**South Carolina General Assembly**

123rd Session, 2019-2020

**A140, R145, S601**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Shealy and Hutto

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Introduced in the Senate on March 5, 2019

Introduced in the House on April 9, 2019

Last Amended on May 12, 2020

Passed by the General Assembly on May 12, 2020

Governor's Action: May 26, 2020, Signed

Summary: Foster care or adoption placement

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/5/2019 Senate Introduced and read first time ([Senate Journal‑page 7](file:///h:\sj\20190305.docx))

3/5/2019 Senate Referred to Committee on **Family and Veterans' Services** ([Senate Journal‑page 7](file:///h:\sj\20190305.docx))

3/27/2019 Senate Committee report: Favorable **Family and Veterans' Services** ([Senate Journal‑page 15](file:///h:\sj\20190327.docx))

4/3/2019 Senate Read second time ([Senate Journal‑page 28](file:///h:\sj\20190403.docx))

4/9/2019 Senate Read third time and sent to House ([Senate Journal‑page 60](file:///h:\sj\20190409.docx))

4/9/2019 Senate Roll call Ayes‑38 Nays‑0 ([Senate Journal‑page 60](file:///h:\sj\20190409.docx))

4/9/2019 House Introduced and read first time ([House Journal‑page 172](file:///h:\hj\20190409.docx))

4/9/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 172](file:///h:\hj\20190409.docx))

5/1/2019 House Committee report: Favorable **Judiciary** ([House Journal‑page 35](file:///h:\hj\20190501.docx))

5/8/2019 House Requests for debate‑Rep(s).  Hart, King, McDaniel, Garvin, Ridgeway, Gilliard, Henegan, Anderson, Chumley, Burns, Forrester, V.S. Moss ([House Journal‑page 55](file:///h:\hj\20190508.docx))

2/4/2020 House Requests for debate removed‑Rep(s).  Forrester, Burns ([House Journal‑page 20](file:///h:\hj\20200204.docx))

2/5/2020 House Requests for debate removed‑Rep(s).  Henegan, Ridgeway, Chumley ([House Journal‑page 19](file:///h:\hj\20200205.docx))

2/11/2020 House Requests for debate removed‑Rep(s).  Anderson, VS Moss, Garvin

2/11/2020 House Amended ([House Journal‑page 22](file:///h:\hj\20200211.docx))

2/11/2020 House Read second time ([House Journal‑page 22](file:///h:\hj\20200211.docx))

2/11/2020 House Roll call Yeas‑105 Nays‑0 ([House Journal‑page 23](file:///h:\hj\20200211.docx))

2/12/2020 House Read third time and returned to Senate with amendments ([House Journal‑page 15](file:///h:\hj\20200212.docx))

3/10/2020 Senate Non‑concurrence in House amendment ([Senate Journal‑page 71](file:///h:\sj\20200310.docx))

3/10/2020 Senate Roll call Ayes‑0 Nays‑41 ([Senate Journal‑page 71](file:///h:\sj\20200310.docx))

3/11/2020 House House insists upon amendment and conference committee appointed Reps.  Bernstein, Collins, Caskey ([House Journal‑page 3](file:///h:\hj\20200311.docx))

3/11/2020 Senate Conference committee appointed Shealy, Hutto and Young ([Senate Journal‑page 11](file:///h:\sj\20200311.docx))

5/12/2020 House Conference report adopted

5/12/2020 House Roll call Yeas‑112 Nays‑0

5/12/2020 Senate Conference report received and adopted ([Senate Journal‑page 65](file:///h:\sj\20200512.docx))

5/12/2020 Senate Roll call Ayes‑38 Nays‑0 ([Senate Journal‑page 65](file:///h:\sj\20200512.docx))

5/12/2020 Senate Ordered enrolled for ratification ([Senate Journal‑page 66](file:///h:\sj\20200512.docx))

