the effort of the Department should focus on ensuring that county workers understand policy and law and that they comply with both.

The agency conducted a study of the feasibility of centralized intake and gathered information for other states' experiences and current practice; the National Resource Center for Child Protective Services (NRCCPS); mandated reporters and service providers in South Carolina; and DSS intake and supervisory staff. Recommendations included additional dedicated intake staff and specialized training on intake for the new staff. Prior to this study, DSS had worked with the NRCCPS to analyze the intake process in South Carolina for best practice, to revise agency policy and procedures and, based on the study, to provide training-of-trainers to CPS intake supervisory staff who in turn trained the county staff on intake issues.

The agency was allocated new frontline staff in the 2006 budget. As a result, additional intake staff positions have been allocated to county offices and specialized training will be provided to the all intake staff in January and February 2007. This training will include a segment on the mandatory reporting issues so that intake workers and supervisors are reminded of the requirements from the reporter perspective. This segment will be provided by the CLO who provides training to mandated reporters in order that other feedback from reporters can be incorporated into the discussion and used to illustrate the concerns expressed in the CRP 2005 Report.

Current policy and procedures support and require feedback to mandated reporters who are providing services to the child and family as well as to any reporter who requests information about the outcome of the investigation. The issue of providing feedback to reporters as provided under statute and policy will be discussed as part of the specialized training. Given the interest in intake of the Citizen Review Panels, representatives from the CRP were invited to participate on the work group that is developing the intake training and they are going to provide concrete examples about intake situations that can be used as training tools for this specialized training.

While we believe that current statute is reasonable and appropriate, we will take this recommendation to advocate for statute change under advisement.

Recommendation Eight:

Assure by agency policy that complete information is provided to substitute caregivers along with a source from which they can seek supplementary information throughout the term of care.

Response:

In follow up to the concern that care givers receive complete information, agency foster care policy has been reviewed. Chapter 8, Foster Care Policy and Procedure Manual instructs the child's case manager to share information with the care giver in the following sections:

Section 810.01 Initial Entry Into Foster Care, Item (1) (c) and Item (11);

Section 818.5 Education and Health Passport, Item (2) and Item (3);

Section 819 Minimum and Ongoing Services/Supervision for Foster Child, Item (6) (d) (e) and (f);

Section 819.02 Monthly Contacts with Foster Children and Providers Item (1) (e).

(Copies are attached and labeled Attachment 5.)

The Department has a mechanism in place to address this on a county by county basis when necessary. We request that the Panel provide specific children's cases in which information is not being shared so that necessary follow up can be done via our county technical assistance program. As an example of county specific follow up already in progress, the sharing of information was noted as an area needing improvement during the Department's Child Welfare Services Review in Greenville. Greenville County has included this in the county program improvement plan and state office technical assistance staff provides assistance with the program improvement plan during quarterly visits. Program staff also provides case specific technical assistance on an as needed basis.

The report comments that the "Passport" has not solved the problem of ensuring information sharing with foster caregivers. The passport was designed with the cooperation and input of the SC Foster Parent Association as one way to address the concern about information being shared with foster caregivers. The passport facilitates documenting medical, mental health and school information and is portable so that it travels with the child to any placement. It is an excellent idea but was never intended to substitute for caseworkers talking with foster caregivers about an individual child's needs. The agency is aware of the limitations and continues to review and revise the tool to improve its usefulness. Since 2004 and as part of the PIP, the county program coordinators, MTS and Adoptions Administrators are required to meet on a quarterly basis with the Foster Parent Association, Foster Care Review Board, and Guardian Ad Litem to discuss local issues of concern. The Department intends to issue a directive memo in January 2007 for each county to develop in coordination with the local Foster Parent Association a communication plan to further address this concern.

Recommendation Nine:

Assign a staff member from each county DSS office in the Panel's catchment areas to provide liaison to the Panel.

Response:

Insofar as this is possible given staffing levels, the Department will support and facilitate this recommendation.

Recommendation Ten:

Use duplicate case record documents for legal and other special-purpose files, leaving original record intact for case management and accountability.

