

AGENCY NAME:	Department of Children's Advocacy		
AGENCY CODE:	L080	SECTION:	41

**Fiscal Year 2019–2020
Accountability Report**

SUBMISSION FORM

AGENCY MISSION	The S.C. Department of Children's Advocacy champions advocacy, accountability, and service to improve outcomes for children served by state agencies in South Carolina.
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AGENCY VISION	Growing a community where children thrive.
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Does the agency have any major or minor recommendations (internal or external) that would allow the agency to operate more effectively and efficiently?

	Yes	No
RESTRUCTURING RECOMMENDATIONS:	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Is the agency in compliance with S.C. Code Ann. § 2-1-230, which requires submission of certain reports to the Legislative Services Agency for publication online and to the State Library? See also S.C. Code Ann. § 60-2-30.

	Yes	No
REPORT SUBMISSION COMPLIANCE:	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Is the agency in compliance with various requirements to transfer its records, including electronic ones, to the Department of Archives and History? See the Public Records Act (S.C. Code Ann. § 30-1-10 through 30-1-180) and the South Carolina Uniform Electronic Transactions Act (S.C. Code Ann. § 26-6-10 through 26-10-210).

	Yes	No
RECORDS MANAGEMENT COMPLIANCE:	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Is the agency in compliance with S.C. Code Ann. § 1-23-120(J), which requires an agency to conduct a formal review of its regulations every five years?

	Yes	No
REGULATION REVIEW:	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please identify your agency's preferred contacts for this year's accountability report.

	<u>Name</u>	<u>Phone</u>	<u>Email</u>
PRIMARY CONTACT:	Amanda F. Whittle	803-734-3176	Amanda.Whittle@childadvocate.sc.gov
SECONDARY CONTACT:	Petra Clay-Jones	803-622-6859	Petra.Clay-Jones@childadvocate.sc.gov

I have reviewed and approved the enclosed FY 2019–2020 Accountability Report, which is complete and accurate to the extent of my knowledge.

AGENCY DIRECTOR (SIGN AND DATE):	Signature on file	9-15-2020
(TYPE/PRINT NAME):	Amanda F. Whittle	

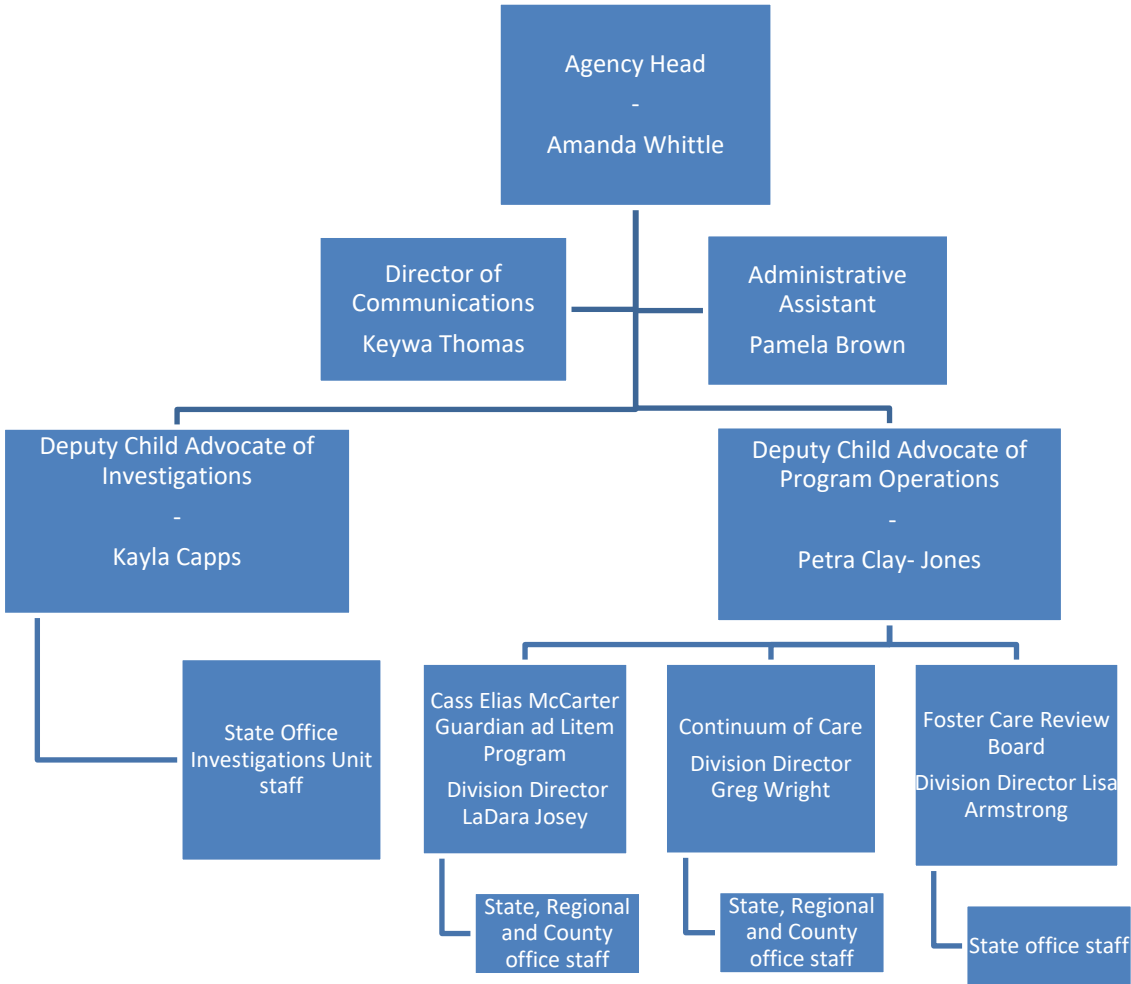
BOARD/CMSN CHAIR (SIGN AND DATE):		
(TYPE/PRINT NAME):		

