**South Carolina General Assembly**

122nd Session, 2017-2018

**A222, R264, H4705**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Bannister, Elliott, Arrington, Long, Chumley, B. Newton, Martin, Henderson‑Myers, G.R. Smith, Trantham, Bryant, Hamilton, Hixon, S. Rivers, Stringer, Brawley and Ballentine

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Introduced in the House on January 24, 2018

Introduced in the Senate on February 21, 2018

Last Amended on April 26, 2018

Passed by the General Assembly on May 2, 2018

Governor's Action: May 18, 2018, Signed

Summary: Religious counselors designated as mandated reporters

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/24/2018 House Introduced and read first time ([House Journal‑page 74](file:///h:\hj\20180124.docx))

1/24/2018 House Referred to Committee on **Judiciary** ([House Journal‑page 74](file:///h:\hj\20180124.docx))

2/6/2018 House Member(s) request name added as sponsor: Brawley

2/14/2018 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 55](file:///h:\hj\20180214.docx))

2/20/2018 House Member(s) request name added as sponsor: Ballentine

2/20/2018 House Amended ([House Journal‑page 13](file:///h:\hj\20180220.docx))

2/20/2018 House Read second time ([House Journal‑page 13](file:///h:\hj\20180220.docx))

2/20/2018 House Roll call Yeas‑103 Nays‑0 ([House Journal‑page 15](file:///h:\hj\20180220.docx))

2/21/2018 House Read third time and sent to Senate ([House Journal‑page 23](file:///h:\hj\20180221.docx))

2/21/2018 Senate Introduced and read first time ([Senate Journal‑page 7](file:///h:\sj\20180221.docx))

2/21/2018 Senate Referred to Committee on **General** ([Senate Journal‑page 7](file:///h:\sj\20180221.docx))

3/22/2018 Senate Committee report: Favorable with amendment **General** ([Senate Journal‑page 11](file:///h:\sj\20180322.docx))

4/19/2018 Senate Committee Amendment Adopted ([Senate Journal‑page 16](file:///h:\sj\20180419.docx))

4/26/2018 Senate Amended ([Senate Journal‑page 25](file:///h:\sj\20180426.docx))

4/26/2018 Senate Read second time ([Senate Journal‑page 25](file:///h:\sj\20180426.docx))

4/26/2018 Senate Roll call Ayes‑43 Nays‑0 ([Senate Journal‑page 25](file:///h:\sj\20180426.docx))

5/1/2018 Senate Read third time and returned to House with amendments ([Senate Journal‑page 24](file:///h:\sj\20180501.docx))

5/2/2018 House Concurred in Senate amendment and enrolled ([House Journal‑page 84](file:///h:\hj\20180502.docx))

5/2/2018 House Roll call Yeas‑99 Nays‑0 ([House Journal‑page 84](file:///h:\hj\20180502.docx))

5/14/2018 Ratified R 264

5/18/2018 Signed By Governor

5/25/2018 Effective date 05/18/18

5/31/2018 Act No. 222

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**VERSIONS OF THIS BILL**

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[4/26/2018](file:///p:\pprever\2017-18\4705_20180426.docx)

(A222, R264, H4705)

**AN ACT TO AMEND SECTION 63‑7‑310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANDATED REPORTERS OF CHILD ABUSE OR NEGLECT, SO AS TO ADD RELIGIOUS COUNSELORS AS MANDATED REPORTERS AND TO REQUIRE MANDATED REPORTERS TO COMPLY WITH THE INDIVIDUAL DUTY TO REPORT; AND TO AMEND SECTION 63-7-450, RELATING TO THE DEPARTMENT OF SOCIAL SERVICES’ DUTY TO NOTIFY MANDATED REPORTERS OF REPORTING REQUIREMENTS, SO AS TO MAKE TECHNICAL CORRECTIONS.**

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

**Mandated reporting of child abuse or neglect**

SECTION 1. Section 63‑7‑310 of the 1976 Code is amended to read:

“Section 63‑7‑310. (A) The following persons must report in accordance with this section when, in such person’s professional capacity, he has received information that gives him reason to believe that a child has been or may be abused or neglected as defined in Section 63‑7‑20: a physician, nurse, dentist, optometrist, medical examiner, or coroner, or an employee of a county medical examiner’s or coroner’s office, or any other medical, emergency medical services, mental health, or allied health professional, member of the clergy including a Christian Science Practitioner or religious healer, clerical or nonclerical religious counselor who charges for services, school teacher, counselor, principal, assistant principal, school attendance officer, social or public assistance worker, substance abuse treatment staff, or childcare worker in a childcare center or foster care facility, foster parent, police or law enforcement officer, juvenile justice worker, undertaker, funeral home director or employee of a funeral home, persons responsible for processing films, computer technician, judge, and a volunteer non‑attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA.

(B) If a person required to report pursuant to subsection (A) has received information in the person’s professional capacity which gives the person reason to believe that a child’s physical or mental health or welfare has been or may be adversely affected by acts or omissions that would be child abuse or neglect if committed by a parent, guardian, or other person responsible for the child’s welfare, but the reporter believes that the act or omission was committed by a person other than the parent, guardian, or other person responsible for the child’s welfare, the reporter must make a report to the appropriate law enforcement agency.

(C) A person, as provided in subsections (A) and (B), who reports child abuse or neglect to a supervisor or person in charge of an institution, school, facility, or agency is not relieved of his individual duty to report in accordance with this section. The duty to report is not superseded by an internal investigation within the institution, school, facility, or agency.

(D) Except as provided in subsection (A), a person who has reason to believe that a child’s physical or mental health or welfare has been or may be adversely affected by abuse or neglect may report, and is encouraged to report, in accordance with this section. A person, as provided in subsection (A) or (B), who reports child abuse or neglect to a supervisor or person in charge of an institution, school, facility, or agency is not relieved of his individual duty to report in accordance with this section. The duty to report is not superseded by an internal investigation within the institution, school, facility, or agency.

(E) Reports of child abuse or neglect may be made orally by telephone or otherwise to the county department of social services or to a law enforcement agency in the county where the child resides or is found.

(F) Nothing in this section shall be construed as requiring a person under the age of eighteen to be a mandated reporter pursuant to subsection (A).”

**Notice of mandated child abuse or neglect reporting requirements**

SECTION 2. Section 63‑7‑450(A) of the 1976 Code is amended to read:

“(A) The Department of Social Services Protective Services shall inform all persons required to report pursuant to Section 63‑7‑310(A) of the nature, problem, and extent of child abuse and neglect and of their duties and responsibilities in accordance with this article. The department also, on a continuing basis, shall conduct training programs for department staff and appropriate training for persons required to report pursuant to Section 63‑7‑310(A).”

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 14th day of May, 2018.

Approved the 18th day of May, 2018.

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