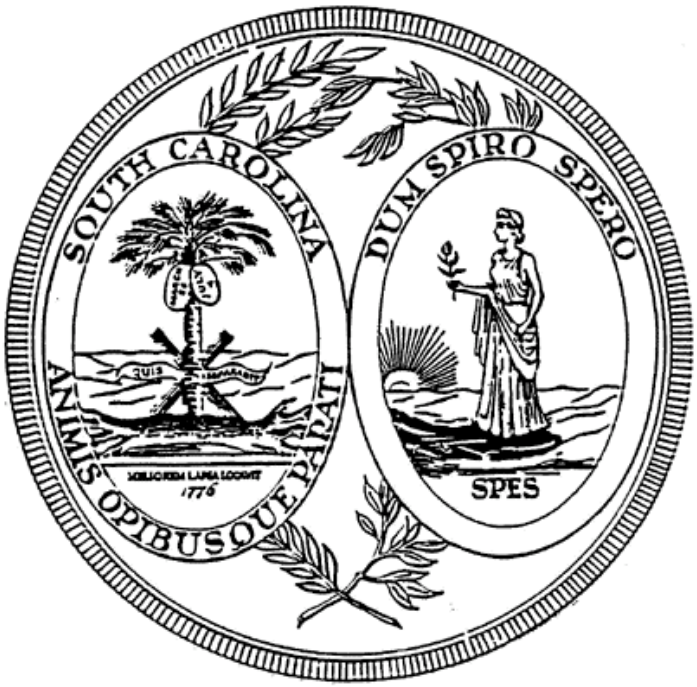
Task Force on Children in Foster Care and Adoption Services

Submitted to Governor Mark Sanford



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State of South Carolina
Executive Department

FILED
JUL 19 2007
Mark Hammond
SECRETARY OF STATE

Office of the Governor

EXECUTIVE ORDER NO. 2007-11

WHEREAS, the State is committed to improving services to abused and neglected children who are placed in foster care so that they find permanent homes as quickly as possible; and

WHEREAS, in many cases, some children in foster care cannot be returned to their biological parents and must be assessed for and provided adoption opportunities; and

WHEREAS, the citizens of South Carolina have an overriding interest in assuring that all foster children receive quality and effective legal, judicial, and social services by providing permanent homes in an expeditious manner; and

WHEREAS, in South Carolina it takes 45.2 months to finalize the average adoption process compared to the national average of 43.8 months while South Carolinians expect that the process through adoption finalization should take no more than 24 months; and

WHEREAS, 3,958 children were adopted in South Carolina in the past ten years and 449 were adopted this past year; and

WHEREAS, because the citizens of South Carolina expect an efficient, accessible, quality adoption process, expeditiously finding permanent homes for the state's abused and neglected children and foster children waiting for adoptive families must be a priority for the State of South Carolina.

NOW, THEREFORE, I do hereby establish the Children in Foster Care and Adoption Services Task Force ("Task Force") and the Children in Foster Care and Adoption Services Advisory Committee ("Advisory Committee").

1. **The Task Force shall:**

   a) study the issues and problems associated with the South Carolina foster care and adoption process and procedures and submit recommendations to improve adoption and foster care services and reduce wait times for adoptions;

b) consist of two chairs and no more than twenty-five additional members appointed by the Governor, to include adoptive and foster parents, an adoption attorney, a representative of a private adoption agency, a representative from the Guardian *ad Litem* Program, a representative from both the state and local Foster Care Review Board, a family court judge, members of the South Carolina House of Representatives and members of the South Carolina Senate;

c) be authorized to hold public meetings and take such actions as it deems necessary and advisable to achieve its purpose; and

d) meet as needed and submit an initial report no later than February 1, 2008.

2. The Advisory Committee shall:

a) serve as an advisory body to the Governor and the Director of the Department of Social Services on matters relating to foster care and adoption services.

b) be comprised of no more than six members and the Chair must be one of the Task Force co-chairs.

3. The Governor's Office and the Department of Social Services shall provide staff support as necessary to assist the Task Force in carrying out the directives of this Executive Order.

This Order shall take effect immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 19TH DAY OF JULY, 2007.

