CHAPTER 3

County Departments and Boards of Social Services

**SECTION 43‑3‑10.** County departments and boards of social services; creation; membership; appointment; terms; vacancies; termination.

 (A) There is created in each county of the State a county department of social services, referred to in Chapters 1, 3, 5, 7, and 9 as the county department, and in each county a county board of social services, referred to in Chapters 1, 3, 5, 7, and 9 as the county board, to be composed of not less than three nor more than nine members. Each county board serves in an advisory capacity to the director of the county department of social services. The members of each county board must be appointed by the Governor upon the recommendation of a majority, including the Senator, of the county legislative delegation. The terms of the members are for three years and until their successors have been appointed and qualify. In case of a vacancy caused by death, removal, resignation, or otherwise, the vacancy must be filled as provided in this section, but only for the unexpired term.

 In Berkeley County, appointments made pursuant to this section are governed by the provisions of Act 159 of 1995.

 In Dorchester County, appointments made pursuant to this section are governed by the provisions of Act 512 of 1996.

 In Georgetown County, appointments made pursuant to this section are governed by the provisions of Act 515 of 1996.

 (B) Notwithstanding the provisions of subsection (A), a county legislative delegation, in its sole discretion, has the authority, by written resolution, to terminate its respective county board of social services by a two‑thirds vote, based on weighted voting percentages of the county legislative delegation.

HISTORY: 1962 Code Section 71‑31; 1952 Code Section 71‑31; 1942 Code Section 4996‑7; 1937 (40) 496; 1957 (50) 616; 1970 (56) 2338; 1972 (57) 2382; 1975 (59) 333; 1976 Act No. 458; 1978 Act No. 488; 1993 Act No. 181, Section 1006, eff July 1, 1993; 2002 Act No. 246, Section 1, eff upon approval (became law without the Governor’s signature on May 15, 2002); 2003 Act No. 4, Section 1, eff upon approval (became law without the Governor’s signature on January 16, 2003).

Editor’s Note

By a Ordinance No. 96‑5‑15, dated October 2, 1996, the Berkeley County Council has notified the Code Commissioner that it accepts the responsibility and authority for making the appointments provided in Act 159 of 1995 which were formerly made by the Berkeley County Legislative Delegation pursuant to the authority of this section.

By Resolution 96‑07, dated July 15, 1996, the Dorchester County Council has notified the Code Commissioner that it accepts the responsibility and authority for making the appointments provided in Act 512 of 1996 which were formerly made by the Dorchester County Legislative Delegation pursuant to the authority of this section.

By a resolution dated August 13, 1996, the Georgetown County Council has notified the Code Commissioner that it accepts the responsibility and authority for making the appointments provided in Act 515 of 1996 which were formerly made by the Georgetown County Legislative Delegation pursuant to the authority of this section.

Library References

Public Assistance 22.

Westlaw Topic No. 316E.

C.J.S. Social Security and Public Welfare Sections 12 to 27.

Attorney General’s Opinions

It would be a violation of the dual office holding provision to serve simultaneously as the Director for the Allendale County Department of Social Services and as a member of the Allendale County School Board. S.C. Op.Atty.Gen. (Dec. 20, 2005) 2005 WL 3689157.

The Horry County Register of Deeds may be appointed to the Horry County Social Services Board without violating the constitutional provisions prohibiting dual office holding. S.C. Op.Atty.Gen. (June 7. 2004) 2004 WL 1297828.

Simultaneously serving as a trustee of the Williamsburg County School Board and as a member of the Board of Social Services of Williamsburg County, an advisory board, would not contravene the dual office holding prohibitions of the state Constitution. 1994 Op.Atty.Gen., No. 94‑17, p. 38, 1994 WL 84359.

H.4219, R‑238, 1993, an act relating to the Union County Department of Social Services, is of doubtful constitutionality. S.C. Op.Atty.Gen. (June 16, 1993) 1993 WL 720134.

A county legislative delegation has the authority to determine the appropriate number of members to serve on a county board of social services without further action of the General Assembly. 1988 Op.Atty.Gen., No. 88‑11, p 45, 1988 WL 383494.

County DSS board possesses authority to impose disciplinary sanctions on county director of social services upon receipt of report of alleged violations of State DSS policies and procedures. 1984 Op.Atty.Gen., No. 84‑135, p. 322, 1984 WL 159941.

The State Department of Social Services is the supervisory agency of the County Department of Social Services and all rules, policies and regulations adopted by the State Department are binding on the County Departments. 1976‑77 Op.Atty.Gen., No. 77‑219, p 168, 1977 WL 24561.

**SECTION 43‑3‑20.** Compensation of members of county boards.

 Members of the county boards shall receive the same mileage as is provided by law for state boards, committees and commissions for travel in attending meetings and a per diem, the total per diem not to exceed seventy‑five dollars per year.

