**South Carolina General Assembly**

120th Session, 2013-2014

**A291, R325, H3124**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Bingham, Taylor, Long and M.S. McLeod

Document Path: l:\council\bills\nbd\11003ac13.docx

Introduced in the House on January 8, 2013

Introduced in the Senate on May 1, 2013

Last Amended on June 17, 2014

Passed by the General Assembly on June 17, 2014

Governor's Action: June 23, 2014, Signed

Summary: Child abuse

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/11/2012 House Prefiled

 12/11/2012 House Referred to Committee on **Judiciary**

 1/8/2013 House Introduced and read first time ([House Journal‑page 96](file:///H%3A%5CHJ%20Archive%5C2013%5C01-08-13.docx))

 1/8/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 96](file:///H%3A%5CHJ%20Archive%5C2013%5C01-08-13.docx))

 1/10/2013 House Member(s) request name added as sponsor: M.S.McLeod

 4/24/2013 House Committee report: Favorable **Judiciary** ([House Journal‑page 62](file:///H%3A%5CHJ%20Archive%5C2013%5C04-24-13.docx))

 4/30/2013 House Read second time ([House Journal‑page 85](file:///H%3A%5CHJ%20Archive%5C2013%5C04-30-13.docx))

 4/30/2013 House Roll call Yeas‑71 Nays‑38 ([House Journal‑page 85](file:///H%3A%5CHJ%20Archive%5C2013%5C04-30-13.docx))

 5/1/2013 House Read third time and sent to Senate ([House Journal‑page 8](file:///H%3A%5CHJ%20Archive%5C2013%5C05-01-13.docx))

 5/1/2013 Senate Introduced and read first time

 5/1/2013 Senate Referred to Committee on **Judiciary**

 2/11/2014 Senate Referred to Subcommittee: Coleman (ch), Shealy, Turner ([Senate Journal‑page 15](file:///H%3A%5CSJ%20Archive%5C2014%5C02-11-14.docx))

 3/19/2014 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 15](file:///H%3A%5CSJ%20Archive%5C2014%5C03-19-14.docx))

 3/20/2014 Scrivener's error corrected

 4/1/2014 Senate Committee Amendment Adopted ([Senate Journal‑page 18](file:///H%3A%5CSJ%20Archive%5C2014%5C04-01-14.docx))

 4/15/2014 Senate Amended ([Senate Journal‑page 27](file:///H%3A%5CSJ%20Archive%5C2014%5C04-15-14.docx))

 4/15/2014 Senate Read second time ([Senate Journal‑page 27](file:///H%3A%5CSJ%20Archive%5C2014%5C04-15-14.docx))

 4/15/2014 Senate Roll call Ayes‑40 Nays‑0 ([Senate Journal‑page 27](file:///H%3A%5CSJ%20Archive%5C2014%5C04-15-14.docx))

 4/16/2014 Scrivener's error corrected

 4/16/2014 Senate Read third time and returned to House with amendments ([Senate Journal‑page 25](file:///H%3A%5CSJ%20Archive%5C2014%5C04-16-14.docx))

 4/30/2014 House Debate adjourned until Thur., 5‑1‑14 ([House Journal‑page 108](file:///H%3A%5CHJ%20Archive%5C2014%5C04-30-14.docx))

 5/1/2014 House Returned to Senate with amendments ([House Journal‑page 37](file:///H%3A%5CHJ%20Archive%5C2014%5C05-01-14.docx))

 5/1/2014 House Roll call Yeas‑99 Nays‑0 ([House Journal‑page 38](file:///H%3A%5CHJ%20Archive%5C2014%5C05-01-14.docx))

 5/15/2014 Senate Non‑concurrence in House amendment ([Senate Journal‑page 47](file:///H%3A%5CSJ%20Archive%5C2014%5C05-15-14.docx))

 5/15/2014 Senate Roll call Ayes‑0 Nays‑38 ([Senate Journal‑page 47](file:///H%3A%5CSJ%20Archive%5C2014%5C05-15-14.docx))

 5/20/2014 House House insists upon amendment and conference committee appointed Reps. Bannister, McCoy, Weeks ([House Journal‑page 28](file:///H%3A%5CHJ%20Archive%5C2014%5C05-20-14.docx))

 5/21/2014 Senate Conference committee appointed Massey, Coleman, Young ([Senate Journal‑page 26](file:///H%3A%5CSJ%20Archive%5C2014%5C05-21-14.docx))

