**South Carolina General Assembly**

120th Session, 2013-2014

**H. 5100**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Horne

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Introduced in the House on April 10, 2014

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

Summary: Child protection and permanency

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/10/2014 House Introduced and read first time

4/10/2014 House Referred to Committee on **Judiciary**

**VERSIONS OF THIS BILL**

[4/10/2014](file:///p:\pprever\2013-14\5100_20140410.docx)

**A** **BILL**

TO AMEND SECTION 63‑7‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO CHILD PROTECTION AND PERMANENCY, SO AS TO ADD DEFINITIONS FOR “SAFETY PLAN” AND “VOLUNTARY TREATMENT PLAN”; TO AMEND SECTION 63‑7‑640, RELATING TO PRELIMINARY INVESTIGATIONS THAT MUST OCCUR WITHIN TWENTY‑FOUR HOURS AFTER A CHILD IS TAKEN INTO EMERGENCY PROTECTIVE CUSTODY, SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO OBSERVE AND INTERVIEW THE CHILD DURING THE PRELIMINARY INVESTIGATION AND TO DEVELOP A SAFETY PLAN OR VOLUNTARY TREATMENT PLAN IN CERTAIN CIRCUMSTANCES; AND BY ADDING SECTION 63‑7‑645 SO AS TO REQUIRE THE DEPARTMENT TO DEVELOP A SAFETY PLAN OR VOLUNTARY TREATMENT PLAN THAT ADDRESSES THE SAFETY CONCERNS AND CORRECTIVE ACTION REQUIRED BY THE PARENT OR GUARDIAN WHEN THE DEPARTMENT ALLOWS A CHILD TO REMAIN IN THE HOME OR WITH AN ALTERNATIVE CAREGIVER, RATHER THAN ASSUMING LEGAL CUSTODY, AND TO REQUIRE SERVICE PROVIDERS TO SUBMIT PROGRESS REPORTS TO THE DEPARTMENT.

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

SECTION 1. Section 63‑7‑20(21)‑(24) of the 1976 Code is amended to read:

“(21) ‘Protective services unit’ means the unit established within the Department of Social Services which has prime responsibility for state efforts to strengthen and improve the prevention, identification, and treatment of child abuse and neglect.

(22) ‘Safety plan’ means a document that is prepared by the department and signed by the parent or guardian which:

(a) is designed to address immediate safety threats to the child in the home to enable the child and family to remain together;

(b) may include an alternative caregiver arrangement; and

(c) is effective no longer than ninety days, unless otherwise ordered by the court.

(23) ‘Subject of the report’ means a person who is alleged or determined to have abused or neglected the child, who is mentioned by name in a report or finding.

~~(23)~~(24) ‘Suspected report’ means all initial reports of child abuse or neglect received pursuant to this chapter.

~~(24)~~(25) ‘Unfounded report’ means a report made pursuant to this chapter for which there is not a preponderance of evidence to believe that the child is abused or neglected. For the purposes of this chapter, it is presumed that all reports are unfounded unless the department determines otherwise.

(26) ‘Voluntary treatment plan’ means a plan prepared by the department and signed by the parent or guardian, which:

(a) identifies conditions that raise concerns about the health, safety, and well‑being of the child residing in the home;

(b) requires the parent or guardian to make certain changes;

(c) requires the department to offer and deliver, or to contract for a private service provider to offer and deliver, services to the parent or guardian designed to assist the parent or guardian to achieve the requirements of the plan;

(d) is not a court‑ordered treatment plan pursuant to Section 63‑7‑1670;

(e) may include an alternative caregiver arrangement provision by which the parent or guardian agrees to place the child with another person while working to complete the plan’s requirements; and

(f) is effective no longer than ninety days, unless otherwise ordered by the court.”

SECTION 2. Section 63‑7‑640 of the 1976 Code is amended to read:

“Section 63‑7‑640. (A) The department shall conduct within twenty‑four hours after the child is taken into emergency protective custody by law enforcement or pursuant to ex parte order a preliminary investigation to determine whether grounds for assuming legal custody of the child exist and whether reasonable means exist for avoiding removal of the child from the home of the parent or guardian or for placement of the child with a relative and means for minimizing the emotional impact on the child of separation from the child’s home and family. The department is required to observe and, if the child is capable of being interviewed, interview the child to comply with the requirements of this section. Failure to do so is, at a minimum, gross negligence of the department. During this time the department, if possible, also shall convene and participate in, a meeting with the child’s parent or guardian, extended family, and other relevant persons to discuss the family’s problems that led to intervention and possible corrective actions, including placement of the child.

(B) If the department does not assume legal custody of the child but determines that there is a need for corrective action to protect the health and safety of the child, the department shall develop a safety plan or voluntary treatment plan with which the parent or guardian shall agree to comply.”

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

“Section 63‑7‑645. (A) If, after the department conducts a preliminary investigation of alleged abuse or neglect pursuant to Section 63‑7‑640 or another provision of law, the department determines that the child can remain safely in the home provided the parent or guardian comply with the terms of a safety plan or voluntary treatment plan or that there is an alternative caregiver who is fit, willing, and able to provide a safe placement for the child, rather than the department assuming legal custody of the child, the department shall develop the safety plan or voluntary treatment plan that the parent or guardian shall sign, agreeing to its terms, which must identify:

(1) the health and safety concerns of the department that are the basis of intervention and the need to provide support services;

(2) the specific actions that the parent or guardian is required to take to address the concerns of the department;

(3) the changes that must occur in the home and family situation before the department shall terminate the support services or before the child may be returned to the home if placed with an alternative caregiver;

(4) the social or other services to be provided or made available to the parent or guardian of the child and, if the services are not provided directly by the department, the names of the service providers that shall offer and provide the services; and

(5) the time within which the parent or guardian shall complete the safety plan or voluntary treatment plan.

(B) The department shall designate the service providers in the safety plan or voluntary treatment plan from which the parent or guardian shall obtain the services required pursuant to the plan. A service provider shall submit regular reports to the department as required in the service provider contract that document the extent to which the parent or guardian is complying with the plan’s requirements and the extent to which the services are remedying the concerns of the department.”

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

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