Cross-Reporting Among Responders to Child Abuse and Neglect

To better understand this issue and to view it across States, see the Cross-Reporting Among Responders to Child Abuse and Neglect: Summary of State Laws (PDF - 267 KB) publication.

S.C. Code Ann. § 20-7-510(D), (E) (LexisNexis through 9-17-07)

Where reports are made pursuant to this section to a law enforcement agency, the law enforcement agency shall notify the county Department of Social Services of the law enforcement’s response to the report at the earliest possible time.

Where a county or contiguous counties have established multicounty child protective services, the county Department of Social Services immediately shall transfer reports pursuant to this section to the service.

When the department refers a report to a law enforcement agency for a criminal investigation, the department must inform the law enforcement agency of the identity of the person who reported the child abuse or neglect. The identity of the reporter must only be used by the law enforcement agency to further the criminal investigation arising from the report, and the agency must not disclose the reporter's identity to any person other than an employee of the agency who is involved in the criminal investigation arising from the report. If the reporter testifies in a criminal proceeding arising from the report, it must not be disclosed that the reporter made the report.

When a law enforcement agency refers a report to the department for an investigation or other response, the law enforcement agency must inform the department of the identity of the person who reported the child abuse or neglect. The department must not disclose the identity of the reporter to any person except as authorized by law.

Definitions of Child Abuse and Neglect

To better understand this issue and to view it across States, see the Definitions of Child Abuse and Neglect: Summary of State Laws (PDF - 442 KB) publication.

Physical Abuse
Citation: Ann. Code § 20-7-490
Abused or neglected child means a child whose death results from, or whose physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of the child's parent, guardian, or other person responsible for his welfare.

Child abuse or neglect or harm occurs when the parent, guardian, or other person responsible for the child's welfare inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions that present a substantial risk of physical or mental injury to the child, including injuries sustained as a result of excessive corporal punishment.

Physical injury means death or permanent or temporary disfigurement or impairment of any bodily organ or function.

Neglect
Citation: Ann. Code § 20-7-490

Child abuse or neglect or harm occurs when the parent, guardian, or other person responsible for the child's welfare fails to supply the child with adequate food, clothing, shelter, education, supervision appropriate to the child's age and development, or health care, although financially able to do so or offered financial or other reasonable means to do so, and the failure to do so has caused physical or mental injury or presents a substantial risk of causing physical or mental injury.

Sexual Abuse
Citation: Ann. Code § 20-7-490

Child abuse or neglect or harm occurs when the parent, guardian, or other person responsible for the child's welfare commits or allows to be committed against the child a sexual offense or engages in acts or omissions that present a substantial risk that a sexual offense would be committed against the child.

Emotional Abuse
Citation: Ann. Code § 20-7-490

Mental injury means an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment of the child's ability to function when the existence of that impairment is supported by the opinion of a mental health professional or medical professional.

Abandonment
Citation: Ann. Code § 20-7-490

Abandonment of a child means a parent or guardian willfully deserts a child or willfully surrenders physical possession of a child without making adequate arrangements for the child's needs or the continuing care of the child.

Standards for Reporting
Citation: Ann. Code § 20-7-490

A report is required when the child's physical or mental health is harmed or threatened with harm.
Persons Responsible for the Child  
Citation: Ann. Code § 20-7-490

A person responsible for a child's welfare includes:

- The child's parent, guardian, or foster parent
- An operator, employee, or caregiver of a public or private residential home, institution, agency, or childcare facility
- An adult who has assumed the role or responsibility of a parent or guardian for the child but who does not necessarily have legal custody of the child

Exceptions  
Citation: Ann. Code § 20-7-490

Child abuse or neglect does not include corporal punishment or physical discipline that is reasonable in manner and moderate in degree.

Disclosure of Confidential Child Abuse and Neglect Records

To better understand this issue and to view it across States, see the Disclosure of Confidential Child Abuse and Neglect Records: Summary of State Laws (PDF - 574 KB) publication.