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AGENCY'S DISCUSSION AND ANALYSIS

The Department of Children's Advocacy (DCA) became a new state agency effective July 1, 2019 pursuant to Act 160 of the South Carolina General Assembly in 2018. Amanda F. Whittle was appointed by Governor Henry McMaster on June 3, 2019 as State Child Advocate and Executive Director of the Department of Children's Advocacy.

To create capacity for program operational needs, for the thorough and timely review and/or investigation of complaints, for improved communication and coordination regarding access to and navigation of services by state agencies for children, and for the development of a broad vision of reform including recommendations for improvement to the service delivery by state agencies, an organizational structure was established and reported in the FY19 Annual Accountability Report. That structure included a legislative liaison position. The duties anticipated for that position have been part of the ongoing work of the Director and Deputy Child Advocate of Program Operations and Deputy Child Advocate of Investigations such that the legislative liaison position was removed. The organizational structure was modified during FY20 as shown here:



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Concurrent Organizational and Operational Work. Concurrent with identification and resolution of its immediate needs, the newly-established DCA leadership team established the agency's vision, mission, goals, and strategies. DCA's statutory complex provides shared services with the Department of Administration (Admin). DCA immediately adopted Admin's Human Resources (HR) policies and procedures, and Admin and DCA thereafter identified and established HR workflow processes. During FY20, DCA adopted its own HR policies and disseminated them to staff in the Summer of 2020. DCA has worked closely with designated Department of Administration Shared Services Budget, Human Resources, Finance, Procurement, Division of Technology, and Legal offices. DCA is grateful for the operational support and expertise of these Admin Shared Services teams.

The Department of Children's Advocacy includes programs which existed prior to the creation of DCA as well as a new Investigations Unit which was formed in response to the statutory duties outlined for the agency effective July 1, 2019. The three divisions which were previously managed by Department of Administration through the Office of Executive Policy and Programs (OEPP) are Continuum of Care, Foster Care Review Board, and the Cass Elias McCarter Guardian ad litem Program.

