

## Session 114 - (2001-2002)

### H 4898 General Bill, By Harrison, Jennings and J.E. Smith

**Summary:** Abused and neglected children, provisions regarding

A BILL TO AMEND SECTION 20-7-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPOINTMENT OF LEGAL COUNSEL FOR CHILDREN AND PARENTS IN ABUSE AND NEGLECT PROCEEDINGS, SO AS TO ALSO APPLY THESE APPOINTMENT PROCEDURES TO VOLUNTARY PLACEMENT PROCEEDINGS; TO AMEND SECTION 20-7-121, AS AMENDED, RELATING TO THE CREATION OF THE SOUTH CAROLINA GUARDIAN AD LITEM PROGRAM AND COURT-APPOINTED SPECIAL ADVOCATES IN ABUSE AND NEGLECT PROCEEDINGS, SO AS TO ALSO APPLY THE APPOINTMENT OF THESE ADVOCATES TO THE EXTENSION OF VOLUNTARY PLACEMENT AGREEMENTS OR PROCEEDINGS; TO AMEND SECTION 20-7-490, AS AMENDED, RELATING TO DEFINITIONS IN THE CHILDREN'S CODE, SO AS TO REVISE THE DEFINITIONS OF AN "ABUSED OR NEGLECTED CHILD" AND "ABANDONMENT OF A CHILD" AND TO DELETE THE DEFINITION OF "AFFIRMATIVE DETERMINATION"; TO ADD SECTION 20-7-570 SO AS TO AUTHORIZE THE DEPARTMENT OF SOCIAL SERVICES TO BRING A CIVIL ACTION AGAINST A PERSON WHO HAS REPORTED CHILD ABUSE OR NEGLECT MALICIOUSLY OR IN BAD FAITH; TO AMEND SECTION 20-7-610, AS AMENDED, RELATING TO TAKING EMERGENCY PROTECTIVE CUSTODY OF ABUSED OR NEGLECTED CHILDREN, SO AS TO REVISE THE STANDARD FOR REMOVING OTHER CHILDREN WHO MAY BE AT RISK FROM THE HOME FROM BEING SUBJECT TO "THREAT OF HARM" TO BEING SUBJECT TO "SUBSTANTIAL RISK OF HARM" AND TO MAKE A TECHNICAL REVISION; TO AMEND SECTION 20-7-635, RELATING TO TEMPORARY CRISIS PLACEMENT FOR CHILDREN WHO ARE ABUSED OR NEGLECTED, SO AS TO DELETE THE PROVISION LIMITING SUCH PLACEMENTS TO SEVENTY-TWO HOURS; TO ADD SECTION 20-7-637 SO AS TO AUTHORIZE THE DEPARTMENT OF SOCIAL SERVICES TO ACCEPT A VOLUNTARY PLACEMENT OF A CHILD MADE BY THE CHILD'S PARENT OR GUARDIAN, TO REQUIRE A PLACEMENT AGREEMENT, AND TO ESTABLISH PROCEDURES FOR THE IMPLEMENTATION OF THE VOLUNTARY PLACEMENT; TO AMEND SECTION 20-7-650, AS AMENDED, RELATING TO THE DUTIES OF THE DEPARTMENT OF SOCIAL SERVICES REGARDING RECEIVING AND PROCESSING REPORTS OF CHILD ABUSE OR NEGLECT, SO AS TO REVISE THE CATEGORIZATION OF SUCH REPORTS, TO REVISE RECORD RETENTION PROCEDURES, AND TO REVISE CONFIDENTIALITY AND DISCLOSURE OF INFORMATION PROVISIONS; TO AMEND SECTION 20-7-655, AS AMENDED, RELATING TO THE CHILD PROTECTIVE SERVICES APPEAL PROCESS, SO AS TO ELIMINATE THE APPEALS COMMITTEE PROCESS, TO ESTABLISH THAT SUCH AN APPEAL IS A CONTESTED CASE, TO CLARIFY THAT THE PROCESS IS ONLY AVAILABLE TO PERSONS DETERMINED TO HAVE ABUSED OR NEGLECTED A CHILD, TO CLARIFY PROCEDURES FOR AN INTERIM REVIEW BEFORE A CONTESTED CASE HEARING, AND TO FURTHER SPECIFY REMOVING DATA FROM THE DEPARTMENT'S RECORDS AND THE CENTRAL REGISTRY WHEN ABUSE OR NEGLECT IS NOT FOUND; TO AMEND SECTION 20-7-670, AS AMENDED, RELATING TO JURISDICTION FOR RECEIVING AND INVESTIGATING INSTITUTIONAL CHILD ABUSE AND NEGLECT REPORTS, SO AS TO CLARIFY THAT THE DEPARTMENT OF SOCIAL SERVICES IS AUTHORIZED TO RECEIVE AND INVESTIGATE SUCH REPORTS IN CHILD DAYCARE FACILITIES AND TO FURTHER PROVIDE FOR THESE INVESTIGATIONS; TO AMEND SECTION 20-7-680, AS AMENDED, RELATING TO INFORMATION ON UNFOUNDED REPORTS IN THE CENTRAL REGISTRY OF CHILD ABUSE AND NEGLECT, SO AS TO PROHIBIT THE REGISTRY FROM CONTAINING ANY INFORMATION FROM UNFOUNDED REPORTS; TO AMEND SECTION 20-7-690, AS AMENDED, RELATING TO CONFIDENTIALITY OF ABUSE AND NEGLECT REPORTS AND RECORDS, SO AS TO PROVIDE FOR THE CONFIDENTIALITY OF RECORDS CREATED AS A PART OF A QUALITATIVE REVIEW OF A COUNTY'S CHILD WELFARE CASE FILES OR AS A RESULT OF REVIEWS CONDUCTED PURSUANT TO THE DEPARTMENT'S CHILD DEATH PROTOCOL; TO AMEND SECTION 20-7-762, AS AMENDED, RELATING TO TREATMENT PLANS FOR CHILDREN REMAINING AT HOME BUT RECEIVING PROTECTIVE SERVICES, SO AS TO CHANGE THE TERM TO "SERVICE PLAN" AND REVISE LANGUAGE TO CONFORM TO THIS TERM; TO AMEND SECTION 20-7-766, AS AMENDED, RELATING TO PERMANENCY PLANNING FOR FOSTER CHILDREN, SO AS TO PROVIDE THAT SUCH PLANNING APPLIES TO FOSTER CHILDREN IN THE CUSTODY OF THE DEPARTMENT BY ANY MECHANISM, TO REVISE TIME FRAMES FOR ACCOMPLISHING PERMANENCY PLANS, AND TO REQUIRE ANNUAL COURT REVIEW OF SUCH PLANS FOR CHILDREN TEN YEARS OLD AND OLDER AND BIANNUALLY FOR CHILDREN UNDER TEN YEARS OF AGE; TO AMEND SECTION 20-7-768, RELATING TO EXEMPTIONS FROM TERMINATION OF PARENTAL RIGHTS, SO AS TO CONFORM CROSS REFERENCES AND LANGUAGE TO OTHER AMENDMENTS MADE IN THIS ACT; TO AMEND SECTION 20-7-1572, AS AMENDED, RELATING TO TERMINATION OF PARENTAL RIGHTS, SO AS TO INCLUDE AS A GROUND FOR TERMINATION A CHILD RESIDING IN FOSTER CARE FOR ONE HUNDRED EIGHTY DAYS AND THAT THE CONDITION THAT LED TO FOSTER CARE STILL EXISTS; TO AMEND SECTION

