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CHAPTER 1

State Department and Board of Social Services

**SECTION 43‑1‑10.** State Department of Social Services; subordinate divisions; director.

 There is created the State Department of Social Services, referred to in this title as the state department or department, with such subordinate divisions as may be created or authorized by law. The state department shall be headed by a State Director of Social Services who shall be appointed by the Governor upon the advice and consent of the Senate. The director must possess sound moral character, superior knowledge of and experience in the field of children’s services and other social services, and proven administrative ability. The director is subject to removal by the Governor pursuant to the provisions of Section 1‑3‑240.

HISTORY: 1962 Code Section 71‑1; 1952 Code Section 71‑1; 1942 Code Section 4996‑1; 1937 (40) 496; 1972 (57) 2382; 1993 Act No. 181, Section 998, eff July 1, 1993.

**SECTIONS 43‑1‑20 to 43‑1‑40.** Repealed by 1993 Act No. 181, Section 1617(A), eff July 1, 1993.

Editor’s Note

Former Section 43‑1‑20 was entitled “South Carolina Board of Social Services; membership; terms; eligibility; vacancies” and was derived from 1962 Code Section 71‑2; 1952 Code Section 71‑2; 1942 Code Section 4996‑1; 1937 (40) 496; 1947 (45) 489; 1972 (57) 2382.

Former Section 43‑1‑25 was entitled “Member of Social Service Board prohibited from having interest in business which contracts with Department to provide services” and was derived from 1984 Act No. 377, Section 1.

Former Section 43‑1‑30 was entitled “Compensation of Board members” and was derived from 1962 Code Section 71‑3; 1952 Code Section 71‑3; 1942 Code Section 4996‑3; 1937 (40) 496; 1951 (47) 506; 1976 Act No. 709, Part II, Section 11.

Former Section 43‑1‑40 was entitled “Meetings of Board; quorum; rules for proceedings” and was derived from 1962 Code Section 71‑4; 1952 Code Section 71‑4; 1942 Code Section 4996‑3; 1937 (40) 496.

**SECTION 43‑1‑50.** State Director of Social Services; selection; term; duties; salary; bond.

 The chief executive officer and the administrative head of the state department is a State Director of Social Services, referred to in Chapters 1, 3, 5, 7, 9, 19, and 23 as the State Commissioner or commissioner, who shall hold office until his successor has been appointed and qualified. The director shall be vested with the duty and authority to oversee, manage, and control the operation, administration, and organization of the department subject only to the laws of this State and the United States. He shall receive such compensation as may be established under the provisions of Section 8‑11‑160 and for which funds have been authorized in the general appropriation act. The director may be required to furnish bond.

HISTORY: 1962 Code Section 71‑5; 1952 Code Section 71‑5; 1942 Code Section 4996‑4; 1937 (40) 496; 1942 (42) 1596; 1947 (45) 489; 1972 (57) 2382; 1993 Act No. 181, Section 999, eff July 1, 1993.

**SECTION 43‑1‑60.** State Advisory Council and Committees.

 The State Director may create:

 (1) a State Advisory Council of Social Services to consider and advise with the department on its problems and the remedies therefor, such Council not to exceed fifteen members. The members of such Council shall serve without compensation or allowance for expenses;

 (2) such advisory committees as are required by federal law or regulations regarding the programs which the department administers. These advisory committees, as are required by federal law or regulation, shall receive travel and per diem as provided under the law for state boards, commissions, or committees; and

 (3) other committees the director may deem necessary for prudent administration of the programs administered by the department. Such committees may be reimbursed travel expenses as provided under the law and regulations for state employees but shall receive no per diem payment.

 All subsistence and per diem authorized under the provisions of this section shall be paid from funds available to the Department of Social Services.

HISTORY: 1962 Code Section 71‑6; 1952 Code Section 71‑6; 1942 Code Section 4996‑14; 1937 (40) 496; 1972 (57) 2382; 1976 Act No. 709 Part II Section 12; 1993 Act No. 181, Section 1000, eff July 1, 1993.

