**South Carolina General Assembly**

126th Session, 2025-2026

**S. 179**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Hutto

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

Summary: Department of Childrenâ€™s Advocacy

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/14/2025 Senate Introduced and read first time

 1/14/2025 Senate Referred to Committee on **Judiciary**

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**VERSIONS OF THIS BILL**

[01/14/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/179_20250114.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63‑7‑1990, RELATING TO CONFIDENTIALITY AND RELEASE OF RECORDS AND INFORMATION, SO AS TO AUTHORIZE DISCLOSURE OF CASE RECORDS TO COUNTY AND STATE GUARDIAN AD LITEM STAFF AND THE STATE CHILD ADVOCATE’S DIVISIONS; BY AMENDING SECTION 63‑11‑550, RELATING TO CONFIDENTIALITY OF RECORDS AND INFORMATION, SO AS TO PROVIDE THAT THE APPOINTED GUARDIAN AD LITEM CAN SHARE CASE RECORDS TO COUNTY AND STATE GUARDIAN AD LITEM STAFF AND THE STATE CHILD ADVOCATE’S DIVISIONS; BY AMENDING SECTION 63‑11‑700, RELATING TO THE DIVISION FOR REVIEW OF THE FOSTER CARE OF CHILDREN, SO AS TO UPDATE STATUTES RELATED TO THE STATE CHILD ADVOCATE’S DIVISION; BY AMENDING SECTION 63‑11‑1340, RELATING TO THE DIRECTOR AND OTHER STAFF, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 63‑11‑1360, RELATING TO THE ANNUAL REPORT, SO AS TO MAKE CONFORMING CHANGES.

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

SECTION 1. Section 63‑7‑1990(B) of the S.C. Code is amended to read:

 (B) The department is authorized to grant access to the records of indicated cases to the following persons, agencies, or entities:

 (1) the Department of Children's Advocacy, including the Guardian ad Litem Division, and county Guardian ad Litem Staff, when carrying out their duties;

 (2) a person appointed as the child's guardian ad litem, the attorney for the child's guardian ad litem, or the child's attorney;

 (3) appropriate staff of the department;

 (4) a law enforcement agency investigating or prosecuting known or suspected abuse or neglect of a child or any other crime against a child, attempting to locate a missing child, investigating or prosecuting the death of a child, or investigating or prosecuting any other crime established in or associated with activities authorized under this article;

 (5) a person who is named in a report or investigation pursuant to this article as having abused or neglected a child, that person's attorney, and that person's guardian ad litem;

 (6) a child fourteen years of age or older who is named in a report as a victim of child abuse or neglect, except in regard to information that the department may determine to be detrimental to the emotional well‑being of the child;

 (7) the parents or guardians of a child who is named in a report as a victim of child abuse or neglect;

 (8) county medical examiners or coroners who are investigating the death of a child;

 (9) the State Child Fatality Advisory Committee and the Department of Child Fatalities in accordance with the exercise of their purposes or duties pursuant to Article 19, Chapter 11;

 (10) family courts conducting proceedings pursuant to this article;

 (11) the parties to a court proceeding in which information in the records is legally relevant and necessary for the determination of an issue before the court, if before the disclosure the judge has reviewed the records in camera, has determined the relevancy and necessity of the disclosure, and has limited disclosure to legally relevant information under a protective order;

 (12) a grand jury by subpoena upon its determination that access to the record is necessary in the conduct of its official business;

 (13) authorities in other states conducting child abuse and neglect investigations or providing child welfare services;

 (14) courts in other states conducting child abuse and neglect proceedings or child custody proceedings;

 (15) the director or chief executive officer of a childcare facility, child placing agency, or child caring facility when the records concern the investigation of an incident of child abuse or neglect that allegedly was perpetrated by an employee or volunteer of the facility or agency against a child served by the facility or agency;

 (16) a person or agency with authorization to care for, diagnose, supervise, or treat the child, the child's family, or the person alleged to have abused or neglected the child;

 (17) any person engaged in bona fide research with the written permission of the state director or the director's designee, subject to limitations the state director may impose;

 (18) multidisciplinary teams impaneled by the department or impaneled pursuant to statute;

