

Session 113 - (1999-2000)

S*0403 (Rat #0181, Act #0104 of 1999) General Bill, By Courtney, Short, Moore and Washington

Summary: Social Services Department, Minors, Abused, neglected; Foster care, Child custody, placement

A BILL TO AMEND SECTION 20-7-767, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES OF THE DEPARTMENT OF SOCIAL SERVICES REGARDING CHILDREN IN FOSTER CARE, SO AS TO REVISE THE DUTIES CONCERNING CONDUCTING VISITS WITH FOSTER CHILDREN AND CONDUCTING INTERVIEWS OF FOSTER FAMILIES; TO REQUIRE DEPARTMENT PERSONNEL TO TAKE REASONABLE STEPS TO ASSURE COMPLIANCE WITH THIS SECTION, AND TO STATE THE DUTIES OF FOSTER PARENTS UNDER THIS SECTION; TO AMEND SECTION 20-7-764, AS AMENDED, RELATING TO APPROVAL OR AMENDMENT OF A PLACEMENT PLAN AFTER REMOVAL OF A CHILD, SO AS TO PROVIDE CIRCUMSTANCES FOR THE COURT TO CONSIDER WHEN DETERMINING WHETHER TO DISCLOSE IN THE PLAN THE LOCATION OF THE CHILD'S PLACEMENT; TO ADD SECTION 20-7-775 SO AS TO REQUIRE THE DEPARTMENT TO DISCLOSE CERTAIN INFORMATION REGARDING THE CHILD TO THE FOSTER PARENTS; TO AMEND SECTION 19-1-180, AS AMENDED, RELATING TO THE ADMISSIBILITY OF OUT-OF-COURT STATEMENTS BY CERTAIN CHILDREN, SO AS TO EXPAND THE ADMISSIBILITY OF THESE STATEMENTS TO INCLUDE CHILDREN WHO FUNCTION COGNITIVELY, ADAPTIVELY, OR DEVELOPMENTALLY UNDER AGE TWELVE; TO AMEND SECTION 20-7-420, AS AMENDED, RELATING TO THE JURISDICTION OF THE FAMILY COURT, SO AS TO INCLUDE THE AUTHORITY TO HEAR AND DETERMINE ACTIONS CONCERNING CONTROL OF A MINOR, INCLUDING GUARDIANSHIP OF A MINOR; TO AMEND SECTION 20-7-490, AS AMENDED, RELATING TO DEFINITIONS USED IN ARTICLE 7, CHAPTER 7, TITLE 20, SO AS TO ALSO APPLY THESE DEFINITIONS TO OTHER ARTICLES IN THE CHILDREN'S CODE; TO AMEND SECTION 20-7-510, AS AMENDED, RELATING TO PERSONS REQUIRED TO REPORT CHILD ABUSE AND NEGLECT, SO AS TO REQUIRE A MANDATED REPORTER TO REPORT TO LAW ENFORCEMENT IF THE PERPETRATOR IS NOT A "PERSON RESPONSIBLE FOR A CHILD'S WELFARE" AND TO PROVIDE REPORTING AND CONFIDENTIALITY PROVISIONS FOR EXCHANGE OF REPORTER INFORMATION BETWEEN THE DEPARTMENT AND LAW ENFORCEMENT AGENCIES; TO AMEND SECTION 20-7-540, AS AMENDED, RELATING TO IMMUNITY FROM LIABILITY FOR REPORTING ABUSE AND NEGLECT, SO AS TO EXPAND THE IMMUNITY TO PERSONS WHO PARTICIPATE IN AN INVESTIGATION OF ABUSE OR NEGLECT AND TO EXTEND THE IMMUNITY TO INCLUDE FULL DISCLOSURE OF THE FACTS; TO AMEND SECTION 20-7-545, AS AMENDED, RELATING TO IMMUNITY OF THE DEPARTMENT OF SOCIAL SERVICES PERSONNEL FROM LIABILITY FOR PERFORMING CHILD PROTECTIVE SERVICES OR CHILD WELFARE FUNCTIONS, SO AS TO ALSO INCLUDE CONTRACT EMPLOYEES; TO AMEND SECTION 20-7-610, AS AMENDED, RELATING TO EMERGENCY PROTECTIVE CUSTODY PROCEDURES, SO AS TO REVISE CERTAIN PROBABLE CAUSE HEARING PROCEDURES; TO AMEND SECTION 20-7-618 RELATING TO DETAINMENT OF ABUSED OR NEGLECTED CHILDREN BY MEDICAL PROFESSIONALS WITHOUT PARENTAL CONSENT, SO AS TO CLARIFY THAT SUCH DETAINMENT IS NOT KEEPING A CHILD IN EMERGENCY PHYSICAL CUSTODY; TO AMEND SECTION 20-7-650, AS AMENDED, RELATING TO THE DUTIES OF THE DEPARTMENT OF SOCIAL SERVICES IN CONNECTION WITH CHILD ABUSE AND NEGLECT, SO AS TO CLARIFY THAT THE DEPARTMENT IS NOT REQUIRED TO BEGIN AN INVESTIGATION WITHIN TWENTY-FOUR HOURS OF A CHILD'S DEATH DUE TO ABUSE OR NEGLECT UNLESS OTHER CHILDREN ARE IN THE HOME OR IF THE ALLEGED PERPETRATOR IS THE PARENT OR GUARDIAN AND TO REVISE CERTAIN PROCEDURES WHEN A CHILD IS IN PLACEMENT WITH A RELATIVE; TO AMEND SECTION 20-7-690, AS AMENDED, RELATING TO CONFIDENTIALITY OF ABUSE AND NEGLECT REPORTS AND RECORDS, SO AS TO REVISE CERTAIN PERSONS, AGENCIES, OR ENTITIES WHICH MAY HAVE ACCESS TO THESE REPORTS AND RECORDS AND TO AUTHORIZE THE DEPARTMENT TO DISCLOSE NECESSARY INFORMATION TO PARTICIPANTS IN A FAMILY GROUP CONFERENCE; TO AMEND SECTION 20-7-736, AS AMENDED, RELATING TO THE JURISDICTION OF THE FAMILY COURT IN ABUSE AND NEGLECT CASES, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 20-7-765 RELATING TO FOSTER CARE TREATMENT PLAN REQUIREMENTS REGARDING SUBSTANCE ABUSE, SO AS TO CHANGE THE TERM "TREATMENT PLAN" TO "PLACEMENT PLAN"; TO AMEND SECTION 20-7-766, AS AMENDED, RELATING TO PERMANENCY PLANNING HEARINGS FOR CHILDREN IN FOSTER CARE, SO AS TO CLARIFY THAT A PROCEEDING MUST BE INITIATED BY THE FILING OF A MOTION AND TO PROVIDE THAT PENDING AN APPEAL IN A FOSTER CARE CASE THE JURISDICTION AND DISPOSITIONAL POWERS OF THE COURT CONTINUES ON MATTERS UNRELATED TO THE APPEAL; TO ADD SECTION 20-7-770 REQUIRING CLERKS OF COURT TO SUBMIT CERTAIN INFORMATION ON CHILD PROTECTION CASES TO COURT ADMINISTRATION WHICH MUST FORWARD THIS INFORMATION MONTHLY AND IN AN ANNUAL REPORT TO THE DEPARTMENT AND TO REQUIRE COURT ADMINISTRATION TO PROSPECTIVELY USE A SEPARATE CODE TO IDENTIFY ABUSE AND NEGLECT CASES; TO AMEND SECTION 20-7-1572, AS AMENDED,

