



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: H. 3442 Introduced on January 12, 2017
Author: Delleney
Subject: Adoption
Requestor: Senate Judiciary
RFA Analyst(s): Shuford
Impact Date: May 1, 2017

Estimate of Fiscal Impact

	FY 2017-18	FY 2018-19
State Expenditure		
General Fund	\$597,225	\$0
Other and Federal	\$1,078,020	\$0
Full-Time Equivalent Position(s)	20.00	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	\$0	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

This bill grants South Carolina residents and nonresidents in certain circumstances standing to petition for adoption of children in the custody of the Department of Social Services (DSS), which may increase the number of petitions competing for the placement or adoption of a child. These additional petitions would increase the workload of DSS attorneys in evaluating and responding to these legal proceedings. Based on an estimated 25 percent increase in the number of attorneys necessary to meet the increased legal caseload, the Department of Social Services would increase the number of agency attorneys by 15 along with 5 paralegal positions. These 20 FTEs would increase total expenditures by \$1,675,245 in FY 2017-18 to include salaries, employee fringe, and other operating expenses estimated at 16 percent of salaries and employer fringe. Of this total, \$597,225 would be General Fund expenditures and \$1,078,020 would be Federal Funds expenditures.

Explanation of Fiscal Impact

Introduced on January 12, 2017

State Expenditure

This bill adds to the list of exemptions that would allow a nonresident of South Carolina to petition to adopt a child. The exemptions include situations where a parent has specifically consented to the adoption by a nonresident and the Department of Social Services or any agency under contract with DSS has placed the child with the nonresident for purposes of adoption. Family court must make and include in its order specific findings of fact as to the circumstances allowing a child's placement for adoption by a nonresident.

In addition, the bill provides a petition for adoption may be filed regardless of which individual or entity has custody of a child. The rights of South Carolina residents and nonresidents to petition for adoption are not diminished or negated when DSS has custody.

Department of Social Services. DSS indicates that the repeal of Section 63-9-60(B), as proposed by this bill, would allow parties to file a petition for the adoption of a child placed for adoption by DSS or any agency under contract with DSS. Current statute and court rulings have found that parties, such as foster parents or nonresidents, do not have standing to file a petition action. These additional petitions would increase the workload of DSS attorneys in evaluating and responding to these legal proceedings. Based on a 50 percent increase in adoption petitions, DSS estimates a 25 percent increase in the number of attorneys would be necessary to meet the increased legal caseload. Presently, there are 61 FTE attorney positions at DSS. A 25 percent increase would represent 15 new attorney FTE positions requiring 5 paralegal positions for legal casework support. These 20 FTEs would increase total expenditures by \$1,675,245 in FY 2017-18 to include salaries, employee fringe, and other operating expenses estimated at 16 percent of salaries and employer fringe. Of this total, \$597,225 would be General Fund expenditures and \$1,078,020 would be Federal Funds expenditures.

Judicial Department. The bill allows additional circumstances where a nonresident of South Carolina may adopt a child. There are no data available to estimate the number of additional hearings that may be held in family court, but the number is not expected to be significant. Therefore, the department anticipates managing any additional hearings within current resources. If the number of additional hearings does increase significantly, the result could be a backlog of cases in family court.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director