**A** **BILL**

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA CHILD WELFARE REFORM ACT OF 2015" SO AS TO TRANSFER, REALIGN, AND RESTRUCTURE CERTAIN PROGRAMS, REQUIREMENTS, AND PROCEDURES RELATING TO CHILD AND FAMILY PROTECTIVE SERVICES AND WELFARE, INCLUDING PROVISION TO ABOLISH THE SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES ON JULY 1, 2016; TO AMEND SECTION 1‑30‑10, AS AMENDED, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO ESTABLISH THE DEPARTMENT OF FAMILY PROTECTIVE SERVICES AND ELIMINATE THE DEPARTMENT OF SOCIAL SERVICES; TO ESTABLISH CHAPTER 2 OF TITLE 63 OF THE 1976 CODE, CREATING THE SOUTH CAROLINA DEPARTMENT OF FAMILY PROTECTIVE SERVICES, TO TRANSFER CERTAIN PROGRAMS AND DIVISIONS OF THE DEPARTMENT OF SOCIAL SERVICES TO THE DEPARTMENT OF FAMILY PROTECTIVE SERVICES, AND TO CREATE EDUCATION AND EXPERIENCE REQUIREMENTS FOR CHILD WELFARE CASEWORKERS; TO AMEND SECTION 43‑5‑10, AS AMENDED, TO TRANSFER TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES THE AUTHORITY TO ADMINISTER PUBLIC WELFARE IN SOUTH CAROLINA; TO AMEND SECTION 44‑6‑30, AS AMENDED, TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADMINISTER PUBLIC WELFARE IN SOUTH CAROLINA; TO AMEND ARTICLE 3, CHAPTER 7, TITLE 63 OF THE 1976 CODE BY ADDING MAXIMUM CASELOAD STANDARDS FOR CASEWORKERS IN THE DEPARTMENT OF FAMILY PROTECTIVE SERVICES; TO AMEND SECTION 63‑7‑900 BY ESTABLISHING A STATEWIDE, TOLL‑FREE CHILD ABUSE HOTLINE; TO AMEND SECTION 63‑7‑910 REQUIRING REPORTS OF CHILD ABUSE OR NEGLECT TO BE MADE THROUGH THE STATEWIDE, TOLL‑FREE HOTLINE, DETAILING THE DEPARTMENT OF FAMILY PROTECTIVE SERVICE’S RESPONSIBILITIES UPON RECEIPT OF A REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT, AND REQUIRING THE DEPARTMENT TO COLLECT AND REPORT CERTAIN DATA RELATING TO THE STATEWIDE, TOLL‑FREE CHILD ABUSE HOTLINE; TO AMEND SECTION 63‑7‑920 TO REQUIRE THE DEPARTMENT TO CONDUCT AN IN‑PERSON MEETING WITH A CHILD WITHIN TWENTY‑FOUR HOURS OF A REPORT OF SUSPECTED ABUSE OR NEGLECT OR SOONER IF THE CHILD IS FOUR YEARS OLD OR YOUNGER AND PRESENTS TO A HOSPITAL FOR TREATMENT AND ALLOWING THE DEPARTMENT TO COLLABORATE WITH THE SOUTH CAROLINA CHILDREN’S ADVOCACY MEDICAL RESPONSE SYSTEM; TO AMEND SECTION 63‑7‑310 BY INCLUDING REFERENCE TO THE STATEWIDE, TOLL‑FREE CHILD ABUSE HOTLINE AND INCLUDING RESPONSIBILITIES OF LAW ENFORCEMENT AGENCIES UPON RECEIPT OF A REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT; TO AMEND SECTION 63‑7‑370 TO REQUIRE LAW ENFORCEMENT TO NOTIFY THE DEPARTMENT OF FAMILY PROTECTIVE SERVICES IN CASES OF SUSPECTED DOMESTIC VIOLENCE WHERE THE PEOPLE INVOLVED IN THE SUSPECTED DOMESTIC VIOLENCE ARE RESPONSIBLE FOR THE WELFARE OF A CHILD; TO AMEND SECTION 63‑7‑450(C) TO ALLOW THE DEPARTMENT TO PUBLICIZE THE STATEWIDE, TOLL‑FREE CHILD ABUSE HOTLINE; TO REPEAL CHAPTER 1 OF TITLE 43 RELATING TO THE STATE DEPARTMENT AND BOARD OF SOCIAL SERVICES, CHAPTER 3 OF TITLE 43 RELATING TO THE COUNTY DEPARTMENTS AND BOARDS OF SOCIAL SERVICES, SECTION 43‑5‑220 RELATING TO OBTAINING SUPPORT PAYMENTS FROM ABSENT PARENTS, SECTION 43‑5‑222 RELATING TO CHILD SUPPORT PAYMENTS PAID TO WELFARE RECIPIENTS, SECTION 43‑5‑225 RELATING TO THE CENTRAL REGISTRY OF RECORDS OF PARENTS WHO HAVE DESERTED OR ABANDONED A CHILD WHO RECEIVES AID TO FAMILIES WITH DEPENDENT CHILDREN, SECTION 43‑5‑230 RELATING TO THE PUBLIC WELFARE COOPERATIVE PROGRAM FUND, SECTION 43‑5‑235 RELATING TO REIMBURSEMENT OF LOCAL ENTITIES FOR COSTS OF CHILD SUPPORT COLLECTION AND PATERNITY DETERMINATION PROGRAMS, SECTION 43‑5‑240 RELATING TO THE EXECUTION OF COOPERATIVE SUPPORT PROGRAM AGREEMENTS BETWEEN COUNTIES DESIRING TO OBTAIN APPROPRIATIONS FROM THE PUBLIC WELFARE SUPPORT REIMBURSEMENT FUND AND THE DEPARTMENT OF SOCIAL SERVICES, SECTION 43‑5‑245 RELATING TO COUNTIES AND JUDICIAL DISTRICTS SUBMITTING PLANS TO THE DEPARTMENT OF SOCIAL SERVICES RELATING TO STAFFING AND EQUIPMENT NEEDS FOR THEIR CHILD SUPPORT PROGRAMS, SECTION 43‑5‑580 RELATING TO ENFORCEMENT SUPPORT OBLIGATIONS OF ABSENT PARENTS, SECTION 43‑5‑590 RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF SOCIAL SERVICES IN ACCORDANCE WITH APPROVED CHILD SUPPORT PLANS, SECTION 43‑5‑598 RELATING TO DEFINITIONS AND THE NEW HIRE DIRECTORY FOR THE SOUTH CAROLINA EMPLOYABLES PROGRAM ACT, SECTION 43‑5‑600 RELATING TO THE APPLICABILITY OF THE LEGAL PROCESS, BROUGHT TO ENFORCE CHILD OR SPOUSAL SUPPORT OBLIGATIONS TO PAYMENTS MADE BY SOUTH CAROLINA, SECTION 43‑5‑610 RELATING TO THE MAINTENANCE OF A CENTRAL REGISTRY OF RECORDS BY THE DEPARTMENT OF SOCIAL SERVICES FOR EACH CASE WHERE SERVICES WERE PROVIDED PURSUANT TO TITLE IV‑D OF THE SOCIAL SECURITY ACT, SECTION 43‑5‑620 RELATING TO THE ESTABLISHMENT OF A UNIFORM SYSTEM OF INFORMATION CLEARANCE AND RETRIEVAL WHERE THE CHILD SUPPORT ENFORCEMENT OFFICE SHALL HAVE ACCESS TO INFORMATION FROM THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE AND THE DEPARTMENT OF MOTOR VEHICLES FOR ENFORCEMENT PURPOSES, SECTION 43‑5‑630 RELATING TO THE PRORATION OF INTERMITTENT INCOME BY APPLICANTS FOR ASSISTANCE AND SECTION 63‑7‑320 RELATING TO REPORTS OF CHILD ABUSE OR NEGLECT MADE TO LAW ENFORCEMENT AGENCIES; AND TO PROVIDE FOR OTHER TRANSITIONAL PROVISIONS, FOR THE EFFECTIVE DATE OF THE ACT, AND FOR THE MANNER IN WHICH IT SHALL BE IMPLEMENTED.