RELATING TO TERMINATION OF PARENTAL RIGHTS, SO AS TO ADD CONVICTION FOR CERTAIN CRIMES AGAINST THE PERSON, INCLUDING CRIMINAL DOMESTIC VIOLENCE, AS A GROUND FOR TERMINATION; TO ADD SECTION 20-7-1630 SO AS TO REQUIRE THE DEPARTMENT TO INFORM FOSTER PARENTS OF FOSTER CHILDREN WHO ARE RELATIVES ABOUT THE BENEFITS ATTENDANT TO PROVIDING FOSTER CARE AND TO PROVIDE ASSISTANCE IN ACQUIRING LICENSING; TO AMEND SECTION 20-7-1640, AS AMENDED, RELATING TO FINGERPRINTING OF FOSTER PARENTS, SO AS TO AUTHORIZE THE DEPARTMENT TO ISSUE A TEMPORARY LICENSE IF CERTAIN PRELIMINARY CRIMINAL RECORDS REQUIREMENTS ARE MET; TO AMEND SECTION 20-7-2376, AS AMENDED, RELATING TO FUNCTIONS AND POWERS OF LOCAL FOSTER CARE REVIEW BOARDS, SO AS TO REQUIRE THE BOARDS TO SUBMIT WRITTEN REPORTS TO THE COURT THAT ARE DISTINCTIVE FROM OTHER DOCUMENTS IN THE FILE; TO AMEND SECTION 59-63-31 RELATING TO RESIDENCY REQUIREMENTS FOR ATTENDING A PUBLIC SCHOOL, SO AS TO PROVIDE PROCEDURES FOR CHILDREN TO OBTAIN CONTINUED SCHOOLING AT A PARTICULAR SCHOOL IF THE CHILD IS IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES; AND TO AMEND JOINT RESOLUTION 157 OF 1997 RELATING TO THE PILOT CHILD PROTECTIVE SERVICES SYSTEM, SO AS TO CLARIFY THAT THE REQUIRED EVALUATION IS THE ONLY EVALUATION THAT MUST BE PERFORMED BY THE DEPARTMENT OF SOCIAL SERVICES IN COUNTIES PARTICIPATING IN THE PILOT, TO REQUIRE THE DEPARTMENT TO ENSURE THAT DATA COLLECTION AND EVALUATION SHALL NOT INTERFERE WITH IMPLEMENTING THE PROGRAM, AND TO EXPAND FROM THIRTY TO FORTY-FIVE DAYS THE TIME WITHIN WHICH A DETERMINATION MUST BE MADE FOR A CASE TO BE REFERRED TO THE PILOT PROJECT AND TO ALLOW FOR AN EXTENSION, TO AUTHORIZE THE DEPARTMENT TO EXPAND THE PILOT SYSTEM TO SIX, RATHER THAN THREE COUNTIES, AND TO EXTEND THE PILOT FOR UP TO THREE YEARS, RATHER THAN TWO YEARS, TO CLARIFY THE TIME WITHIN WHICH AN INVESTIGATION OR ASSESSMENT MUST BE COMPLETED BY A PILOT COUNTY, AND TO APPLY THE POLICIES AND PROCEDURES PERTAINING TO RECORDS OF UNFOUNDED AND FOUNDED CASES OF ABUSE OR NEGLECT, AS ESTABLISHED IN LAW TO RECORDS OF ASSESSMENT CASES CREATED UNDER THE PILOT SYSTEM.-AMENDED TITLE