**SECTION 43‑1‑70.** Selection of other employees of State Department; compensation; bond.

 The director may appoint and employ such other officers and employees as are authorized and may be necessary to perform the duties placed upon the department by law, and the director shall fix their compensation unless the General Assembly shall do so, but in no event shall the director expend any sums for purposes unauthorized by law. All such compensation shall be fixed by the state department, which shall submit to the State Budget and Control Board all proposed salaries not fixed by law, and the State Budget and Control Board shall pass upon such salaries so that the amounts paid shall be in keeping with the salaries paid to other state employees for similar service and duties. The director may require such officers and employees to furnish bonds in such amounts as it may determine. The selection of such officers and employees shall be made entirely upon the qualification and merit of the individuals so employed.

HISTORY: 1962 Code Section 71‑7; 1952 Code Section 71‑7; 1942 Code Section 4996‑5; 1937 (40) 496; 1972 (57) 2382; 1993 Act No. 181, Section 1001, eff July 1, 1993.

Code Commissioner’s Note

At the direction of the Code Commissioner, reference in this section to the former Budget and Control Board has not been changed pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), until further action by the General Assembly.

**SECTION 43‑1‑80.** Powers, duties and purpose of State Department.

 The State Department shall supervise and administer the public welfare activities and functions of the State as provided in Chapters 1, 3, 5, 7, 9, 19, and 23 and child protective services as referred to in Title 63, Chapter 7 or as otherwise authorized by law and may act as the agent of the State, cooperate with any federal agency for the purpose of carrying out matters of mutual concern, and administer any federal funds granted the State in the furtherance of the duties imposed upon the State Department. The Department shall study the various social problems confronting the State, inquiring into their causes and possible cures, making such surveys, gathering such statistics, and formulating such recommended public policies in connection thereto as may be in the interest of the State, and shall make such information available in published form. The Department may adopt all necessary rules and regulations and formulate policies and methods of administration, when not otherwise fixed by law, to carry out effectively the activities and responsibilities delegated to it. The aim of the Department shall be to promote the unified development of welfare activities and agencies of the State and local governments so that each agency and governmental institution may function as an integral part of a general system.

HISTORY: 1962 Code Section 71‑8; 1952 Code Section 71‑8; 1942 Code Sections 4996‑2, 4996‑6; 1937 (40) 496; 1986 Act No. 334, Section 3, eff March 10, 1986.

**SECTION 43‑1‑90.** State Department shall supervise administration of assistance; forms; rules and regulations.

 The State Department shall supervise the administration of assistance under Chapters 1, 3, 5, 7, 9, 19 and 23. The State Department shall prescribe the form of and print and supply to county departments blanks of applications, reports, affidavits and such other forms as it may deem advisable. The State Department shall make rules and regulations necessary for the carrying out of the provisions of Chapters 1, 3, 5, 7, 9, 19 and 23 to the end that assistance be administered uniformly throughout the State, having regard to the varying conditions in different parts of the State, and that the spirit and purpose of Chapters 1, 3, 5, 7, 9, 19 and 23 may be complied with. All such rules and regulations made by the State Department shall be binding upon the county departments and shall be complied with by them.

HISTORY: 1962 Code Section 71‑9; 1952 Code Section 71‑9; 1942 Code Section 4996‑23; 1937 (40) 496; 1941 (42) 265.

**SECTION 43‑1‑100.** State Department may investigate certain institutions or agencies.

 The State Department may make investigations into the administration and affairs of any institution or agency, public or private, concerned with the care, custody or training of persons or the handling of problems of delinquency, dependency or defectiveness.

HISTORY: 1962 Code Section 71‑10; 1952 Code Section 71‑10; 1942 Code Section 4996‑61; 1937 (40) 496; 1947 (45) 489.

**SECTION 43‑1‑110.** State Department may cooperate with Federal Government in administration of Federal Child Welfare Services.

