**South Carolina General Assembly**

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**H. 4416**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. McEachern and M.S. McLeod

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Introduced in the House on January 14, 2014

Currently residing in the House Committee on **Judiciary**

Summary: Requirements for placing a child with a caregiver

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/10/2013 House Prefiled

12/10/2013 House Referred to Committee on **Judiciary**

1/14/2014 House Introduced and read first time ([House Journal‑page 71](file:///H:\HJ%20Archive\2014\01-14-14.docx))

1/14/2014 House Referred to Committee on **Judiciary** ([House Journal‑page 71](file:///H:\HJ%20Archive\2014\01-14-14.docx))

**VERSIONS OF THIS BILL**

[12/10/2013](file:///p:\pprever\2013-14\4416_20131210.docx)

**A** **BILL**

TO AMEND SECTION 63‑7‑650, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PREREQUISITES TO PLACING A CHILD WITH AN ALTERNATIVE CAREGIVER, SO AS TO ADD REQUIREMENTS TO CONDUCT AN INTERVIEW AND A HOME VISIT BEFORE PLACING A CHILD WITH AN ALTERNATIVE CAREGIVER; BY ADDING SECTION 63‑7‑655 SO AS TO ESTABLISH SAFETY PLAN REQUIREMENTS; TO AMEND SECTION 63‑7‑690, RELATING TO THE TIME TO FORMALIZE PLACEMENT OF A CHILD WITH AN ALTERNATIVE CAREGIVER, SO AS TO CLARIFY THAT THE PARENT OR GUARDIAN AND THE ALTERNATIVE CAREGIVER MUST SIGN A SAFETY PLAN AGREEMENT; AND BY ADDING SECTION 63‑7‑695 SO AS TO ESTABLISH REQUIREMENTS RELATED TO ALTERNATIVE CAREGIVER ARRANGEMENTS BEYOND THE EFFECTIVE DATES OF A SAFETY PLAN.

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

SECTION 1. Section 63‑7‑650 of the 1976 Code is amended to read:

“Section 63‑7‑650. (A) Before agreeing to or acquiescing in a corrective action that involves placement of the child with a relative or other person or making an interim placement with a relative while retaining custody of the child or as soon as possible after agreeing to or acquiescing in a corrective action, the department shall:

(1) interview the relative or other person to assess his willingness, fitness, and suitability to serve as an alternative caregiver placement, taking into consideration the physical, developmental, and emotional needs of the child and the caregiver’s capacity to meet those needs;

(2) visit the relative’s or other person’s home to assess and confirm that the home is a safe and appropriate temporary placement for the child;

(3) secure from the relative or other person and other adults in the home an affidavit attesting to information necessary to determine whether a criminal history or history of child abuse or neglect exists and whether this history indicates there is a significant risk that the child would be threatened with abuse or neglect in the home of the relative or other person~~.~~; and

(4) as soon as possible, ~~the department shall~~ confirm the information supplied in the affidavit by checking the Central Registry of Child Abuse and Neglect, other relevant department records, county sex offender registries, and records for the preceding five years of law enforcement agencies in the jurisdiction in which the relative or other person resides and, to the extent reasonably possible, jurisdictions in which the relative or other person has resided during that period.

(B) The department must not agree to or acquiesce in a placement if the interview, the home visit, the affidavit, or ~~these~~ the records obtained pursuant to subsection (A)(4) reveal information indicating there is a significant risk that the child would be threatened with abuse or neglect in the home of the relative or other person. The relative or other person must consent to a check of the ~~above~~ records identified in subsection (A)(4) by the department.”

SECTION 2. Subarticle 3, Article 3, Chapter 7, Title 63 of the 1976 Code is amended by adding:

“Section 63‑7‑655. (A)(1) Before placing a child with an alternative caregiver pursuant to Section 63‑7‑690, the parent or guardian, the alternative caregiver, and the department shall execute a safety plan agreement, which sets forth the safety concerns, the actions required of the parent or guardian for return of the child to the home, the actions required of the alternative caregiver in order to protect the child’s safety, and the actions required of the department to monitor the child’s safety.