Confidentiality of Records  
Citation: Ann. Code § 20-7-690

All reports made and information collected pursuant to this article maintained by the Department of Social Services and the Central Registry of Child Abuse and Neglect are confidential.

Persons or Entities Allowed Access to Records  
Ann. Code § 20-7-690

The department is authorized to grant access to the records of indicated cases to the following persons, agencies, or entities:

- The ombudsman of the Office of the Governor or the Governor's designee
- The child's guardian *ad litem*, the attorney for the child's guardian *ad litem*, or the child's attorney
- Appropriate staff of the department
- A law enforcement agency investigating or prosecuting known or suspected abuse or neglect of a child or any other crime against a child, attempting to locate a missing child, investigating or prosecuting the death of a child, or investigating or prosecuting any other crime
- A person who is named in a report or investigation as having abused or neglected a child, that person's attorney, and that person's guardian *ad litem*
A child 14 years of age or older who is named in a report as a victim of child abuse or neglect
The parents or guardians of a child who is named in a report
County medical examiners or coroners who are investigating the death of a child
The State Child Fatality Advisory Committee and the Department of Child Fatalities
Family courts conducting proceedings pursuant to this article
The parties to a court proceeding when information in the records is legally relevant and necessary for the determination of an issue before the court
A grand jury when it is necessary in the conduct of its official business
Authorities in other States conducting child abuse and neglect investigations or providing child welfare services
Courts in other States conducting child abuse and neglect or child custody proceedings
The director or chief executive officer of a child care facility, child-placing agency, or child-caring facility when the records concern the investigation of an incident of child abuse or neglect that allegedly was perpetrated by an employee or volunteer
A person or agency with authorization to care for, diagnose, supervise, or treat the child, the child's family, or the person alleged to have abused or neglected the child
Any person engaged in bona fide research
Multidisciplinary teams
Circuit solicitors and their agents investigating or prosecuting known or suspected abuse or neglect of a child or any other crime against a child, attempting to locate a missing child, investigating or prosecuting the death of a child, or investigating or prosecuting any other crime
Prospective adoptive or foster parents before placement
Employees of the Division for the Review of the Foster Care of Children, Office of the Governor, and members of local boards when carrying out their duties

When Public Disclosure of Records is Allowed
Citation: Ann. Code § 20-7-690

The State director of the department may disclose to the media information contained in child protective services records if the disclosure is limited to discussion of the department's activities in handling the case including information placed in the public domain by other public officials, a criminal prosecution, the alleged perpetrator, the attorney for the alleged perpetrator, or other public judicial proceedings.

Information is considered "placed in the public domain" when it has been reported in the news media, is contained in public records of a criminal justice agency, is contained in public records of a court of law, or has been the subject of testimony in a public judicial proceeding.

The State director is authorized to prepare and release reports of the results of the department's investigations into the deaths of children in its custody or receiving child welfare services at the time of death.
Use of Records for Employment Screening
Citation: Ann. Code § 20-7-690

The department is authorized to grant access to the records of indicated cases to the following agencies or entities:

- The Division for the Review of the Foster Care of Children for purposes of certifying that no potential employee, nominee to, and member of the State or a local foster care review board is a subject of an indicated report or affirmative determination
- The Division of Guardian ad Litem, Office of the Governor, for purposes of certifying that no potential employee or volunteer is the subject of an indicated report or an affirmative determination

The department is authorized to disclose information concerning an individual named in the Central Registry of Child Abuse and Neglect as a perpetrator when screening of an individual's background is required by statute or regulation for employment, licensing, or any other purposes, or a request is made in writing by the person being screened.

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Immunity for Reporters of Child Abuse and Neglect

To better understand this issue and to view it across States, see the Immunity for Reporters of Child Abuse and Neglect: Summary of State Laws (PDF - 261 KB) publication.

