**South Carolina General Assembly**

121st Session, 2015-2016

**H. 4469**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. King

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Introduced in the House on January 12, 2016

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

Summary: Placement plans for children in foster care

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/3/2015 House Prefiled

12/3/2015 House Referred to Committee on **Judiciary**

1/12/2016 House Introduced and read first time ([House Journal‑page 73](file:///h:\HJ%20Archive\2016\01-12-16.docx))

1/12/2016 House Referred to Committee on **Judiciary** ([House Journal‑page 73](file:///h:\HJ%20Archive\2016\01-12-16.docx))

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**VERSIONS OF THIS BILL**

[12/3/2015](file:///p:\pprever\2015-16\4469_20151203.docx)

**A** **BILL**

TO AMEND SECTION 63‑7‑1680, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PLACEMENT PLANS FOR CHILDREN IN FOSTER CARE, SO AS TO REQUIRE A PLACEMENT PLAN TO INCLUDE NOTICE THAT CASEWORKERS WHO FAIL TO MAKE THE PRESCRIBED NUMBER OF PERSONAL CONTACTS WITH FOSTER CHILDREN MUST BE TERMINATED FROM EMPLOYMENT, WITH EXCEPTIONS; AND TO AMEND SECTION 63‑7‑2310, RELATING, IN PART, TO THE RESPONSIBILITY OF CASEWORKERS TO MAKE A PRESCRIBED NUMBER OF PERSONAL CONTACTS WITH FOSTER CHILDREN, SO AS TO TERMINATE A CASEWORKER WHO FAILS TO COMPLY, WITH EXCEPTIONS, TO REQUIRE FOSTER PARENTS TO MAKE FOSTER CHILDREN REASONABLY AVAILABLE TO FACILITATE CASEWORKER CONTACT WITH A FOSTER CHILD, TO REQUIRE COUNTY DIRECTORS TO PERFORM AUDITS TO DETERMINE CASEWORKER COMPLIANCE, AND TO TERMINATE COUNTY DIRECTORS WHO FAIL TO PERFORM THE PRESCRIBED AUDITS.

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

SECTION 1. Section 63‑7‑1680(E)(4) of the 1976 Code, as last amended by Act 160 of 2010, is further amended to read:

“(4) the minimum number and frequency of contacts that a caseworker with the department ~~will~~ must have with the child, which must be based on the particular needs and circumstances of the individual child but which must not be less than once a month for a child placed in this State, and a notice that the failure of the caseworker to make the required number of personal contacts shall result in termination of employment unless there is good cause for the failure to make the required number of personal contacts.”

SECTION 2. Section 63‑7‑2310(A)(1), (F), and (G) of the 1976 Code is amended to read:

“(A) To protect and nurture children in foster care, the Department of Social Services and its employees shall:

(1) adhere strictly to the prescribed number of personal contacts, pursuant to Section ~~63‑7‑1680(B)(3)~~ 63‑7‑1680(E)(4). These contacts must be personal, face‑to‑face visits between the caseworker or member of the casework team and the foster child. These visits may be conducted in the foster home and in the presence of other persons who reside in the foster home; however, if the caseworker suspects that the child has been abused or neglected during the placement with the foster parent, the caseworker must observe and interview the child outside the presence of other persons who reside in the foster home. A caseworker who fails to make the prescribed number of personal contacts must be terminated from employment, unless there is good cause for the failure to comply with this item. Good cause includes, but is not limited to, the foster parent’s noncompliance with the requirement to make the foster child reasonably available for the face‑to‑face visits;

(F) Foster parents have a duty to make a foster child reasonably available to facilitate the caseworker’s ability to make the prescribed number of personal contacts required by Section 63‑7‑1680(E)(4), to make themselves reasonably available for the interviews required by subsection (A)(2), and to take reasonable steps to facilitate caseworkers’ interviews with other adults who reside in the home as required by subsection (A)(3). Failure to comply ~~with~~ either with the duties in this subsection or those in subsection (A)(1), (A)(2), or (A)(3) constitutes grounds for revocation of a foster parent’s license or other form of approval to provide care to children in the custody of the department. Revocation would depend on the number of instances of noncompliance, the foster parents’ wilfulness in noncompliance, or other circumstances indicating that noncompliance by the foster parents significantly and unreasonably interferes with the department’s ability to carry out its protective functions under this section.

(G) A county director shall perform quarterly audits to determine caseworker compliance with the requirements of subsection (A)(1) pursuant to a schedule established by the state director. The county director shall provide a copy of the audit results to the state director within a time established by the state director but no later than thirty days of completion of the quarter audited. A county director who fails to perform a required quarterly audit must be terminated from employment, unless there is good cause for the failure to comply with this subsection.

~~(G)~~(H) To further this state’s long‑term goals and objectives on behalf of children in foster care, the Department of Social Services shall give to the General Assembly by January 15, 2000, a report of the status of the foster care system which includes improvements the department has made to ensure the safety and quality of life of South Carolina’s foster children. This report must include:

(1) specific standards for the training of foster parents, including the type of training which is provided;

(2) standards which address emergency situations affecting the maximum number of children placed in each foster home;

(3) standards which provide for the periodic determination of the medical condition of a child during his stay in foster care; and

(4) methods the department has developed to encourage the receipt of information on the needs of children in foster care from persons who have been recently emancipated from the foster care system.”

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

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