MARK SANFORD
Governor

ATTEST:

MARK HAMMOND
SECRETARY OF STATE

Executive Summary

Children who are abused, neglected, or abandoned by their parents or children whose parents' personal problems prevent them from providing adequate care, may enter the foster care system. The State of South Carolina currently has over 5,400 children in foster care. Each case represents tragedy in various forms – but mostly to the children who are torn from their normal surrounds, suddenly separated from their birth parents, and sent to live in foreign circumstances while the adults and courts spend months or years deciding where these children should be. These children often experience emotional, behavioral, and health problems that are reflective of their dysfunctional home life. Systemic barriers must be minimized or eliminated to speed up the process for children to be returned home or find permanence in an adoptive placement. Currently, the average number of months from the time a child enters foster care until an adoption is finalized is 40.7 months, whereas the Federal and State goal is 24 months. DSS must reduce the number of months in foster care until the finalization of adoption to provide permanency for children. To achieve this goal, the Task Force on Children in Foster Care and Adoption Services has offered an array of legislative and administrative proposals that will reflect significant shifts in DSS policies and in the legal processing of cases.

I. Department of Social Services

DSS has the primary mission of the protection of children and families in our state. The Task Force notes that making significant organizational and cultural changes within DSS is a daunting task and will take several years to fully implement. The political and economic environment of South Carolina has historically compromised the ability of DSS to implement and sustain valuable recommendations from previous independent study groups. Thus, the Task Force has sought to recommend reform in a manner which will be sustained.

Loss of staff, internal procedures, and legal hurdles have been factors that have compromised DSS in its attempts to provide permanency for children. DSS needs to prioritize filling staff vacancies, including County Directors, DSS attorneys, caseworkers, and administrative support positions as a means of reducing the workload for existing staff. Accountability can be best achieved if every employee of DSS has a clear, well defined job description with specific objectives for measuring performance.

DSS must establish a statewide recruitment and retention division to increase the number of foster and adoptive homes. The goal is to increase and maintain the number of foster and adoptive homes to be equivalent to the number of children in foster care placement at any given time. Increasing the number of foster homes would also increase the number of adoption resources.

Children, foster children, and families who are involved with DSS, including those families working to prevent foster care entry, should be given top priority among state agencies when it comes to delivery of services. DSS needs to develop interagency Memoranda of Agreement at the state, regional, and county levels which will enable families to have access to an array of services through public and private agencies. Effective services can prevent the need for child protection involvement.

The Task Force acknowledges that government alone cannot effectively provide for all the needs of foster children. A non-profit organization should be created to support programs for children in DSS care and custody.

II. Legislative Recommendations

Currently, it takes an average of 40.7 months from the time a child enters foster care until there is a final adoption decree. There were 419 children in foster care in South Carolina in 2007 who received a final decree for adoption, but only 69 of these children received a final adoption decree within 24 months of entering foster care. Statutes need to reflect the intent of timely permanence for children. Development of a putative father registry, amendments to the Termination of Parental Rights statute, enabling the Foster Care Review Board to become involved earlier in the case of a foster child, and the creation of more court time for child welfare cases will help reduce a child's time in foster care.

III. Judicial System Recommendations

Lack of court time for DSS cases, too few family court judges, and the need for a more effective data sharing system for communication between DSS and the judicial system have impeded the permanency process for children. Establishing uniform court orders, serving timely notices for future hearings, prioritizing Termination of Parental Rights cases, and development of an automated system linking DSS and court administration are suggestions to improve the timeframe for permanency.

IV. Follow up Activities

DSS should report progress regarding each of the above recommendations to the Advisory Committee of the Task Force on a quarterly basis.

Report of the Task Force on Children in Foster Care and Adoption Services

Statement of Need and Introduction

Governor Mark Sanford issued an executive order on July 19, 2007, which established the Children in Foster Care and Adoption Services Task Force to study the issues and problems associated with the South Carolina foster care and adoption process. The Task Force was charged with submitting recommendations to improve adoption and foster care services, with the primary focus being a reduction in the time it takes to find permanent adoptive homes for children in South Carolina. The Task Force was led by Co-Chairs Carl Brown and George Milner and included adoptive and foster parents, an adoption attorney, a representative of a private adoption agency, a representative from the Guardian ad Litem Program, representatives from both the state and local Foster Care Review Boards, a family court judge, a member of the South Carolina House of Representatives, and a member of the South Carolina Senate. The members represent over 450 years of experience in the child welfare arena. The Task Force addressed its mission by dividing into four subcommittees which focused on family services, foster care, adoptions, and the legal process. George Milner, Carl Brown, William R. Byars, and Harold (Pat) Patrick served as subcommittee chairpersons.

