~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 28, 2012

**H. 4717**

Introduced by Reps. Brannon and Allison

S. Printed 3/28/12--H.

Read the first time February 2, 2012.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4717) to amend Section 63‑7‑730, Code of Laws of South Carolina, 1976, relating to the expedited placement of a child with a relative of the first or second degree, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. Section 63‑7‑730 of the 1976 Code is amended to read:

“Section 63‑7‑730. (A) If the family court makes a finding at the probable cause hearing that continuing the child in the home would be contrary to the welfare of the child and orders the child to remain in the legal custody of the department ~~at the probable cause hearing~~, the ~~family~~ court may order expedited placement of the child with a relative of the first or second degree, which includes, among other relatives, the child’s grandparents. In making this expedited placement decision, the court shall consider the totality of the circumstances, and the court shall consider the capability of the relative to care for the child, including the character, fitness, attitude, and inclination of the relative as these would impact the child. The court shall require the department to check the names of all adults in the home against the Central Registry of Child Abuse and Neglect, other relevant records of the department, county sex abuse registers, and records for the preceding five years of law enforcement agencies in the jurisdiction in which the person resides and, to the extent reasonably possible, jurisdictions in which the person has resided during that period. The court may hold open the record of the probable cause hearing for up to twenty‑four hours to receive ~~the~~ these reports ~~and based on these reports and other information introduced at the probable cause hearing, the court may order expedited placement of the child in the home of the relative. Nothing in this section precludes the department from requesting or the court from ordering pursuant to the department’s request either a full study of the relative’s home before placement or the licensing or approval of the relative’s home before placement~~.

(B) If the court orders expedited placement of the child with a relative of the first or second degree, that relative must be named as a party for the duration of the case or upon further order by the court.”

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

Renumber sections to conform.

Amend title to conform.

JAMES H. HARRISON for Committee.

**A** **BILL**

TO AMEND SECTION 63‑7‑730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXPEDITED PLACEMENT OF A CHILD WITH A RELATIVE OF THE FIRST OR SECOND DEGREE WHEN A CHILD REMAINS IN THE LEGAL CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES FOLLOWING THE PROBABLE CAUSE HEARING, SO AS TO PROVIDE THAT IF THE COURT FINDS THAT CONTINUING THE CHILD IN THE HOME WOULD BE CONTRARY TO THE WELFARE OF THE CHILD, THE COURT MAY ORDER PLACEMENT WITH A RELATIVE OF THE FIRST OR SECOND DEGREE, WHICH INCLUDES A GRANDPARENT; TO PROVIDE THAT THE COURT SHALL CONSIDER CERTAIN CHARACTERISTICS OF THE RELATIVE AND HOW THESE WOULD IMPACT THE CHILD; AND TO PROVIDE THAT IF THE COURT PLACES A CHILD WITH A RELATIVE OF THE FIRST OR SECOND DEGREE, THE RELATIVE MUST BE NAMED AS A PARTY FOR THE DURATION OF THE CASE.

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

SECTION 1. Section 63‑7‑730 of the 1976 Code is amended to read:

“Section 63‑7‑730. (A) If the family court makes a finding at the probable cause hearing that continuing the child in the home would be contrary to the welfare of the child and orders the child to remain in the legal custody of the department ~~at the probable cause hearing~~, the ~~family~~ court may order expedited placement of the child with a relative of the first or second degree, which includes, among other relatives, the child’s grandparents. In making this expedited placement decision, the court shall consider the totality of the circumstances, and the court shall consider the capability of the relative to care for the child, including the character, fitness, attitude, and inclination of the relative as these would impact the child. The court shall require the department to check the names of all adults in the home against the Central Registry of Child Abuse and Neglect, other relevant records of the department, county sex abuse registers, and records for the preceding five years of law enforcement agencies in the jurisdiction in which the person resides and, to the extent reasonably possible, jurisdictions in which the person has resided during that period. The court may hold open the record of the probable cause hearing for up to twenty‑four hours to receive ~~the~~ these reports ~~and based on these reports and other information introduced at the probable cause hearing, the court may order expedited placement of the child in the home of the relative. Nothing in this section precludes the department from requesting or the court from ordering pursuant to the department’s request either a full study of the relative’s home before placement or the licensing or approval of the relative’s home before placement~~.

(B) If the court orders expedited placement of the child with a relative of the first or second degree, that relative must be named as a party for the duration of the case.”

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

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