 (19) circuit solicitors and their agents investigating or prosecuting known or suspected abuse or neglect of a child or any other crime against a child, attempting to locate a missing child, investigating or prosecuting the death of a child, or investigating or prosecuting any other crime established in or associated with activities authorized under this article;

 (20) prospective or current adoptive parents, caregivers, kinship care providers, foster parents, and public or private residential facilities, in contemplation of placement and after placement. For purposes of this item, “public or private residential facility” has the same meaning as defined in Section 63‑7‑770;

 (21) the Division for the Review of the Foster Care of Children, for purposes of certifying in accordance with Section 63‑11‑730 that no potential employee or no nominee to and no member of the state or a local foster care review board is a subject of an indicated report or affirmative determination;

 (22) employees of the Division for the Review of the Foster Care of Children and members of local boards when carrying out their duties pursuant to Article 7, Chapter 11; the department and the division shall limit by written agreement or regulation, or both, the documents and information to be furnished to the local boards;

 (23) employees of the Division of Guardian ad Litem, for purposes of certifying that no potential employee or volunteer is the subject of an indicated report or an affirmative determination and when carrying out their duties;

 (24) the designated authorities at the military installation where the active duty service member, who is the sponsor of the alleged abused or neglected child, is assigned. The authorities are designated in the memorandum of understanding or agreement between county protective services and the military installation's command authority; and

 (25) a South Carolina Children's Advocacy Medical Response System child abuse health care provider or his designee for the evaluation of a child for suspected abuse or neglect.

SECTION 2. Section 63‑11‑550(A) of the S.C. Code is amended to read:

 (A) All reports and information collected pursuant to this article maintained by the South Carolina Guardian ad Litem Program, or a county guardian ad litem program operating pursuant to Section 63‑11‑500(B) or by a guardian ad litem, are confidential except as provided for in Section 63‑7‑1990(C). A person who disseminates or permits the unauthorized dissemination of the information is guilty of contempt of court and, upon conviction, may be fined or imprisoned, or both, pursuant to Section 63‑3‑620. The appointed guardian ad litem may share reports and information collected with the county’s Guardian ad Litem Program staff, the Guardian ad litem Division, and the State Child Advocate.

SECTION 3. Section 63‑11‑700(E) and (F) of the S.C. Code is amended to read:

 (E) The Department of Children’s Advocacy board, upon recommendation of the division director, shall promulgate regulations to carry out the provisions of this article. These regulations shall provide for and must be limited to procedures for: reviewing reports and other necessary information at state, county, and private agencies and facilities; scheduling of reviews and notification of interested parties; conducting local review board and board of directors' meetings; disseminating local review board recommendations, including reporting to the appropriate family court judges the status of judicially approved treatment plans; participating and intervening in family court proceedings; and developing policies for summary review of children privately placed in privately‑owned facilities or group homes.

 (F) The Governor Department of Children’s Advocacy may employ a division director to serve at the Governor's pleasure who may be paid an annual salary to be determined by the Governor. The director may be removed pursuant to Section 1‑3‑240. The division director shall employ and staff as is necessary to carry out this article, and the funds for the division director, staff, and other purposes of this division must be provided in the annual general appropriations act. staff must be compensated in an amount and in a manner as may be determined by the Governor.

SECTION 4. Section 63‑11‑1340 of the S.C. Code is amended to read:

 Section 63‑11‑1340. The State Child Advocate Department of Children’s Advocacy may appoint employ a Director of the Continuum of Care to serve at his pleasure. The director shall employ and staff necessary to carry out the provisions of this article. The funds for the division director, staff, and other purposes of the Continuum of Care Division must be provided in the annual general appropriations act. The department, upon the recommendation of the division director, may promulgate regulations in accordance with this article and the provisions of the Administrative Procedures Act and formulate necessary policies and procedures of administration and operation to carry out effectively the objectives of this article.

SECTION 5. Section 63‑11‑1360 of the S.C. Code is amended to read:

 Section 63‑11‑1360. The Continuum of Care Division shall submit, through the Department of Children’s Advocacy’s an annual report to the Governor and General Assembly, on its activities and recommendations for changes and improvements in the delivery of services by public agencies serving children.

SECTION 6. This act takes effect upon approval by the Governor.

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