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

SECTION 1. This act may be cited as the "South Carolina Children’s Welfare Reform Act of 2015".

SECTION 2. Effective July 1, 2016, the South Carolina Department of Social Services is abolished and its functions, powers, duties, responsibilities, and authority, except as provided by law:

(1) related to public aid, assistance, and relief generally found in Chapter 5 of Title 43 of the 1976 Code but also contained in certain other provisions of South Carolina law are devolved upon the South Carolina Department of Health and Human Services; and

(2) related to all other functions within the former South Carolina Department of Social Services, including, but not limited to, child protective services, adult protective services, foster care, adoption, and child support are devolved upon the South Carolina Department of Family Protective Services.

SECTION 3. Section 1‑30‑10(A) of the 1976 Code is amended to read:

"(A) There are hereby created, within the executive branch of the state government, the following departments:

1. Department of Agriculture

2. Department of Alcohol and Other Drug Abuse Services

3. Department of Commerce

4. Department of Corrections

5. Department of Disabilities and Special Needs

6. Department of Education

7. Department of Family Protective Services

~~7~~8. Department of Health and Environmental Control

~~8~~9. Department of Health and Human Services

~~9~~10. Department of Insurance

~~10~~11. Department of Juvenile Justice

~~11~~12. Department of Labor, Licensing and Regulation

~~12~~13. Department of Mental Health

~~13~~14. Department of Natural Resources

~~14~~15. Department of Parks, Recreation and Tourism

~~15~~16. Department of Probation, Parole and Pardon Services

~~16~~17. Department of Public Safety

~~17~~18. Department of Revenue

~~18.~~ ~~Department of Social Services~~

19. Department of Transportation

20. Department of Employment and Workforce."

SECTION 4. Title 63 of the 1976 Code is amended by adding:

"CHAPTER 2

Article 1

State Department

Section 63‑2‑10. There is hereby created the Department of Family Protective 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 Governor shall appoint, upon the advice and consent of the Senate, a State Director of Family Protective Services who shall be the chief executive officer and administrative head of the department. 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.

Section 63‑2‑20. The State Director 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.

Section 63‑2‑30. (A) The State Director may create:

(1) a State Advisory Council of Family Protective Services to consider and consult with the department concerning issues and recommending remedies. The Council shall not exceed fifteen members. The members of such Council shall serve without compensation or allowance for expenses;

(2) 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. The committees may be reimbursed for travel expenses as provided under the law and regulations for state employees but shall receive no per diem payment.

(B) All subsistence and per diem authorized under the provisions of this section shall be paid from funds available to the Department of Family Protective Services.

Section 63‑2‑40. The director may appoint and employ 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 compensation shall be fixed by the state department. The director may require officers and employees to furnish bonds in such amounts as it may determine. The selection of officers and employees shall be made entirely upon the qualification and merit of the individuals so employed.

Section 63‑2‑45. The department is responsible for recruitment of qualified professional staff to serve as associate child protective services case workers, child protective services case workers, and child protective services supervisors. The department shall make every effort to recruit and hire persons qualified by their education and experience to perform these child protective services functions. The department’s efforts shall be guided by the goal that by July 1, 2019, at least half of all child protective services positions meet the minimum requirements described in items (1)‑(3). The department shall develop a protocol for screening candidates for child protective positions which reflects the preferences specified in subsections (1)‑(3). The following shall be the minimum requirements an applicant must meet for a child protective services position:

(1) An individual applying for a position as an associate case worker must have a baccalaureate degree in social work, psychology, sociology, counseling, special education, education, human development, child development, family development, marriage and family therapy, or nursing, or three years of directly relevant work or volunteer experience, preferably in a public service field related to children’s services. The individual must possess critical thinking skills, formal assessment processes, communication skills, problem solving, empathy, a commitment to helping children and families, a capacity to work as part of a team, an interest in continuous development of skills and knowledge, and personal strength and resilience to manage competing demands and handle workplace stresses.

(2) An individual applying for a position as a case worker must have a baccalaureate degree in social work, psychology, sociology, counseling, special education, education, human development, child development, family development, marriage and family therapy, or nursing, or five years of directly relevant work or volunteer experience, preferably in a public service field related to children’s services. The individual must possess critical thinking skills, formal assessment processes, communication skills, problem solving, empathy, a commitment to helping children and families, a capacity to work as part of a team, an interest in continuous development of skills and knowledge, and personal strength and resilience to manage competing demands and handle workplace stresses.

(3) An individual applying for a position as a supervisor must have a master’s degree in social work from a college or university social work program accredited by the Council on Social Work Education, or ten years of directly relevant work experience, preferably in a public service field related to children’s services. The individual must possess critical thinking skills, formal assessment processes, communication skills, problem solving, empathy, a commitment to helping children and families, a capacity to work as part of a team, an interest in continuous development of skills and knowledge, and personal strength and resilience to manage competing demands and handle workplace stresses. In addition, a candidate for supervisor must have a minimum of three years’ experience as a case worker or a minimum of three years’ experience performing the job the candidate will supervise.

Section 63‑2‑50. The state department shall supervise and administer the activities and functions of the State as provided in this Chapter and child protective services as referred to in 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 protective services 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.

Section 63‑2‑60. 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.

Section 63‑2‑70. 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, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives, 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.

Section 63‑2‑80. The state department shall administer the Social Services Block Grant Program.

Section 63‑2‑90. The state department shall keep proper records, including that which may be required by the federal government through its appropriate agency or instrumentality, and report such information and data as required.

Section 63‑2‑100. The director shall prepare and submit to the Governor and the General Assembly no later than March 1 of each year, a full and detailed report of its activities and annual expenditures, 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. This report must also include the following:

(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 Family Protective 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 Family Protective Services Child Protective Services Division;

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

(4) the monthly total number of children that were unseen by the Department of Family Protective 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 Family Protective Services each month; and

(6) the total number of children in foster care that were unseen by the Department of Family Protective Services each month.

Section 63‑2‑110. 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.

Section 63‑2‑120. 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 this chapter. 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.

Section 63‑2‑130. For an agency, entity, or organization to receive funds from the Department of Family Protective 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.

Section 63‑2‑140. Notwithstanding any other provision of law, all direct services provided by the Department of Family Protective Services and through agreement with other state agencies or county departments of Family Protective Services under Title XX of Public Law 93‑647 shall be subject to the same planning and contractual provisions required of private non‑profit service providers.

Section 63‑2‑150. When establishing priorities and funding for programs and services that impact children and families during the first years of a child’s life, within the powers and duties granted to it, the state department must support, as appropriate, the South Carolina First Steps to School Readiness initiative, as established in Title 59, Chapter 152, at the state and local levels.

Section 63‑2‑160. (A) The circuit solicitor for each judicial circuit shall facilitate the development of community domestic violence coordinating councils in each county or judicial circuit based upon public‑private sector collaboration.