Continuum of Care. The Continuum of Care serves children with serious emotional and behavioral issues whose families need help keeping them in their home, school or community. As an immediate need during FY20, Continuum of Care sought the submission of a Medicaid 1915(c) waiver. Continuum of Care had been in discussions with DHHS for approximately five years concerning the waiver with anticipation that the waiver reimbursement amount would provide sustainable reimbursement for intensive care coordination provided by Continuum of Care. Continuum of Care was only authorized to submit claims through Medicaid Targeted Case Management, and those rates were significantly reduced in the years during which Continuum of Care sought the waiver. As a result, expenses and reimbursement revenue were insufficient and inconsistent to the detriment of Continuum's financial ability to continue providing services in future years. DHHS submitted the Waiver during FY2020, and Centers for Medicaid and Medicare Services (CMS) approved the waiver on July 29, 2020. Deputy Child Advocate of Program Operations and former Continuum of Care Director Petra Clay-Jones continues to work with Department of Health and Human Services leadership to implement the waiver in the coming weeks. In February of 2020, DCA hired and onboarded a new Continuum of Care Director, Greg Wright, who is working with staff to provide assessments for youth for Waiver eligibility.

Foster Care Review Board. The Foster Care Review Board (FCRB) "may participate, through counsel, in child abuse and neglect proceedings pursuant to Sections 63-7-1660, 63-7-1700, 63-7-2520 and in any hearing held pursuant to a motion filed by a named party or party in interest. Participation includes the opportunity to cross-examine witnesses and to present its recommendation to the court" pursuant to S.C. Code of Laws Ann. Section 63-11-750. The FCRB staff attorney position had been vacant since July of 2018, and hiring an attorney for this statewide position was identified as a FCRB priority. The position description was drafted in July of 2019, and recruitment began in August of 2019. While the interview and hiring processes were underway during Fall of 2019, FCRB Director Lisa Armstrong contracted with attorney(s) on an interim basis to intervene in court cases to advocate for permanency for children. FCRB's full-time attorney was hired and onboarded in December of 2019, and, during FY20, a process was developed and implemented to ensure that cases are staffed with the FCRB Attorney for advocacy.

Guardian ad litem Program. During visits and communication with Guardian ad litem Program staff, volunteers, community partners and constituents, Guardian ad litem Program's immediate needs were determined to be filling staff vacancies and recruiting additional volunteers. These goals, targets and measurements are captured in Items 1.1 and 1.2 of the AAR. As an interim measure, processes were established whereby existing DCA State Office staff augmented the Guardian ad litem Program's operational support to assist with visiting county offices and support staff, to meet and communicate with staff and volunteers, to post and fill positions, to

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process renewal leases, and to onboard staff and volunteers. A peer coaching pilot was launched in Greenville County where staff vacancies were particularly high. During this first year, DCA has reduced the number of vacancies from 37% to 20% and has increased the number of children who have a volunteer Guardian ad Litem. DCA also hired a new Guardian ad Litem Director who was onboarded in March, 2020 to lead the continued work regarding recruiting, training, onboarding, and supporting staff and volunteers. The long-range goal for recruiting sufficient volunteers to serve children includes incremental benchmarks, and this goal closely intersects with having sufficient staff. DCA realizes that volunteer satisfaction and feedback are critically important to the success of the Guardian ad Litem Program. DCA state leadership met with GAL staff and volunteers in all four regions with more than half of the counties represented and thereafter disseminated a survey to elicit observations and recommendations from volunteer Guardians ad Litem. The information gathered through the survey (see 1.3.1 of AAR) has informed internal and interagency plans for improvement.

Investigations Unit. Prior to the agency's July 1, 2019 effective date, the Department of Administration (Admin) worked with the newly-appointed State Child Advocate (SCA)/DCA Director to assist with transitioning the Admin divisions to DCA and to identify Admin employees who could provide administrative support, create the 1-800 line and DCA website with electronic complaint submission capability, and log and track complaint information until capacity could be established to hire, train and onboard staff for the Investigations Unit. The Investigations Unit became operational on July 1, 2019 with the creation of an 800 number and complaint submission process through the agency's website. Two full-time investigators were hired and onboarded in November of 2019, and the Deputy Child Advocate for Investigations was hired and onboarded in December of 2019. The Investigations Unit is authorized to accept, refer, monitor and/or investigate complaints regarding services provided to children by nine specific state agencies: Dept of Health and Environmental Control, Dept of Social Services, Dept of Mental Health, Dept of Health and Human Services, Dept of Juvenile Justice, Dept of Disabilities and Special Needs, Wil Lou Gray Opportunity School, John de la Howe and School of the Deaf and of the Blind.

