



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

November 27, 1995

Honorable G. Ralph Davenport, Jr.  
Member, House of Representatives  
P.O. Box 1301  
Spartanburg, S.C. 29304

Dear Representative Davenport:

You have requested advice related to the extent of the duties imposed upon teachers and the immunity afforded a teacher in questioning a student suspected of having been subjected to abuse or neglect. The relevant statutory provisions are as follows:

(A) Any ...school teacher...having reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect is required to report in accordance with this section. (emphasis added) [S.C. Code Ann. §20-7-510 (Supp. 1994)].

Any person required or permitted to report pursuant to this article or who participates in judicial proceedings therefrom, acting in good faith, shall be immune from civil and criminal liability....(emphasis added) [§20-7-540 (1976)].

The standards set by law for reporting and immunity for doing so include, respectively, "having a reason to believe" and "good faith". Further guidance is provided by the enclosed copies of the statement of purpose regarding the reporting and protection requirements in the Article in which §20-7-480 is contained (§20-7-480 (1976)) and the definition of the word "harm" in § 20-7-490 (Supp. 1994). I note also that a previous opinion of this Office regarding a different question concerning reporting requirements stated that "...the statutes appear to have been designed to reach individuals who, in the course of their professions, might be more likely than the general public to obtain and recognize indications

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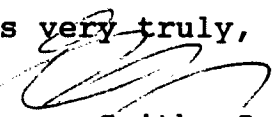
of child abuse or neglect." Ops. Atty. Gen. (June 22, 1990).

The extent to which a teacher may question a child regarding abuse and neglect is not made express by statute but these standards provide guideposts. Within these guideposts, factual circumstances would indicate the extent to which questioning a student would be appropriate and the extent of that questioning. To anticipate and address all possible factual circumstances would not be possible in the scope of an Opinion. See Ops. Atty. Gen. (December 12, 1983). Nevertheless, I hope that this information is of help to you.

This letter is an informal opinion. It has been written by the designated Assistant Deputy Attorney General and represents the opinion of the undersigned attorney as to the specific questions asked. It has not, however, been personally reviewed by the Attorney General nor officially published in the manner of a formal opinion.

If you have further questions, please let me know.

Yours very truly,

  
J. Emory Smith, Jr.  
Assistant Deputy Attorney General

JESjr