(B) The purpose of a domestic violence coordinating council is to:

(1) increase the awareness and understanding of domestic violence and its consequences;

(2) reduce the incidence of domestic violence in the county or area served; and

(3) enhance and ensure the safety of battered women and their children.

(C) The duties and responsibilities of a domestic violence coordinating council include, but are not limited to:

(1) promoting effective strategies of intervention for identifying the existence of domestic violence and for intervention by public and private agencies;

(2) establishing interdisciplinary and interagency protocols for intervention with survivors of domestic violence;

(3) facilitating communication and cooperation among agencies and organizations that are responsible for addressing domestic violence;

(4) monitoring, evaluating, and improving the quality and effectiveness of domestic violence services and protections in the community;

(5) providing public education and prevention activities; and

(6) providing professional training and continuing education activities.

(D) Membership on a domestic violence coordinating council may include, but is not limited to, representatives from magistrates court, family court, law enforcement, solicitor’s office, probation and parole, batterer intervention programs or services, nonprofit battered women’s program advocates, counseling services for children, legal services, victim assistance programs, the medical profession, substance abuse counseling programs, the clergy, survivors of domestic violence, local department of family protective services, and the education community. Members on the council shall develop memoranda of agreement among and between themselves to ensure clarity of roles and responsibilities in providing services to victims of domestic violence.

(E) Each coordinating council is responsible for generating revenue for its operation and administration.

Section 63‑2‑170. No county shall supplement the salary of any Department of Family Protective Services employee.

Section 63‑2‑180. The Department of Family Protective Services shall establish and collect accounts receivable in accordance with appropriate and applicable federal regulations.

Article 3

County Departments

Section 63‑2‑310. (A) There is created in each county of the State a county department of family protective services, referred to in this chapter as the county department, and in each county a county board of family protective services, referred to in this chapter as the county board, to be composed of not less than three nor more than nine members. Each county board serves in an advisory capacity to the director of the county department of family protective services. The members of each county board must be appointed by the Governor upon the recommendation of a majority, including the senators of the county legislative delegation. The terms of the members are for three years and until their successors have been appointed and qualify. In the case of a vacancy, the vacancy must be filled as provided in this section, but only for the unexpired term.

(1) In Berkeley County, appointments made pursuant to this section are governed by the provisions of Act 159 of 1995.

(2) In Dorchester County, appointments made pursuant to this section are governed by the provisions of Act 512 of 1996.

(3) In Georgetown County, appointments made pursuant to this section are governed by the provisions of Act 515 of 1996.

(B) Notwithstanding the provisions of subsection (A), a county legislative delegation, in its sole discretion, has the authority, by written resolution, to terminate its respective county board of family protective services by a two‑thirds vote, based on weighted voting percentages of the county legislative delegation.

Section 63‑2‑320. Members of the county boards shall receive the same mileage as is provided by law for state boards, committees and commissions for travel in attending meetings and a per diem, the total per diem not to exceed seventy‑five dollars per year.

Section 63‑2‑330. The members of the respective county boards shall elect one of their members as chairman. Each county board shall meet not less than once a month on regular dates fixed by it unless the director shall designate other regular dates for the various county board meetings. A simple majority of the members shall constitute a quorum and may decide all matters. Each county board may adopt its own rules of procedure unless the state department shall promulgate uniform rules for all county boards to observe.

Section 63‑2‑340. (A) The State Director shall select a county director for each county department, referred to in this chapter as the county director, to discharge the duties of his office and may select regional directors to oversee the county directors. The salaries of county directors and any regional directors shall be fixed by the director. In fixing these salaries the director shall consider the individual qualifications of the respective directors and the possibilities of their individual positions. The county director shall be the chief executive officer of the county department and shall perform duties as are directed by the director, regional director, or as directed by law.

(B) Regional and county directors serve at the pleasure of the state director.

Section 63‑2‑350. Each county board may create a county advisory council of family protective services to consider and consult with the county board concerning issues and recommending remedies. Members of such councils shall serve without compensation or allowance for expenses.

Section 63‑2‑360. The respective county directors shall see that all laws are enforced for the protection and welfare of minors and the removal of moral menaces to the young and to safeguard and promote the health, education and general welfare of minors. Subject to the rules and regulations of the state department, each of the county directors may use any funds supplied by the county in which the county department operates for such purposes as may be directed by law, in addition to their other duties. Each county director shall serve as the agent of the state department in the performance of such functions as the director may delegate to it.

Section 63‑2‑370. The governing authorities of each county shall provide office space and facility service, including janitorial, utility and telephone services, and related supplies, for its county Department of Family Protective Services.

Section 63‑2‑380. Each county director shall submit to the state director at such times as the latter shall require the county director’s estimate of the necessary administrative expenses and expenditures in the county, which, when approved by the state director, shall be authority for the county director to engage other agents and employees as may be necessary in executing the duties and activities delegated to the county director. All agents and employees shall measure up to the standards fixed by the state director as to education, training, fitness and experience in social work.

Section 63‑2‑390. Each county director shall prepare and submit to the state director, as required by the latter, an estimated budget for carrying out the duties and functions delegated to the county director, and shall maintain an accurate record of the county department’s activities and all funds received and expended by it.

Section 63‑2‑400. The respective county directors shall maintain standards of work, procedure, and records as are required by the state director in the discharge of their functions or in the use of any funds provided by the state department.

Section 63‑2‑410. The records and accounts of each county shall be maintained as prescribed by the state director and shall be subject to inspection, supervision, and audit by the state department and in the same manner and with the same effect as may be provided by law for the examination of other public offices.

Section 63‑2‑420. Each county director shall furnish reports to the state director as the latter shall require, which shall be made in a manner and upon the forms required by the state director. Each county director shall make an annual report of the county department’s activities, receipts, and disbursements to each member of the county legislative delegation, to the foreman of the county grand jury and to the clerk of court, who shall file the report in his office as a public record. Each county director shall furnish these reports and data as may be required by the state department or the federal government, through its appropriate agency or instrumentality, concerning conditions within its county, the county department’s activities and functions and the administration of funds received by the county department.

Article 5

Child Support Program

Section 63‑2‑510. (A) Every applicant for family independence benefits who has a child by a parent who is alive but not living in the home at the time of approval for family independence must be immediately referred to the designated child support official of the Department of Family Preventative Services. The department shall be responsible for taking all steps necessary to identify, locate, and obtain support payments from absent parents. The Department of Health and Human Services shall provide all necessary information regarding family independence benefits to the department to assist in the process for identifying, locating, and obtaining child support payments from the absent parents.

(B) The department shall establish a scale of suggested minimum contributions to assist courts in determining the amount that an absent parent should be expected to pay toward the support of a dependent child. The scale shall include consideration of gross income, shall authorize expense deductions including deductions for taxes for determining net income, shall designate other available resources to be considered and shall specify the circumstances which should be considered in reducing liability on the basis of hardship. Copies of this scale shall be made available to courts, county attorneys, circuit solicitors, and to the public. It is intended that the scale formulated pursuant to this section be optional, and that no court or support official be required to use it.

(C) In all cases in which the whereabouts of the absent parent is known, the department shall, immediately upon approval of the application for assistance, notify the absent parent of the filing of the application and of his responsibility to complete and return a written statement of his current monthly income, his total income over the past twelve months, a description of real and personal property owned by him, together with an estimate of its value, the number of dependents for whom he is providing support, the amount he is contributing regularly toward the support of all children for whom application for aid to families with dependent children has been made, his Social Security number, his itemized monthly living expenses and such other information as the department determines to be pertinent in determining his ability to support his children.

