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**H. 4409**

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Sponsors: Reps. Horne, Allison and J.E. Smith

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Summary: Department of Child and Family Services Act

**HISTORY OF LEGISLATIVE ACTIONS**

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2/18/2014 House Member(s) request name added as sponsor: J.E.Smith

**VERSIONS OF THIS BILL**

[12/10/2013](file:///p:\pprever\2013-14\4409_20131210.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “DEPARTMENT OF CHILD AND FAMILY SERVICES ACT” BY ADDING CHAPTER 6 TO TITLE 63 SO AS TO CREATE THE DEPARTMENT OF CHILD AND FAMILY SERVICES AND TO PROVIDE FOR ITS POWERS AND DUTIES; TO TRANSFER CERTAIN POWERS AND DUTIES OF THE DEPARTMENT OF SOCIAL SERVICES TO THE DEPARTMENT; TO TRANSFER THE POWERS AND DUTIES OF THE DEPARTMENT OF JUVENILE JUSTICE TO THE DEPARTMENT; TO TRANSFER THE DEPARTMENT OF MENTAL HEALTH’S DIVISION OF CHILDREN, ADOLESCENTS, AND FAMILIES AND THE CONTINUUM OF CARE FOR EMOTIONALLY DISTURBED CHILDREN DIVISION OF THE OFFICE OF THE GOVERNOR TO THE DEPARTMENT; TO CREATE A DIVISION OF ACCOUNTABILITY WITHIN THE DEPARTMENT; AND TO CREATE THE COUNCIL ON CHILDREN AND PROVIDE FOR ITS MEMBERSHIP AND DUTIES; BY ADDING CHAPTER 21 TO TITLE 63 SO AS TO CREATE THE DIVISION OF CHILD MENTAL HEALTH WITHIN THE DEPARTMENT OF CHILD AND FAMILY SERVICES AND TO PROVIDE FOR ITS POWERS AND DUTIES; TO AMEND SECTION 63‑11‑1310, RELATING TO ADMINISTRATION OF THE CONTINUUM OF CARE DIVISION, SO AS TO MAKE IT A PROGRAM OF THE DIVISION OF CHILD MENTAL HEALTH; TO AMEND SECTION 1‑30‑10, AS AMENDED, RELATING TO DEPARTMENTS OF GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF CHILD AND FAMILY SERVICES AS A DEPARTMENT OF STATE GOVERNMENT; BY ADDING SECTION 1‑30‑22 SO AS TO TRANSFER AGENCIES AND UNITS AND DIVISIONS OF AGENCIES TO THE DEPARTMENT OF CHILD AND FAMILY SERVICES; TO AMEND SECTION 63‑7‑10, RELATING TO THE PRINCIPLES AND PURPOSES OF THE CHILD PROTECTION SYSTEM, SO AS TO DELETE AND RECODIFY THE PURPOSES IN A SEPARATE SECTION; BY ADDING SECTION 63‑7‑15 SO AS TO CREATE THE DIVISION OF CHILD PROTECTION AND PERMANENCY WITHIN THE DEPARTMENT OF CHILD AND FAMILY SERVICES AND PROVIDE FOR ITS PURPOSES; TO AMEND SECTION 63‑9‑10, RELATING TO THE SOUTH CAROLINA ADOPTION ACT, SO AS TO INCLUDE ADOPTION SERVICES AS A SERVICE PROVIDED BY THE DIVISION OF CHILD PROTECTION AND PERMANENCY; TO AMEND SECTION 63‑19‑310, RELATING TOTHE DEPARTMENT OF JUVENILE JUSTICE, SO AS TO ABOLISH THAT DEPARTMENT, TO CREATE A DIVISION OF JUVENILE JUSTICE WITHIN THE DEPARTMENT OF CHILD AND FAMILY SERVICES, AND TO PROVIDE FOR THE DIVISION’S PURPOSES; TO AMEND SECTIONS 63‑7‑1990, 63‑9‑780, 63‑11‑1350, AND 63‑19‑2020, ALL RELATING TO CONFIDENTIALITY OF RECORDS, SO AS TO GIVE DIVISIONS ACCESS TO RECORDS ADDRESSING SERVICES PROVIDED TO A CHILD; TO ESTABLISH CRIMINAL PENALTIES; TO REPEAL SECTIONS 63‑11‑1340 AND 63‑11‑1360 BOTH RELATING TO THE CONTINUUM OF CARE; AND TO REPEAL SECTIONS 63‑19‑320, 63‑19‑330, AND 63‑19‑340 ALL RELATING THE DEPARTMENT OF JUVENILE JUSTICE; AND FOR OTHER PURPOSES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 63 of the 1976 Code is amended by adding:

“CHAPTER 6

Department of Child and Family Services

Article 1

Department Established

Section 63‑6‑10. This chapter may be cited as the ‘Department of Child and Family Services Act’.