Response:

The narrative associated with this recommendation does not clearly describe the problem perceived so we ask for further clarification.

Existing policy requires that the original case record contain all case documentation. Staff should copy any document required by legal staff, QA reviewer or TA staff and provide the copy to them. The only exception is when the agency child fatality review process requires that the original case record be sent to the Office of General Counsel and a copy kept in the county office.

TA will monitor for compliance with the policy on what should be in the original case record.

Recommendation Eleven:

Assure that SC statute conforms to CAPTA provision for public disclosure of information in cases of maltreatment-related child fatality and near fatality.

Response:

State statutes allow for public disclosure of information in cases of maltreatment related child fatalities and near-fatalities, SC Code Section 20-7-690(G) and (H). Although 20-7-690(G) does not use the term "near fatality," those cases would be covered as currently worded. We continue to review and discuss ACF interpretations of the CAPTA provision for public disclosure.

Recommendation Twelve:

Advocate for segregation of maltreatment-related fatalities from homicides in state databases and review processes.

Response:

The narrative associated with this recommendation refers to the State Child Fatality Advisory Committee (SCFAC) review process and annual report for which the SCDSS is not primarily responsible. SCDSS is one of several state agencies represented on the

state child fatality committee and we provide information to the committee on situations where DSS was involved.

The Department is responsible for reporting fatalities from child maltreatments to the National Child Abuse and Neglect Data Systems (NCANDS). The information from all states is published in the Child Maltreatment Report. This same information is shared with the State Child Fatality Advisory Committee to clarify data released in the state child fatality report. The DSS representative to the SCFAC clarifies this information on each unique case when the committee reviews a fatality. Maltreatment related deaths are currently reported as a sub-set of all homicides in the SCFAC Annual Report. We agree with the recommendation that child maltreatment related fatalities should be clearly identified and will make concerted efforts to advocate for this information to be reported in clear terms in this and other data reports.

Recommendation Thirteen:

As soon as possible within the context of other agency priorities, examine the CAPSS system with respect to its power as a case management tool helpful to workers and of benefit to families, as well as a device for collecting data intended to be useful to management.

Response:

There are currently extensive efforts underway to enhance CAPSS to meet federal standards. SCDSS has received conditional approval of the Advanced Planning Document (APD) with a focus on the practice of the USERS and best practice in general. The system contains as much detail as workers enter into it so additional edits are being planned that will ensure that workers enter critical information into the system. CAPSS does and will gather information necessary for federal and state reporting. DSS has obtained assistance from the State Chief Information Officer (CIO) to meet the CAPSS requirements and has established a dedicated CAPSS requirement team composed of recently retired DSS caseworkers and supervisors to assist in the system revisions. These individuals bring a wealth of knowledge and experience to this process.

The narrative supporting this recommendation references the surveys conducted by the Citizen Review Panels and the difficulties of data analysis because of data differences. A foster parent survey is referenced. DSS attempted to coordinate the CRP foster parents survey with the DSS survey being conducted as a PIP item. This coordination of surveys was supported by the State Foster Parent Association and would have gone a long way toward minimizing data differences. DSS was not allowed to see the questions of the survey nor has DSS received any analysis of the CRP surveys for foster parents, intake or employee morale. Without specific information, DSS cannot use what could potentially be a valuable resource for communication, services, and policy development.

Closing:

In closing and in addition to the response to recommendations, we want to comment on other sections in the report. As noted above, DSS is concerned that information from surveys undertaken by the Panels has not been shared with the Department except in the

most general terms. We believe that the data collected can be used as a tool to improve practice and communication with partners.

Under the section labeled “Kinship Care”, the report notes that the Panels are waiting for DSS to remind local county directors that they may disclose case information to the Panel. This was done both in writing and at a County Directors’ meetings with all Directors. We have to assume that the comment belongs to a time long past and therefore irrelevant to current operating procedures. If this is still a problem, we need to discuss this issue at the monthly meeting to determine other methods of addressing the concern.

We want to reiterate that the Department of Social Services appreciates the efforts of the Citizen Review Panels and we look forward to working together to improve the child welfare system of South Carolina.