Citation: S.C. Code Ann. § 20-7-540 (WESTLAW through End of 2000 Reg. Sess.)
Statute:
A person required or permitted to report pursuant to the reporting laws or who participates in an investigation or judicial proceedings resulting from the report, acting in good faith, is immune from civil and criminal liability that might otherwise result by reason of these actions. In all such civil or criminal proceedings, good faith is rebuttably presumed.

Immunity extends to full disclosure by the person of facts that gave the person reason to believe that the child's physical or mental health or welfare had been or might be adversely affected by abuse or neglect.

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Mandatory Reporters of Child Abuse and Neglect

To better understand this issue and to view it across States, see the Mandatory Reporters of Child Abuse and Neglect: Summary of State Laws (PDF - 633 KB) publication.
Professionals Required to Report
Citation: Ann. Code § 20-7-510

The following professionals are required to report:

- Physicians, nurses, dentists, optometrists, medical examiners, or coroners
- Any other medical, emergency medical services, or allied health professionals
- School teachers or counselors, principals, or assistant principals
- Child care workers in any child care centers or foster care facilities
- Mental health professionals, social or public assistance workers, or substance abuse treatment staff
- Members of the clergy including Christian Science practitioners or religious healers
- Police or law enforcement officers, judges, funeral home directors or employees
- Persons responsible for processing films or computer technicians

Reporting by Other Persons
Citation: Ann. Code § 20-7-510

Any other person who has reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse and neglect may report.

Standards for Making a Report
Citation: Ann. Code § 20-7-510

A report is required when a reporter, in his or her professional capacity, receives information that gives him or her reason to believe that a child has been or may be abused or neglected.

Privileged Communications
Citation: Ann. Code § 20-7-550

The privileged quality of communication between husband and wife and any professional person and his patient or client, except that between attorney and client or clergy member, including Christian Science Practitioner or religious healer, and penitent, does not constitute grounds for failure to report.

Inclusion of Reporter's Name in Report
Not addressed in statutes reviewed.

Disclosure of Reporter Identity
Citation: Ann. Code § 20-7-510

The identity of the person making a report pursuant to this section must be kept confidential by the agency or department receiving the report and must not be disclosed.
Parental Drug Use As Child Abuse

To better understand this issue and to view it across States, see the Parental Drug Use As Child Abuse: Summary of State Laws (PDF - 306 KB) publication.

Citation: S.C. Code Ann. § 20-7-736(G) (WESTLAW through End of 2001 Reg. Sess.)

Statute Text:

It is presumed that a newborn is an abused or neglected child as defined in § 20-7-490 and that the child cannot be protected from further harm without being removed from the custody of the mother upon proof that:

- A blood or urine test of the child at birth or a blood or urine test of the mother at birth shows the presence of any amount of a controlled substance or a metabolite of a controlled substance unless the presence of the substance or the metabolite is the result of medical treatment administered to the mother of the infant or the infant.
- The child has a medical diagnosis of fetal alcohol syndrome.
- A blood or urine test of another child of the mother or a blood or urine test of the mother at the birth of another child showed the presence of any amount of a controlled substance or a metabolite of a controlled substance unless the presence of the substance or the metabolite was the result of medical treatment administered to the mother of the infant or the infant.
- Another child of the mother has the medical diagnosis of fetal alcohol syndrome.

Penalties for Failure to Report and False Reporting of Child Abuse and Neglect

To better understand this issue and to view it across States, see the Penalties for Failure to Report and False Reporting of Child Abuse and Neglect: Summary of State Laws (PDF - 166 KB) publication.

Failure to Report
Ann. Code § 20-7-560

Any mandatory reporter or any person required to perform any other function under the reporting laws, who knowingly fails to do so, or a person who threatens or attempts to intimidate a witness, is guilty of a misdemeanor and, upon conviction, must be fined not more than $500, be imprisoned for not more than 6 months, or both.

False Reporting
Ann. Code § 20-7-567
It is unlawful to knowingly make a false report of abuse or neglect. A person who violates this statute is guilty of a misdemeanor and, upon conviction, must be fined not more than $5,000, imprisoned not more than 90 days, or both.