Child-Serving State Agencies. In early July, 2019, the Communications Director communicated with all nine agencies to provide information to be published on their websites and to establish points of contact for referrals and questions. During FY20, DCA leadership met with eight of the nine child-serving agencies including site visits to Wil Lou Gray Opportunity School, Dept of Juvenile Justice's Broad River Road facility, and John de la Howe. A site visit meeting scheduled for March 9, 2020 with the School of the Deaf and of the Blind was postponed by DCA. DCA has established a schedule for regular, quarterly one-on-one meetings with Department of Social Services and Department of Mental Health, and DCA has had one-on-one meetings with leadership with Dept of Disabilities and Special Needs, Dept of Health and Human Services, and Dept of Juvenile Justice. DCA regularly meets with many of the nine agencies through scheduled multi-agency meetings including Joint Council for Children and Adolescents (of which the Dept of Children's Advocacy served as Chair during 2020 and which includes DAODAS, DMH, DHHS, DSS, DJJ, and DDSN); Bench-Bar (which includes DSS membership); Governor's Juvenile Justice Advisory Council (Dept of Juvenile Justice); Medical Care Advisory Committee (Dept of Health and Human Services); DSS Advisory Committee; Suicide Prevention Coalition (which includes Dept of Mental Health); and Joint Citizens and Legislative Committee on Children public hearings (DMH, DHHS, DSS, DJJ, and DDSN). DCA has also attended meetings and hearings, particularly regarding DSS and DJJ, including Raise the Age Senate hearings, Michelle H. v. DSS, et.al. federal court hearings, and DSS Senate Oversight Hearings.

Critical Incident Notification Protocol. During FY20, the Department of Children's Advocacy worked with the Department of Juvenile Justice and Department of Social Services to create critical incidence notification protocols whereby DJJ and DSS notify DCA of critical incidences pursuant to statute.

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Child Fatality Review Advisory Committee. Pursuant to statute, the State Child Advocate is a member of the Child Fatality Advisory Committee. The State Child Advocate/Department of Children's Advocacy worked with South Carolina Law Enforcement Division (SLED) to be screened and approved by SLED for access to confidential child fatality information. The committee continued to meet through web-based platforms.

Resource Library. One of the statutory duties of the Dept. of Children's Advocacy includes educating the public about state agency services. DCA included a goal in the FY20 AAR to provide an online resource information to the public by June 30, 2020. The goal of the online resource is to provide information about the availability of services to children and families to reduce incidences of abuse, neglect and institutionalization of children by apprising families of services available to them in their homes and communities. Particularly through responding to callers and communicating with other agencies, the Investigations Unit has developed a resource list as contemplated in the initial goal of 2.1.1 of the Annual Accountability Report. However, the list was not published during FY20 in an effort to ensure that the resource information shared by DCA is relevant to communities' needs, maintained with current provider information, and readily accessible to the public and referring agencies. DCA determined that completion of this objective was not a realistic one-year goal for a new agency and that the resource publication should be a living library of resources rather than a list. DCA has communicated with many resource and service providers throughout the state who compile and share resource information including Children's Trust, Family Connection of SC and First Steps, and DCA plans during FY21 to continue working toward publishing resource information, including links to other resource websites.

COVID-19 Response. In March of 2020, a state of emergency was declared in South Carolina and for the country. Like other state agencies, DCA began to modify its regular operational practices and work toward remote and virtual ways of continuing to serve the public and internal staff and volunteers. The Investigations Unit was able to remain fully operational with phone and online complaint submissions and with access to electronic records. DCA ordered and disseminated personal protective equipment for in-person operations, and additional equipment was ordered to expand the agency's use of technology to work remotely. For example, the Foster Care Review Board's annual state training was scheduled as an in-person professionals' day in May, 2020. That training was postponed and held virtually with over 100 remote participants. (See 1.2.2, AAR)

In addition to the itemized goals, strategies and measurements included in the Annual Accountability Report, DCA has been engaged in other strategies to make a positive difference for children and families.