The absent parent shall complete and return such statement to the department within ten days after notification by the department. The department may request the absent parent to report for a personal interview.

If the absent parent statement is not completed within ten days after notification, the department shall cause prompt personal service to be made. If the written statement is not completed and returned within ten days after personal service, the department shall immediately refer the matter for prosecution for nonsupport.

(D) When the department has obtained sufficient information concerning the absent parent, it shall immediately determine his ability to support his children and shall obtain a court order specifying an appropriate amount of support in accordance with the scale of suggested minimum contributions as provided in subsection (B). If the absent parent is residing out of the county, but within the State, and his whereabouts are known, the department shall obtain the court order in the court of competent jurisdiction as set forth by the court of competent jurisdiction. Court orders of support shall in all cases specify that the payment of support shall be made directly to the department as reimbursement for assistance and not to the spouse of the absent parent. The support rights assigned to the State shall constitute an obligation owed to the State by the individual responsible for providing such support. Such obligation shall be deemed for collection purposes to be collectible under all applicable state and local processes. The amount of such obligations shall be:

(1) The amount specified in a court order which covers the assigned support rights;

(2) If there is no court order, an amount determined by the State in accordance with a formula approved by subsection (B);

(3) Any amounts collected from an absent parent under the plan shall reduce, dollar for dollar, the amount of his obligation. A debt which is a child support obligation assigned to the department under this section is not released by a discharge in bankruptcy under the Bankruptcy Act.

(E) Failure of the absent parent to comply with his support obligation shall be referred to the court having jurisdiction of the matter for appropriate proceedings.

(F) Nothing in this section shall be construed to relieve the department from complying with the provisions of Section 402 (a) (11) of the Social Security Act.

(G) Material falsification of information on the statement provided pursuant to subsection (D) shall constitute a misdemeanor.

(H) In the case of an individual not otherwise eligible for collection services, a fee may be imposed in accordance with federal law, regulations, and guidelines.

(I) The department may submit to the Department of Revenue for collection and set off any debt for past‑due support, including health care expenses, owed to the department or owed to an individual not otherwise eligible for collection services who has made application to the department. The debt for past‑due support must be at least sixty days in arrears and is in excess of twenty‑five dollars as provided by law. At the time of the submission, the department shall notify the debtor that his state tax refund will be subject to a debt for past‑due support. The notice shall set forth the name of the debtor, the amount of the claimed debt, the intention to set off the refund against the debt, the taxpayer’s opportunity to give written notice to contest the set off within thirty days of the date of mailing of the notice, the appropriate office of the department to which the application for a hearing must be sent, and the fact that failure to apply for a hearing in writing within the thirty‑day period will be considered a waiver of the opportunity to contest the set off. If the debtor makes written application to contest the set off within thirty days of notification, the department shall provide an opportunity for a hearing and is responsible for refunding any monies wrongfully collected. If no application is made, the debtor’s refund must be used to set off the amount owed. From the amount transferred from the Department of Revenue, the department shall reimburse the Department of Revenue for expenses incurred in administering this program. In the case of an individual not otherwise eligible for collection services, a fee must be imposed by the department to cover all costs. The department shall request that the Department of Revenue send to the department notice of the home address, corrected social security number, or additional Social Security numbers, if more than one is used, of any taxpayer whose name is submitted to the Department of Revenue under this subsection.

(J) The department may submit to the Internal Revenue Service and the State Department of Revenue, for federal and state tax refund offsets, the name of any obligor who is delinquent in paying court‑ordered child support and who qualifies for submittal under federal or state law even if the obligor is in compliance with a court order requiring periodic payments toward satisfaction of the delinquency or even if the delinquent amount has been placed in abeyance by court order.

Section 63‑2‑520. From the amounts collected by the South Carolina State Department of Family Protective Services for children and the parents of such children who are currently recipients of Aid to Families with Dependent Children (AFDC), pursuant to Section 63‑2‑510, the department may distribute these amounts as follows:

(1) of amounts collected which represent monthly monetary support obligations, the first seventy‑five dollars of the monthly payment must be paid to the AFDC family and thereafter must be increased up to the amount of the monthly support obligation;

(2) if the amount collected is in excess of the amounts required to be distributed under item (1), the excess must be retained by the department as reimbursement for AFDC payments made to the family for which the State has not been reimbursed. Of the amount retained by the department, the department shall determine the federal government’s share so that the department may reimburse the federal government, if required, to the extent of its participation in the financing of the AFDC payment.

(3) if the amount collected is in excess of the amounts required to be distributed under (1) and (2) the family must be paid the excess.

(4) payments made to the family in item (1) may not be used in determining the amount paid, if any, in AFDC or other welfare benefits.

Section 63‑2‑530. (A) A central registry of records shall be maintained in the department showing as far as it is known with respect to any parent who has deserted or abandoned any child receiving aid to families with dependent children:

(1) the full and true name of such parent together with any known aliases;

(2) date and place of birth;

(3) physical description;

(4) social security number;

(5) occupation and any special skills he may have;

(6) military status and Veterans Administration or military service serial number;

(7) last known address and the date thereof;

(8) number of the driver’s license;

(9) any further information that may be of assistance in locating the person.

(B) To effectuate the purposes of this section, the department shall request from all departments, commissions, boards or other agencies of the State or any of its political subdivisions such assistance and data as will enable the department and other public agencies to carry out their duties to locate deserting parents and to enforce their liability for the support of their children. The department shall utilize the ‘Parent Locator Service’ pursuant to establishment in the Department of Health, Education and Welfare by filing in accordance with Section 453(b) of the Social Security Act.

(C) Any records established pursuant to the provisions of this section shall be available only to public welfare offices, county attorneys, circuit solicitors, probation departments, the Attorney General, central registries in other states and courts having jurisdiction in support or abandonment proceedings or action and only for the purposes for which the records have been established.

Section 63‑2‑540. There is hereby created in the office of the State Treasurer a revolving fund to be designated as the Public Welfare Cooperative Support Program Fund which shall be used by the department in carrying out such purposes as it deems necessary. All monies in the funds are hereby appropriated to the department for such purposes and shall be paid without further appropriation under requisition or voucher drawn on the State Treasurer in the usual manner.

Section 63‑2‑550. To the extent permitted by federal law, the department may enter into annual agreements with county governments, clerks of court, sheriffs, and other law enforcement entities having jurisdiction in that county to reimburse and to pay federal financial participation and incentives pursuant to the terms of the agreement to the appropriate contracting entity for a portion of the cost of developing and implementing a child support collection and paternity determination program for:

(1) securing support for persons receiving state public assistance and reimbursement of medical assistance from the legally responsible spouse or parent of assistance recipients;

(2) establishing paternity and securing support for children born out of wedlock who are receiving aid to families with dependent children;

(3) all children who have sought assistance in securing support whether or not they are eligible for aid to families with dependent children and regardless of the economic circumstances. To the extent permitted by federal law, a fiscal incentive and federal financial participation must be paid to the department and provided to the entity providing the service for the collection and enforcement of child support obligations. These monies must be paid to the appropriate county treasurer or county finance office on a monthly basis and deposited into a separate account for the entity providing the service for the exclusive use by this entity for all activities related to the establishment, collection, and enforcement of child support obligations for the fiscal year in which the payments are earned and may be drawn on and used only by the entity providing the service for which the account was established. Monies paid to the contracting entity pursuant to this section may not be used to replace operating funds of the budget of the entity providing the service. Funds in the special account not encumbered for child support activities revert to the general fund of the county at the end of the fiscal year in which they were earned. Each local entity shall enter into a support enforcement agreement with the department as a condition of receiving the fiscal incentive and federal financial participation. To the extent that fiscal incentives are paid to the department and are not owed under the agreement to the contracting entity, these fiscal incentives must be reinvested in the department’s Child Support Enforcement Program to increase collections of support at the state and county levels in a manner consistent with the federal laws and regulations governing incentive payments.

