~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 6, 2009

**S. 554**

Introduced by Senators Hutto and Ford

S. Printed 5/6/09--S.

Read the first time March 10, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 554) to amend Section 63‑11‑1950, Code of Laws of South Carolina, 1976, relating to the purpose and duties of the State Child Fatality Committee, so as to provide that, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill as and if amended, by striking all after the enacting language and inserting therein the following:

/ SECTION 1. Section 63‑11‑1950(B) of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“(B) To achieve its purpose, the committee shall:

(1) meet with the department no later than one month after the department receives notification by the county coroner or medical examiner pursuant to Section 17‑5‑540 to review the investigation of the death;

(2) undertake annual statistical studies of the incidences and causes of child fatalities in this State. The studies shall include an analysis of community and public and private agency involvement with the decedents and their families before and subsequent to the deaths;

(3) ~~the committee shall~~ consider training, including cross‑agency training, consultation, technical assistance needs, and service gaps. If the committee determines that changes to any statute, regulation, policy, or procedure is needed to decrease the incidence of preventable child deaths, the committee shall include proposals for changes to statutes, regulations, policies, and procedures in the committee’s annual report;

(4) educate the public regarding the incidences and causes of child deaths, the public role in preventing these deaths, and specific steps the public can undertake to prevent child deaths. The committee shall enlist the support of civic, philanthropic, and public service organizations in performing the committee’s education duties;

(5) develop and implement policies and procedures for its own governance and operation;

(6) submit to the Governor and the General Assembly, an annual written report and any other reports prepared by the committee, including, but not limited to, the committee’s findings and recommendations. Annual reports must be made available to the public~~.~~; and

(7) request, once a child fatality is reviewed and upon findings of the committee that a risk of harm still exists due to reasons including, but not limited to criminal domestic violence, drug abuse, abuse or neglect in the home of the fatality where young children continue to live, that a case be initiated by the Department of Social Services pursuant to Section 63-7-920. The findings of the committee must be treated as a suspected report of abuse or neglect as the committee considers necessary, and a request by the committee must not be screened out. The Department of Social Services has sixty days after the request is made to investigate and furnish the committee with a report.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

PAUL G. CAMPBELL, JR. for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

Minimal (Some additional costs expected but can be absorbed)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

Department of Social Services

The department indicates that this bill would have a minimal impact on the General Fund of the State, or federal and/or other funds as the number of child fatalities is a small percentage of total investigations and any additional costs would be absorbed with existing resources.

State Law Enforcement Division

The division indicates this bill will have no impact on the General Fund of the State, nor on federal and/or other funds.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 63‑11‑1950, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURPOSE AND DUTIES OF THE STATE CHILD FATALITY COMMITTEE, SO AS TO PROVIDE THAT THE COMMITTEE MAY REQUEST THE DEPARTMENT OF SOCIAL SERVICES TO OPEN A CASE ON THE FAMILY WHERE THE FATALITY OCCURRED IF THE COMMITTEE SUSPECTS CRIMINAL DOMESTIC VIOLENCE, DRUG ABUSE, ABUSE, OR NEGLECT IN THE HOME AND CHILDREN CONTINUE TO LIVE IN THE HOME.

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

SECTION 1. Section 63‑11‑1950(B) of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“(B) To achieve its purpose, the committee shall:

(1) meet with the department no later than one month after the department receives notification by the county coroner or medical examiner pursuant to Section 17‑5‑540 to review the investigation of the death;

(2) undertake annual statistical studies of the incidences and causes of child fatalities in this State. The studies shall include an analysis of community and public and private agency involvement with the decedents and their families before and subsequent to the deaths;

(3) ~~the committee shall~~ consider training, including cross‑agency training, consultation, technical assistance needs, and service gaps. If the committee determines that changes to any statute, regulation, policy, or procedure is needed to decrease the incidence of preventable child deaths, the committee shall include proposals for changes to statutes, regulations, policies, and procedures in the committee’s annual report;

(4) educate the public regarding the incidences and causes of child deaths, the public role in preventing these deaths, and specific steps the public can undertake to prevent child deaths. The committee shall enlist the support of civic, philanthropic, and public service organizations in performing the committee’s education duties;

(5) develop and implement policies and procedures for its own governance and operation;

(6) submit to the Governor and the General Assembly, an annual written report and any other reports prepared by the committee, including, but not limited to, the committee’s findings and recommendations. Annual reports must be made available to the public;

(7) request, once a child fatality is reviewed and upon findings of the committee that there still exists suspicion of either criminal domestic violence, drug abuse, abuse, or neglect in the home of the fatality where young children continue to live, a case be opened or reopened by the Department of Social Services or another agency that serves children. The findings of the committee must be treated as a suspected report of abuse or neglect as the committee considers necessary. The committee may request a case be opened or reopened up to one year from the date the committee reviewed the case. The Department of Social Services or another involved agency has forty‑five days after the request is made to investigate and furnish the committee with a report.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