Court-Time Work Group (a subcommittee of the Bench-Bar Committee): This Committee consists of representatives from Court Administration, Children's Law Center Court Liaison Program, Commission of Indigent Defense, Department of Social Services, Judiciary, Guardian ad Litem Program, and Department of Children's Advocacy. This group identified the top five reasons for court continuances and collaboratively resolved barriers to hearing completions. This workgroup has also provided an opportunity for agency representatives to create relationships with one another that have resulted in additional conversations about multi-agency issues.

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Pre-Merits Hearing Conferences: Court continuances in family court abuse and neglect actions negatively impact childhood wellbeing and timely permanence. The Dept of Children's Advocacy, Commission on Indigent Defense, Children's Law Center, and Department of Social Services have recognized the need to gain traction and enhance momentum to reduce delays particularly in light of the pause of regular court dockets. Over the past two months, virtual trainings have been provided to *hundreds* of child welfare professionals, and dates have been set to begin Pre-Merits Hearing Conferences throughout the state. These conferences will provide a forum and a structure for respectful, meaningful pre-court discussion among DSS, Guardians ad Litem, parents and the parents' attorneys. The goal is to decrease unnecessary delays so children who can *safely* return home can go home *sooner*.

Suicide Prevention: Through an invitation by the Department of Mental Health's Office of Suicide Prevention, Dept of Children's Advocacy Deputy Director Kayla Capps completed suicide prevention training programs which equips her to bring life-saving intervention skills to our agency as well as to communities. The Committee on Children's 2019 Data Reference Book indicates that suicide was the #1 cause of death among children ages 10 to 14 and #2 cause of death among children ages 15 to 17 in South Carolina in 2017. (JCLCC 2019 Data Book, childlaw.sc.edu). *Eliminating suicide as a cause of death is a priority in our state.*

Governor's Juvenile Justice Advisory Committee: In addition to the State Child Advocate/Director of Department of Children's Advocacy being added as an ex officio member of the GJJAC, the SCA and Deputy Child Advocate for Investigations have been engaged in system improvement workgroup meetings with the Department of Juvenile Justice, Public Defenders, Department of Social Services, Short Term Alternative Placement providers, and law enforcement regarding racial and ethnic disparities within the juvenile justice system and efforts to identify viable alternatives to reduce the number of youth who are detained for secure evaluations.

Roads of Independence: Department of Mental Health partnered with Continuum of Care and other agencies and organizations through a SAMHSA grant to serve young adults through the Roads of Independence (ROI) pilot project. Deputy Child Advocate of Program Operations Petra Clay-Jones served as the agency's point person for this implementation with other agencies and organizations. This project provided \$92,000 to Continuum of Care during FY20 to hire two high fidelity wrap facilitators to provide intensive care coordination for young adults up to age 25 years of age through the ROI program in Kershaw, Lee and Sumter counties.

Safe Baby Courts Grant: During a presentation to legislators and child-serving agency leaders during January of 2020, representatives from Zero to Three shared the enduring successes from implementation of the Safe Baby Court Team Model in other states. In July, in the midst of a health pandemic, the Dept of Children's Advocacy worked with South Carolina Infant Mental Health Association, SC Dept of Mental Health, SC Network of Child Advocacy Centers, DAODAS and DSS regarding a grant application through Zero to Three. The grant was submitted by South Carolina Infant Mental Health Association (SCIMHA), and South Carolina was notified in August of 2020 that South Carolina has been chosen for a grant award of \$425,000 to bring Safe Baby Courts to three SC counties. Winning this grant was based on the readiness South Carolina displayed to work as a team, and it is quite a success story. This grant creates a service that has never been available in this state for parents of infants and toddlers.

Lieutenant Governor's Complete Count Census Committee: As part of Lieutenant Governor Evette's Complete Count committee, DCA has promoted full participation with the 2020 Census to staff, volunteers and the public through a combination of internal e-mails, website notices, social media posts, and weekly newsletter articles and reminders to raise awareness about the importance of a complete count for resources and representation in South Carolina that affect children and families.

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RISK ASSESSMENT AND MITIGATION STRATEGIES

In this subsection, the agency is required to identify the potential most negative impact on the public that could result in the case of the agency’s failure to accomplishing its goals and objectives. The agency also should explain the nature and level of outside help it may need to mitigate such negative impact on the public. Lastly, the agency should list up to three options for the General Assembly to help resolve the issue before it becomes a crisis.