HISTORY: 1962 Code Section 71‑32; 1952 Code Section 71‑32; 1942 Code Section 4996‑9; 1937 (40) 496; 1951 (47) 506; 1978 Act No. 506; 1993 Act No. 181, Section 1006, eff July 1, 1993.

Library References

Counties 73.

Public Assistance 22(2).

Westlaw Topic Nos. 104, 316E.

C.J.S. Counties Section 182.

Attorney General’s Opinions

Discussion of resolving conflicts between Appropriation Act provisions and statutory provisions. S.C. Op.Atty.Gen. (Jan. 16, 1997) 1997 WL 87931.

Simultaneously serving as a trustee of the Williamsburg County School Board and as a member of the Board of Social Services of Williamsburg County, an advisory board, would not contravene the dual office holding prohibitions of the state Constitution. 1994 Op.Atty.Gen., No. 94‑17, p. 38, 1994 WL 84359.

The State Department of Social Services is the supervisory agency of the County Department of Social Services and all rules, policies and regulations adopted by the State Department are binding on the County Departments. 1976‑77 Op.Atty.Gen., No. 77‑219, p 168, 1977 WL 24561.

**SECTION 43‑3‑30.** Chairman; meetings; quorum; rules of procedure.

 The members of the respective county boards shall elect one of their members as chairman. Each county board shall meet not less than once a month on regular dates fixed by it unless the director shall designate other regular dates for the various county board meetings. A simple majority of the members shall constitute a quorum and may decide all matters. Each county board may adopt its own rules of procedure unless the state department shall promulgate uniform rules for all county boards to observe.

HISTORY: 1962 Code Section 71‑33; 1952 Code Section 71‑33; 1942 Code Section 4996‑9; 1937 (40) 496; 1979 Act No. 21; 1993 Act No. 181, Section 1006, eff July 1, 1993.

Library References

Counties 81.1, 88.

Public Assistance 22.

Westlaw Topic Nos. 104, 316E.

C.J.S. Counties Sections 191, 200 to 201.

C.J.S. Social Security and Public Welfare Sections 12 to 27.

Attorney General’s Opinions

The State Department of Social Services is the supervisory agency of the County Department of Social Services and all rules, policies and regulations adopted by the State Department are binding on the County Departments. 1976‑77 Op.Atty.Gen., No. 77‑219, p 168, 1977 WL 24561.

**SECTION 43‑3‑40.** County directors; selection; salaries; duties.

 (A) The director shall select a director for each county department, referred to in Chapters 1, 3, 5, 7, 9, 19, and 23 as the county director, to discharge the duties of such office and may select regional directors to oversee the county directors. The salaries of county directors and any regional directors shall be fixed by the director. In fixing these salaries the director shall consider the individual qualifications of the respective directors and the possibilities of their individual positions. The county director shall be the chief executive officer of the county department and shall perform duties as are directed by the director, regional director, or as directed by law.

 (B) Regional and county directors serve at the pleasure of the Director of the State Department of Social Services.

HISTORY: 1962 Code Section 71‑34; 1952 Code Section 71‑34; 1942 Code Section 4996‑10; 1937 (40) 496; 1942 (42) 1596; 1947 (45) 489; 1993 Act No. 181, Section 1006, eff July 1, 1993; 1995 Act No. 102, Part VII, Section 6, eff June 12, 1995.

Library References

Counties 70.

Public Assistance 22.

Westlaw Topic Nos. 104, 316E.

C.J.S. Counties Sections 174 to 176.

C.J.S. Social Security and Public Welfare Sections 12 to 27.

Attorney General’s Opinions

County DSS board possesses authority to impose disciplinary sanctions on county director of social services upon receipt of report of alleged violations of State DSS policies and procedures. 1984 Op.Atty.Gen., No. 84‑135, p. 322, 1984 WL 159941.

The State Department of Social Services is the supervisory agency of the County Department of Social Services and all rules, policies and regulations adopted by the State Department are binding on the County Departments. 1976‑77 Op.Atty.Gen., No. 77‑219, p 168, 1977 WL 24561.

The State Department of Social Services may not pay mileage and per diem to county directors and supervisors to attend the Annual Meeting of County Directors and Supervisors Association of the South Carolina Department of Social Services. 1976‑77 Op.Atty.Gen., No. 77‑127, p 109, 1977 WL 24469.

**SECTION 43‑3‑50.** County advisory councils of social services.

 Each county board may create a county advisory council of social services to consider and advise with the county board on its problems and the remedies therefor, such council not to exceed five members. Members of such councils shall serve without compensation or allowance for expenses.

HISTORY: 1962 Code Section 71‑35; 1952 Code Section 71‑35; 1942 Code Section 4996‑14; 1937 (40) 496; 1972 (57) 2382; 1993 Act No. 181, Section 1006, eff July 1, 1993.