Section 63‑6‑20. (A) There is created the Department of Child and Family Services which is a consolidation of the child protection and adoption units of the Department of Social Services, the Department of Juvenile Justice, the Continuum of Care for Emotionally Disturbed Children Division of the Office of the Governor, and the Division of Children, Adolescents, and Families of the Department of Mental Health.

(B) The goals of consolidating the agencies, units, and divisions identified in subsection (A) are to:

(1) facilitate the delivery of appropriate services that strengthen families and decrease the need for more costly and intensive services to children;

(2) create a service delivery system for abused, neglected, dependent, abandoned, delinquent, and emotionally disturbed children within a continuum of care, that is child‑focused and engages the family and that delivers services in the least restrictive manner;

(3) avoid fragmentation and duplication of services to children;

(4) promote a cohesive, unified, coordinated service delivery system;

(5) facilitate an integrated case management system tracking children entering the system to ensure that agencies serving a child are aware of all of the child’s needs and the services being provided to the child;

(6) operate a system that is transparent and facilitates processes to raise concerns regarding the delivery of services; and

(7) promote innovative programs with limited state resources, seeking and accessing all nonstate funds available, and relying wherever possible on local units of government and private, volunteer, or charitable organizations to augment the department’s services to children.

Section 63‑6‑30. The department is comprised of divisions including, but not limited to, the:

(1) Division of Child Protection and Permanency, as provided for in Chapters 7 and 9, Title 63;

(2) Division of Juvenile Justice, as provided for in Chapter 19, Title 63;

(3) Division of Child Mental Health, as provided for in Chapter 21, Title 63;

(4) Division of Accountability, as provided for in Article 3 of this chapter; and

(5) other divisions as the director determines are necessary to fulfill the purposes of this chapter.

Section 63‑6‑40. (A) The Governor shall appoint a director of the department with the advice and consent of the Senate who shall possess the qualifications necessary to manage the affairs of the department. If a vacancy occurs in the department when the Senate is not in session, the Governor may appoint a director to fill the vacancy until the Senate acts on the appointment.

(B) The director is subject to removal by the Governor as provided for in Section 1‑3‑240.

Section 63‑6‑50. (A) The director is the chief executive officer of the department and is vested with the exclusive responsibility for department policy and carrying out the responsibilities, duties, and privileges provided for in this chapter and Chapters 7, 9, 19, and 21, Title 63, and Article 13, Chapter 11, Title 63.

(B) The director shall appoint a deputy director for each of the department’s divisions. The deputy directors serve at will and may be removed by the director. The director may appoint and employ additional employees necessary to perform the duties and responsibilities of the department.

(C) The deputy directors of each division, with the approval of the director, shall employ the staff necessary to carry out the duties and responsibilities of their respective division.

(D) The director shall execute a good and sufficient bond payable to the State in the sum of fifty thousand dollars, conditioned for the faithful performance of the duties of the director’s office and the accurate accounting for all monies and property coming into the director’s hands. The bond must be executed by a surety company authorized to do business under the laws of this State, and the premium on the bond must be paid by the State out of the department’s appropriations.

Section 63‑6‑60. (A) Except as otherwise provided in this chapter or in Chapters 7, 9, 19, and 21, Title 63 and Article 13, Chapter 11, Title 63, all records and documentation collected, created, or maintained about services provided to children are confidential and must not be released or disseminated, except upon order of the court or as allowed by state or federal law. A person who disseminates or permits the dissemination of records and documentation in violation of this section, or information contained in these records and documentation, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand five hundred dollars or imprisoned not more than one year, or both.

(B) Notwithstanding subsection (A), records and documentation regarding services provided to children pursuant this chapter and Chapters 7, 9, 19, and 21, Title 63 and Article 13, Chapter 11, Title 63 may be shared with and provided to all divisions of the Department of Child and Family Services.

Section 63‑6‑70. (A) The director is authorized to enter into agreements with other public agencies and private service providers delivering services to children consistent with state and federal law to ensure that the child is receiving the services needed to protect the child’s physical, mental, and emotional well‑being.

(B) Agencies and private service providers entering into these agreements must maintain the confidentiality of the information in accordance with Section 63‑6‑60 and are subject to its penalties upon violating a provision of that section.