20-7-1642, AS AMENDED, TO ADD SECTION 20-7-2265, AND TO AMEND SECTIONS 20-7-2725, 20-7-2730, 20-7-2740, 20-7-2800, 20-7-2810, 20-7-2850, 20-7-2900, AND 20-7-3097, ALL AS AMENDED, AND ALL RELATING TO CRIMINAL HISTORY BACKGROUND CHECKS, SO AS TO PROVIDE THAT WHEN A CRIMINAL HISTORY BACKGROUND CHECK IS REQUIRED FOR LICENSING, REGISTRATION, APPROVAL, OR RENEWAL, OR PLACEMENT OR SERVICE AS A CAREGIVER OR VOLUNTEER OR EMPLOYMENT WITH A CHILD WELFARE AGENCY, SUCH ACTIVITY MAY NOT BE PROHIBITED IF A CONVICTION, GUILTY PLEA, OR PLEA OF NOLO CONTENDERE HAS BEEN PARDONED, UNLESS OTHER CIRCUMSTANCES WARRANT PROHIBITING THE ACTIVITY; TO AMEND SECTION 20-7-3010, AS AMENDED, RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AUTHORITY TO SEEK AN INJUNCTION AGAINST A CHILD DAYCARE FACILITY, SO AS TO PROVIDE THAT SUCH AN INJUNCTION MUST BE BROUGHT IN CIRCUIT COURT, RATHER THAN FAMILY COURT; AND TO REPEAL SECTION 20-7-2920, RELATING TO SEEKING INJUNCTIONS AGAINST A CHILD DAYCARE CENTER OR GROUP DAYCARE HOME.

<b>03/13/02</b>	<b>House</b>	<b>Introduced and read first time HJ-5</b>
<b>03/13/02</b>	<b>House</b>	<b>Referred to Committee on Judiciary HJ-7</b>
<b>04/10/02</b>	<b>House</b>	<b>Committee report: Favorable with amendment Judiciary HJ-7</b>
<b>04/11/02</b>	<b>House</b>	<b>Amended HJ-52</b>
<b>04/11/02</b>	<b>House</b>	<b>Read second time HJ-59</b>
<b>04/11/02</b>	<b>House</b>	<b>Unanimous consent for third reading on next legislative day HJ-59</b>
<b>04/12/02</b>	<b>House</b>	<b>Read third time and sent to Senate HJ-3</b>
<b>04/16/02</b>	<b>Senate</b>	<b>Introduced and read first time SJ-12</b>
<b>04/16/02</b>	<b>Senate</b>	<b>Referred to Committee on Judiciary SJ-12</b>