**A** **BILL**

TO AMEND SECTION 63‑19‑1020, RELATING TO INSTITUTING PROCEEDINGS AGAINST A CHILD FOR INCORRIGIBILITY, SO AS TO REQUIRE DOCUMENTATION IN CASES OF INCORRIGIBILITY THAT FAMILY COUNSELING HAS BEEN SOUGHT AND TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE TO REFER THE PARENT AND CHILD TO FAMILY COUNSELING IF IT HAS NOT BEEN SOUGHT OR TO PROVIDE THE COUNSELING.

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

SECTION 1. Section 63‑19‑1020 of the 1976 Code is amended to read:

“Section 63‑19‑1020. (A) The parent or custodian of a child, an official of a child welfare board, a public official charged by law with the care of the poor, the recognized agents of an agency, association, society, or institution, a person having knowledge or information of a nature which convinces the person that a child is delinquent or that a child, by reason of his own acts in accordance with this chapter, is subject to the jurisdiction of the court, any person who has suffered injury through the delinquency of a child, or an officer having an arrested child in charge, may institute a proceeding respecting the child.

(B) Notwithstanding the provisions of subsection (A), before the Department of Juvenile Justice accepts a referral for the status offense of incorrigibility or the filing of a petition against a child for incorrigibility, the party seeking to institute a proceeding against a child for incorrigibility shall provide documentation indicating that family counseling involving the parent, guardian, or custodian and child has previously been sought in an attempt to address the incorrigible behavior of the child. This family counseling may be obtained from a variety of community resources including, but not limited to, family or individual counseling with a licensed therapist, counselor, or clergy member, parenting improvement classes, or any other family therapy services that evidence a previous reasonable effort by the parent, guardian, or custodian to resolve the challenges confronting the family unit. If no prior assistance has been sought, the department shall refer the parent or guardian to assistance as is available locally in their home community or provide the assistance to the family.”

SECTION 2. This act takes effect upon approval by the Governor.

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