Section 63‑6‑80. (A) The director is authorized to create advisory committees, task forces, and study groups as the director considers appropriate to advise the department on carrying out its powers and duties.

(B) Individuals serving on advisory committees and other bodies pursuant to this section may not receive compensation but are entitled to mileage, subsistence, and per diem as allowed by law for members of state boards, commissions, and committees.

(C) Individuals serving on these committees or other bodies must maintain the confidentiality of the information in accordance with Section 63‑6‑60 and are subject to its penalties upon violating a provision of that section.

Section 63‑6‑90. (A) The director shall prepare an annual report, which must include an account of all funds received and expended, sources of all funds, funding allocated to and expended by each division, and persons served by the department through one or more of its divisions.

(B) The report also must include data and other information relevant to:

(1) children being served by more than one division;

(2) children placed by the Division of Child Protection and Permanency in out‑of‑home care including, but not limited to, foster care, institutional care, and relative care;

(3) children adopted from the Division of Child Protection and Permanency, the time these children were in state care until adoption, and the children in state care who are available and waiting for adoption;

(4) suspected, unfounded, and indicated findings of child abuse and neglect reports filed with the Division of Child Protection and Permanency;

(5) child fatalities of children in the care of one or more of the divisions;

(6) children receiving school‑based mental health services from the Division of Child Mental Health;

(7) children under the care of the Division of Juvenile Justice receiving mental health evaluations;

(8) schools with mental health professionals;

(9) services to children who are seriously emotionally disturbed, including services provided by the Continuum of Care for Emotionally Disturbed Children program; and

(10) county child protection and permanency offices with mental health professionals.

Section 63‑6‑100. The director shall prepare and submit to the Governor and the General Assembly an annual budget, estimating the necessary funds for discharging the duties imposed upon the department as a whole and upon each division of the department, after taking into consideration federal funds which have been or may be allotted to the State for these purposes.

Section 63‑6‑110. The department shall promulgate regulations to implement the provisions of this chapter and the provisions of Chapters 7, 9, 19, and 21, Title 63, and Article 13, Chapter 11, Title 63.

Section 63‑6‑115. The Department of Child and Family Services is the single state agency to receive federal funds granted to the State to further the powers and duties imposed on the department pursuant to this chapter and Chapters 7, 9, 19, and 21, Title 63 and Article 13, Chapter 11, Title 63 including, but not limited to, federal funds granted pursuant to Titles IVB, IVE, and XX of the Social Security Act and through the Children’s Mental Health Initiative of the Substance Abuse and Mental Health Services Administration.

Article 3

Division of Accountability

Subarticle 1

Creation of Division

Section 63‑6‑120. There is created the Division of Accountability within the department, whose purpose is to foster coordination, communication, and collaboration among the divisions of the department as they serve children of the State, to monitor the services being provided to children by the divisions, to promote transparency in service delivery and in the use of public funds, and to collaborate with local communities and seek guidance from stakeholders as part of serving the children of the State.

Section 63‑6‑130. The duties and responsibilities of the division are to:

(1) identify, pursue, and obtain federal and private funding in collaboration with appropriate division deputy directors;

(2) oversee an integrated case management system accessible to all divisions as part of coordinating services for children served by more than one division;

(3) facilitate a complaint review process for children and families, service providers, and the public;

(4) facilitate and oversee performance of task forces, committees, and other external advisory groups; and

(5) promote relationships with nonstate partners including, but not limited to, county governments and nonprofit organizations.

Subarticle 3

Funding Oversight

Section 63‑6‑140. In coordination with the deputy directors of each division, the Deputy Director of the Division of Accountability shall:

(1) identify all potential public and private sector financial and other resources available to the divisions and to the department, coordinating with the appropriate staff to apply for and obtain the resources;

(2) monitor the performance of divisions with regard to grant and other funding requirements;

(3) submit reports to the director at least quarterly identifying funding opportunities, applications submitted for grants and other resources, grants awarded to the department and divisions, and division performance and compliance with terms of grants; and

(4) otherwise manage grants and the use of other funding.

Subarticle 5

Case Management

Section 63‑6‑150. Before January 1, 2016, the Division of Accountability shall develop and begin operation of an integrated case management system with a single portal of entry for children referred to a division within the department to promote coordination of services to children served by multiple divisions and facilitate communications among the appropriate divisions.

Section 63‑6‑160. Before January 1, 2016, the department shall complete a review of records on children receiving services from one or more divisions prior to this act’s effective date and consolidate the information into a single record within the case management system.

