**A** **BILL**

TO AMEND SECTION 63-9-30(10) OF THE 1976 CODE, RELATING TO DEFINITIONS UNDER THE SOUTH CAROLINA ADOPTION ACT, TO PROVIDE THAT A “CHILD WITH CHALLENGING ADOPTION CIRCUMSTANCES” OR “CHILDREN WITH CHALLENGING ADOPTION CIRCUMSTANCES” MEANS CHILDREN WHO ARE MEMBERS OF A SIBLING GROUP, CHILDREN AGED SIX OR OLDER, OR CHILDREN WITH PHYSICAL, MENTAL, OR EMOTIONAL DISABILITIES; TO AMEND SECTION 63-9-60(B)(1)(A), SECTION 63-9-750(A), SECTION 63-9-1370(B), SECTION 63-9-1750(1), AND SECTION 63-9-2030(A) AND (D) OF THE 1976 CODE, ALL RELATING TO CERTAIN PROVISIONS UNDER THE SOUTH CAROLINA ADOPTION ACT, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 12-6-1140(7) OF THE 1976 CODE, RELATING TO DEDUCTIONS FROM INDIVIDUAL TAXABLE INCOME FOR CERTAIN ADOPTED CHILDREN, TO MAKE CONFORMING CHANGES; AND TO PROVIDE THAT A CHILD WHO FORMERLY QUALIFIED AS A SPECIAL NEEDS CHILD AND RECEIVED CERTAIN ADOPTION BENEFITS PURSUANT TO THIS STATUS SHALL CONTINUE TO RECEIVE THOSE BENEFITS.

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

SECTION 1. Section 63-9-30(10) of the 1976 Code is amended to read:

“(10) ‘~~Special needs child~~ Child with challenging adoption circumstances’ means a child or children who are unlikely to be adopted without assistance as determined by the South Carolina Department of Social Services because they fall into one or more of the following categories:

(a) children who are members of a sibling group;

~~(b)~~ ~~children of mixed racial heritage~~;

~~(c)~~(b) children aged six or older; or

~~(d)~~(c) children with physical, mental, or emotional disabilities.”

SECTION 2. Section 63-9-60(B)(1)(a) of the 1976 Code is amended to read:

“(a) the child is a ~~special needs~~ child with challenging adoption circumstances, as defined by Section 63‑9‑30;”

SECTION 3. Section 63-9-750(A) of the 1976 Code is amended to read:

“Section 63‑9‑750. (A) The final hearing on the adoption petition must not be held before ninety days and no later than six months after the filing of the adoption petition. In the case of a ~~special needs~~ child with challenging adoption circumstances, the hearing must not be held before ninety days and no later than twelve months after the filing of the adoption petition. In its discretion, upon good cause shown, the court may extend~~,~~ or, in the case of a ~~special needs~~ child with challenging adoption circumstances, extend or shorten the time within which the final hearing on the adoption petition may be held.”

SECTION 4. Section 63-9-1370(B) of the 1976 Code is amended to read:

“(B) A fee may not be charged for the placement of a child with ~~special needs~~ challenging adoption circumstances, as defined in Section 63‑9‑30, into an adoptive home.”

SECTION 5. Section 63-9-1750(1) of the 1976 Code is amended to read:

“(1) is a ~~special needs~~ child with challenging adoption circumstances pursuant to Section 63‑9‑30;”

SECTION 6. Section 63-9-2030(A) and (D) of the 1976 Code are amended to read:

“Section 63‑9‑2030. (A) A child with ~~special needs~~ challenging adoption circumstances who is a resident in the State who is the subject of an adoption assistance agreement with another state may receive medical assistance identification from this State upon the filing with the Department of Social Services of a certified copy of the agreement obtained from the adoption assistance state. In accordance with regulations of the department, the adoptive parents at least annually shall show that the agreement is still in force or has been renewed.

(D) The provisions of this section apply only to medical assistance for children under adoption assistance agreements from states that have entered into a compact with this State under which the other state provides medical assistance to children with ~~special needs~~ challenging adoption circumstances under adoption assistance agreements made by this State. All other children entitled to medical assistance pursuant to adoption assistance agreements entered into by this State are eligible to receive assistance in accordance with the laws and procedures applicable to the agreements.”

SECTION 7. Section 12-6-1140(7) of the 1976 Code is amended to read:

“(7)(a) Two thousand dollars for each adopted ~~special needs~~ child with challenging adoption circumstances who is:

(i) dependent upon and receiving chief support from the taxpayer;

(ii) under the age of twenty‑one; and

(iii) enrolled in an accredited school or college or is incapable of self‑support because of mental or physical defects.

(b) For purposes of this item, a ~~special needs~~ child with challenging adoption circumstances is a person who is:

(i) under eighteen at the time of adoption;

(ii) the dependent of a public or private nonprofit adoption agency prior to the adoption;

(iii) legally free for adoption; and

(iv) unlikely to be adopted without assistance as determined by the South Carolina Department of Social Services because of conditions such as ethnic minority status, age, sibling group membership, medical condition, or physical, mental, or emotional handicaps.

(c) The entire deduction is allowed for a taxable year even if the ~~special needs~~ child with challenging adoption circumstances survives for only part of the taxable year.”

SECTION 8. A child who, prior to the effective date of this act, qualified as a special needs child pursuant to Section 63-9-30 and received enhanced adoption subsidies pursuant to this status shall continue to receive those subsidies after the effective date of this act.

SECTION 9. This act takes effect upon approval by the Governor.

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