**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3209**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Bernstein, Collins, Murphy, Felder, Cobb‑Hunter and Henegan

Document Path: l:\council\bills\cc\15844vr21.docx

Companion/Similar bill(s): 229

Introduced in the House on January 12, 2021

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

Summary: SC Child Abuse Response Protocol Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 House Prefiled

12/9/2020 House Referred to Committee on **Judiciary**

1/12/2021 House Introduced and read first time ([House Journal‑page 116](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 116](file:///h:\hj\20210112.docx))

1/14/2021 House Member(s) request name added as sponsor: Henegan

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\3209_20201209.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA CHILD ABUSE RESPONSE PROTOCOL ACT” BY ADDING ARTICLE 24 TO CHAPTER 11, TITLE 63 SO AS TO REQUIRE MULTIDISCIPLINARY TEAMS INVOLVED IN CHILD ABUSE INVESTIGATION AND PROSECUTION TO FOLLOW CERTAIN CHILD ABUSE RESPONSE PROTOCOL, TO PROVIDE FOR THE ESTABLISHMENT OF AN ADVISORY COMMITTEE TO REVIEW AND UPDATE THE PROTOCOL, AND FOR OTHER PURPOSES; AND TO AMEND SECTION 63‑11‑310, RELATING TO CHILDREN’S ADVOCACY CENTERS, SO AS TO REQUIRE CHILDREN’S ADVOCACY CENTERS TO HOLD CERTAIN ACCREDITATION STATUS OR BE ACTIVELY PURSUING ACCREDITATION, AND FOR OTHER PURPOSES.

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

SECTION 1. This act may be known and cited as the “South Carolina Child Abuse Response Protocol Act”.

SECTION 2. Chapter 11, Title 63 of the 1976 Code is amended by adding:

“Article 24

South Carolina Child Abuse Response Protocol Act

Section 63‑11‑2400. In the investigation and prosecution of a known or suspected crime against a child, a multidisciplinary team must follow the South Carolina Child Abuse Response Protocol as developed by the South Carolina Children’s Justice Act Task Force and the South Carolina Network of Children’s Advocacy Centers. Failure to comply with the South Carolina Child Abuse Response Protocol is not grounds for dismissal of any criminal charge, nor does it provide any cause of action against any state agency, political subdivision, member of a multidisciplinary team, member of any law enforcement agency, or law enforcement officer.

Section 63‑11‑2410. (A) The South Carolina Children’s Justice Act Task Force and the South Carolina Network of Children’s Advocacy Centers shall develop and provide initial training on the protocol and updated training as needed for this purpose. The protocol must be publicly available and must be reviewed annually and updated as needed by an advisory committee known as the Child Abuse Protocol Review Committee.

(B)(1) The Governor shall appoint the members of the advisory committee and may consult with the South Carolina Children’s Justice Act Task Force and the South Carolina Network of Children’s Advocacy Centers in making his appointments. The advisory committee shall consist of thirteen members as follows:

(a) the Executive Director of the South Carolina Network of Children’s Advocacy Centers, or his designee;

(b) one member from state law enforcement;

(c) one member from county law enforcement;

(d) one member from a solicitor’s office;

(e) the Executive Director of the Department of Social Services, or his designee;

(f) one member who is the Medical Director of the South Carolina Children’s Advocacy Medical Response System, or his designee;

(g) one member from the State Guardian Ad Litem Program or Richland County Court Appointed Special Advocates;

(h) one member from a school district;

(i) one member from a statewide organization experienced in working with children with all disabilities;

(j) the Executive Director of the South Carolina Police Chiefs Association, or his designee;

(k) the Executive Director of the South Carolina Sheriffs’ Association, or his designee; and

(l) two at‑large members.

(2) The Department of Children’s Advocacy shall convene the first meeting of the advisory committee for the purpose of electing a chair and shall thereafter provide staff support to the advisory committee. Members of the advisory committee shall serve for terms of four years and may serve in a holdover capacity for up to six months after the expiration of their term, should a qualified successor not be appointed.

Section 63‑11‑2420. The Department of Children’s Advocacy shall maintain the protocol and the advisory committee’s updates to the protocol.”

SECTION 3. Section 63‑11‑310(B)(1), (C), and (D) of the 1976 Code is amended to read:

“(1) Children’s Advocacy Centers must establish memoranda of agreement with governmental entities charged with the investigation and prosecution of child abuse. ~~Fully operational centers must function in a manner consistent with standards of the National Children’s Alliance, and all centers must strive to achieve full membership in the National Children’s Alliance~~ Children’s Advocacy Centers must be fully accredited by the National Children’s Alliance or must be an Associate/Developing or Affiliate Member of the South Carolina Network of Children’s Advocacy Centers and be actively pursuing full accreditation with the National Children’s Alliance within the next two years.

(C) The South Carolina Network of Children’s Advocacy Centers ~~and the South Carolina Chapter of the National Children’s Alliance~~ must coordinate and facilitate the exchange of information among statewide centers and provide technical assistance to communities in the establishment, growth, and certification of local centers. The network must also educate the public and legislature regarding the needs of abused children and provide or coordinate multidisciplinary training opportunities which support the comprehensive response to suspected child maltreatment.

~~(D)~~ ~~Nothing in this section requires the exclusive use of a Children’s Advocacy Center.~~”

SECTION 4. SECTION 1 and Section 63‑11‑2410(B) take effect upon approval by the Governor. The remaining provisions take effect one year after approval by the Governor.

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