Section 63‑6‑170. (A) Upon implementation of the integrated case management system, each division shall ensure that all documentation it creates, receives, or maintains regarding services provided to a child is integrated into the case management system including, but not limited to, assessments, treatment records, and court‑ordered services.

(B) The case management system must enable all divisions to access the information entered about the delivery of services to a child, regardless of the division providing the service.

Section 63‑6‑180. For children being served by more than one division, the Division of Accountability shall facilitate a joint review of these cases by the divisions serving the child at least every six months to ensure that necessary assessments, treatment, and court‑ordered services have been ordered, provided, and coordinated in a timely manner and to otherwise promote a child‑centered system of care as part of which the divisions collaborate and communicate.

Subarticle 7

Complaint Review Process

Section 63‑6‑190. (A) The Division of Accountability shall develop and facilitate a complaint review process available to children and families, service providers, and the public, including:

(1) an informal system to resolve concerns regarding services ordered or provided by a division; and

(2) a formal written complaint process to facilitate concerns not resolved pursuant to item (1) or which, in the deputy director’s discretion, are appropriate for immediate formal review.

(B) The division, in coordination with the director and the deputy directors of the other divisions, shall develop instructions for filing an informal and formal complaint and related policies and procedures. The documentation and notice of the right to file a complaint must be displayed prominently on the department’s website.

(C) In general, the Deputy Director of the Division of Accountability shall allow the division that is the subject of a complaint to attempt to resolve the matter; provided, however, the deputy director has the authority to undertake the review without giving the particular division the opportunity to attempt to address the complaint.

(D) Documentation created as part of the review of an informal or formal complaint is not discoverable in a legal action and is not admissible as evidence in a legal proceeding without an order of the court.

(E) Documentation created as part of the review of an informal or formal complaint is not public information accessible pursuant to the Freedom of Information Act.

(F) The Division of Accountability’s decision regarding a written complaint is final upon review by the director and is not subject to judicial review.

Subarticle 9

Council on Children

Section 63‑6‑200. (A) The department shall establish the Council on Children, a standing advisory council overseen by the Division of Accountability. The division shall designate an employee to facilitate the activities of the council and provide staff support as needed.

(B) The purpose of the council is to promote and facilitate collaborative efforts among agencies providing services relevant to this chapter in order to improve access to quality, appropriate, and cost‑effective child‑centered services that are coordinated among service providers.

(C) The council’s collaborative efforts include, but are not limited to:

(1) interagency sharing of information and resources;

(2) development and use of memoranda of agreements;

(3) development and use of common informational forms and referral processes;

(4) coordination of services;

(5) development of best practices;

(6) coordination and delivery of joint training initiatives; and

(7) formation of partnerships with colleges, universities, and other entities in the community.

Section 63‑6‑210. (A) Members of the council include, but are not limited to:

(1) the Director of the Department of Child and Family Services, who serves ex officio;

(2) the Deputy Director of the Department’s Division of Accountability, who serves ex officio;

(3) the Deputy Director of Department’s Division of Child Protection and Permanency, who serves ex officio;

(4) the Deputy Director of the Department’s Division of Juvenile Justice, who serves ex officio;

(5) the Deputy Director of the Department’s Division of Child Mental Health, who serves ex officio;

(6) the Chief Administrator of the Continuum of Care for Emotionally Disturbed Children program, who serves ex officio;

(7) the Director or a designee of the Department of Mental Health, who serves ex officio;

(8) the Superintendent or a designee of the Department of Education, who serves ex officio;

(9) the Director or a designee of the Department of Alcohol and Other Drug Abuse Services, who serves ex officio;

(10) the Director or a designee of the Department of Social Services, who serves ex officio;

(11) the Director or a designee of the Department of Disabilities and Special Needs, who serves ex officio;

(12) the Director or a designee of the State Guardian ad Litem Program, who serves ex officio;

(13) the Director or a designee of the Children’s Foster Care Review Board, who serves ex officio;

(14) the Director of Court Administration of the Supreme Court, who serves ex officio; and

(15) two children, or their parents, served by the Division of Child Protection and Permanency, appointed by the Governor;

(16) two children, or their parents, served by the Division of Juvenile Justice, appointed by the Governor;

(17) two children, or their parents, served by the Department of Child Mental Health, one of whom must be served by the Continuum of Care program, appointed by the Governor;

(18) one representative of a private, nonprofit organization with expertise in child abuse and neglect prevention and services, appointed by the Governor;

(19) one representative of a private, nonprofit organization with expertise in juvenile justice services, appointed by the Governor;

(20) one representative of a private, nonprofit organization with expertise in child mental health services, appointed by the Governor;

(21) one physician with expertise in child abuse and neglect, appointed by the Governor;

(22) one mental health professional, appointed by the Governor;

(23) two family court judges, appointed by the Chief Justice of the Supreme Court; and

(24) one representative of the Children’s Law Center, appointed by the Governor.