Section 63‑2‑560. Any county desiring to obtain the benefits of appropriations from the Public Welfare Support Reimbursement Fund shall secure the formal joinder of the circuit solicitor and of the court having jurisdiction of support cases in that county in a joint plan and a cooperative support program agreement with the department and the execution of a cooperative support program agreement with the department. The execution of such agreement is hereby authorized.

Section 63‑2‑570. (A) The department shall prescribe the time at and the form on which the counties and judicial districts shall submit to the department annual plans for the total staff and equipment needs and annual estimates of the expenditures of the county for the staffing and operations of the child support program for the coming agreement year.

(B) Upon approval of an annual plan and the estimated expenditures for an improved program, the department shall enter into a contract pursuant to Section 63‑2‑550.

Article 7

South Carolina Employables Program Act

Section 63‑2‑710. (A) Every applicant for family independence benefits who has a child or children whose parent is alive but not residing in the home must be referred to the Office of Child Support Enforcement within two working days of the furnishing of aid or the determination that an individual is a recipient of Family Independence benefits. The department is responsible for taking all steps necessary to identify, locate, and obtain support payments from absent parents.

(B) The department shall promulgate regulations which establish guidelines for minimum contributions which must be applied by the courts in determining the amount that an absent parent is expected to pay toward the support of a dependent child. Copies of the guidelines must be made available to courts, district attorneys, and to the public. The guidelines formulated pursuant to this section must be applied pursuant to the provisions of Section 63‑17‑470.

(C) Failure of the absent parent to comply with his support obligations must be referred to the court having jurisdiction of this matter for appropriate proceedings.

Section 63‑2‑720. In accordance with a child support plan approved by the federal government, the department has the power and its duty must be to:

(a) require as a condition of eligibility for assistance that the applicant or recipient:

(i) furnish his social security account number or, to the extent permitted by federal law, proof of making application for a social security account number if the applicant or recipient has no social security account number;

(ii) assign to the State the rights to support, including health care expenses, from any other person the applicant may have in his own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid and which have accrued at the time the assignment is executed or which may accrue in the future. By accepting public assistance for or on behalf of a child or children, by making application for services under Title IV‑D, or through placement of a child or children in state‑funded foster care or under Title IV‑E, except where good cause as determined by the agency exists, the recipient or applicant is considered to have made an assignment to the State Department of Family Protective Services of rights, title, and interest to a support obligation which is owed for the child or children or for the absent parent’s spouse or former spouse who is the recipient or the applicant with whom the child is living, if and to the extent that a spousal support obligation has been established and the child and the child support obligation is being enforced pursuant to Title IV‑D of the federal Social Security Act. The assignment to the department is considered to have been made up to the amount of public assistance money, including Medicaid payments, or foster care board payments paid for or on behalf of the child or children for that period of time as the public assistance monies or foster care board payments are paid. The assignment consists of all rights and interest in a support obligation that the recipient may be owed past, present, or future by a person up to the amount of public assistance money, including Medicaid payments, paid to the recipient for or on behalf of the minor child or children or a child in foster care. The department is subrogated to the rights of the child or children or the person having custody of the child or children to collect and receive all support payments. The department has the right to initiate a support action in its own name or in the name of the recipient to recover payments ordered by the courts of this or any other state or to obtain a court order to initiate these payments including an action to determine the paternity of a child. The clerk of court shall execute the necessary order substituting the department and changing the payee of the support to the department upon receipt by the clerk of the notice of assignment.

(iii) cooperate with the department in establishing the paternity of a child born out of wedlock with respect to whom aid is claimed, and in obtaining support payments for such applicant and for a child with respect to whom such aid is claimed, or in obtaining any other payments or property due such applicant of such child and that, if the relative with whom a child is living is found to be ineligible because of failure to comply with the requirements of items (a) and (b), any aid for which such child is eligible will be provided in the form of protective payments. The department shall establish criteria in accordance with federal regulations to determine whether action to establish paternity and secure support is not in the best interest of a child.

(b) provide for protective payments for any child eligible for assistance when a caretaker relative is ineligible due to the caretaker relative’s failure to comply with either subitems (i) or (ii) of item (a) of this section.

(c) provide that in any case in which the child support payments are collected for a child with respect to whom an assignment has been made pursuant to subitem (ii) of item (a) of this section the payment is made to the department for distribution pursuant to item (g) of this section except for those payments made for any month in which the amount collected is sufficient to make the family ineligible for assistance. The department shall pay the amounts to the recipient consistent with federal laws and regulations. Whenever a family ceases receiving public assistance the assignment pursuant to subitem (ii) of item (a) of this section converts to a nonpublic assistance assignment. However, the nonpublic assistance recipient may submit a written request to have the assignment terminated except with respect to the amount of any unpaid support obligation that has accrued under the assignment. From this amount the department shall attempt to collect the unpaid obligation and distribute the amounts consistent with federal laws and regulations. The department may not charge fees or recover costs from support collections and shall pay all amounts collected which represent monthly support payment and arrearage owed to the family. The department shall continue to provide all appropriate Title IV‑D services and distribute any amounts collected consistent with federal laws and regulations except that the department may not require any formal application or impose an application fee but may recover costs consistent with federal laws and regulations pursuant to item (f) of this section.

(d) create a single and separate organizational unit which is responsible for developing and implementing a federally‑approved state plan for child support. The unit shall maintain a parent locator service to locate absent relatives owing or allegedly owing child support, utilizing all sources of information and legally available records and the parent locator service of the federal Department of Health and Human Services by filing in accordance with Section 453(B) of the Social Security Act.

(e) undertake either directly or pursuant to cooperative arrangements with appropriate courts or law enforcement officials to:

(i) establish paternity of children born out of wedlock with respect to whom an assignment pursuant to subitem (ii) of item (a) of this section has been made or with respect to an individual not otherwise eligible pursuant to item (f) of this section;

(ii) secure support for a child with respect to whom such an assignment has been made from any legally responsible relative.

(f) provide that the support collection or paternity determination services made available to approved applicants for the Aid to Families With Dependent Children Program under this section be made available to an individual not receiving assistance under the program who files an application for the services with the department. For an individual not otherwise eligible for these services under the program, a fee and cost may be imposed by the department. The fee and cost must be an amount not to exceed the amount permitted by federal law. The fees and cost recoveries as would cause a reduction in the amount of federal matching funds must be retained by the department to offset, dollar for dollar, the federal reductions. When there is an assignment of the rights to support, the clerk of court shall execute the necessary order substituting the department and changing the payee of the support to the department upon receipt by the clerk of the notice of assignment.

(g) provide for bonus payments to recipients consistent with federal law from amounts collected periodically without any decrease in the amount of assistance;

(h) make incentive payments to political subdivisions consistent with federal law whenever the political subdivision enforces or collects support rights assigned to the department pursuant to subitem (ii) of item (a) and item (f) of this section.