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| 01/26/99 | Senate | Introduced and read first time SJ-7 |
| 01/26/99 | Senate | Referred to Committee on Judiciary SJ-7 |
| 03/10/99 | Senate | Committee report: Favorable Judiciary SJ-5 |
| 03/23/99 | Senate | Read second time SJ-8 |
| 03/23/99 | Senate | Ordered to third reading with notice of amendments SJ-8 |
| 04/20/99 | Senate | Amended SJ-11 |
| 04/20/99 | Senate | Read third time and sent to House SJ-11 |
| 04/21/99 | House | Introduced and read first time |
| 04/21/99 | House | Referred to Committee on Judiciary |
| 05/26/99 | House | Committee report: Favorable Judiciary HJ-7 |
| 06/01/99 | House | Debate adjourned HJ-30 |
| 06/01/99 | House | Debate adjourned until Wednesday, June 2, 1999 HJ-70 |
| 06/02/99 | House | Debate adjourned HJ-32 |
| 06/02/99 | House | Amended HJ-69 |
| 06/02/99 | House | Read second time HJ-73 |
| 06/03/99 | House | Debate adjourned HJ-16 |
| 06/03/99 | House | Read third time and returned to Senate with amendments HJ-76 |
| 06/03/99 | Senate | Concurred in House amendment and enrolled SJ-82 |
| 06/24/99 | | Ratified R 181 |
| 06/30/99 | | Signed By Governor |
| 06/30/99 | | Effective date 06/30/99 |
| 07/19/99 | | Copies available |
| 07/22/99 | | Act No. 104 |