(B)(1) The council initially shall select a chair from among its members who are public agency directors, after which chairmanship rotates among the members of the council who are public agency directors.

(2) Terms of chairmanship are for two years.

(3) Terms for members of the council appointed by the Governor and by the Supreme Court are for four years or until a successor is appointed.

(4) Council members may not receive compensation but are entitled to mileage, subsistence, and per diem as allowed by law for members of state boards, commissions, and committees.

Section 63‑6‑220. Upon appointment, the council shall study the organizational structure of the department to evaluate the effectiveness, efficiency, and accountability of the department and its divisions to make recommendations for organizational and service delivery changes consistent with law. The council shall submit the report with recommendations to the department by January 1, 2015.

Section 63‑6‑230. (A) The council shall meet quarterly, or more frequently upon the request of the director or at the discretion of the council chair, and annually shall submit a report to the director, the Governor, and the General Assembly that addresses, at a minimum:

(1) standards of best practice for delivering coordinated, child‑centered services to children receiving services from one or more of the divisions;

(2) useful guidance to local offices of agencies represented on the council to facilitate coordination and communication among these offices including, but not limited to, sample memoranda of agreement and interagency policies and procedures;

(3) programs, practices, and other initiatives of the agencies represented on the council and other service providers that reflect a coordinated effort to deliver timely and effective services for children;

(4) deficiencies in coordinating services among agencies represented on the council and other service providers that are needed by, ordered for, and provided to children and the root causes of the deficiencies;

(5) barriers that agencies represented on the council and other service providers face as part of providing timely, effective services to children in coordination with each other;

(6) recommendations for improving the coordination of the service delivery and the timeliness and quality of the services delivered by agencies represented on the council and other service providers so as to promote the physical, emotional, and mental well being of children; and

(7) reports related to special projects assigned by the director to the council.

(B) Council members must maintain the confidentiality of the information in accordance with Section 63‑6‑60 and are subject to its penalties upon violating a provision of that section.

Section 63‑6‑240. (A) In accordance with Section 63‑6‑230, before July 1, 2015 the council shall develop memoranda of agreement and other guidance for the agencies represented on the council to promote coordination, collaboration, and communication which include, but are not limited to:

(1) a procedure to facilitate the timely delivery of effective services by one or more of the member agencies and other service providers;

(2) a forum through which local offices of member agencies may address disagreements at the local level regarding responsibility for the delivery of services for a specific child or category of children and related procedures; and

(3) a procedure through which local offices of member agencies may bring a disagreement regarding service provision to the attention of the council for recommendations.

(B) In developing the memoranda of agreement and other documentation for use by local offices, the council shall take into account variables that would impact the appropriateness of a particular agreement including, but not limited to, the area’s proximity to service providers and county case loads and develop a variety of forms to meet the needs of specific localities.

Subarticle 11

Community Relations

Section 63‑6‑250. The division shall undertake efforts to encourage collaborative partnerships in communities that promote the delivery of services to children that are part of a child‑centered system of care.”

SECTION 2. Title 63 of the 1976 Code is amended by adding:

“CHAPTER 21

Child Mental Health

Section 63‑21‑10. There is created the Division of Child Mental Health within the Department of Child and Family Services, as provided for in Section 63‑6‑30. The purpose of the division is to develop and deliver a seamless statewide system of mental health services for children, which is child‑centered, family‑focused, community‑based, and culturally competent.

Section 63‑21‑20. (A) The division shall administer a statewide system of care, which must include, but is not limited to:

(1) services to strengthen children, families, and communities to support an infrastructure of a statewide family support system;

(2) school‑based services for mental health interventions;

(3) efforts to ensure timely identification of children in need of mental health services by staffing mental health professionals at child welfare and juvenile justice county offices;

(4) mental health assessments of children referred to the Division of Juvenile Justice; and

(5) services to address the needs of seriously emotionally disturbed children.

(B) The division and the Department of Mental Health shall:

(1) coordinate to refer children to the Department of Mental Health for services delivered by that department, as appropriate, and to refer children to the Division of Child Mental Health for services delivered by that division pursuant to this chapter, as appropriate; and

(2) collaborate to facilitate the division’s access to funding for children and their families as part of Department of Mental Health grants including, but not limited to, the Children’s Mental Health Services Block Grant.

