**South Carolina General Assembly**

125th Session, 2023-2024

**A33, R40, S612**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Shealy, Gustafson and McElveen

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Introduced in the Senate on March 8, 2023

Introduced in the House on March 30, 2023

Last Amended on March 29, 2023

Currently residing in the Senate

Summary: Child Welfare

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/8/2023 Senate Introduced and read first time (Senate Journal‑page 10)

 3/8/2023 Senate Referred to Committee on **Family and Veterans' Services** (Senate Journal‑page 10)

 3/22/2023 Senate Committee report: Favorable **Family and Veterans' Services** (Senate Journal‑page 10)

 3/28/2023 Senate Read second time (Senate Journal‑page 93)

 3/29/2023 Senate Amended (Senate Journal‑page 27)

 3/29/2023 Senate Read third time and sent to House (Senate Journal‑page 27)

 3/29/2023 Senate Roll call Ayes-40 Nays-1 (Senate Journal‑page 27)

 3/30/2023 House Introduced and read first time (House Journal‑page 25)

 3/30/2023 House Referred to Committee on **Judiciary** (House Journal‑page 25)

 5/3/2023 House Committee report: Favorable **Judiciary** (House Journal‑page 92)

 5/4/2023 House Read second time (House Journal‑page 102)

 5/4/2023 House Roll call Yeas-108 Nays-0 (House Journal‑page 102)

 5/4/2023 House Unanimous consent for third reading on next legislative day (House Journal‑page 103)

 5/5/2023 House Read third time and enrolled (House Journal‑page 11)

 5/11/2023 Ratified R 40

 5/16/2023 Signed By Governor

 5/25/2023 Effective date 05/16/23

 5/25/2023 Act No. 33

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**VERSIONS OF THIS BILL**

[03/08/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/612_20230308.docx)

[03/22/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/612_20230322.docx)

[03/29/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/612_20230329.docx)

[05/04/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/612_20230504.docx)

(A33, R40, S612)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63‑7‑10, RELATING TO THE PURPOSE OF THE SOUTH CAROLINA CHILDREN’S CODE, SO AS TO revise stated CHILD WELFARE SERVICE PRINCIPLES and require certain reporting; AND BY AMENDING SECTION 63‑7‑920, RELATING TO INVESTIGATIONS AND CASE DETERMINATION, SO AS TO change GUIDELINES FOR INVESTIGATION AND REPORTING IN THE CASE OF A REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT.

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

Child welfare service principles

SECTION 1. Section 63‑7‑10 of the S.C. Code is amended to read:

 Section 63‑7‑10. (A) Any intervention by the State into family life on behalf of children must be guided by law, by strong philosophical underpinnings, and by sound professional standards for practice. Child welfare services must be based on these principles:

 (1) Parents have the primary responsibility for and are the primary resource for their children.

 (2) Children should have the opportunity to grow up in a family unit if at all possible.

 (3) State and community agencies have a responsibility to implement prevention programs aimed at identifying high risk families and to provide supportive intervention to reduce occurrence of maltreatment.

 (4) Services for families should be accessible and designed to encourage and enable families to adequately deal with their problems within their own family system.

 (5) Child welfare intervention into a family's life should be structured so as to avoid a child's entry into the protective service and foster care systems if at all possible.

 (6) The state's child welfare system must be designed to be child‑centered, family‑focused, community‑based, and culturally competent in its prevention and protection efforts.

 (7) Neighborhoods and communities are the primary source of opportunities and supports for families and have a primary responsibility in assuring the safety and vitality of their members.

 (8) The Department of Social Services shall collaborate with the community to identify, support, and treat families in a nonthreatening manner, in both investigative and family assessment situations.

 (9) A family assessment approach, stressing the safety of the child, building on the strengths of the family, and identifying and treating the family's needs is the appropriate approach for cases not requiring law enforcement involvement or the removal of the child.

 (10) Only a comparatively small percentage of current child abuse and neglect reports are criminal in nature or will result in the removal of the child or alleged perpetrator.

 (11) Should removal of a child become necessary, the state's foster care system must be prepared to provide timely and appropriate placements for children with relatives or in licensed foster care settings and to establish a plan which reflects a commitment by the State to achieving permanency for the child within reasonable timelines.

 (12) The Department of Social Services staff who investigates serious child abuse and neglect reports with law enforcement must be competent in law enforcement procedures, fact finding, evidence gathering, and effective social intervention and assessment.

 (13) Services should be identified quickly and should build on the strengths and resources of families and communities.

