**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3235**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Kimmons and Davis

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Introduced in the House on January 12, 2021

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

Summary: Child welfare system

**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 124](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 124](file:///h:\hj\20210112.docx))

2/24/2021 House Member(s) request name added as sponsor: Davis

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3235&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\3235_20201209.docx)

**A** **BILL**

TO AMEND SECTIONS 63‑7‑10 AND 63‑7‑1620, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRINCIPLES OF THE STATE’S CHILD WELFARE SYSTEM AND LEGAL REPRESENTATION OF THE DEPARTMENT OF SOCIAL SERVICES IN CHILD ABUSE AND NEGLECT PROCEEDINGS, RESPECTIVELY, SO AS TO CLARIFY THAT LEGAL REPRESENTATIVES OF THE DEPARTMENT MUST ENSURE THAT CHILD WELFARE AND SAFETY ARE THE PREDOMINANT BASIS OF DEPARTMENT RECOMMENDATIONS AND DECISIONS IN SUCH PROCEEDINGS AND THAT THE LEGAL REPRESENTATIVES HAVE THE SOLE DISCRETION ON BEHALF OF THE DEPARTMENT OVER ANY DECISIONS PERTAINING TO SUCH PROCEEDINGS.

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

SECTION 1. Section 63‑7‑10(A) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) The Department of Social Services legal representatives must ensure that the child’s welfare and safety are the predominant basis of all department recommendations and decisions pertaining to abuse and neglect proceedings.”

SECTION 2. Section 63‑7‑1620(4) of the 1976 Code is amended to read:

“(4) The interests of the State and the Department of Social Services must be represented by the legal representatives of the Department of Social Services in any judicial proceeding, who shall ensure that the child’s welfare and safety are the predominant basis of any department recommendations and decisions and who shall have sole discretion on behalf of the department whether to file a child abuse or neglect petition in the family court. The attorney acting as the legal representative in a particular proceeding shall have sole discretion on behalf of the department over any decisions regarding the pursuit, settlement, or appeal of a pending action.”

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

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