5/21/2020 Ratified R 145

5/26/2020 Signed By Governor

5/28/2020 Effective date 05/26/20

5/28/2020 Act No.  140

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**VERSIONS OF THIS BILL**

[3/5/2019](file:///p:\pprever\2019-20\601_20190305.docx)

[3/27/2019](file:///p:\pprever\2019-20\601_20190327.docx)

[5/1/2019](file:///p:\pprever\2019-20\601_20190501.docx)

[2/11/2020](file:///p:\pprever\2019-20\601_20200211.docx)

[5/12/2020](file:///p:\pprever\2019-20\601_20200512.docx)

(A140, R145, S601)

**AN ACT TO AMEND SECTION 63‑7‑2350, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL BACKGROUND RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, SO AS ALSO TO APPLY TO EMPLOYEES OF RESIDENTIAL FACILITIES IN WHICH FOSTER CHILDREN ARE PLACED AND TO ADD BACKGROUND CHECK REQUIREMENTS FOR SUCH EMPLOYEES.**

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

**Criminal background restrictions, foster and adoptive homes and residential facilities**

SECTION 1. Section 63‑7‑2350 of the 1976 Code, as last amended by Act 146 of 2018, is further amended to read:

“Section 63‑7‑2350. (A) No child in the custody of the Department of Social Services may be placed in a foster home, adoptive home, or residential facility with a person if the person or anyone eighteen years of age or older residing in the home or a person working in the residential facility:

(1) has a substantiated history of child abuse or neglect; or

(2) has pled guilty or nolo contendere to or has been convicted of:

(a) an ‘Offense Against the Person’ as provided for in Chapter 3, Title 16;

(b) an ‘Offense Against Morality or Decency’ as provided for in Chapter 15, Title 16;

(c) contributing to the delinquency of a minor as provided for in Section 16‑17‑490;

(d) the common law offense of assault and battery of a high and aggravated nature when the victim was a person seventeen years of age or younger;

(e) criminal domestic violence as defined in Section 16‑25‑20;

(f) criminal domestic violence of a high and aggravated nature as defined in Section 16‑25‑65;

(g) a felony drug‑related offense under the laws of this State;

(h) unlawful conduct toward a child as provided for in Section 63‑5‑70;

(i) cruelty to children as provided for in Section 63‑5‑80;

(j) child endangerment as provided for in Section 56‑5‑2947; or

(k) criminal sexual conduct with a minor in the first degree as provided for in Section 16‑3‑655(A).

(B) A person who has been convicted of a criminal offense similar in nature to a crime enumerated in subsection (A) when the crime was committed in another jurisdiction or under federal law is subject to the restrictions set out in this section.

(C) At a minimum, the department shall require that all persons referenced in subsection (A) undergo a fingerprint review to be conducted by the State Law Enforcement Division and a fingerprint review to be conducted by the Federal Bureau of Investigation. The department also shall check the State Central Registry of Child Abuse and Neglect, department records, the equivalent registry system for each state in which the person has resided for five years preceding an application for licensure as a foster parent, the National Sex Offender Registry, and the state sex offender registry for applicants and all persons twelve years of age and older residing in the home of an applicant.

(D) This section does not prevent placement in a foster home, adoptive home, or residential facility when a conviction or plea of guilty or nolo contendere for one of the crimes enumerated in subsection (A) has been pardoned. However, notwithstanding the entry of a pardon, the department or other entity making placement or licensing decisions may consider all information available, including the person’s pardoned convictions or pleas and the circumstances surrounding them, to determine whether the applicant is unfit or otherwise unsuited to provide foster care services.

(E) For the purposes of this section, ‘residential facility’ means a group home, residential treatment center, or other facility that, pursuant to a contract with or a license or permit issued by the department, provides residential services to children in the custody of the department. This includes, but is not limited to, child caring institutions, emergency shelters, group homes, wilderness therapeutic camps, and organizations with supervised individual living facilities.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 21st day of May, 2020.

Approved the 26th day of May, 2020.

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