Section 63‑21‑30. (A) All records and documentation collected, created, or maintained by the Division of Child Mental Health are confidential and must not be released or disseminated, except upon order of the court or as allowed by state or federal law. A person who disseminates or permits the dissemination of records and documentation, or information contained in these records and documentation, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand five hundred dollars or imprisoned not more than one year, or both.

(B) Notwithstanding subsection (A), records and documentation regarding services provided to children pursuant to this chapter may be shared with and provided to the divisions of the Department of Child and Family Services.

Section 63‑21‑40. The division shall administer the Continuum of Care for Emotionally Disturbed Children Division of the Office of the Governor as a program, as provided for in Article 13, Chapter 11, Title 63. The program is designed to enhance the delivery of services to severely emotionally disturbed children and to ensure that the special needs of this population are met appropriately to the extent possible within this State.

Section 63‑21‑50. The division, in consultation with the Director of the Department of Child and Family Services, shall promulgate regulations to implement the provisions of this chapter.”

SECTION 3. Section 63‑7‑10 of the 1976 Code is amended to read:

“Section 63‑7‑10. ~~(A)~~ Any intervention by the State into family life on behalf of children must be guided by law, by strong philosophical underpinnings, and by sound professional standards for practice. Child welfare services must be based on these principles:

(1) Parents have the primary responsibility for and are the primary resource for their children.

(2) Children should have the opportunity to grow up in a family unit if at all possible.

(3) State and community agencies have a responsibility to implement prevention programs aimed at identifying high risk families and to provide supportive intervention to reduce occurrence of maltreatment.

(4) Services for families should be accessible and designed to encourage and enable families to adequately deal with their problems within their own family system.

(5) All child welfare intervention by the State has as its primary goal the welfare and safety of the child.

(6) Child welfare intervention into a family’s life should be structured so as to avoid a child’s entry into the protective service and foster care systems if at all possible.

(7) The State’s child welfare system must be designed to be child‑centered, family‑focused, community‑based, and culturally competent in its prevention and protection efforts.

(8) Neighborhoods and communities are the primary source of opportunities and supports for families and have a primary responsibility in assuring the safety and vitality of their members.

(9) The ~~Department of Social Services shall~~ State shouldcollaborate with the community to identify, support, and treat families in a nonthreatening manner, in both investigative and family assessment situations.

(10) A family assessment approach, stressing the safety of the child, building on the strengths of the family, and identifying and treating the family’s needs is the appropriate approach for cases not requiring law enforcement involvement or the removal of the child.

(11) Only a comparatively small percentage of current child abuse and neglect reports are criminal in nature or will result in the removal of the child or alleged perpetrator.

(12) Should removal of a child become necessary, the State’s foster care system must be prepared to provide timely and appropriate placements for children with relatives or in licensed foster care settings and to establish a plan which reflects a commitment by the State to achieving permanency for the child within reasonable timelines.

(13) ~~The Department of Social Services staff~~ State employees who ~~investigates~~ investigate serious child abuse and neglect reports with law enforcement must be competent in law enforcement procedures, fact finding, evidence gathering, and effective social intervention and assessment.

(14) Services should be identified quickly and should build on the strengths and resources of families and communities.

~~(B)~~ ~~It is The purpose of this chapter to:~~

~~(1)~~ ~~acknowledge the different intervention needs of families;~~

~~(2)~~ ~~establish an effective system of services throughout the State to safeguard the well‑being and development of endangered children and to preserve and stabilize family life, whenever appropriate;~~

~~(3)~~ ~~ensure permanency on a timely basis for children when removal from their homes is necessary;~~

~~(4)~~ ~~establish fair and equitable procedures, compatible with due process of law to intervene in family life with due regard to the safety and welfare of all family members; and~~

~~(5)~~ ~~establish an effective system of protection of children from injury and harm while living in public and private residential agencies and institutions meant to serve them.~~”

SECTION 4. Article 1, Chapter 7, Title 63 of the 1976 Code is amended by adding:

“Section 63‑7‑15. There is created the Division of Child Protection and Permanency within the Department of Child and Family Services, as provided for in Section 63‑6‑30. The purposes of the division are to:

(1) acknowledge the different intervention needs of families;

(2) establish an effective system of services throughout the State to safeguard the well‑being and development of endangered children and to preserve and stabilize family life, whenever appropriate;

(3) ensure permanency on a timely basis for children when removal from their homes is necessary;

(4) establish fair and equitable procedures, compatible with due process of law to intervene in family life with due regard to the safety and welfare of all family members;

(5) establish an effective system of protection of children from injury and harm while living in public and private residential agencies and institutions meant to serve them; and

(6) facilitate the purposes provided for in Article 1, Chapter 9, Title 63, regarding the adoption of children of this State.”

