

**S.C. Children’s Justice Act Task Force
Recommendations
May 2009 – April 2012**

Category I. Investigative, administrative, and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, federal-state, and state-tribal, in a manner which reduces the additional trauma to the child victim and the victim’s family and which also ensures procedural fairness to the accused.

A. Training Recommendations

I.A.1. Provide regional training for coroners and law enforcement officers on the investigation and prosecution of fatal child maltreatment cases, particularly homicides caused by abusive head trauma. Topics will include: the importance of a rapid and coordinated response; death scene investigation, including signs, indicators and information collection; evidence collection and processing; witness interviews and suspect interrogations; and the requirements of the South Carolina child fatality review process.

I.A.2. Provide training for solicitors on the investigation and prosecution of fatal child maltreatment cases, particularly homicides caused by abusive head trauma. Topics will include the importance of coordinated investigative efforts, medical-legal issues, evidentiary issues, trial strategies, and anticipating defenses.

I.A.3. Provide training for law enforcement officers and child abuse investigators on resources for interviewing child victims of abuse, including physical abuse and sexual abuse, in a multidisciplinary team context. Topics will include: initial interviews of child victims; identification of need for forensic interview of child victims; referral of children for forensic interviews; collaboration of forensic interview results through evidence collection; and coordination of investigative efforts through participation in multidisciplinary teams, including children’s advocacy centers.

I.A.4. Provide investigative protocol training to county multi-disciplinary teams, including initial training for new teams and updates for teams that previously completed training. Topics will address the roles and responsibilities of member agencies and professionals, and will include the identification and handling of cases involving children who have disabilities.

I.A.5. Provide ongoing training for DSS attorneys on docket management and methods for expediting cases.

I.A.6. Add segment on handling child protection cases at “Bridge the Gap” for new law graduates and admittees to the South Carolina Bar.

I.A.7. Develop an online training for attorneys appointed in family court child abuse and neglect cases.

I.A.8. Provide specialized training for professionals who work with children who have disabilities on the identification of maltreatment and mandated reporting responsibilities. These professionals may include, for example, special education teachers, Head Start staff, local disability board staff, and early interventionists.

I.A.9. Add segment to online mandated reporter training to address issues related to maltreatment among children who have disabilities.

I.A.10. Provide training for professionals who work with abused and neglected children on the identification of disabilities, modifications in intervention methods, and resources available.

B. Recommendations for Resource Development

I.B.1. Develop statewide referral resources for forensic interviewers involved in the investigation of abused children who have English as a second language. Referral resources will include information on interpreters, information on service organizations and agencies which assist children with English as a second language, and information on training for forensic interviewers who interview children with English as a second language.

I.B.2. Develop statewide resources for forensic interviewers involved in the investigation of abused children who have disabilities which interfere with their ability to communicate. Resources will include information on accommodations, referral information for interpreters or highly specialized interviewers, information on service organizations and agencies which assist children who have disabilities, and information on specialized training for forensic interviewers who interview children who have disabilities. CJA will explore methods for accessing or developing specialized, intensive training on interviewing children who have disabilities.

I.B.3. Prepare and disseminate a report on child maltreatment among children who have disabilities in South Carolina. The report will include: (1) introductory information about this overlap and projected underreporting; (2) a summary of available state data indicating incidence; and (3) results of a series of surveys on the responsiveness of the state's systems to reports of abuse involving children who have disabilities.

Category II. Experimental, model and demonstration programs for testing innovative approaches and techniques which may improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the

enhancement of performance of court-appointed attorneys and guardians ad litem for children, and which also ensure procedural fairness to the accused.

II.1. Develop and implement a rapid response team pilot program within one judicial circuit for rapid and coordinated response to incidents of serious physical abuse of children and of sexual abuse of children. Developing and implementing the program will include: identifying and training team members within one judicial circuit; implementing the rapid response team within one judicial circuit; developing memorandums of understanding and operating protocols in support of the team; developing an information-gathering process for the program and analyzing information collected during the conduct of the program; and making recommendations for implementing rapid response teams in other judicial circuits.

II.2. Support development of a South Carolina Immigrant Victims Assistance Network by the South Carolina Victim Assistance Network through assisting the network in providing written resources and training for professionals serving immigrant children who are victims of violent crime, including but not limited to sexual assault, child abuse or neglect, abandonment, and human trafficking. Resources and training will include pathways to legalization for abused, undocumented children.

II.3. Support growth of Children's Advocacy Centers in South Carolina by providing assistance to the South Carolina Network of Children's Advocacy Centers.

II.4. Support statewide implementation of the Model Administrative Order / Community Protocol for Coordination of Family Court Child Protection and Criminal Child Abuse Proceedings.

II.5. Monitor and gather information on use of mediation in child protection cases throughout the state.

II.6. Operate the Children's Law Center, a training and information resource center for professionals involved in child maltreatment proceedings. The Children's Law Center is responsible for implementing the training recommendations in collaboration with the Task Force, and for providing research and logistical support to the Task Force.

Category III. Reform of state laws, ordinances, regulations, protocols and procedures to provide comprehensive protection for children from abuse, particularly sexual abuse and exploitation, while ensuring fairness to all affected persons.

III.1. Study, develop and support a certification standard for professionals who assess and/or treat child sex offenders in South Carolina.

III.2. Study South Carolina criminal statutes prohibiting conduct directed at child victims, including but not limited to homicide by child abuse, and study appropriateness of statutorily prescribed sentences, including but not limited to whether a statute should be

amended to prohibit suspension of all or part of a sentence. Following study and drafting of statutory amendments deemed necessary, propose and support statutory amendments.

III.3. Assist DSS upon request with the assessment process in preparation for the 2009 Child and Family Services Review and related planning efforts. Discuss the findings of the review, and assist or offer suggestions as needed on development of action plans for improvement. Monitor implementation of program improvement plan to identify further needs for training, resource development, reforms, or other tasks relevant to CJA.

III.4. Continue to monitor implementation of court improvement initiatives and offer support or additional recommendations as appropriate.

III.5. Pursue implementation of a one hour Continuing Legal Education requirement for all attorneys on child abuse and neglect (to be included in the 14 hours currently required).

III.6. Support funding for the Children's Advocacy Medical Response System. CJA Task Force is committed to the support, development, and continuation of services for abused and neglected children; children should be highest priority even in difficult times.

III.7. Sponsor a roundtable session involving professionals who work in child protection and those who work with children who have disabilities to identify needed policy and procedure reforms that will improve the state's systemic response to these children.

III.8. Monitor the ongoing implementation of South Carolina's protocol for children exposed to methamphetamine production and policy development related to child protection cases that involve parental substance abuse. Offer support or additional recommendations as appropriate.

Adopted April 24, 2009