



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: H. 3989
Author: J.E. Smith
Subject: Persons with Disabilities Rights to Parent Act
Requestor: Senate Judiciary
RFA Analyst(s): Fulmer, Gardner, and Wren
Impact Date: May 18, 2016

Estimate of Fiscal Impact

	FY 2016-17	FY 2017-18
State Expenditure		
General Fund	Undetermined	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	Undetermined	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

Due to the lack of data available on the number of potential disabled parents and the types of services they would need, an expenditure impact on this bill cannot be determined at this time.

Explanation of Fiscal Impact

State Expenditure

This bill would create the Persons with Disabilities Right to Parent Act, which would require law enforcement, family and probate courts, and the Department of Social Services to protect the parenting rights of parents with a disability. The bill would further establish requirements and safeguards to ensure that the person with a disability is not denied the right to parent, which includes custody, visitation, guardianship, and adoption of the child. The bill requires reasonable efforts be made to accommodate the disability in order to avoid removal of the child or reunify the family. State and local law enforcement are required to inquire about and document the disability status of the parent or legal guardian when a child is taken into emergency protective custody and provide the information to the Department of Social Services.

The Department of Social Service (DSS). The department indicates the expenditure impact of this bill cannot be determined since the department does not have data on the number of potential disabled parents and the type of services they would need. Currently, the DSS does not provide services required in Section 63-21-20 of this bill such as supportive housing, assertive community treatment, crisis services, peer supports, household management training, homemaker services, substance abuse services, occupational therapy and parenting skills, adaptive parenting equipment, and adaptive parenting training. Other agencies such as

Department of Vocation Rehabilitation, Department of Alcohol and Other Drug Abuse Services, and the Department of Mental Health currently provide these services. This bill could have a significant expenditure impact on DSS if they were required to duplicate these services which other state agencies may already provide.

The Judicial Department. This bill requires the family court to find clear and convincing evidence that a disability renders a parent unfit to parent the child. The findings create a new situation under which a person can petition the family court. There is no data available to indicate the number of additional hearings or trials which may result. However, it is anticipated that the Judicial Department would be able to absorb the cost of additional hearings or trials. If this bill results in a significant number of additional hearings or trials, this could create an increased backlog for the family court.

The Department of Public Safety. The department indicates there is no expenditure impact to the General Fund, Federal Funds, or Other Funds.

State Law Enforcement Division. The Revenue and Fiscal Affairs office contacted the agency and the expenditure impact is pending, contingent upon a response.

State Revenue

N/A

Local Expenditure

The Revenue and Fiscal Affairs Office contacted twenty-three county governments and the Municipal Association of South Carolina regarding the expenditure impact of this bill on local law enforcement. Horry County indicates that this bill will have no expenditure impact on their locality. Due to the limited number of responses, the expenditure impact of this bill on local government is undermined.

Local Revenue

N/A



Frank A. Rainwater, Executive Director