SECTION 5. Section 63‑7‑1990(A) of the 1976 Code is amended to read:

“(A)(1) All reports made and information collected pursuant to this article maintained by the ~~Department~~ Division of ~~Social Services~~ Child Protection and Permanency and the Central Registry of Child Abuse and Neglect are confidential. A person who disseminates or permits the dissemination of these records and the information contained in these records, except as authorized in this section, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand five hundred dollars or imprisoned not more than one year, or both.

(2) Notwithstanding item (1), records and documentation regarding services provided to children pursuant to this chapter may be shared with and provided to the divisions of the Department of Child and Family Services.”

SECTION 6. Section 63‑9‑10 of the 1976 Code is amended to read:

“Section 63‑9‑10. This article may be cited as the ‘South Carolina Adoption Act’. The Division of Child Protection and Permanency of the Department of Child and Family Services, created pursuant to Section 63‑7‑15, is responsible for implementation of this article.”

SECTION 7. Section 63‑9‑780(C) of the 1976 Code is amended to read:

“(C)(1) All files and records pertaining to the adoption proceedings in the ~~State Department~~ Division of ~~Social Services~~ Child Permanency and Protection, or in any authorized agency, or maintained by any person certified by the ~~department~~ division under the provisions of Section 63‑9‑360, are confidential and must be withheld from inspection except upon court order for good cause shown.

(2) Notwithstanding item (1), records and documentation regarding services provided to children pursuant to this chapter may be shared with and provided to the divisions of the Department of Child and Family Services.”

SECTION 8. Section 63‑19‑310 of the 1976 Code is amended to read:

“Section 63‑19‑310. There is created the ~~South Carolina Department~~ Division of Juvenile Justice within the Department of Child and Family Services, as provided for in Section 63‑6‑30. The purpose of the division is to protect the public and reclaim juveniles through prevention, community services, education, and rehabilitative services in the least restrictive environment.”

SECTION 9. Section 63‑19‑2020(A) of the 1976 Code is amended to read:

“(A)(1) Except as provided herein, all information obtained and records prepared in the discharge of official duty by an employee of the court or ~~department~~ division are confidential and must not be disclosed directly or indirectly to anyone, other than the judge, the child’s attorney, or others entitled under this chapter or any other provision of law to receive this information, unless otherwise ordered by the court. The court may order the records be disclosed to a person having a legitimate interest and to the extent necessary to respond to that legitimate interest. However, these records are open to inspection without a court order where the records are necessary to defend against an action initiated by a child.

(2) Notwithstanding item (1), records and documentation regarding services provided to children pursuant to this chapter may be shared with and provided to the divisions of the Department of Child and Family Services.”

SECTION 10. Section 63‑11‑1310 of the 1976 Code is amended to read:

“Section 63‑11‑1310. It is the purpose of this article to develop and enhance the delivery of services to severely emotionally disturbed children and youth and to ensure that the special needs of this population are met appropriately to the extent possible within this State. To achieve this objective, the Division of Child Mental Health of the Department of Child and Family Services shall administer the Continuum of Care for Emotionally Disturbed Children ~~Division is established in the office of the Governor~~ program, as provided for in Section 63‑21‑40. This article supplements and does not supplant existing services provided to this population.”

SECTION 11. Section 63‑11‑1350(A) of the 1976 Code is amended to read:

“(A)(1) Records, reports, applications, and files kept on any client or potential client of the Continuum of Care program are confidential and only may be disclosed in order to develop or provide appropriate services for the client or potential client unless:

~~(1)~~(a) the client or potential client or his guardian consents;

~~(2)~~(b) a court orders the disclosure for conduct of proceedings before it upon a showing that disclosure is in the public interest;

~~(3)~~(c) disclosure is necessary for research conducted or authorized by the Continuum of Care program; or

~~(4)~~(d) disclosure is necessary to any entity or state agency providing or potentially providing services to the client or potential client.

(2) Notwithstanding item (1), records and documentation regarding services provided to children pursuant to this article may be shared with and provided to the divisions of the Department of Child and Family Services.”

