



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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*This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.*

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<b>Bill Number:</b>	H.3567	Introduced on January 12, 2021
<b>Author:</b>	Bernstein	
<b>Subject:</b>	Residential Treatment Programs	
<b>Requestor:</b>	House Judiciary	
<b>RFA Analyst(s):</b>	Payne and Gardner	
<b>Impact Date:</b>	February 19, 2021	

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### **Fiscal Impact Summary**

This bill will not have a fiscal impact on the General Fund, Other Funds, or Federal Funds of the Department of Social Services (DSS), as they anticipate they can perform the duties enumerated in this bill using existing appropriations.

The Judicial Department indicates the bill would increase family court caseloads, though there is no data available with which to estimate the number of filings, hearings, or trials that may result. The department expects to manage any additional costs associated with increased caseloads using existing General Fund resources.

This fiscal impact has been updated for additional agency response.

### **Explanation of Fiscal Impact**

#### **Updated for Additional Agency Response**

**Introduced on January 12, 2021**

#### **State Expenditure**

This bill defines and establishes qualified residential treatment programs as a placement option for children in the custody of DSS. The bill defines a qualified residential treatment program as a childcare institution that has a trauma informed treatment model, registered or licensed nursing staff, licensed by DSS and accredited by an approved organization, and that involves the child's family in the treatment process. The bill prescribes the process by which a determination shall be made for placing a child in a treatment program. The process must include a documented determination that placement in a treatment program is in the best interest of the child, and why the needs of the child cannot be met through placement with a family member or foster home. Within sixty days of the start of placement for a child, the family court shall review the child's case and make a determination, approving or disapproving the placement. DSS is required to submit evidence at subsequent hearings for a child placed in a treatment program demonstrating the placement continues to serve the best interests of the child.

DSS indicates they can perform the duties enumerated in this bill using existing appropriations. Therefore, this bill will not impact the General Fund, Other Funds, or Federal Funds of DSS.

**Judicial Department.**

This bill adds and defines terms related to qualified residential treatment programs, makes conforming changes, and provides for judicial review. This bill provides that the Family Court must, within sixty days of placement, consider the assessment, determine whether the needs of the child can be met, and approve or disprove of the placement. DSS must submit certain evidence at any subsequent hearing and the Court must address the evidence and approve or disapprove of placement in the qualified residential treatment program. The department indicates the bill would increase family court caseloads, though there is no data available with which to estimate the number of filings, hearings, or trials that may result. The department expects to manage any additional costs associated with increased caseloads using existing General Fund resources.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A

**Introduced on January 12, 2021****State Expenditure**

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DSS indicates they can perform the duties enumerated in this bill using existing appropriations. Therefore, this bill will not impact the General Fund, Other Funds, or Federal Funds of DSS.

The fiscal impact of this bill is pending, contingent upon a response from the Judicial Branch.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A



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Frank A. Rainwater, Executive Director