(i) construe and implement this section in order to comply with Title IV‑D of the federal Social Security Act relating to child support and the establishment of paternity. The department shall take all steps necessary to implement a federally approved state plan for child support.

(j) to provide that in rendering services under the plan to individuals with respect to whom an assignment is effective under this section, the State represents the public interest in establishing and enforcing child support obligations and the assignment does not create an attorney‑client relationship between the agency and the custodial parent, the child, or any other party.

Section 63‑2‑730. (A) As used in this section:

(1) ‘Business day’ means a day on which state offices are open for regular business.

(2) ‘Date of hire’ means the first day the employee works for which the employee is entitled to compensation from the payor of income.

(3) ‘Department’ means the Department of Family Protective Services, or its designee.

(4) ‘Employer’ includes a governmental entity and labor organization and means a person doing business in this State for whom an individual performs a service, of whatever nature, as the employee of the person and except that:

(a) if the person for whom the individual performs services does not have control of the payment of wages for the services, the term ‘employer’ means the person having control of the payment of wages; and

(b) in the case of a person paying wages on behalf of a nonresident alien, individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, the term ‘employer’ means that person.

(5) ‘Labor organization’ means an organization in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work. Hiring halls, which refer individuals for jobs with employers, are ‘labor organizations’ to the extent that they exist pursuant to an agreement with an employer engaged primarily in the building and construction industry under Section 8(f)(3) of the National Labor Relations Act.

(6) ‘New hire’ includes an individual newly employed or an individual who has been rehired who was separated for at least sixty consecutive days or has returned to work after being laid off, furloughed, separated, granted leave without pay, or terminated from employment for at least sixty consecutive days.

(B) The department shall maintain a state directory of new hires which shall contain information supplied in accordance with subsection (C) by employers on each new hire.

(C) An employer who hires an employee who resides or works in this State shall report the hiring of the employee to the state directory of new hires within twenty calendar days of the hiring of the employee. However, in the case of an employer transmitting reports magnetically or electronically, these reports must be transmitted semi‑monthly, if necessary, not less than twelve nor more than sixteen days apart. The report submitted shall contain:

(1) the employer’s name, address, and federal identification number assigned to the employer under Section 6109 of the Internal Revenue Code of 1986; and

(2) the employee’s name, address, and social security number.

(D) For purposes of this section, an employer must not report information on an employee of a federal or state agency performing intelligence or counterintelligence functions if the head of the agency has determined that reporting pursuant to this section with respect to the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

(E) An employer that has employees who are employed in two or more states and that transmits reports magnetically or electronically may comply with subsection (C) by designating one state in which the employer has employees to which the employer will transmit the report required by subsection (C) and transmitting the report to that state. An employer that transmits reports pursuant to this subsection shall notify the Secretary of the United States Department of Health and Human Services in writing as to which state the employer designates for the purpose of sending reports.

(F) Each report required by subsection (C) must be made on a W‑4 form or, at the option of the employer, an equivalent form and may be transmitted by first‑class mail, facsimile, magnetically, or electronically. Magnetic and electronic submissions must be in a format prescribed by the department.

(G) If an employer fails to report the hiring of an employee pursuant to this section, the employer is subject to a civil penalty of no more than:

(1) twenty‑five dollars for the second offense and every offense thereafter unless the employer can demonstrate good cause for not reporting the hiring; or

(2) five hundred dollars for each and every offense, if the failure is the result of a conspiracy between the employer and the employee not to supply the required report or to supply a false or incomplete report. Fines imposed pursuant to this subsection must be enforced as provided for in Section 63‑3‑530(A)(43) and distributed according to Section 63‑17‑520.

(H) Information must be entered into the database maintained by the state directory of new hires within five business days of receipt from an employer pursuant to subsection (C).

(I) The department shall conduct automated comparisons of the social security numbers reported by employers pursuant to subsection (C) and the social security numbers appearing in the records of the State Case Registry created pursuant to Section 43‑5‑610 for cases being enforced under the federally‑approved child support program administered by the department.

(J) When an information comparison conducted under paragraph (I) reveals a match with respect to the social security number of an individual in the records of the State Case Registry, the state directory of new hires shall provide the department with the information reported by the employer pursuant to subsection (C).

(K) Within two business days after the date information regarding a newly hired employee is entered into the state directory of new hires, the department shall transmit a notice to the employer of the employee directing the employer to withhold from the income of the employee an amount equal to the monthly, or other periodic, child support obligation, including any past‑due child support obligation, of the employee, unless the employee’s income is not subject to withholding pursuant to Article 11, Chapter 17, Title 63.

(L) Within three business days after the date information regarding a newly hired employee is entered into the state directory of new hires, the state directory of new hires shall furnish the information to the national directory of new hires.

(M) The state directory of new hires shall include reports received from the Department of Employment and Workforce pursuant to Section 63‑2‑760. The state directory of new hires shall furnish these reports, on a quarterly basis, to the national directory of new hires by the dates, in the format, and containing the information the Secretary of the United States Department of Health and Human Services specifies in regulations.

(N) Information maintained in the state directory of new hires and national directory of new hires may be utilized for these purposes:

(1) The department shall use information received pursuant to subsection (I) to locate individuals for purposes of establishing paternity and establishing, modifying, and enforcing child support obligations and may disclose this information to a public or private agency that is under contract with the department to carry out these purposes.

(2) The department shall have access to information reported by employers pursuant to subsection (C) for purposes of verifying eligibility for these state administered programs:

(a) Temporary Assistance for Needy Families;

(b) Medicaid under Title XIX of the Social Security Act;

(c) food stamps;

(d) unemployment compensation benefits; and

(e) any state program under a plan approved under Title I, X, XIV, or XVI of the Social Security Act.

(3) The Department of Employment and Workforce shall have access to information reported by employers pursuant to subsection (C) for purposes of administering the employment security program.

(4) The Workers’ Compensation Commission or its designee shall have access to information reported by employers pursuant to subsection (C) for purposes of administering the workers’ compensation program.

(O) An employer who in good faith discloses information pursuant to this section is not subject to civil or criminal liability on account of the disclosure.

(P) This section remains in effect until the federal mandate requiring a mandatory new hire reporting program is repealed.

Section 63‑2‑740. Monies due from or payable by this State, including any agency, instrumentality, or authority of the State, and due to any individual is subject, in like manner and to the same extent as if the State were a private person, to legal process brought for the enforcement against such individual of his legal obligations to provide support for a child or spouse; provided, however, that Section 41‑35‑140 shall control in cases concerning the South Carolina Department of Employment and Workforce.

Section 63‑2‑750. (A) A State Case Registry must be maintained in the department that contains records with respect to:

(1) each case in which services are being provided by the department pursuant to Title IV‑D of the Social Security Act; and

(2) each support order established or modified in the State after September 30, 1998.

(B) These records shall include standardized data elements for both parents or guardian including names, social security numbers and other uniform identification numbers, dates of birth, and case identification numbers, and contain other information as state and federal regulations may require.

(C) Any records maintained pursuant to this section are available only to the Child Support Enforcement Division of the Department of Family Protective Services, public welfare offices, central registries in other states, the Federal Parent Locator Service, offices of the clerks of court, and courts having jurisdiction in support or abandonment proceedings or actions and only for the purposes for which the records have been maintained.

(D) This section remains in effect until the federal mandate requiring a state case registry is repealed.

Section 63‑2‑760. (A) The director or his designees, in writing, shall have access to all records and the departments, in cooperation with all other departments of the executive branch, shall establish a single uniform system of information clearance and retrieval, wherever possible.

