CHAPTER 1

State Policy and General Provisions

Showing the sections in former Chapter 7, Title 20 from which the sections in this chapter were derived.

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| NewSection | FormerSection |
| 63‑1‑10 | 20‑7‑10 |
| 63‑1‑20 | 20‑7‑20 |
| 63‑1‑30 | 20‑7‑470 |
| 63‑1‑40 | 20‑7‑30 |

**SECTION 63‑1‑10.** Short title.

 This title may be cited as the “South Carolina Children’s Code”.

HISTORY: 2008 Act No. 361, Section 2.

CROSS REFERENCES

Duty of the State Department of Social Services to supervise and administer the child protective services referred to in this chapter, see Section 43‑1‑80.

Library References

Infants 132.

Westlaw Topic No. 211.

C.J.S. Infants Sections 12 to 13, 23, 26 to 28.

**SECTION 63‑1‑20.** Policy.

 (A) A children’s policy is hereby established for this State.

 (B) This policy shall be interpreted in conjunction with all relevant laws and regulations and shall apply to all children who have need of services including, but not limited to, those mentally, socially, emotionally, physically, developmentally, culturally, educationally or economically disadvantaged or handicapped, those dependent, neglected, abused or exploited and those who by their circumstance or action violate the laws of this State and are found to be in need of treatment or rehabilitation.

 (C) It shall be the policy of this State to concentrate on the prevention of children’s problems as the most important strategy which can be planned and implemented on behalf of children and their families. The State shall encourage community involvement in the provision of children’s services including, as an integral part, local government, public and private voluntary groups, public and private nonprofit groups and private‑for‑profit groups in order to encourage and provide innovative strategies for children’s services. To maximize resources in providing services to children in need, all agencies providing services to children shall develop methods to coordinate their services and resources. For children with multiple needs, the furtherance of this policy requires all children’s services agencies to recognize that their jurisdiction in meeting these children’s needs is not mutually exclusive.

 (D) When children or their families request help, state and local government resources shall be utilized to compliment community efforts to help meet the needs of children by aiding in the prevention and resolution of their problems. The State shall direct its efforts first to strengthen and encourage family life as the most appropriate environment for the care and nurturing of children. To this end, the State shall assist and encourage families to utilize all available resources. For children in need of services, care and guidance the State shall secure those services as are needed to serve the emotional, mental and physical welfare of children and the best interests of the community, preferably in their homes or the least restrictive environment possible. When children must be placed in care away from their homes, the State shall insure that they are protected against any harmful effects resulting from the temporary or permanent inability of parents to provide care and protection for their children. It is the policy of this State to reunite the child with his family in a timely manner, whether or not the child has been placed in the care of the State voluntarily. When children must be permanently removed from their homes, they shall be placed in adoptive homes so that they may become members of a family by legal adoption or, absent that possibility, other permanent settings.

 (E) The children’s policy provided for in this chapter shall be implemented through the cooperative efforts of state, county and municipal legislative, judicial and executive branches, as well as other public and private resources. Where resources are limited, services shall be targeted to those children in greatest need.

 (F) In order to carry out this policy each agency, department, institution, committee, and commission which is concerned or responsible for children shall submit as a part of its annual budget request a listing of programs and services for children, the priority order of these programs and services in relation to other services, if any, that are provided by the agency, department, institution, committee, or commission, and a summary of the expenses incurred for the administration of its children’s services and programs. In addition, each agency, department, institution, committee, and commission which must submit pursuant to law an annual report to the General Assembly shall include as part of the report a comprehensive statement of how its children’s services and programs contributed to the implementation of this policy. Copies of all these budget requests and annual reports must be provided to the Office of the Governor by the agency, department, institution, committee, or commission.

HISTORY: 2008 Act No. 361, Section 2.

Library References

Infants 194.1.

Westlaw Topic No. 211.

C.J.S. Infants Sections 24 to 25, 39 to 41.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Children and Families Section 35, Protective Custody.

S.C. Jur. Children and Families Section 91, Capacity and Responsibility.

NOTES OF DECISIONS

In general 1

Reuniting children with families 2

1. In general

In South Carolina, incarceration of juveniles is for beneficent rather than punitive purposes. Alexander S. By and Through Bowers v. Boyd, 1995, 876 F.Supp. 773, modified on denial of rehearing. Infants 2682

Reports of Department of Mental Health and Department of Youth Services which essentially concluded that minor had behavioral problems but was not psychotic, experiencing thought disorder, delusional, experiencing hallucinations, clinically depressed, or exhibiting any suicidal or homicidal ideations was not sufficient basis for family court to order South Carolina Department of Social Services to place minor in long‑term, out‑of‑state residential treatment facility at a cost of $85,000 per year; placement of one child at such extremely expensive facility could be achieved only by denying services to numerous other children. South Carolina Dept. of Social Services v. Gerald (S.C. 1987) 293 S.C. 72, 358 S.E.2d 712. Infants 2237

2. Reuniting children with families

In the context of proceedings addressing the termination of parental rights, the interests of the child shall prevail if the child’s interest and the parental rights conflict; however, the public policy of this state in child custody matters is to reunite parents and children. Doe v. Roe (S.C.App. 2008) 379 S.C. 291, 665 S.E.2d 182, rehearing denied, certiorari granted, reversed 386 S.C. 624, 690 S.E.2d 573. Infants 1881; Infants 1886; Infants 2021

A family court judge may order participation by an estranged parent in a plan aimed at reuniting the child with the parent. Thus, a parent and child were under the jurisdiction of the family court, and the court had the authority to require the parents to successfully complete a substance abuse treatment and parenting skills program, following the removal of the child from the parent’s home by the Department of Social Services. Department of Social Services v. Johnson (S.C.App. 1990) 302 S.C. 199, 394 S.E.2d 721.