One of the Department of Children’s Advocacy’s roles is to serve as a systemic-level advocate for children and youth who are served by state agencies, particularly the Department of Social Services and Department of Juvenile Justice, through a broad vision of reform.

***Department of Children’s Advocacy | State Child Advocate
Broad Vision for Reform***

- Joint trainings and meetings to promote access and awareness of an array of services that allow children to safely remain in their homes and communities or in the least restrictive, most family-like setting based upon their needs
- Coordination of services and efforts for a system of care grounded in urgency, empathy and sustainability
- Continued collaboration with child welfare partners regarding communication, service coordination and planning strategies to improve the timeliness of court hearings and outcomes for children

The Department of Children’s Advocacy promotes the creation of a robust array of community-based prevention services and a placement array that promotes children remaining in their homes and communities and in the least restrictive, most family-like environment when safely possibly based upon children’s needs. This vision aligns with the goals and strategies that have been shared by Department of Social Services and Department of Juvenile Justice leadership throughout FY20.

This Annual Accountability Report documents Department of Children Advocacy’s efforts to work with many agencies and organizations to become integrated within the existing system of child-serving agencies and organizations. To that end, during FY2020, DCA participated in almost 75 meetings with other agencies, organizations, and members of the community. Dept of Children’s Advocacy will continue to create and promote information-sharing forums and venues; help the public navigate to and through child-serving agencies; promote availability and access to community-based resources; provide training to child wellbeing professionals; collaborate and coordinate with other agencies and community partners; and engage in arduous and zealous advocacy to improve outcomes for children and families through a broad vision for reform.

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If the Dept of Children’s Advocacy is unable to successfully advocate for the cultural and practice changes and resources which are necessary for transformative change, the potential negative impact on the public is the inability to achieve improved outcomes for children, youth and families served by state agencies.

Three options for the General Assembly to help resolve the issue before it becomes a crisis:

1. **Continuum of Care:** Approval of the 1915(C) Medicaid waiver is a big accomplishment which is anticipated to save the state a significant amount of money while also providing High Fidelity Wraparound Services to South Carolina’s children with the most severe and complex emotional and behavioral health challenges. For approximately five years, Continuum of Care has been authorized to submit claims only through Medicaid Targeted Case Management, and those rates were significantly reduced in the five years during which Continuum of Care sought the waiver. As a result, expenses and reimbursement revenue were insufficient and inconsistent to the detriment of Continuum's financial ability to continue providing services in future years. If the Medicaid waiver does not result in a sustainable reimbursement rate for Continuum of Care, then Continuum of Care could lose the financial ability to continue providing intensive care coordination to vulnerable youth without additional state allocated funding. Waiver approval occurred on July 29, 2020, and waiver implementation is anticipated to occur in September, 2020. If the waiver is does not provide a sustainable reimbursement rate, the General Assembly could increase state funding.
2. **Guardian ad Litem Program:** The federal Child Abuse Prevention and Treatment Act (CAPTA) requires states to document in their state plan provisions for appointing a Guardian ad Litem (GAL) to represent the child’s best interests in every case of abuse or neglect that results in a judicial proceeding. The Guardians ad Litem may be attorneys or court-appointed special advocates (CASAs who are non-lawyers). South Carolina relies on volunteers to serve as GALs or CASAs, but there are more children who need GALs than volunteers to serve as GALs. Dept of Children’s Advocacy has established goals for recruiting, training, supporting and retaining Guardian ad Litem staff and volunteers. Dept of Children’s Advocacy is unable to acquire and maintain a sufficient number of qualified and trained Guardians ad Litem to represent children’s best interests. If these efforts are unsuccessful, the General Assembly could authorize incentivized recruitment and retention of Guardians ad Litem through mileage reimbursement and/or per diem expenses.
3. **Broad Vision for Reform:** If Department of Children’s Advocacy’s efforts to promote community-based prevention services, to maintain children in their homes and communities when safely possible and to work with other agencies for systemic improvement with current funding, the General Assembly could provide additional funding and/or enact legislation that aligns with reform efforts for certain child-serving agencies.