 (B) It is the purpose of this chapter to:

 (1) acknowledge the different intervention needs of families;

 (2) establish an effective system of services throughout the State to safeguard the well‑being and development of endangered children and to preserve and stabilize family life, whenever appropriate;

 (3) ensure permanency on a timely basis for children when removal from their homes is necessary;

 (4) establish fair and equitable procedures, compatible with due process of law to intervene in family life with due regard to the safety and welfare of all family members; and

 (5) establish an effective system of protection of children from injury and harm while living in public and private residential agencies and institutions meant to serve them.

 (C) All child welfare intervention by the State has as its primary goal the welfare and safety of the child.

 (D) Beginning September 1, 2023, the department must provide to the General Assembly an annual report that enumerates each case accepted for investigation in which the department failed to comply with the time frames established in this chapter, the amount of time beyond the time frames established that the department required to complete the proceeding, and the good cause for the department’s inability or failure to comply.

Investigations and case determination

SECTION 2. Section 63‑7‑920 of the S.C. Code is amended to read:

 Section 63‑7‑920. (A)(1) Within twenty‑four hours of the receipt of a report of suspected child abuse or neglect, the department must begin an appropriate and thorough investigation to decide whether the report should be “indicated” or “unfounded” when the department concludes the report alleges that:

 (a) a child is at imminent and substantial risk of physical or mental injury due to abuse, neglect, or harm;

 (b) the family may flee or the child may be unavailable for purposes of conducting a child protective services investigation; or

 (c) the department has assumed legal custody of a child pursuant to Section 63‑7‑660 or 63‑7‑670 or the department has been notified that a child has been taken into emergency protective custody.

 (2) The department must begin an appropriate and thorough investigation of all reports of suspected child abuse or neglect that do not meet criteria established in subsection (A)(1) within two business days of receiving the report to determine whether the report should be “indicated” or “unfounded”.

 (3) The finding must be made no later than forty‑five days from the receipt of the report. A single extension of no more than fifteen days may be granted by the director of the department, or the director's designee, for good cause shown, pursuant to guidelines adopted by the department.

 (4) If the investigation cannot be completed because the department is unable to locate the child or family or for other compelling reasons, the report may be classified as unfounded Category III and the investigation may be reopened at a later date if the child or family is located or the compelling reason for failure to complete the investigation is removed. The department must make a finding within forty‑five days after the investigation is reopened.

 (B) The department may file with the family court an affidavit and a petition to support issuance of a warrant at any time after receipt of a report. The family court must issue the warrant if the affidavit and petition establish probable cause to believe the child is an abused or neglected child and that the investigation cannot be completed without issuance of the warrant. The warrant may authorize the department to interview the child, to inspect the condition of the child, to inspect the premises where the child may be located or may reside, and to obtain copies of medical, school, or other records concerning the child.

 (C) The department or law enforcement, or both, may interview the child alleged to have been abused or neglected and any other child in the household during the investigation. The interviews may be conducted on school premises, at childcare facilities, at the child's home or at other suitable locations and in the discretion of the department or law enforcement, or both, may be conducted outside the presence of the parents. To the extent reasonably possible, the needs and interests of the child must be accommodated in making arrangements for interviews, including time, place, method of obtaining the child's presence, and conduct of the interview. The department or law enforcement, or both, shall provide notification of the interview to the parents as soon as reasonably possible during the investigation if notice will not jeopardize the safety of the child or the course of the investigation. All state, law enforcement, and community agencies providing child welfare intervention into a child's life should coordinate their services to minimize the number of interviews of the child to reduce potential emotional trauma to the child.

 (D) The department must furnish to parents or guardians on a standardized form the following information as soon as reasonably possible after commencing the investigation:

 (1) the names of the investigators;

 (2) the allegations being investigated;

 (3) whether the person's name has been recorded by the department as a suspected perpetrator of abuse or neglect;

 (4) the right to inspect department records concerning the investigation;

 (5) statutory and family court remedies available to complete the investigation and to protect the child if the parent or guardian or subject of the report indicates a refusal to cooperate;

 (6) how information provided by the parent or guardian may be used;

 (7) the possible outcomes of the investigation; and

 (8) the telephone number and name of a department employee available to answer questions.

 (E) This subarticle does not require the department to investigate reports of child abuse or neglect which resulted in the death of the child unless there are other children residing in the home, or a resident of the home is pregnant, or the subject of the report is the parent, guardian, or person responsible for the welfare of another child regardless of whether that child resides in the home.

 (F) The department or law enforcement, or both, may collect information concerning the military affiliation of the person having custody or control of the child subject to an investigation and may share this information with the appropriate military authorities pursuant to Section 63‑11‑80.

Time effective

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

Ratified the 11th day of May, 2023.

Approved the 16th day of May, 2023.

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