Library References

Counties 61, 74(1).

Westlaw Topic No. 104.

C.J.S. Counties Sections 156 to 158, 174.

Attorney General’s Opinions

The State Department of Social Services is the supervisory agency of the County Department of Social Services and all rules, policies and regulations adopted by the State Department are binding on the County Departments. 1976‑77 Op.Atty.Gen., No. 77‑219, p 168, 1977 WL 24561.

**SECTION 43‑3‑60.** Duties and powers of county directors.

 The respective county directors shall act as the representatives of the director in administering such welfare activities within the county as are provided for by law or as are directed and required by the director when not otherwise provided for by law. Each of such county directors shall see that all laws are enforced for the protection and welfare of minors and the removal of moral menaces to the young and to safeguard and promote the health, education and general welfare of minors. Subject to the rules and regulations of the state department, each of the county directors may use any funds supplied by the county in which the county department operates for such purposes as may be directed by law, in addition to their other duties. Each county director shall serve as the agent of the state department in the performance of such functions as the director may delegate to it.

HISTORY: 1962 Code Section 71‑36; 1952 Code Section 71‑36; 1942 Code Section 4996‑8; 1937 (40) 496; 1993 Act No. 181, Section 1006, eff July 1, 1993.

CROSS REFERENCES

Duties to State Department of Social Services, see Sections 63‑7‑910, 63‑7‑1610.

Provision that Department of Health and Human Services contract with Department of Social Services for operation of medicaid management information claims processing system, see Section 44‑6‑50.

Library References

Counties 92.

Public Assistance 22.

Westlaw Topic Nos. 104, 316E.

C.J.S. Counties Section 207.

C.J.S. Social Security and Public Welfare Sections 12 to 27.

Attorney General’s Opinions

Simultaneously serving as a trustee of the Williamsburg County School Board and as a member of the Board of Social Services of Williamsburg County, an advisory board, would not contravene the dual office holding prohibitions of the state Constitution. 1994 Op.Atty.Gen., No. 94‑17, p. 38, 1994 WL 84359.

County DSS board possesses authority to impose disciplinary sanctions on county director of social services upon receipt of report of alleged violations of State DSS policies and procedures. 1984 Op.Atty.Gen., No. 84‑135, p. 322, 1984 WL 159941.

The State Department of Social Services is the supervisory agency of the County Department of Social Services and all rules, policies and regulations adopted by the State Department are binding on the County Departments. 1976‑77 Op.Atty.Gen., No. 77‑219, p 168, 1977 WL 24561.

NOTES OF DECISIONS

In general 1

1. In general

While a county department of public welfare does not have jurisdiction of proceedings relating to the custody of minor children, this agency may be used by the court to take charge of neglected children temporarily until a suitable place can be found for them. Cutshaw v. Harvey (S.C. 1953) 223 S.C. 276, 75 S.E.2d 602. Infants 1441

**SECTION 43‑3‑65.** Office space and facility service to be supplied for county Department of Social Services.

 The governing authorities of each county shall provide office space and facility service, including janitorial, utility and telephone services, and related supplies, for its county Department of Social Services.

HISTORY: 1997 Act No. 155, Part II, Section 59A, eff July 1, 1997.

Library References

Public Assistance 22.

Westlaw Topic No. 316E.

C.J.S. Social Security and Public Welfare Sections 12 to 27.

**SECTION 43‑3‑70.** Estimates of county expenses; authority to engage, and qualifications of, agents and employees.

 Each county director shall submit to the state director at such times as the latter shall require the director’s estimate of the necessary administrative expenses and expenditures in the county, which, when approved by the state director, shall be authority for the county director to engage such other agents and employees as may be necessary in executing the duties and activities delegated to the county director. All such agents and employees shall measure up to the standards fixed by the state director as to education, training, fitness and experience in social work.

HISTORY: 1962 Code Section 71‑37; 1952 Code Section 71‑37; 1942 Code Section 4996‑10; 1937 (40) 496; 1993 Act No. 181, Section 1006, eff July 1, 1993.

Library References

Counties 133, 154.5, 156.

Westlaw Topic No. 104.

C.J.S. Counties Sections 260, 314 to 315, 321.

Attorney General’s Opinions

County DSS board possesses authority to impose disciplinary sanctions on county director of social services upon receipt of report of alleged violations of State DSS policies and procedures. 1984 Op.Atty.Gen., No. 84‑135, p. 322, 1984 WL 159941.

The State Department of Social Services is the supervisory agency of the County Department of Social Services and all rules, policies and regulations adopted by the State Department are binding on the County Departments. 1976‑77 Op.Atty.Gen., No. 77‑219, p 168, 1977 WL 24561.