 The State Department may cooperate with the Federal Government, its agencies or instrumentalities, in the administration of Child Welfare Services as provided in Title V, Part 3, of the Federal Social Security Act relative to establishing, extending and strengthening services for the protection and care of homeless, dependent and neglected children and children in danger of becoming delinquent in predominantly rural areas and other areas of special need and may receive and expend all funds made available to the Department by the Federal Government, the State or its political subdivisions for such purposes.

HISTORY: 1962 Code Section 71‑11; 1952 Code Section 71‑11; 1942 Code Section 4996‑59; 1937 (40) 496; 1947 (45) 489.

**SECTION 43‑1‑115.** County office performance audits.

 The state department shall conduct, at least once every five years, a substantive quality review of the child protective services and foster care programs in each county and each adoption office in the State. The county’s performance must be assessed with reference to specific outcome measures published in advance by the department. The quality review must assess the accuracy of program data being submitted by the county and examine data and other sources to determine the extent to which outcomes are being achieved. The department shall prepare a detailed narrative report, with supporting data, describing its findings. The state department shall submit the report within ninety calendar days after completion of the review to the Governor and to each member of the county legislative delegation, and the report shall be posted on the department’s website. The reports are public information and upon request must be provided without charge to any member of the public within fifteen working days after the request is received. The failure of the state department to conduct the required quality review of any county office is considered nonfeasance in office by the state director and is cause for the state director’s removal. This section is not intended to limit the department in the frequency or scope of reviews of county operations.

HISTORY: 1993 Act No. 101, Section 3, eff July 1, 1993; 2002 Act No. 166, Section 1, eff February 8, 2002.

**SECTION 43‑1‑120.** State Department may secure all possible Federal aid.

 The State Department may take such action as it may deem necessary, from time to time, to enable the Department to secure for the State and its residents the full benefits available under the Social Security Act of Congress and any amendments thereof and under any other Federal legislation having for its purpose the improvement or extension of social and welfare assistance or services to the people of the United States. But nothing contained in this section shall be construed to authorize any action by the Department in violation of the law of this State.

HISTORY: 1962 Code Section 71‑12; 1952 Code Section 71‑12; 1942 Code Section 4996‑56; 1937 (40) 496; 1947 (45) 489.

**SECTION 43‑1‑130.** Repealed by 1997 Act No. 133, Section 16, eff June 11, 1997.

Editor’s Note

Former Section 43‑1‑130 was entitled “State Department authorized to pay share of work incentive program under Section 443, Title IV, of Social Security Act” and was derived from 1962 Code Section 71‑12.1; 1969 (56) 792; 1972 (57) 2382.

**SECTION 43‑1‑135.** State Department to administer Social Services Block Grant Program.

 The State Department shall administer the Social Services Block Grant Program.

HISTORY: 2004 Act No. 263, Section 15.B, eff June 18, 2004.

**SECTION 43‑1‑140.** State Department shall keep proper records.

 The State Department shall keep proper records, including such as may be required by the Federal Government through its appropriate agency or instrumentality, and report such information and data as required.

HISTORY: 1962 Code Section 71‑13; 1952 Code Section 71‑13; 1942 Code Section 4996‑6; 1937 (40) 496.

**SECTION 43‑1‑150.** Rules and regulations governing use and disclosure of public assistance information.

 The State Department shall promulgate regulations to comply with federal requirements on the use or disclosure of information concerning applicants or recipients of public assistance, including Medicaid.

 When information concerning applicants or recipients of public assistance, including Medicaid, is furnished to or held by another agency or department of government, that agency or department is required to adopt regulations to comply with federal requirements on the use or disclosure of information concerning applicants or recipients of public assistance, including Medicaid.

HISTORY: 1962 Code Section 71‑14; 1952 Code Section 71‑14; 1942 Code Section 4996‑23; 1937 (40) 496; 1941 (42) 265; 1990 Act No. 450, Section 1, eff May 7, 1990.

**SECTION 43‑1‑160.** Unauthorized use or disclosure of public assistance information; penalties.

 No person shall use or disclose information concerning applicants or recipients of public assistance, including Medicaid, except for purposes connected with the administration of the applicable program or as authorized by state or federal regulations.

