**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 3123**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. King

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Introduced in the House on January 10, 2017

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

Summary: Children in foster care

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2016 House Prefiled

12/15/2016 House Referred to Committee on **Judiciary**

1/10/2017 House Introduced and read first time ([House Journal‑page 81](file:///h:\hj\20170110.docx))

1/10/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 81](file:///h:\hj\20170110.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3123&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/15/2016](file:///p:\pprever\2017-18\3123_20161215.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, AS AMENDED, 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)(2), (F), (G), and (H) of the 1976 Code, as last amended by Act 238 of 2016, is further amended to read:

“(2) adhere strictly to the prescribed number of personal contacts, pursuant to Section 63‑7‑1680~~(B)(3)~~(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)(3) and to take reasonable steps to facilitate caseworkers’ interviews with other adults who reside in the home as required by subsection (A)(4). Failure to comply ~~with~~ either with the duties in this subsection or those in subsection (A)(2), (A)(3), and (A)(4) 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)(2) 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.

(H) The department shall adopt and implement any policies consistent with this section that are necessary to promote a caregiver’s ability to make decisions described by subsection (A)(1). The department shall make efforts to identify and review any department policy or procedure that may impede a caregiver’s ability to make such decisions.

~~(H)~~(I) The department shall incorporate into its training for caregivers, as defined in Section 63‑7‑20(4), and agency personnel the importance of a child’s participation in age or developmentally appropriate activities, the benefits of such activities to a child’s well‑being, and decision‑making under the reasonable and prudent parent standard pursuant to Section 63‑7‑20 and Section 63‑7‑25.”

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

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