As of December 31, 2007, the State of South Carolina had 5,424 children in foster care placed in 3,578 family foster homes and 275 group facilities. During 2007, 8,900 children spent some time in foster care. Over half of these were removed from their homes for neglect and another quarter for physical or sexual abuse. Approximately 450 of these children will be terminated from their birth parents each year and about the same number will be adopted. Each case represents tragedy in various forms – but mostly to the children who are torn from their normal surrounds, suddenly separated from their birth parents, and sent to live in foreign circumstances while the adults and courts spend months or years deciding where these children should be.

Practitioners and victims alike consider the system broken. It would be wrong to believe the State can right the suffering that has visited on these children. It would be wrong to believe that the State can heal addiction and generational illness afflicting these families. But the State does have a sobering responsibility to do no additional harm to these children once removed from the home and in the custody of the State.

The State of South Carolina must address the urgent needs of children in foster care. Foster Care was never intended as – nor should it be substituted for – a permanent home. The State is responsible for these children, who do not have parents who protect or advocate for them. Nurturing parents and a stable home are essential to the well-being and healthy development of a child. Children who grow up in foster care are a vulnerable population and do not progress as well as their peers in many areas such as education, and emotional, behavioral, and social adjustment. These consequences often continue into adulthood with increased risk of incarceration, poverty, and homelessness.

The 27 member volunteer Task Force with over 450 years of experience in all aspects of child welfare has spent six months and hundreds of hours searching for actions that would revolutionize the child welfare system in South Carolina. Initially we hoped to find the "gold standard" in another state to model. However, no state is recognized as having a model to emulate – though some states do have benchmark elements that we have incorporated in our recommendations.

Some of the proposals offered by the Task Force reflect significant shifts in policies toward expedition of permanency for children. These include the need for a putative father registry, the service of notice of adoption pleadings on children, accelerated hearings for termination of parental rights, and increases in DSS and court legal staff. There has been a great deal of deliberation on the need to implement an aggressive recruitment and retention initiative for foster parents and adoptive parents. The focus would be to recruit foster and adoptive parents who would be given the necessary resources and support to assist them in the task of parenting children in their care. Also, DSS experiences a high rate of turnover in the caseworker and legal staff who manage these difficult caseloads. This staff turnover has created a serious lack of frontline experience in the casework field and in the court room. DSS has already initiated communications with several universities and colleges to explore partnerships to bridge this gap of needed educational and training skills for caseworkers.

The Task Force goals include the reduction of the time frame to achieve permanency of foster children and the finalization of adoptions within 24 months of a child entering the foster care system. Following are the recommendations which have been developed and are proposed by the Task Force.

Acknowledgements

The Chairmen of the Task Force thank the hundreds of individuals involved in developing the recommendations over the past six months. Firstly, we would like to thank each of the 25 volunteers who served on the Task Force for their unending commitment to developing these recommendations and the sacrifice they individually made to be present at many meetings. We also sincerely thank Dr. Kathleen M. Hayes and the staff of DSS for their full and honest support while enduring constant questions and developing data despite ongoing responsibilities. Finally, we must thank the Children's Law Center, School of Law, University of South Carolina which has been an enormous help in researching issues and keeping the process moving for the past six months.

Children in Foster Care and Adoption Services
Task Force Members

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Recommendations of the Task Force on Foster Care and Adoption Services

I. Recommendations to the Department of Social Services

The Task Force believes the State has a solemn, ethical and legal duty to protect and support minor children from abuse and neglect. This duty is not diluted by economic or political change. The Task Force notes that making significant organizational and cultural changes within any large organization is a daunting task and takes years to fully implement. We believe the South Carolina political and economic environment has historically compromised the ability of DSS to implement and sustain valuable recommendations from previous independent study groups. We have considered several options that would contribute to the possibility that a reform plan for DSS could be sustained long enough for new internal norms to become institutionalized.

A. Personnel Recommendations

1. **Prioritize filling County Director positions, DSS attorneys, caseworkers, legal support positions, and other positions that directly impact child welfare and protection, ensure every employee of DSS has a measurable performance plan, and implement a professional career path for caseworkers to encourage employee retention.**

   In 2003, DSS imposed a hiring freeze on all positions, including child welfare workers. Subsequently, county offices were allowed to resume hiring in 2004-2005, and in 2006-2007 the legislature approved restoring 350 child welfare positions. By then, DSS had lost positions through attrition, voluntary separations, and retirement incentives. High turnover rates, noncompetitive salaries, insufficient training, the lack of merit raises, and limited opportunities for advancement have resulted in caseloads that are often excessive and/or unmanageable and left a frontline cadre which includes many inexperienced caseworkers. These problems have led to serious delays in services to children and families and, ultimately, to a lack of protection for children.