SECTION 12. Section 1‑30‑10(A) of the 1976 Code, as last amended by Act 146 of 2010, is further is amended to read:

“(A) There are hereby created, within the executive branch of the state government, the following departments:

~~1.~~(1) Department of Agriculture

~~2.~~(2) Department of Alcohol and Other Drug Abuse Services

~~3.~~(3) Department of Child and Family Services

(4) Department of Commerce

~~4.~~(5) Department of Corrections

~~5.~~(6) Department of Disabilities and Special Needs

~~6.~~(7) Department of Education

~~7.~~(8) Department of Health and Environmental Control

~~8.~~(9) Department of Health and Human Services

~~9.~~(10) Department of Insurance

~~10.~~ ~~Department of Juvenile Justice~~

~~11.~~(11) Department of Labor, Licensing and Regulation

~~12.~~(12) Department of Mental Health

~~13.~~(13) Department of Natural Resources

~~14.(~~14) Department of Parks, Recreation and Tourism

~~15.~~(15) Department of Probation, Parole and Pardon Services

~~16.~~(16) Department of Public Safety

~~17.~~(17) Department of Revenue

~~18.~~(18) Department of Social Services

~~19.~~(19) Department of Transportation

~~20.~~(20) Department of Employment and Workforce”

SECTION 13. Chapter 30, Title 1 of the 1976 Code is amended by adding:

“Section 1‑30‑22. Effective on July 1, 2014, the following agencies, units or divisions of agencies, services provided by agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, or units or divisions of agencies, are transferred to and incorporated in and must be administered as part of the Department of Child and Family Services:

(1) the Department of Social Services’ child protection and adoption units and services, provided for in Chapters 7 and 9, Title 63;

(2) the Department of Juvenile Justice, provided for in Chapter 19, Title 63;

(3) the Continuum of Care for Emotionally Disturbed Children Division of the Office of the Governor, provided for in Article 13, Chapter 11, Title 63; and

(4) the Division of Children, Adolescents, and Families, formerly administered by of the Department of Mental Health.”

SECTION 14. In accordance with Section 63‑6‑115, the Governor shall make arrangements with the federal government and state agencies receiving federal funds on this act’s effective date to transfer the funding to the Department of Child and Family Services.

SECTION 15. The Department of Juvenile Justice, formerly as provided for in Section 63‑19‑310, is abolished upon the effective date of Chapter 6, Title 63, and all powers and duties assigned to that department are transferred to and devolved upon the Department of Child and Family Services. The Division of Juvenile Justice of the Department of Child and Family Services shall have the primary responsibility to deliver and oversee the department’s juvenile justice services.

SECTION 16. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 17. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 18. (A) Where the provisions of this act transfer the Department of Juvenile Justice, the Continuum of Care for Emotionally Disturbed Children Division of the Office of the Governor, units of the Department of Social Services, and a division of the Department of Mental Health, the associated employees, authorized appropriations, and assets and liabilities also are transferred to and become part of the Department of Child and Family Services. All classified or unclassified personnel employed by the Department of Juvenile Justice, the Continuum of Care Division, the transferred units of the Department of Social Services, and the transferred division of the Department of Mental Health, either by contract or by employment at will, become on July 1, 2014, employees of the Department of Child and Family Services, with the same compensation, classification, and grade level, as applicable. Before abolition of the Department of Juvenile Justice and before transfer of the Continuum of Care Division of the Office of the Governor, units of the Department of Social Services, and the division of the Department of Mental Health to the Department of Child and Family Services, those agencies shall cause all necessary actions to be taken to accomplish this transfer in accordance with state laws and regulations.

(B) Applicable regulations promulgated by the Department of Social Services, Department of Juvenile Justice, Department of Mental Health, and the Continuum of Care for Emotionally Disturbed Children Division of the Office of the Governor are continued and are deemed to be promulgated by the Department of Child and Family Services until such time as the Department of Child and Family Services amends or repeals these regulations. Contracts entered into by the Department of Juvenile Justice and the Continuum of Care Division of the Office of the Governor, and relevant contracts entered into by the Department of Social Services and the Department of Mental Health, are continued and are deemed to be assigned to the Department of Child and Family Services at the time of the transfer.

(C) The Code Commissioner is directed to change or correct all references to the Department of Juvenile Justice in Chapter 19, Title 63 to the Division of Juvenile Justice or the Department of Child and Family Services, as applicable, all references to the Department of Social Services in Chapters 7 and 9, Title 63 to the Division of Child Protection and Permanency or the Department of Child and Family Services, as applicable, and all references to the Continuum of Care Division of the Office of the Governor in Article 13, Chapter 11, Title 63 to the Continuum of Care program or the Department of Child and Family Services, as applicable.

SECTION 19. Sections 63‑11‑1340, 63‑11‑1360, 63‑19‑320, 63‑19‑330, and 63‑19‑340 are repealed.

SECTION 20. Except as provided otherwise herein, this act takes effect July 1, 2014.

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