

1979 S.C. Op. Atty. Gen. 167 (S.C.A.G.), 1979 S.C. Op. Atty. Gen. No. 79-121, 1979 WL 29123

Office of the Attorney General

State of South Carolina

Opinion No. 79-121

October 16, 1979

***1 When a child has been taken into Emergency Protective Custody by a law enforcement officer, upon proper notification to the local child protective services agency, the officer should be deemed relieved of further responsibility for the care and safety of the child under the Child Protection Act. It is recommended that a formal notification document be adopted.**

Chief of Police
City of West Columbia

QUESTION:

Where a child is taken into Emergency Protective Custody pursuant to the Child Protection Act, at which point is the law enforcement agency divested of further responsibility for the immediate care and well-being of the child?

DISCUSSION:

By your letter of September 21, 1979, you have requested an opinion of this Office clarifying responsibilities for a minor child removed from the home pursuant to the Emergency Protective Custody provisions of the Child Protection Act of 1977.

Under the Act, a law enforcement officer may take a child into protective custody without the consent of parents, guardians or others exercising control over the child if there is probable cause to believe there is imminent danger to the child's life or physical safety by reason of neglect or abuse, the parents or other persons exercising control are either unavailable or do not consent to removal, and there is not time to apply for a court order under the removal provisions of the Act. Section 20-10-80(A), CODE OF LAWS OF SOUTH CAROLINA (1976), as amended.

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