Employee accountability is best achieved when personnel have clear job descriptions, performance plans, and an understanding of how their job performance will be measured. DSS employee performance plans need to be objective, clearly measurable, and developed for all positions. Additionally, this step will enable management to objectively identify potential career paths for employees within the agency.

2. **Maintain a sufficient work force to meet the caseload standards established by the Child Welfare League of America and the American Bar Association.**

   High employee turnover rates and the lack of trained workers have contributed to not only a largely inexperienced workforce, but also to excessively high caseloads for more experienced workers. Development of employee career paths that encourage a stable workforce is essential for DSS to maintain reasonable caseloads and experienced case workers to handle the very complex social and legal environment of foster care.

3. **Establish a statewide foster home recruiting and retention division within DSS which utilizes proven marketing techniques; increase the number of foster homes to equal the number of children in foster care (which is currently 5,424 children); and establish an "emergency" foster home system.**

   As of December 31, 2007, South Carolina had 3,578 licensed foster homes and 5,424 children placed in foster care. Once removed from their biological home, studies show that most children are best served in a family-oriented environment. Good foster homes perform a wide array of functions to support the child in a non-institutional manner and guide the child through the turbulent period of foster care. An insufficient number of foster homes leads to children being placed in large, institutional settings, the inability to match children's needs to available foster homes, and an inevitably high number of disrupted placements.

   Many counties have no emergency shelters available to accept children removed from their homes in the night. Emergency shelters are typically very expensive to operate and often "institutional" in nature, which can further traumatize the child. Having an adequate number of family foster homes would allow the caseworker to identify those that are receptive to accepting emergency placements.

Approximately 60% of adoptions of children who are in the custody of DSS are made by their foster parents. Thus, increasing the number of foster homes will further encourage and expedite adoptions.

4. **Examine the most effective management structure for DSS attorneys (county management versus regional management).**

   DSS attorneys currently report to county directors, rather than a regional or statewide supervising attorney. This management organization presents potential problems such as the reluctance of county attorneys to disagree with county directors who can fire them or county directors who may feel intimidated by the county attorneys; either circumstance results in a lack of accountability. In some counties, the DSS attorney essentially lacks legal supervision. The DSS Office of General Counsel is open to consider other management models, but does not believe the office in Columbia can effectively manage attorneys throughout the state with current resources and personnel. DSS needs to examine and adopt a good structure and management of its legal system.

5. **Establish an expanded collaborative training program with universities and colleges for caseworkers, adoption workers, DSS attorneys, and other staff affiliated with child welfare.**

   Although the duties of a child welfare worker are difficult and complex, the hiring requirements are minimal. An applicant can be hired into this enormously important role with a bachelor's degree in any field and with no work experience. Currently, 45% of the DSS frontline staff have less than one (1) year of experience as a child welfare worker.

   Development of a learning partnership between DSS and USC (as the flagship university) should include agency stipends for Bachelor of Social Work students, including evidence-based and best-practice family engagement approaches in the curriculum and field practicum experiences in the junior and senior year. This approach with colleges and universities would be a paradigm shift from training to learning. This will enable graduating seniors to be better prepared to enter the DSS work force and become immediately productive with a minimal amount of additional training.

By including a more professionally trained work force, a cultural shift is anticipated within DSS where workers begin thinking more like social workers. It is also anticipated this approach will greatly impact the current staff retention rate. It is further recommended the agency shift a portion of current training funds to this initiative and consider using other federal funds as support such as Title IV-E, Social Security Act. (Similar to the University of Kentucky program)

6. **Increase child welfare workers' and attorneys' salaries to the Southeastern average and implement a merit system for child welfare workers and attorneys.**

   Low starting salaries prevent DSS from requiring minimum qualifications for child welfare workers. After working for a brief period with DSS, child welfare workers and attorneys have historically been able to attain higher paying positions with other agencies or private entities. Increased, more competitive salaries would be helpful to DSS in reducing its high turnover rates and improve caseload management and staff retention. This would result in a more experienced casework staff and better services to children, shortening delays to permanent homes.