**SECTION 63‑1‑30.** Construction of title.

 This title shall be liberally construed to the end that families whose unity or well‑being is threatened shall be assisted and protected, and restored if possible as secure units of law‑abiding members; and that each child coming within the jurisdiction of the court shall receive, preferably in his own home, the care, guidance and control that will conduce to his welfare and the best interests of the State, and that when he is removed from the control of his parents the court shall secure for him care as nearly as possible equivalent to that which they should have given him.

HISTORY: 2008 Act No. 361, Section 2.

Library References

Infants 132.

Westlaw Topic No. 211.

C.J.S. Infants Sections 12 to 13, 23, 26 to 28.

**SECTION 63‑1‑40.** Definitions.

 When used in this title and unless otherwise defined or the specific context indicates otherwise:

 (1) “Child” means a person under the age of eighteen.

 (2) “Court” means the family court.

 (3) “Guardian” means a person who legally has the care and management of a child.

 (4) “Judge” means the judge of the family court.

 (5) “Parent” means biological parent, adoptive parents, step‑parent, or person with legal custody.

 (6) “Status offense” means any offense which would not be a misdemeanor or felony if committed by an adult, such as, but not limited to, incorrigibility (beyond the control of parents), truancy, running away, playing or loitering in a billiard room, playing a pinball machine or gaining admission to a theater by false identification.

 (7) “Child caring facility” means a campus with one or more staffed residences and with a total population of twenty or more children who are in care apart from their parents, relatives, or guardians on a continuing full‑time basis for protection and guidance.

 (8) “Foster home” means a household of one or more persons who are licensed or approved to provide full‑time care for one to five children living apart from their parents or guardians.

 (9) “Residential group care home” means a staffed residence with a population fewer than twenty children who are in care apart from their parents, relatives, or guardians on a full‑time basis.

HISTORY: 2008 Act No. 361, Section 2.

CROSS REFERENCES

Definition of “child” and other terms as used in subarticle 7 in relation to adoption, see Section 63‑9‑30.

Definitions of “child” and other terms used in Workmen’s Compensation Law, see Section 42‑1‑70.

Definitions of other terms as used in specific articles, subarticles and sections, see Sections 24‑19‑10, 43‑5‑125, 59‑115‑20, 63‑5‑510, 63‑9‑1720, 63‑11‑10, 63‑13‑20.

Definitions of “parent” and other terms as used in provisions of South Carolina Code applicable to both mentally ill and mentally retarded persons, see Section 44‑23‑10.

Library References

Infants 132.

Westlaw Topic No. 211.

C.J.S. Infants Sections 12 to 13, 23, 26 to 28.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Children and Families Section 95, Delinquent Acts.

S.C. Jur. Gifts Section 8, Capacity.

Attorney General’s Opinions

Term “foster care” as used in H.3669 could be construed as including foster family home care, child caring facilities and residential group homes. 1993 Op. Atty Gen No. 93‑47.

**SECTION 63‑1‑50.** Joint Citizens and Legislative Committee on Children.

 (A) There is established the Joint Citizens and Legislative Committee on Children to be composed of three members of the House of Representatives appointed by the Speaker of the House, three members of the Senate to be appointed by the President Pro Tempore of the Senate, and three members to be appointed by the Governor. The Director of the Department of Juvenile Justice, the Director of the Department of Social Services, the Director of the Department of Disabilities and Special Needs, the Superintendent of the Department of Education, and the Director of the Department of Mental Health serve as ex officio, nonvoting members of the committee. Members appointed by the Governor must not be employees of the State. Members serve at the pleasure of the appointing authority. The committee shall study issues relating to children as the committee may undertake or as may be requested or directed by the General Assembly. The committee may contract for all necessary legal research and support services, subject to funding as provided in subsection (E).

 (B) The committee shall submit an annual report to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House no later than the first of February. The report must detail the work of the committee, account for the committee’s expenditures, and provide findings and recommendations the committee develops relating to children’s issues it has studied.

 (C) The staffing for the committee must be provided by the Children’s Law Center of the University of South Carolina School of Law, subject to funding as provided in subsection (E).

 (D) The committee members may not receive compensation but are entitled to mileage, subsistence, and per diem as allowed by law for members of state boards, committees, and commissions.

 (E) The committee shall receive funding as may be provided in the annual general appropriations act or from any other source.

 (F) The committee shall terminate and shall cease to exist effective December 31, 2023, unless the General Assembly reauthorizes its continued existence beyond that date by legislation.

HISTORY: 2008 Act No. 251, Section 1; 2014 Act No. 245 (S.872), Section 1, eff June 6, 2014.

Effect of Amendment

2014 Act No. 245, Section 1, in subsection (A), inserted “of the Senate”; in subsection (B), deleted the prior first sentence, relating to when the committee becomes operative, deleted “written” before “report” in the first sentence, deleted “commencing in 2009” at the end of the first sentence, and deleted “any” before “findings” in the last sentence; in subsection (D), substituted “may not receive compensation but are entitled to mileage, subsistence, and per diem as allowed” for “are eligible for per diem and mileage as provided”; in subsection (F), substituted “2023” for “2015”; and made other nonsubstantive changes.

Library References

Infants 17.

States 34.

Westlaw Topic Nos. 211, 360.

C.J.S. Adoption of Persons Sections 10 to 14, 41.

C.J.S. Infants Sections 6, 8 to 9.

C.J.S. States Sections 81, 87, 109 to 111.

Attorney General’s Opinions

An individual may serve on the Board of Trustees of the College of Charleston and as a member of the Joint Citizens and Legislative Committee on Children without violating the dual office holding provisions of the State Constitution. S.C. Op.Atty.Gen. (April 26, 2010) 2010 WL 1808718.