(B) The bureau of employment security shall provide the department with a statement of earnings clearance upon the request of the department.

(C) Upon request of the department, the Department of Motor Vehicles shall provide information as to all vehicles owned by the applicant or recipient.

(D) With the exception of the access provided by subsections (B) and (C), the provisions of subsection (A) may not be construed to give the department access to information which would otherwise be considered privileged or confidential pursuant to state or federal law.

Section 63‑2‑770. For purposes of determining eligibility for assistance, the income received by individuals employed on a contractual basis may be prorated over the period of the contract or intermittent income received quarterly, semi‑annually, or yearly may be prorated over the period covered by the income."

SECTION 5. Section 43‑5‑10 of the 1976 Code is amended to read:

"(A) The Department of ~~Social~~ Health and Human Services shall be responsible for maintaining uniformity in the administration of public welfare throughout the State. The director shall be the only person authorized to determine and implement the policies of the department. The department shall issue regulations pursuant to Sections 1‑23‑10, et seq., whenever changes in federal laws and regulations supersede existing state statutes. In adopting regulations the department shall strive for clarity of language which may be readily understood by those administering aid and by those who apply for or receive aid.

(B) For purposes of this chapter, ‘department’ or ‘state department’, except as defined in Article 7, means the Department of Health and Human Services.

(C) For purposes of this chapter, ‘County office’ or ‘county department’ means the Department of Health and Human Services’ office located in each county.”

SECTION 6. Section 44‑6‑30 of the 1976 Code is amended to read:

"The department shall:

(1) administer Title XIX of the Social Security Act (Medicaid), including the Early Periodic Screening, Diagnostic and Treatment Program, and the Community Long‑Term Care System;

(2) be designated as the South Carolina Center for Health Statistics to operate the Cooperative Health Statistics Program pursuant to the Public Health Services Act;

(3) be prohibited from engaging in the delivery of services~~.~~; and

(4) administer public welfare in accordance with Chapter 5 of Title 43 of the 1976 Code."

SECTION 7. Article 3, Chapter 7, Title 63 of the 1976 Code is amended by adding:

“Section 63‑7‑925. (A) The department shall develop and implement a written methodology for calculating child welfare caseloads and ensure that the child welfare caseloads are approximately proportionate from county to county.

(B) By July 1, 2017, the department’s child welfare caseload per caseworker shall not exceed the most current maximum caseload per caseworker standards developed by the Child Welfare League of America.”

SECTION 8. Section 63‑7‑900 of the 1976 Code is amended by adding:

“(E) The department must establish a single statewide, toll‑free hotline for the reporting of all cases of suspected child abuse and neglect, regardless of the relationship of the alleged perpetrator to the child who is the alleged victim.”

SECTION 9. Subsections (A) and (D) of Section 63‑7‑910 of the 1976 Code are amended to read:

“(A)(1) ~~The Department of Social Services may maintain a toll‑free number available to persons throughout the State for the referral of family‑related problems, including:~~

~~(a)~~ ~~the reporting of known or suspected cases of child abuse or neglect;~~

~~(b)~~ ~~other problems of a nature which may affect the stability of family life.~~

~~(2)~~ ~~This telephone service shall operate continuously. Upon receipt of a call involving suspected abuse or neglect, the Department of Social Services shall transmit the full contents of the report to the appropriate county department office. Immediately upon transmitting the report the department shall destroy the contents of the suspected report. Upon receipt of a call involving other problems of a nature which may affect the stability of family life, the department shall refer the call to the appropriate county department office or other service agency where appropriate.~~ The department must operate and maintain a single statewide, toll‑free child abuse hotline to receive all reports of suspected child abuse or neglect. All reports received regarding suspicions of child abuse or neglect, whether initially received by a county department office, by a law enforcement agency, or by another organization must be immediately transferred to the statewide, toll‑free child abuse hotline for intake assessment and possible investigation. This hotline is available to persons for the referral of family‑related problems, including:

(a) the reporting of known or suspected cases of child abuse or neglect;

(b) other problems of a nature which may affect the stability of family life.

(2) The single statewide, toll‑free child abuse hotline must operate twenty‑four hours a day, seven days a week. Upon receipt of a call involving suspected abuse or neglect, the department shall, using evidence‑based safety and risk assessment tools:

(a) Immediately request information to determine the level of risk and imminent threat to the safety of the child and his or her siblings who are suspected victims of abuse or neglect.

(b) Immediately identify previous reports made regarding the same child or the same subject of the report pursuant to Section 63‑7‑340.

(c) Transmit, within an hour of receiving a report, the full content of all reports meeting the definition of abuse and neglect as outlined in Section 63‑7‑20:

(i) to the appropriate department county office, for initiation of an investigation, reports received in which the reporter believes that the act or omission was committed by the parent, guardian, or other person responsible for the child’s welfare or;

(ii) to the appropriate law enforcement agency, reports in which the reporter believes that the act or omission was committed by a person other than the parent, guardian, or other person responsible for the child’s welfare.

(d) Where a county or contiguous counties have established multicounty child protective services, the statewide, toll‑free child abuse hotline immediately shall transfer reports pursuant to this section to the multicounty service.

(e) Transmit full contents of reports not meeting the criteria for child abuse or neglect as defined in Section 63‑7‑20 and with identified risk factors potentially affecting the stability of family life to the appropriate department county office or multicounty child protective service for:

(i) determination of appropriate assistance and service programs for the family; and

(ii) referral to agencies contracting with the department for the delivery of services that support and strengthen families and address risk factors.

(f) The department shall promote awareness of the statewide, toll–free child abuse hotline pursuant to Section 63‑7‑450.

(g) The department must, in addition to safety assessment and intake functions, be able to:

(i) ensure high quality and consistent implementation of evidence‑based safety and risk assessment tools, implement periodic quality reviews to evaluate the effectiveness of these tools and compliance by intake assessment workers;

(ii) maintain and produce statistical reports and other information to monitor and evaluate the effectiveness of the statewide child abuse hotline, the outcome of intake decisions, and the accuracy in determining the level of risk for the child or children; and

(iii) provide extensive training to all child abuse hotline intake assessment workers and supervisors relating to child abuse and neglect, interviewing and customer service skills, and other training needed. The department is authorized to contract with third parties to train hotline intake assessment workers and supervisors.

(D) The department may contract for the delivery of protective services, family preservation services, foster care services, family reunification services, adoptions services, and other related services or programs. The department shall remain responsible for the quality of the services or programs through the development and monitoring of quality measures, performance measures, and outcomes. The department ~~and~~ shall ensure that each contract contains provisions requiring the provider to deliver services in accordance with departmental policies and state and federal law.”

SECTION 10. Section 63‑7‑920 of the 1976 Code is amended to read:

“(A)(1) Within twenty‑four hours of the receipt of a report of suspected child abuse or neglect or within twenty‑four hours after the department has assumed legal custody of a child pursuant to Section 63‑7‑660 or 63‑7‑670 or within twenty‑four hours after being notified that a child has been taken into emergency protective custody, the department must conduct an in‑person meeting with the child and begin an appropriate and thorough investigation to determine whether a report of suspected child abuse or neglect is ‘indicated’ or ‘unfounded’. The department must conduct an in‑person meeting with a child within two hours if the child is four years old or younger and the child has been presented to a hospital with symptoms indicative of serious bodily harm caused by physical abuse or neglect.

(2) The finding must be made no later than forty‑five days from the receipt of the report. A single extension of no more than fifteen days may be granted by the director of the department, or the director’s designee, for good cause shown, pursuant to guidelines adopted by the department.

