**South Carolina General Assembly**

120th Session, 2013-2014

**H. 5003**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Horne

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Introduced in the House on March 27, 2014

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

Summary: Foster care children

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/27/2014 House Introduced and read first time ([House Journal‑page 10](file:///H:\HJ%20Archive\2014\03-27-14.docx))

3/27/2014 House Referred to Committee on **Judiciary** ([House Journal‑page 10](file:///H:\HJ%20Archive\2014\03-27-14.docx))

**VERSIONS OF THIS BILL**

[3/27/2014](file:///p:\pprever\2013-14\5003_20140327.docx)

**A** **BILL**

TO AMEND SECTION 63‑7‑1700, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERMANENCY PLANNING FOR CHILDREN IN FOSTER CARE, SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO SUBMIT PERMANENCY PLANNING HEARING ORDERS TO THE COURT WITHIN THIRTY DAYS OF THE COMPLETION OF A HEARING; AND TO ALLOW CERTAIN INDIVIDUALS TO PETITION THE COURT TO HOLD THE DEPARTMENT OF SOCIAL SERVICES IN CONTEMPT FOR FAILING TO ADHERE TO STATUTORY DEADLINES IN CHAPTER 7, TITLE 63, TO ALLOW THE COURT TO HOLD THE DEPARTMENT OF SOCIAL SERVICES IN CONTEMPT UPON RECEIPT OF A PETITION OR ON ITS OWN INITIATIVE, AND TO ALLOW THE COURT TO ASSESS PENALTIES AGAINST THE DEPARTMENT OF SOCIAL SERVICES FOR VIOLATION OF THIS SECTION.

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

SECTION 1. Section 63‑7‑1700(E) of the 1976 Code, as last amended by Act 160 of 2010, is further amended to read:

“(E) Unless subsection (C), (F), or (G) applies, if the court determines at the permanency planning hearing that the child should not be returned to the child’s parent at that time, the court’s order shall require the department to file a petition to terminate parental rights to the child not later than sixty days after receipt of ~~the~~ a proposed order from the department. The department shall submit the proposed order to the court no later than thirty days after completion of the hearing, unless the court order states otherwise. If a petition to terminate parental rights is to be filed, the department shall exercise and document every reasonable effort to promote and expedite the adoptive placement and adoption of the child, including a thorough adoption assessment and child‑specific recruitment. Adoptive placements must be diligently sought for the child and failure to do so solely because a child is classified as ‘special needs’ is expressly prohibited. An adoption may not be delayed or denied solely because a child is classified as ‘special needs’. For purposes of this subsection:

(1) ‘thorough adoption assessment’ means conducting and documenting face‑to‑face interviews with the child, foster care providers, and other significant parties; and

(2) ‘child specific recruitment’ means recruiting an adoptive placement targeted to meet the individual needs of the specific child including, but not be limited to, use of the media, use of photo listings, and any other instate or out‑of‑state resources ~~which~~ that may be utilized to meet the specific needs of the child, unless there are extenuating circumstances that indicate that these efforts are not in the best interest of the child.”

SECTION 2. Section 63‑7‑1700 of the 1976 Code, as last amended by Act 160 of 2010, is further amended by adding:

“(L)(1) A named party or the child’s guardian ad litem may petition the court for an order to hold the department in contempt if the department fails to comply with the statutory deadlines of Chapter 7, Title 63 including, but not limited to:

(a) scheduling, holding, and completing a hearing to:

(i) determine whether a child was abused or neglected, pursuant to Sections 63‑7‑1650(A) and 63‑7‑1660(A);

(ii) intervene and provide protective services to a child and the parents in the home, pursuant to Section 63‑7‑1650(C);

(iii) remove a child from the parents’ physical or legal custody, or both, pursuant to Section 63‑7‑1660(D);

(iv) review a case in which services have been provided in the home to protect the child, pursuant to Section 63‑7‑1670(B) and (C);

(v) facilitate the permanency planning process, pursuant to subsection (A);

(vi) return the child to the home, pursuant to subsection (D);

(vii) review a case in which the time to achieve reunification is extended, pursuant to subsection (F); and

(viii) review a case in which a child remains in foster care at the initial permanency planning hearing, pursuant to subsection (I);

(b) filing a petition to terminate parental rights, pursuant to subsection (E) and 63‑7‑1710(A)(1);

(c) scheduling, holding, and completing a hearing to terminate parental rights, pursuant to Section 63‑7‑2530(C); and

(d) submitting a proposed order to the court pursuant to subsection (E).

(2) The court, on its own initiative, may hold the department in contempt pursuant to this subsection.

(3) Notwithstanding Section 15‑77‑300(C) or another provision of law, if the court holds the department in contempt pursuant to this subsection, it may assess fees and costs against the department incurred by a named party or the child’s guardian ad litem to achieve, or attempt to achieve, the department’s compliance with the statutory deadlines provided for in this chapter including, but not limited to, attorney fees and costs incurred as a result of hearing continuances and the filing and hearing of motions to compel.

(4) The court may not hold the department in contempt if the reason for noncompliance with the deadlines of the chapter is the result of actions of a named party, the child’s guardian ad litem, or the court.”

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

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