



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

MOLLY M. SPEARMAN
STATE SUPERINTENDENT OF EDUCATION

MEMORANDUM

TO: District Superintendents

FROM: Cathy Hazelwood
Deputy Superintendent, Division of Legal Affairs

DATE: October 18, 2016

RE: **MANDATORY REPORTING** of Suspected Child Abuse and Neglect

Pursuant to the South Carolina Children's Code the following are considered "**mandated reporters**": school teachers, principals, assistant principals, counselors, nurses, school attendance officers, and computer technicians. Persons who are "mandated reporters" **must report** suspected child abuse or neglect when, in their professional capacity, they have received information that gives them reason to believe that a child has or may be abused or neglected. Reports of child abuse or neglect may be made orally by telephone or otherwise to the county department of social services (DSS) **or** to a law enforcement agency in the county in which the child resides or is found.

Reporting suspected abuse to a co-worker or supervisor is not sufficient. For example, if a teacher reports suspected abuse to the principal, but no report is ever made to DSS or a law enforcement agency, both the teacher and principal will be subject to the statutory penalty outlined below for failing to report suspected child abuse.

A "child" is a person under the age of 18. "Child abuse or neglect" or "harm" occurs when a 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 creates a substantial risk thereof, excluding reasonable and moderate corporal punishment solely for the purpose of restraining or correcting; commits or allows to be committed sexual abuse or creates a substantial risk thereof; fails to supply adequate food, clothing, shelter, education, supervision, or health care; abandons the child; or encourages, condones or approves the commission of delinquent acts.

If a "mandated reporter" such as a school teacher, principal, or school attendance officer knowingly fails to report suspected child abuse or neglect, he or she will be subject to a **\$500 fine and six months imprisonment**. Failure to report may lead to an action being brought against an educator's certification.

For your reference, please see the below excerpts of S.C. Code Ann §§ 63-7-310 and 63-7-410 from the South Carolina Children's Code regarding identification and reporting of child abuse and neglect, as well as penalties for failing to report such suspected child abuse and neglect.

SECTION 63-7-310. Persons required to report.

- (A) A physician, nurse, dentist, optometrist, medical examiner, or coroner, or an employee of a county medical examiner's or coroner's office, or any other medical, emergency medical services, mental health, or allied health professional, member of the clergy including a Christian Science Practitioner or religious healer, school teacher, counselor, principal, assistant principal, school attendance officer, social or public assistance worker, substance abuse treatment staff, or childcare worker in a childcare center or foster care facility, foster parent, police or law enforcement officer, juvenile justice worker, undertaker, funeral home director or employee of a funeral home, persons responsible for processing films, computer technician, judge, or a volunteer non-attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA must report in accordance with this section when in the person's professional capacity the person has received information which gives the person reason to believe that a child has been or may be abused or neglected as defined in Section 63-7-20.
- (B) If a person required to report pursuant to subsection (A) has received information in the person's professional capacity which gives the person reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by acts or omissions that would be child abuse or neglect if committed by a parent, guardian, or other person responsible for the child's welfare, but the reporter believes that the act or omission was committed by a person other than the parent, guardian, or other person responsible for the child's welfare, the reporter must make a report to the appropriate law enforcement agency.
- (C) Except as provided in subsection (A), a person, including, but not limited to, a volunteer non-attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA, 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, and is encouraged to report, in accordance with this section.
- (D) Reports of child abuse or neglect may be made orally by telephone or otherwise to the county department of social services or to a law enforcement agency in the county where the child resides or is found.

SECTION 63-7-410. Failure to report; penalties.

A person required to report a case of child abuse or neglect or a person required to perform any other function under this article 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 five hundred dollars or imprisoned not more than six months, or both.

Should you have any questions in this regard, please contact the SCDE Office of General Counsel at 803-734-8225.