(3) If the investigation cannot be completed because the department is unable to locate the child or family or for other compelling reasons, the report may be classified as unfounded Category III and the investigation may be reopened at a later date if the child or family is located or the compelling reason for failure to complete the investigation is removed. The department must make a finding within forty‑five days after the investigation is reopened.

(B) The department may file with the family court an affidavit and a petition to support issuance of a warrant at any time after receipt of a report. The family court must issue the warrant if the affidavit and petition establish probable cause to believe the child is an abused or neglected child and that the investigation cannot be completed without issuance of the warrant. The warrant may authorize the department to interview the child, to inspect the condition of the child, to inspect the premises where the child may be located or may reside, and to obtain copies of medical, school, or other records concerning the child.

(C) The department or law enforcement, or both, may interview the child alleged to have been abused or neglected and any other child in the household during the investigation. The interviews may be conducted on school premises, at childcare facilities, at the child’s home or at other suitable locations and in the discretion of the department or law enforcement, or both, may be conducted outside the presence of the parents. To the extent reasonably possible, the needs and interests of the child must be accommodated in making arrangements for interviews, including time, place, method of obtaining the child’s presence, and conduct of the interview. The department or law enforcement, or both, shall provide notification of the interview to the parents as soon as reasonably possible during the investigation if notice will not jeopardize the safety of the child or the course of the investigation. All state, law enforcement, and community agencies providing child welfare intervention into a child’s life should coordinate their services to minimize the number of interviews of the child to reduce potential emotional trauma to the child.

(D) The department must furnish to parents or guardians on a standardized form the following information as soon as reasonably possible after commencing the investigation:

(1) the names of the investigators;

(2) the allegations being investigated;

(3) whether the person’s name has been recorded by the department as a suspected perpetrator of abuse or neglect;

(4) the right to inspect department records concerning the investigation;

(5) statutory and family court remedies available to complete the investigation and to protect the child if the parent or guardian or subject of the report indicates a refusal to cooperate;

(6) how information provided by the parent or guardian may be used;

(7) the possible outcomes of the investigation; and

(8) the telephone number and name of a department employee available to answer questions.

(E) This subarticle does not require the department to investigate reports of child abuse or neglect which resulted in the death of the child unless there are other children residing in the home, or a resident of the home is pregnant, or the subject of the report is the parent, guardian, or person responsible for the welfare of another child regardless of whether that child resides in the home.

(F) The department shall collaborate with the South Carolina Children’s Advocacy Medical Response System in the development, implementation, and maintenance of clear guidelines and protocols on when to obtain a forensic medical evaluation or consult for a child and a child’s siblings who are the subject of an investigation.

(G) For the purpose of investigating cases of suspected abuse or neglect as defined in section 63‑7‑20, the department may refer the child and the child’s siblings to a South Carolina Children’s Advocacy Medical Response System child abuse healthcare provider for medical examination of the child and child’s siblings, photographs of any areas of visible trauma, radiological examinations, or tests, and if medically indicated, treatment for sexually transmitted infections, without the consent of the child’s parents or legal guardians.”

SECTION 11. Subsections (B) and (D) of Section 63‑7‑310 of the 1976 Code are amended to read:

“(B)(1) If a person required to report pursuant to subsection (A) has received information in the person’s professional capacity which gives the person reason to believe that a child’s physical or mental health or welfare has been or may be adversely affected by acts or omissions that would be child abuse or neglect if committed by a parent, guardian, or other person responsible for the child’s welfare, but the reporter believes that the act or omission was committed by a person other than the parent, guardian, or other person responsible for the child’s welfare, the reporter must make a report to the statewide, toll‑free child abuse hotline or appropriate law enforcement agency.

(2) Where reports are made to a law enforcement agency, the law enforcement agency shall immediately notify the department through the statewide, toll‑free child abuse hotline and should detail the law enforcement agency’s response to the report.

(D) Reports of child abuse or neglect ~~may~~ shall be made orally by telephone through the statewide, toll‑free child abuse hotline or ~~otherwise to the county department of social services or~~ to a law enforcement agency in the county where the child resides or is found.”

SECTION 12. Section 63‑7‑370 of the 1976 Code is amended to read:

“Section 63‑7‑370. The law enforcement officer upon receipt of a report of domestic violence ~~may~~ shall report this information to the ~~Department of Social Services~~ department’s statewide, toll‑free child abuse hotline if the people involved in the reported domestic violence are responsible for the welfare of a child regardless of whether or not the child was present for the reported domestic violence. The department ~~may~~ shall treat the case as suspected report of abuse and ~~may~~ shall investigate the case as in other allegations of abuse in order to determine if the child has been harmed.”

SECTION 13. Section 63‑7‑450(C) of the 1976 Code is amended to read:

“(C) The department, on a continuing basis, shall actively publicize the ~~appropriate telephone numbers~~ statewide, toll‑free child abuse hotline to receive reports of suspected child abuse and neglect~~, including the twenty‑four hour, statewide, toll‑free telephone service and respective numbers of the county department offices~~.”

SECTION 14. (A) The Code Commissioner is directed to change or correct all references to the former Department of Social Services in the 1976 Code to the Department of Family Protective Services, as applicable. References to the names of these offices in the 1976 Code or other provisions of law are considered to be and must be construed to mean appropriate references.

(B) On or before July 1, 2016, the Code Commissioner also shall prepare and deliver a report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives concerning appropriate and conforming changes to the 1976 Code of Laws reflecting the provisions of this act.

(C) Regulations promulgated by the former Department of Social Services relating to the administration of public welfare are continued and are considered to be promulgated by the Department of Health and Human Services. All other regulations promulgated by the former Department of Social Services are continued and are considered to be promulgated by the Department of Family Protective Services.”

SECTION 15. Chapter 1 of Title 43 of the 1976 Code, Chapter 3 of Title 43 of the 1976 Code, Sections 43‑5‑220, 43‑5‑222, 43‑5‑225, 43‑5‑230, 43‑5‑235, 43‑5‑240, 43‑5‑245, 43‑5‑580, 43‑5‑590, 43‑5‑598, 43‑5‑600, 43‑5‑610, 43‑5‑620,43‑5‑630, and Section 63‑7‑320 are repealed.

SECTION 16. (A) This act takes effect on July 1, 2016.

(B) Where the provisions of this act transfers certain duties and responsibilities of the Department of Social Services to the Department of Family Protective Services, the employees, authorized appropriations, and real and personal property of the Department of Social Services are also transferred to and become part of the Department of Family Protective Services. All classified or unclassified personnel of the Department of Social Services working in the areas transferred to the Department of Family Protective Services shall become employees of the Department of Family Protective Services, with the same compensation, classification, and grade level, as applicable. Where the provisions of this act transfers certain duties and responsibilities of the Department of Social Services to the Department of Health and Human Services, the employees, authorized appropriations, and real and personal property of the Department of Social Services are also transferred to and become part of the Department of Health and Human Services. All classified or unclassified personnel of the Department of Social Services working in the areas transferred to the Department of Health and Human Services shall become employees of the Department of Health and Human Services, with the same compensation, classification, and grade level, as applicable. Where necessary and appropriate, the Department of Administration shall cause all necessary actions to be take to accomplish these transfers and shall in consultation with agency heads of each respective agency prescribe the manner in which the transfers provided for in this section shall be accomplished. The Department of Administration’s action in facilitating the provisions of this section are ministerial in nature and shall not be construed as an approval process over any of the transfers.

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