



January 27, 2022

The Honorable Wes Climer
South Carolina Senate
404 Gressette Building
Columbia, SC 29201

RE: Support for S. 288, *A Bill To Amend Section 63-7-20(6) Of The 1976 Code, Relating To Child Protection And Permanency, To Provide Exceptions To The Definition Of "Child Abuse Or Neglect" Or "Harm"*.

Dear Senator Climer:

On behalf of our thousands of supporters in South Carolina, we are pleased to support S. 288, the bill that you and your colleague, Senator Greg Hembree, recently introduced.

S. 288 is very important to the parents and children of South Carolina. S. 288 will protect innocent families from being caught up in unnecessary and potentially traumatic investigations¹ by the Department of Social Services in South Carolina by clarifying that a loving and caring parent who allows his or her child to engage in “independent activities” will not be considered to have neglected the child.

¹ See, e.g., Doriane Lambelet Coleman, *Storming the Castle to Save the Children: The Ironic costs of a Child Welfare Exception to the Fourth Amendment*, 47 Wm. & Mary L. Rev. 413, 417-419 (2005) (“[I]n the name of saving children from the harm that their parents and guardians are thought to pose, states ultimately cause more harm to many more children than they ever help. In 2002, for example, the states conducted approximately 1.8 million investigations concerning the welfare of nearly 3.2 million children. Only about 896,000, or twenty-eight percent, of these children were ultimately found to be victims of abuse or neglect. Seventy-one percent, or roughly 2.3 million children were thus subjected to state mandated “thorough” investigations involving at a minimum interviews, examinations, and/or home visits, in circumstances where the state in the end could not show that the children were unsafe and in need of rescue. Investigating these children is consistent with the states’ highly precautionary strategy to remedy the nation’s maltreatment problem. However, from the perspective of the investigated child, the process is not so clearly meritorious. Indeed, despite the authorities’ best intentions, the process can be harmful in two related ways. First, the investigations undermine the fundamental values of privacy, dignity, personal security, and mobility that are protected by the Fourth Amendment. It is critical in this regard that the Fourth Amendment uniquely has been interpreted to recognize the child’s own individual interest in these values, by guarding her right also to be free from unreasonable searches and seizures both inside and outside the family home. Second, ... depending upon the child and the nature of the investigation, the process can cause emotional and psychological damage ranging from temporary discomfort to significant long-term harm.” (cleaned up)).

William A. Estrada, Esq., President • Shaun Alexander, Vice President

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At a time when it seems that government is encroaching more and more on loving parents and their ability to care for and raise their children, S. 288 provides freedom to parents to let their children grow and thrive and allows South Carolina's Department of Social Services to focus attention on children who are truly in danger of abuse or neglect.

Passage of S. 288 into law will add South Carolina to a growing number of states – including Oklahoma, Texas, and Utah – that have recently amended their state child neglect laws to protect innocent parents from facing child neglect investigations simply because a bystander or child welfare investigator disagrees with the parenting decision that was made.

We are grateful for your leadership, and for your introduction of S. 288. Please do not hesitate to reach out to me for any reason. I can be reached via phone at 540-751-1200, or via email at will@parentalrights.org.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W. Estrada', with a long horizontal flourish extending to the right.

William A. Estrada, Esq.*
President
ParentalRights.org

**Licensed in the District of Columbia*

CC: The Honorable Greg Hembree