7. **Increase the amounts of Foster Care board payments and adoption subsidies at least to the Southeastern average.**

   The current foster care board payment rates average $372 per month, much less than the actual cost of caring for a child. An October 2007 study of foster parent board rates by the University of Maryland and the National Foster Parent Association estimated the real cost of housing a child in South Carolina is $653 per month. Children in foster care often do without appropriate clothing, supplies, and resources and therefore do not engage in activities that other children do. Foster parents often utilize their own funds to provide a lifestyle for the foster child under their care compatible with their own children to prevent alienation of these children. This economic burden discourages young couples on tight budgets who could be ideal foster parents. An adequate board payment would attract and encourage an increase in the number of available foster homes. Because 60% of adoptions are by foster parents, this would increase both the number of available foster homes and adoptive homes. This would lead to a reduction in the time

it takes to finalize an adoption, which reduces the permanency timeline for a child.

B. Policy and Program Development Recommendations

1. **Explore cost and benefits of implementing a "Multiple Response System" (dual track/differentiation), similar to North Carolina to support families in crisis to minimize or avoid foster care placement.**

   The current child protection structure is based on a "one size fits all" approach. However, the needs of children and families are varied. Situations which come to the attention of this system may range from intentional, severe physical abuse by a parent to neglect related to a lack of resources or parenting knowledge. Multiple Response, also referred to as "dual track" or "multiple track", is an approach that offers child protective services different response avenues to respond to child abuse and neglect reports. Multiple response approaches are based on the type of abuse, severity, previous number of reports, and the family's willingness to cooperate with services. Intense implementation of family services upfront can reduce the likelihood of foster care placement, thereby reducing trauma to the child and the economic burden on the State.

2. **Give foster children, high risk children, and their parents the highest level of priority for access to services through formalized interagency Memoranda of Agreement (MOA) with public and private agencies facilitating access to services that are enforceable by the family court.**

   Children, foster children, and families who are involved with DSS, including those families working to prevent foster care entry, should be given top priority among state agencies when it comes to delivery of services. Families identified by DSS as having experienced abuse and neglect are in dire need of services. With 18,313 child protection reports statewide during 2007, it is clear that strong, working relationships need to be established with agencies that can provide services to these children and families. DSS needs to develop formalized Interagency Memoranda of Agreement with all applicable public and private agencies at the state, regional, and local levels. These formalized partnerships must at a minimum include:
   - South Carolina Department of Alcohol and Other Drugs
   - South Carolina Department of Mental Health
   - South Carolina Department of Juvenile Justice

- South Carolina Department of Disabilities and Special Needs
- South Carolina Department of Probation and Pardon Services
- Agencies that provide domestic violence prevention and intervention services
- Other agencies as needs arise.

Develop a standardized MOA template within one (1) month after approval of recommendations. Immediately begin implementing MOAs at state, regional, and county levels. It is respectfully recommended this process begin at the Cabinet level led by the Governor.

2. **Utilizing the current services for children and families, DSS needs to clearly state measurable case service outcomes; services should be evidence-based and reflect best practice approaches (with the ability to consider innovative programs that are able to show positive measurable outcomes).**

Children and families need access to effective, targeted services in order to resolve the problems that led to child protection involvement. DSS needs to take the lead in defining the service needs of abuse/neglected children and their families and to clarify expectations for service providers, other agencies and providers.

Ensure a service array is available that includes:

- Psychological counseling for children and family members
- In-home intervention services
- Mentoring
- Peer support
- Caregiver services
- Culturally competent parenting programs based on the parent's developmental needs and literacy level
- Others services as deemed needed

Ensure that services provided to children and families are evidence-based and proven effective for this population.

4. **Research and employ standardized approaches to engaging families in decisions, such as family decision making models.**

DSS needs to provide an array of family friendly, safe, inclusive, and proven approaches and interventions that connect families

in crisis to their children in meaningful ways. These approaches should include team decision-making meetings initially, and family group decision-making meetings throughout the life of the case. Establish statewide formal procedures for family engagement which include time frames and objectives for team decision making meetings and family group conferences when families first come to the attention of DSS, whether the report is founded or unfounded. Create a cultural shift throughout DSS to reflect a greater focus on families, to include the extended family and social support systems. DSS should adopt flexible scheduling to better accommodate families and offer supportive services for relative placements.

