**South Carolina General Assembly**

120th Session, 2013-2014

**H. 3732**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Funderburk

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Introduced in the House on February 28, 2013

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

Summary: Department of Social Services

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/28/2013 House Introduced and read first time ([House Journal‑page 55](file:///h:\HJ%20Archive\2013\02-28-13.docx))

2/28/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 55](file:///h:\HJ%20Archive\2013\02-28-13.docx))

**VERSIONS OF THIS BILL**

[2/28/2013](file:///p:\pprever\2013-14\3732_20130228.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑7‑745 SO AS TO REQUIRE A PARENT OR GUARDIAN TO SIGN A SAFETY PLAN OR VOLUNTARY TREATMENT PLAN IF THE DEPARTMENT AGREES TO ALLOW THE CHILD TO REMAIN IN THE HOME RATHER THAN REMOVE THE CHILD, TO REQUIRE THE PARENT OR GUARDIAN TO COMPLETE THE PLAN WITHIN NINETY DAYS, TO REQUIRE THE DEPARTMENT TO PROVIDE CERTAIN SERVICES TO THE PARENT OR GUARDIAN, TO REQUIRE THE DEPARTMENT TO FILE A PETITION FOR A HEARING IF THE PARENT OR GUARDIAN DOES NOT ACHIEVE THE PLAN’S GOALS WITHIN NINETY DAYS, TO REQUIRE THE DEPARTMENT TO INITIATE ACTIONS PURSUANT TO SECTIONS 63‑7‑1650 AND 63‑7‑1660 IF, AT THE NINETY‑DAY HEARING, THERE IS PROBABLE CAUSE OF ABUSE OR NEGLECT; TO CLOSE THE CASE IF, AT THE NINETY‑DAY HEARING, THERE IS NOT PROBABLE CAUSE OF ABUSE OR NEGLECT; AND TO AMEND SECTION 63‑7‑20, RELATING TO DEFINITIONS APPLICABLE TO CHILD PROTECTION AND PERMANENCY, SO AS TO ADD DEFINITIONS FOR “SAFETY PLAN” AND “VOLUNTARY TREATMENT PLAN”.

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

SECTION 1. Subarticle 3, Article 1, Chapter 7, Title 63 is amended by adding:

“Section 63‑7‑745. (A) Upon investigation of a report of suspected abuse or neglect pursuant to Section 63‑7‑310 or 63‑7‑920, if the department allows a child to remain in the home, rather than taking the child into legal custody or placing the child with a relative or other person, because the parent or guardian agrees to comply with a safety plan or in‑home voluntary treatment plan, the department shall require the parent or guardian to achieve the plan’s goals no later than ninety days from the date of signing the agreement. If the parent or guardian fails to achieve the plan’s goals within ninety days, the department immediately shall petition the court to schedule a probable cause hearing to be held within seventy‑two hours of the filing of the department’s petition.

(B) The department’s petition must include:

(1) a copy of the safety plan or in‑home voluntary treatment plan;

(2) the details of the parent’s or guardian’s noncompliance with the terms of the plan;

(3) the services offered or provided by the department as of the date of filing the petition; and

(4) the status of the department’s investigation pursuant to Section 63‑7‑920 and, if concluded, whether the initial report of suspected abuse or neglect is indicated or unfounded.

(C) The respondents may submit affidavits to the court regarding compliance with the terms of the plan and may cross‑examine the department’s witnesses.

(D)(1) At the conclusion of the hearing, the court shall determine whether there is probable cause to believe there exists an imminent and substantial danger to the child’s life, health, or physical safety by remaining in the home. If the court determines probable cause exists, the court shall:

(a) undertake to fulfill the requirements of Section 63‑7‑1620;

(b) order the department to initiate a removal action, pursuant to Section 63‑7‑1660, or an intervention action, pursuant to Section 63‑7‑1650, within ten days of the date of the hearing; and

(c) require the department to take legal custody of the child, place the child with a fit and willing relative or nonrelative, or allow the child to remain in the home, pending the hearing on the merits, as the court determines appropriate.

(2) If the court determines that probable cause does not exist, the department shall close the case.

(E) Notwithstanding subsection (D), the court, upon the request of the department or the parent or guardian, or on its own initiative, may extend the time for the parent or guardian to complete the safety plan or voluntary treatment plan up to ninety days. If the court grants an extension of time, the order shall:

(a) set forth the additional time allowed for the parent or guardian to achieve the plan’s goals;

(b) set forth any changes to the plan’s requirements; and

(c) require the department to file a petition for removal, pursuant to Section 63‑7‑1660, or to file a petition for intervention, pursuant to Section 63‑7‑1650, no later than ten days after the date by which the parent or guardian is ordered to achieve the terms of goals of the plan if the parent or guardian fails to comply.

(F) Failure of a parent or guardian or of the department to comply with the applicable requirements of this section and orders of the court constitutes contempt of court for which the court may impose sanctions.”

SECTION 2. Section 63‑7‑20(21) through (24) of the 1976 Code is amended to read:

“(21) ‘Protective services unit’ means the unit established within the Department of Social Services which has prime responsibility for state efforts to strengthen and improve the prevention, identification, and treatment of child abuse and neglect.

(22) ‘Safety plan’ means a document that is prepared by the department and signed by the parent or guardian which:

(a) is designed to address immediate safety threats to the child in the home to enable the child and family to remain together;

(b) may include an alternative caregiver arrangement; and

(c) is effective no longer than ninety days, unless otherwise ordered by the court.

(23) ‘Subject of the report’ means a person who is alleged or determined to have abused or neglected the child, who is mentioned by name in a report or finding.

~~(23)~~(24) ‘Suspected report’ means all initial reports of child abuse or neglect received pursuant to this chapter.

~~(24)~~(25) ‘Unfounded report’ means a report made pursuant to this chapter for which there is not a preponderance of evidence to believe that the child is abused or neglected. For the purposes of this chapter, it is presumed that all reports are unfounded unless the department determines otherwise.

(26) ‘Voluntary treatment plan’ means a plan prepared by the department and signed by the parent or guardian which:

(a) identifies conditions that raise concerns about the health, safety, and well‑being of the child residing in the home;

(b) requires the parent or guardian to make certain changes;

(c) requires the department to offer services to the parent or guardian designed to assist the parent or guardian to achieve the goals of the plan;

(d) is not a court‑ordered treatment plan pursuant to Section 63‑7‑1670;

(e) may include an alternative caregiver arrangement provision by which the parent or guardian agrees to place the child with another person while working to complete the plan’s requirements; and

(f) is effective no longer than ninety days, unless otherwise ordered by the court.”

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

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