 A person, firm, association, corporation, or other agency violating any provision of this section, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

HISTORY: 1962 Code Section 71‑14.1; 1953 (48) 504; 1972 (57) 2382; 1990 Act No. 450, Section 2, eff May 7, 1990.

**SECTION 43‑1‑170.** Preparation and submission of annual budget.

 The director shall have prepared and submit to the Governor and the General Assembly an annual budget, estimating the necessary funds for discharging the duties imposed upon the Department, after taking into consideration federal funds which have been or may be allotted to the State for such purpose.

HISTORY: 1962 Code Section 71‑15; 1952 Code Section 71‑15; 1942 Code Section 4996‑6; 1937 (40) 496; 1993 Act No. 181, Section 1002, eff July 1, 1993.

**SECTION 43‑1‑190.** Depositories; security for deposits.

 The director may select the depositories for its funds pending the clearing of assistance checks and require such security on such deposits as it shall deem practicable.

HISTORY: 1962 Code Section 71‑17; 1952 Code Section 71‑17; 1942 Code Section 4996‑29; 1937 (40) 496; 1993 Act No. 181, Section 1003, eff July 1, 1993.

**SECTION 43‑1‑200.** Payment of salaries, expenses and assistance; lump sum requisitions.

 The director shall designate and authorize the proper officers and employees of the state department to issue its requisition upon the Comptroller General for the payment of salaries or other expenses in the administration of Chapters 1, 3, 5, 7, 9, 19, and 23. The Comptroller General shall draw his warrant upon the State Treasurer as directed by such requisition, and the State Treasurer shall pay such warrants by check or otherwise. In paying assistance granted to recipients in accordance with Chapters 1, 3, 5, 7, 9, 19, and 23, the State Department may include in one lump requisition the total amount it will require to meet monthly payments from the various funds set up under the provisions of Chapters 1, 3, 5, 7, 9, 19, and 23 and disburse such assistance to the individual beneficiaries by its own checks, but attached to such lump sum requisition shall be a list of the beneficiaries and the amounts for each making up the total requisitioned.

HISTORY: 1962 Code Section 71‑18; 1952 Code Section 71‑18; 1942 Code Section 4996‑29; 1937 (40) 496; 1993 Act No. 181, Section 1004, eff July 1, 1993.

**SECTION 43‑1‑205.** Program standards for treatment of perpetrators of domestic violence.

 For an agency, entity, or organization to receive funds from the Department of Social Services for treatment programs for perpetrators of domestic violence, the agency, entity, or organization must comply with treatment program standards contained in the department’s annual Battered Spouse State Plan. These standards must include, but are not limited to, these requirements:

 (1) treatment services must be provided by persons with a minimum of a master’s degree in social work, counseling, or another related field;

 (2) each treatment program shall have at least one person providing supervision to paid and volunteer staff who:

 (a) has a minimum of three years of experience working with both perpetrators and victims of domestic violence;

 (b) has a minimum of one year of experience in group facilitation; and

 (c) holds at least a master’s degree in social work, counseling, or another related field.

HISTORY: 1999 Act No. 80, Section 1, eff July 1, 1999.

**SECTION 43‑1‑210.** Annual report and recommendations.

 The director shall prepare and submit to the Governor and the General Assembly a full and detailed report of its activities and expenditures annually, including a statement of its personnel and the salaries paid, and shall likewise make such recommendations and suggestions as it shall deem advisable in the execution of its duties to the General Assembly. In addition, this report must include, but is not limited to, the following information:

 (1) the monthly total number of cases assigned, as of the last business day of every month, to each case worker in the Department of Social Services Child Protective Services Division;

 (2) the monthly total number of children assigned, as of the last business day of every month, to each case worker in the Department of Social Services Child Protective Services Division;

 (3) the monthly total number of children seen by the Department of Social Services within twenty‑four hours of a report of abuse or neglect that were accepted for intake;

 (4) the monthly total number of children that were not seen by the Department of Social Services within twenty‑four hours of a report of abuse or neglect;

 (5) the total number of children in foster care that were seen by the Department of Social Services each month; and

 (6) the total number of children in foster care that were not seen by the Department of Social Services each month.