5. **Establish a committee to explore the creation of a non-profit foundation to support DSS in providing for children in its care.**

   Government alone cannot effectively provide for the needs of children in foster care. Consideration should be given for the creation of a non-profit foundation to serve children in the care and custody of DSS. We believe many of these private dollars, if applied to appropriate programs, could be used to attract federal monies thereby multiplying the impact on services provided.

6. **The DSS functions of foster care, adoptions, concurrent planning, and therapeutic foster care (Managed Treatment Services) should perform seamlessly from entry of the child until permanency.**

   Children in foster care experience many losses. One common loss that occurs frequently is the turnover of caseworkers. This disturbance to the child could be minimized by having a single worker or closely coordinated case work team to work with the child.

   Segmentation of service delivery often results in fragmented, duplicative efforts and communication barriers for DSS with foster parents and prospective adoptive parents. Explore realigning therapeutic and regular foster care services to improve continuity of care for children and maximize limited agency resources.

II. Legislative Recommendations

Statutes need to reflect a philosophy of urgency and the intention of timely permanency for children.

A. Develop a Putative Father Registry to identify biological fathers earlier in the process; this will expedite the adoption process and reduce the number of months in foster care.

In termination of parental rights cases, efforts to identify and serve notice on possible biological fathers often lead to delays. The present adoption statute requires that notice be given to fathers who have met certain criteria; these criteria often require knowledge of facts that may be unknown to the adoption attorney, such as whether a birth father has openly lived with the child's mother, or has held himself out to be the father of the child, or has been adjudicated to be the father by another court.

"Putative" is defined by Webster's as "thought to be, or reputed". Over the past 15 years, approximately 30 states have enacted birthfather registry laws, which protect the rights of birthfathers while allowing adoptions to proceed with assurance that all parties have received notice.

The putative father registry works by allowing a man who believes he may have fathered a child outside of wedlock to establish his intent to claim paternity. He may do so by registering his name and address, the mother's name and the last known address, and the name of the child, if known to him.

DSS or adoption attorneys would then search the registry for the names of the mother and the child. If the search reveals a registered father, the attorney or adoption agency must then provide him legal notice of the termination of parental rights and adoption proceedings at the address he provided. The putative father can then come forward in a timely manner to either assert his parental rights or allow them to be terminated. If the putative father is not registered or does not reply to notice of the proceedings, the court is allowed to rule that proper notice has been given and to proceed without further delay to consider final approval of the adoption.

State putative father registry laws impose the responsibility of coming forward to assert paternity on the father. The United States Supreme Court has held that a putative father registry is constitutional in its placement of responsibility on the father.

The putative father registry: 1) protects the father's parental rights by providing him notice of pending adoption proceedings; 2) defends the mother's privacy rights because she is not obligated to identify the father or notify him of the pregnancy (three S.C. cases have already addressed this right to privacy); and 3) protects the child's and the adoptive parents' rights to a secure adoption by requiring fathers to assume their parental duties in a timely manner. The putative father registry allows children to safely develop ties to adoptive parents with a reduced risk of placement disruption. It relieves adoptive parents, the court, and DSS from fruitless searches for a possible birth father who has never established a relationship with the child.

B. Proposed amendments to the statute for Termination of Parental Rights (TPR):

1. **Add "incarceration of a parent" as a ground for the termination of parental rights when it is determined to be in the child's best interest.**

   There are currently 11 grounds for TPR. This would be an additional ground to the existing TPR statute that would expedite termination hearings, thereby expediting permanency for children.

2. **Allow service of the summons and petition for termination of parental rights on the child's Guardian ad Litem where the child is less than 14 years of age; a child 14 years and older may be served personally.**

   Presently, much time and needless delay is caused by the requirement for personal service of adoption pleadings on the child. Continuances are often necessary due to the failure to perform this antiquated procedure. This proposed amendment would allow the child's Guardian ad Litem to be served if the child is under 14. This amendment would be consistent with the adoption code which requires the consent of a child 14 years of age or older.

3. **Require Termination of Parental Rights hearings to be held no more than 120 days after filing of the TPR complaint, and require that continuances may be granted by the court only for good cause shown.**

   South Carolina law does not establish a time frame for holding the TPR hearing after a complaint is filed. This procedure would expedite future TPR actions and eliminate technical issues

brought to the attention of the court that often result in delays of permanency for a child.