**SECTION 43‑3‑80.** County budgets; records of activities and funds.

 Each county director shall prepare and submit to the state director, as required by the latter, an estimated budget for carrying out the duties and functions delegated to the county director, and shall maintain an accurate record of the county department’s activities and all funds received and expended by it.

HISTORY: 1962 Code Section 71‑38; 1952 Code Section 71‑38; 1942 Code Section 4996‑11; 1937 (40) 496; 1993 Act No. 181, Section 1006, eff July 1, 1993.

Library References

Counties 92.

Westlaw Topic No. 104.

C.J.S. Counties Section 207.

Attorney General’s Opinions

County DSS board possesses authority to impose disciplinary sanctions on county director of social services upon receipt of report of alleged violations of State DSS policies and procedures. 1984 Op.Atty.Gen., No. 84‑135, p. 322, 1984 WL 159941.

The State Department of Social Services is the supervisory agency of the County Department of Social Services and all rules, policies and regulations adopted by the State Department are binding on the County Departments. 1976‑77 Op.Atty.Gen., No. 77‑219, p 168, 1977 WL 24561.

**SECTION 43‑3‑90.** Standards of work, procedure and records of county directors.

 The respective county directors shall maintain such standards of work, procedure and records as are required by the state director in the discharge of their functions or in the use of any funds provided by the state department.

HISTORY: 1962 Code Section 71‑39; 1952 Code Section 71‑39; 1942 Code Section 4996‑12; 1937 (40) 496; 1993 Act No. 181, Section 1006, eff July 1, 1993.

Library References

Counties 92.

Westlaw Topic No. 104.

C.J.S. Counties Section 207.

Attorney General’s Opinions

County DSS board possesses authority to impose disciplinary sanctions on county director of social services upon receipt of report of alleged violations of State DSS policies and procedures. 1984 Op.Atty.Gen., No. 84‑135, p. 322, 1984 WL 159941.

The State Department of Social Services is the supervisory agency of the County Department of Social Services and all rules, policies and regulations adopted by the State Department are binding on the County Departments. 1976‑77 Op.Atty.Gen., No. 77‑219, p 168, 1977 WL 24561.

**SECTION 43‑3‑100.** Records and accounts of county departments; inspection, supervision, and audit.

 The records and accounts of each county shall be maintained as prescribed by the director and shall be subject to inspection, supervision, and audit by the state department and in the same manner and with the same effect as may be provided by law for the examination of other public offices.

HISTORY: 1962 Code Section 71‑40; 1952 Code Section 71‑40; 1942 Code Section 4996‑22; 1937 (40) 496; 1993 Act No. 181, Section 1006, eff July 1, 1993.

Library References

Counties 94, 159.

Westlaw Topic No. 104.

C.J.S. Counties Sections 197, 209, 318.

Attorney General’s Opinions

County DSS board possesses authority to impose disciplinary sanctions on county director of social services upon receipt of report of alleged violations of State DSS policies and procedures. 1984 Op.Atty.Gen., No. 84‑135, p. 322, 1984 WL 159941.

The State Department of Social Services is the supervisory agency of the County Department of Social Services and all rules, policies and regulations adopted by the State Department are binding on the County Departments. 1976‑77 Op.Atty.Gen., No. 77‑219, p 168, 1977 WL 24561.

**SECTION 43‑3‑110.** Reports of county directors.

 Each county director shall furnish such reports to the director as the latter shall require, including reports of all receipts and disbursements for assistance, which shall be made in such manner and upon such forms as the director may require. Each county director shall make an annual report of the county department’s activities, receipts and disbursements to each member of the county legislative delegation, to the foreman of the county grand jury and to the clerk of court, who shall file such report in his office as a public record. Each county director shall furnish such reports and data as may be required by the state department or the federal government, through its appropriate agency or instrumentality, concerning conditions within its county, the county department’s activities and functions and the administration of funds received by the county department.

HISTORY: 1962 Code Section 71‑41; 1952 Code Section 71‑41; 1942 Code Sections 4996‑11, 4996‑22; 1937 (40) 496; 1993 Act No. 181, Section 1006, eff July 1, 1993.

Library References

Counties 159.

Public Assistance 23.

Westlaw Topic Nos. 104, 316E.

C.J.S. Counties Section 318.

C.J.S. Social Security and Public Welfare Sections 12 to 19.

Attorney General’s Opinions

County DSS board possesses authority to impose disciplinary sanctions on county director of social services upon receipt of report of alleged violations of State DSS policies and procedures. 1984 Op.Atty.Gen., No. 84‑135, p. 322, 1984 WL 159941.

The State Department of Social Services is the supervisory agency of the County Department of Social Services and all rules, policies and regulations adopted by the State Department are binding on the County Departments. 1976‑77 Op.Atty.Gen., No. 77‑219, p 168, 1977 WL 24561.