 The Department of Social Services shall prepare and submit this report no later than March first of each year.

HISTORY: 1962 Code Section 71‑19; 1952 Code Section 71‑19; 1942 Code Section 4996‑6; 1937 (40) 496; 1993 Act No. 181, Section 1005, eff July 1, 1993; 2014 Act No. 281 (H.3102), Section 11, eff June 10, 2014.

Effect of Amendment

2014 Act No. 281, Section 11, in the introductory paragraph, added the last sentence, added paragraphs (1) through (6), and added the last undesignated paragraph.

**SECTION 43‑1‑230.** Restrictions on direct services provided by State Department under Title XX.

 Notwithstanding any other provision of law, all direct services provided by the Department of Social Services and through agreement with other state departments or county departments under Title XX of Public Law 93‑647 shall be subject to the same planning and contractual provisions required of private nonprofit service providers.

HISTORY: 1977 Act No. 254.

**SECTION 43‑1‑240.** Coordination with First Steps to School Readiness initiative.

 The State Department of Social Services in establishing priorities and funding for programs and services which impact on children and families during the first years of a child’s life, within the powers and duties granted to it, must support, as appropriate, the South Carolina First Steps to School Readiness initiative, as established in Chapter 152, Title 59, at the state and local levels.

HISTORY: 1999 Act No. 99, Section 5, eff June 28, 1999.

Editor’s Note

1999 Act No. 99, Section 8, provides in part as follows:

“The provisions of this act are repealed July 1, 2007, unless reauthorized by the General Assembly.”

2006 Act No. 412, Section 2, provides in part as follows:

“Act 99 of 1999, South Carolina First Steps to School Readiness Act, is reauthorized until July 2013.”

2013 Act No. 101, Section 117.114, provides as follows:

“117.114. (GP: First Steps Reauthorization) Act 99 of 1999, the South Carolina First Steps to School Readiness Act, is reauthorized for the duration of Fiscal Year 2013‑2014.”

2014 Act No. 286, Section 117.108, provides as follows:

“117.108. (GP: First Steps Reauthorization) Act 99 of 1999, the South Carolina First Steps to School Readiness Act, is reauthorized for the duration of Fiscal Year 2014‑2015.”

2014 Act No. 287, Section 20.B, provides as follows:

“B. Act 99 of 1999, South Carolina First Steps to School Readiness Act, is reauthorized until July 1, 2016.”

**SECTION 43‑1‑260.** Repealed.

HISTORY: Former Section, titled Community domestic violence coordinating councils; purpose; membership; revenue generation responsibility, had the following history: 2003 Act No. 92, Section 12, eff January 1, 2004; 2006 Act No. 366, Section 1, eff June 9, 2006. Repealed by 2015 Act No. 58 (S.3), Pt IV, Section 23, eff June 4, 2015. See, now Section 16‑25‑510 et seq.

**SECTION 43‑1‑710.** Names of persons benefitting from assistance payments available to other state agencies.

 The names of persons benefiting from assistance payments under the Department of Social Services programs must be available to other state agencies if not in conflict with federal regulations.

HISTORY: 2008 Act No. 353, Section 2, Pt 24A, eff July 1, 2009.

**SECTION 43‑1‑715.** Supplementing salary of employee of Department of Social Services.

 No county shall supplement the salary of any Department of Social Services employee.

HISTORY: 2008 Act No. 353, Section 2, Pt 24B, eff July 1, 2009.

**SECTION 43‑1‑720.** Establishing and collecting accounts receivable.

 The Department of Social Services shall establish and collect accounts receivable in accordance with appropriate and applicable federal regulations.

HISTORY: 2008 Act No. 353, Section 2, Pt 24C, eff July 1, 2009.