**A** **BILL**

TO AMEND SECTION 63‑3‑530, AS AMENDED, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE JURISDICTION OF THE FAMILY COURT, SO AS TO PROVIDE THAT THE FAMILY COURT CAN ESTABLISH A RECOVERY COURT PROGRAM IN EACH JUDICIAL CIRCUIT; AND TO AMEND SECTION 63‑7‑1690, AS AMENDED, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO PLACEMENT PLANS IN CASES IN WHICH THERE ARE SUBSTANCE ABUSE ISSUES, SO AS TO PROVIDE THAT THE FAMILY COURT IS ALLOWED TO PERMIT A PARENT TO PARTICIPATE IN A RECOVERY COURT PROGRAM OPERATED BY THE DEPARTMENT OF SOCIAL SERVICES.

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

SECTION 1. Section 63‑3‑530(A) of the 1976 Code, as last amended by Act No. 273 of 2012, is further amended by adding item 47 to read:

“(47) to establish a recovery court program in each judicial circuit in which the court may allow, as a part of a placement plan ordered pursuant to Section 63‑7‑1680, the Department of Social Services to offer a parent whose child has been removed from the family pursuant to abuse and neglect allegations based upon drug or alcohol abuse an opportunity, to apply to participate in a program with the court for recovery from drug and alcohol addiction during which the parent voluntarily agrees that:

(a) the child will be placed in foster care until the parent has (1) demonstrated sufficient progress to take possession of the child without risking the child harm; or (2) graduated from, dropped out of, or been expelled from the program; and

(b) if the parent drops out of or has been expelled from the program, proceedings to terminate the parent’s parental rights may be initiated by the Department of Social Services as established in Section 63‑7‑2570(6).”

SECTION 2. Section 63‑7‑1690 of the 1976 Code is amended to read:

“Section 63‑7‑1690. ~~(A)~~ When the conditions justifying removal pursuant to Section 63‑7‑1660 include the addiction of the parent or abuse by the parent of controlled substances, the court may ~~require as part of the placement plan ordered pursuant to Section 63‑7‑1680~~:

(A) require as a part of the placement plan ordered pursuant to Section 63‑7‑1680:

(1) the parent to successfully ~~must~~ complete a treatment program operated by the Department of Alcohol and Other Drug Abuse Services or another treatment program approved by the department before return of the child to the home;

(2) any other adult person living in the home who has been determined by the court to be addicted to or abusing controlled substances or alcohol and whose conduct has contributed to the parent’s addiction or abuse of controlled substances or alcohol to successfully ~~must~~ complete a treatment program approved by the department before return of the child to the home; and

(3) the parent or other adult~~, or both,~~ identified in item (2), or both, to ~~must~~ submit to random testing for substance abuse and must be alcohol or drug free for a period of time to be determined by the court before return of the child. The parent or other adult identified in item (2) must continue random testing for substance abuse and must be alcohol or drug free for a period of time to be determined by the court after return of the child before the case will be authorized closed. Results of tests ordered pursuant to this section must be submitted to the department and are admissible only in family court proceedings brought by the department; or

(B) ~~Results of tests ordered pursuant to this section must be submitted to the department and are admissible only in family court proceedings brought by the department.~~ permit as a part of the placement plan ordered pursuant to Section 63‑7‑1680 the Department of Social Services to offer the parent the opportunity to apply to participate in the recovery court program as established by Section 63‑3‑530(A)(47). Any tests ordered pursuant to the recovery court program are admissible only in the recovery court or family court proceedings brought by the department.”

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

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