 6/5/2014 House Free conference powers granted ([House Journal‑page 119](file:///H%3A%5CHJ%20Archive%5C2014%5C06-05-14.docx))

 6/5/2014 House Roll call Yeas‑93 Nays‑0 ([House Journal‑page 120](file:///H%3A%5CHJ%20Archive%5C2014%5C06-05-14.docx))

 6/5/2014 House Free conference committee appointed Bannister, McCoy, Weeks ([House Journal‑page 121](file:///H%3A%5CHJ%20Archive%5C2014%5C06-05-14.docx))

 6/5/2014 Senate Free conference powers granted ([Senate Journal‑page 48](file:///H%3A%5CSJ%20Archive%5C2014%5C06-05-14.docx))

 6/5/2014 Senate Free conference committee appointed Massey, Coleman, Young ([Senate Journal‑page 48](file:///H%3A%5CSJ%20Archive%5C2014%5C06-05-14.docx))

 6/5/2014 Senate Free conference report adopted ([Senate Journal‑page 48](file:///H%3A%5CSJ%20Archive%5C2014%5C06-05-14.docx))

 6/5/2014 Senate Roll call Ayes‑42 Nays‑0 ([Senate Journal‑page 48](file:///H%3A%5CSJ%20Archive%5C2014%5C06-05-14.docx))

 6/17/2014 House Free conference report received and adopted

 6/17/2014 House Roll call Yeas‑112 Nays‑0

 6/17/2014 House Ordered enrolled for ratification

 6/20/2014 Ratified R 325

 6/23/2014 Signed By Governor

 7/8/2014 Effective date 06/23/14

 7/9/2014 Act No. 291

**VERSIONS OF THIS BILL**

[12/11/2012](file:///p%3A%5Cpprever%5C2013-14%5C3124_20121211.docx)

[4/24/2013](file:///p%3A%5Cpprever%5C2013-14%5C3124_20130424.docx)

[3/19/2014](file:///p%3A%5Cpprever%5C2013-14%5C3124_20140319.docx)

[3/20/2014](file:///p%3A%5Cpprever%5C2013-14%5C3124_20140320.docx)

[4/1/2014](file:///p%3A%5Cpprever%5C2013-14%5C3124_20140401.docx)

[4/15/2014](file:///p%3A%5Cpprever%5C2013-14%5C3124_20140415.docx)

[4/16/2014](file:///p%3A%5Cpprever%5C2013-14%5C3124_20140416.docx)

[5/1/2014](file:///p%3A%5Cpprever%5C2013-14%5C3124_20140501.docx)

[6/17/2014](file:///p%3A%5Cpprever%5C2013-14%5C3124_20140617.docx)

(A291, R325, H3124)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑7‑315 SO AS TO PROHIBIT AN EMPLOYER FROM DISMISSING, DEMOTING, SUSPENDING, OR DISCIPLINING AN EMPLOYEE WHO REPORTS CHILD ABUSE OR NEGLECT, WHETHER REQUIRED OR PERMITTED TO REPORT, TO CREATE A CAUSE OF ACTION FOR REINSTATEMENT AND BACK PAY, AND TO AUTHORIZE AN AWARD OF ATTORNEY’S FEES TO THE PREVAILING PARTY UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 63‑7‑940, RELATING TO THE USE OF UNFOUNDED CASE INFORMATION IN CHILD ABUSE AND NEGLECT CASES, SO AS TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF SOCIAL SERVICES MAY DISCLOSE SUCH TO BE REVIEWED IN CLOSED SESSIONS KEPT CONFIDENTIAL WHEN IN RESPONSE TO AN INQUIRY MADE BY CERTAIN COMMITTEES OF THE GENERAL ASSEMBLY INVESTIGATING THE DEPARTMENT; AND TO AMEND SECTION 63‑7‑1990, RELATING TO THE CONFIDENTIALITY AND RELEASE OF CHILD ABUSE AND NEGLECT INFORMATION AND RECORDS MAINTAINED BY THE DEPARTMENT, SO AS TO ALSO AUTHORIZE THE DIRECTOR TO DISCLOSE TO THE MEDIA LIMITED INFORMATION PLACED IN THE PUBLIC DOMAIN BY THE PARTY IN INTEREST, TO DISCLOSE LIMITED INFORMATION, TO RESPOND TO AN ALLEGATION MADE BY THE ALLEGED PERPETRATOR, THE ATTORNEY FOR THE ALLEGED PERPETRATOR, THE PARTY IN INTEREST, OR OTHER PUBLIC OFFICIALS IN PUBLIC TESTIMONY BEFORE CERTAIN COMMITTEES, OF THE GENERAL ASSEMBLY BE REVIEWED IN CLOSED SESSION AND KEPT CONFIDENTIAL WHEN IN RESPONSE TO AN INQUIRY MADE BY CERTAIN COMMITTEES OF THE GENERAL ASSEMBLY INVESTIGATING THE DEPARTMENT.**

