

Charleston/Dorchester Community Mental Health Center

POLICY ON REPORTING ABUSE AND NEGLECT

In general, staff members of C/DCMHC have an affirmative obligation to report [to appropriate authorities] suspected abuse and neglect of children and vulnerable adults.

This legal obligation is found in South Carolina statute 20-7-510 which identifies categories of persons who are required to report suspected abuse and neglect. Licensed clinical professionals may also have discipline-specific requirements for reporting abuse and neglect.

1. Child Abuse and Neglect

When a person in his/her professional capacity receives information 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 abuse or neglect, and

a. when the suspected abuse/neglect is by a parent or guardian

a report **shall** be made to the county Department of Social Services [DSS]. If in doubt about whether the circumstances require a report, DSS may be contacted and the circumstances conveyed without revealing the identity of the persons involved. If DSS then advises that a report should be made, the identifying information shall be provided.

b. when the suspected abuse/neglect is by OTHER than a parent or guardian

a report **shall** be made to law enforcement. Examples of "other" include teacher, neighbor, minister, therapist, babysitter, etc.

2. Abuse or Neglect of Vulnerable Adults

Employees of the South Carolina Department of Mental Health having reason to believe that a patient or other vulnerable adult has been or is likely to be abused, neglected or exploited are required by the Adult Protection Act to report the incident.

- a. *"Vulnerable Adult"* means a person eighteen years of age or older who has a physical or mental condition which substantially impairs the person from adequately providing for his or her own care or protection. This includes a person who is impaired in the ability to adequately provide for the person's own care or protection because of

the infirmities of aging including, but not limited, to organic brain damage, advanced age, and physical, mental, or emotional dysfunction.

- b. A resident of a facility is a vulnerable adult. "Facility" means a nursing care facility, community residential care facility, a psychiatric hospital, or a facility operated or contracted for operation by the State Department of Mental health.
- c. Incidents which occur in Department of Mental Health facilities or programs must be reported orally or in writing to the Department's Office of Public Safety or the Long Term Care Ombudsman Program as well as to the Center Director.
- d. Incidents which occur in settings outside of Department facilities or Department programs must be reported orally or in writing to the Adult Protective Services Program of the County Department of Social Services.
- e. Reports of patient abuse, neglect or exploitation or threats thereof must be made within twenty-four (24) hours of the abuse or neglect or within twenty-four (24) hours from the time an employee has reason to believe patient abuse, neglect or exploitation or a threat thereof, has taken place.
- f. Anyone convicted or failing to report abuse, neglect or exploitation may be fined up to \$2,500.00 or be imprisoned for up to one (1) year.

3. Deaths

In addition to other required reports, the Coroner must also be notified in cases where it is suspected that a patient died as a result of abuse or neglect.

4. Documentation of the Report of Abuse/Neglect:

The report shall be recorded in at least the "Accounting Log" of the medical record of the child/adolescent/adult patient in compliance with HIPPA requirements. Other clinical documentation as appropriate shall also be recorded.



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Executive Director

Date