(2) While a child is living with an alternative caregiver pursuant to Section 63‑7‑690, the department shall monitor weekly for compliance with the safety plan by all individuals, or more frequently as appropriate.

(3) The department continually shall assess the safety plan’s appropriateness to address the immediate concerns for the safety of the child and change the requirements of the plan as appropriate.

(B) A safety plan is effective no longer than ninety days. Not later than the end of the safety agreement’s effective date, the department shall:

(1) return the child to the home if return of the child would not cause an unreasonable risk of harm to the child’s physical health, safety, or well‑being;

(2) file a removal action pursuant to Section 63‑7‑1660 if the child cannot be safely maintained in the home; or

(3) execute an alternative caregiver agreement with a treatment plan signed by the parent or guardian, the alternative caregiver, and the department.”

SECTION 3. Section 63‑7‑690(A) of the 1976 Code is amended to read:

“(A) If within the twenty‑four hours following removal of the child:

(1) the department has identified a specified relative or other person with whom it has determined that the child is to be placed instead of the department’s taking legal custody of the child; and

(2) both the relative or other person with whom the child is to be placed and the child’s parent or guardian have agreed to the placement and signed a safety plan agreement, the department may retain physical custody of the child for no more than five additional days if necessary to enable the relative or other person to make travel or other arrangements incident to the placement.”

SECTION 4. Subarticle 3, Article 3, Chapter 7, Title 63 of the 1976 Code is amended by adding:

“Section 63‑7‑695. (A) If, following the indication of a case pursuant to Section 63‑7‑920, the decision is made that the child cannot be left in or returned to the home, but could remain in an alternative caregiver’s home, the department, in coordination with the parent or guardian and alternative caregiver, shall develop an alternative caregiver agreement with a treatment plan that must take effect no later than ninety days from the initiation of the safety plan. The parent or guardian, alternative caregiver, and department shall sign the agreement.

(B)(1) Before placing a child with an alternative caregiver pursuant to this section, the relative or other person who shall serve as the alternative caregiver must agree to adhere and comply with the standards required of licensed foster parents including, but not limited to, standards that address:

(a) preservice training;

(b) background checks;

(c) home safety inspections by the State Fire Marshal and health authorities;

(d) medical reports; and

(e) references.

(2) If a relative or other person agrees to serve as the alternative caregiver pursuant to this section, the department immediately must facilitate the processes for the alternative caregiver to meet the requirements of item (1) and assess the alternative caregiver for services needed to care for the child during the effective dates of the alternative caregiver agreement.

(C) A relative or other person serving as an alternative caregiver pursuant to a safety plan may not continue to be the alternative caregiver ninety days after initiation of the safety plan without complying with the requirements of this section.

(D) A treatment plan entered into pursuant to this section is effective no longer than eighteen months from its initiation. The department shall monitor the alternative placement no less frequently than it monitors a foster care placement. As part of monitoring the placement, the department continually must:

(1) assess the treatment plan for its appropriateness to address the department’s concerns that led to the need for an alternative caregiver arrangement and modify the plan as needed;

(2) assess whether the parent or guardian is adhering to the terms of the treatment plan; and

(3) ensure that the alternative caregiver is adhering to the terms of the alternative caregiver agreement.

(E) A treatment plan entered into pursuant to this section is effective no longer than one hundred eighty days from the initiation of the safety plan pursuant to Section 63-7‑690 at which time the department must:

(1) return the child to the home if return of the child would not cause an unreasonable risk of harm to the child’s physical health, safety, or well‑being; or

(2) file a removal action pursuant to Section 63‑7‑1660 if the child cannot be safely maintained in the home.”

SECTION 5. 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 6. The act takes effect upon the approval of the Governor.

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