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

**Civil action created for wrongful termination based on employee having reported child abuse or neglect**

SECTION 1. Subarticle 1, Article 3, Chapter 7, Title 63 of the 1976 Code is amended by adding:

 “Section 63‑7‑315. (A) An employer must not dismiss, demote, suspend, or otherwise discipline or discriminate against an employee who is required or permitted to report child abuse or neglect pursuant to Section 63‑7‑310 based on the fact that the employee has made a report of child abuse or neglect.

 (B) An employee who is adversely affected by conduct that is in violation of subsection (A) may bring a civil action for reinstatement and back pay. An action brought pursuant to this subsection may be commenced against an employer, including the State, a political subdivision of the State, and an office, department, independent agency, authority, institution, association, or other body in state government. An action brought pursuant to this subsection must be commenced within three years of the date the adverse personnel action occurred.

 (C) In an action brought pursuant to subsection (B), the court may award reasonable attorney’s fees to the prevailing party; however, in order for the employer to receive reasonable attorney’s fees pursuant to this subsection, the court must make a finding pursuant to Section 63‑7‑2000 that:

 (1) the employee made a report of suspected child abuse or neglect maliciously or in bad faith; or

 (2) the employee is guilty of making a false report of suspected child abuse or neglect pursuant to Section 63‑7‑440.”

**Use of unfounded abuse and neglect case information**

SECTION 2. Section 63‑7‑940(A)(7) and (8) of the 1976 Code is amended to read:

 “(7) as authorized in Section 63‑7‑2000;

 (8) the Department of Child Fatalities pursuant to Section 63‑11‑1960; and

 (9)(a) the director or his designee who may disclose information to respond to an inquiry by a committee or subcommittee of the Senate or the House of Representatives or a joint committee of the General Assembly, which is engaged in oversight or investigating the activities of the department, provided that such information is reviewed in closed session and kept confidential. Notwithstanding the provisions of Chapter 4, Title 30, meetings to review information disclosed pursuant to this subitem must be held in closed session and any documents or other materials provided or reviewed during the closed session are not subject to public disclosure;

 (b) the department shall state that the case was unfounded when disclosing information pursuant to this item.”

**Circumstances authorizing disclosure of confidential abuse and neglect information**

SECTION 3. Section 63‑7‑1990(G) of the 1976 Code is amended to read:

 “(G)(1) The state director of the department or the director’s designee may disclose to the media information contained in child protective services records if the disclosure is limited to discussion of the department’s activities in handling the case including information placed in the public domain by other public officials, a criminal prosecution, the alleged perpetrator or the attorney for the alleged perpetrator, the party in interest, or other public judicial proceedings. For purposes of this subsection, information is considered ‘placed in the public domain’ when it has been reported in the news media, is contained in public records of a criminal justice agency, is contained in public records of a court of law, or has been the subject of testimony in a public judicial proceeding.

 (2) The director or his designee shall disclose information in records required to be kept confidential pursuant to subsection (A) to respond to an allegation made by the alleged perpetrator, the attorney for the alleged perpetrator, the party in interest, or other public officials in public testimony before a committee or subcommittee of the Senate or the House of Representatives or a joint committee of the General Assembly, which is engaged in oversight or investigating the activities of the department. The department’s response is limited to discussion of the department’s activities in handling the case relating to the allegation made in public testimony.

 (3) For all other information not subject to disclosure pursuant to subsection (G)(2), the director or his designee shall disclose information in records required to be kept confidential pursuant to subsection (A) to respond to an inquiry from a committee or subcommittee of the Senate or the House of Representatives or a joint committee of the General Assembly, which is engaged in oversight or investigating the activities of the department. The information must be reviewed in a closed session and kept confidential. Notwithstanding the provisions of Chapter 4, Title 30, meetings to review information disclosed pursuant to this item must be held in closed session and any documents or other materials provided or reviewed during the closed session are not subject to public disclosure.”

**Time effective**

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 20th day of June, 2014.

Approved the 23rd day of June, 2014.

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