C. Give the Foster Care Review Board discretion as to when to schedule an initial case review followed by subsequent six month reviews as necessary. Pursuant to reviews, the Foster Care Review Board (FCRB) may submit a report of overdue hearings identified at the time of the review to the appropriate Chief Administrative Judge.

The Foster Care Review Board's involvement in the review of cases is not seamlessly tied into the system. This will enable FCRB to become involved earlier in a child's case and can assist in the identification of potential issues leading to return home or termination of parental rights. Local Foster Care Review Boards may submit reports to the Chief Administrative Judge when legal delays exist.

D. Create more court time, by more judges, hearing officers, or other possible solutions as a means of expediting DSS cases.

Although South Carolina statutes require removal and permanency hearings to be held within certain time limits, these hearings are often late. For example, in FY2006, only 64% of removal hearings and only 55% of permanency hearings were held timely. Delays in the legal system are a major factor in delaying permanency for children. Further, South Carolina is facing penalties for failing to meet federal requirements for case reviews. Requests by the Chief Justice for more resources, including additional family court judges, should be supported. The increase in court time will allow more cases to be heard and eliminate delays.

III. Judicial System Recommendations

Lack of court time, too few family court judges, and the need for a more effective data sharing system for communicating between DSS and the judicial system have been barriers towards permanency for children.

A. DSS, in collaboration with the South Carolina Family Court Bench Bar Committee, shall expeditiously develop and implement best legal practices throughout the state, to include standardized orders and forms.

Lack of uniformity, differences in court orders, and different procedures from county to county, have created delays in achieving permanency. DSS, attorneys, and the judiciary should achieve a more efficient process statewide to ensure continuity.

B. Serve notice of the date and time of future hearings on all parties and attorneys present at the initial and at all subsequent hearings to minimize continuances.

Court delays and continuances occur when all parties have not been served or where it has not been possible to locate a party or parties. The Task Force recommends as a best practice that notice of the next hearing be given to parties present in court. Forms could be provided and DSS attorneys required to follow this procedure.

C. Establish TPR cases as a priority and request a larger percentage of the court's docket time for DSS cases.

There is a lack of available court time for cases to be heard. South Carolina is facing penalties for failing to meet federal mandates as it relates to achieving permanency. Caseworkers need to timely submit the TPR summary to the DSS attorney who must then prioritize scheduling the case with the court for the TPR hearing. The court should then prioritize the scheduling of TPR cases.

D. DSS shall develop a computerized legal case management system that provides the name, docket number, type of case, status and any other reports expeditiously to the court.

The lack of an automated system has resulted in inadequate reporting of data on children's cases, which in turn causes a failure to properly monitor case progress and the inability to allocate legal resources most effectively. Court Administration has implemented a family court cover sheet with nature of action codes. This process allows Court Administration to identify the number of child protection cases pending, but does not explain where each case is in the process. DSS should develop an internal legal case management system with the capabilities to link with Child Adult Protective Services System (CAPSS) and with other systems including the courts. DSS has begun writing a request for proposals, and the system is expected to be implemented in 12-18 months.

E. Include the management and monitoring of the DSS docket among the responsibilities of the Chief Administrative Judge.

In many counties, DSS attorneys manage the child protection docket without judicial oversight. The Chief Administrative Judge, or the Assistant Chief Administrative Judge, should monitor closely the DSS docket, to enhance accountability and move cases more expeditiously through the judicial system.

F. At the time of the request for a final adoption hearing, require the plaintiff's attorney to file a completed DSS adoption checklist attached to the courts' "Eyes Only" packet.

As a best practice, the Chief Administrative Judge should review all adoption files prior to scheduling the final hearing. DSS would provide a checklist that can be used to assure that files are complete.

In adoption cases, certain legal documents are confidential and sealed in an "Eyes Only" packet that can only be opened by the judge. At the final adoption hearing, if required documents are missing it will result in a continuance and great disappointment for the child and adoptive parents. The checklist will be submitted to the Chief Administrative Judge for review and scheduling of the adoption hearing at the earliest available time. All required procedures and documentation must be completed prior to the final adoption hearing. This will eliminate possible delays or continuances at a final adoption hearing.

IV. Follow Up Activities

Hereafter, DSS should report to the Advisory Committee on a quarterly basis progress regarding each of the above recommendations. The quarterly report should indicate:

1. The status of the Task Force recommendation;
2. Action required to accomplish each recommendation;
3. Timing of required action; and
4. The party responsible for completing the action.