~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 11, 2016

**H. 4492**

Introduced by Reps. Putnam, Clyburn, Collins, Clary, Erickson, Long, Ryhal, Herbkersman, Newton, Tinkler, Jordan, Hicks, McCoy, M.S. McLeod, Douglas, Henegan, Allison, G.M. Smith, Funderburk, Finlay and Pitts

S. Printed 5/11/16--S.

Read the first time April 20, 2016.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4492) to amend Section 63‑7‑1630, Code of Laws of South Carolina, 1976, relating to notice of child abuse and neglect hearings, 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, page 1, by striking line 39 and inserting:

/ hearing held in connection with an action filed ~~or pursued under~~ /

Amend the bill further, as and if amended, page 2, by striking lines 1-13 and inserting:

/ who is providing care for a child. The department shall send notice pursuant to this section at least ten days prior to the hearing, except where the parties to the action receive less than ten days notice. The notice must be in writing and may be delivered in person or by regular mail. The notice shall inform the foster parent, preadoptive parent, or relative of the following:

(1) the date, place, and time of the hearing ~~and of~~;

(2) the right to attend the hearing; and

(3) the right to address the court and to submit supporting documentation, including but not limited to, a report or letter concerning the child.

Notice provided pursuant to this section does not confer on the foster parent, preadoptive parent, or relative the status of a party to the action.” /

Amend the bill further, as and if amended, page 2, by striking lines 33-36 and inserting:

/ petition for review. All parties must be served with the motion or the summons and petition at least ten days before the hearing, and no responsive pleading is required. The foster parent, the preadoptive parent, or the relative who is providing care for the child must receive the motion or the summons and petition, delivered in person or sent by regular mail, at least ten days before the hearing, except where the parties to the action receive less than ten days notice of the hearing.” /

Amend the bill further, as and if amended, page 2, by striking lines 41-42 and inserting:

/ “(6) to advise foster parents of the right to address the court and to submit supporting documentation, including, but not limited to, a report or letter concerning the child at a hearing held in connection with an action filed pursuant to Subarticle 3, Article 3, Chapter 7, Title 6, Sections 63-7-1650, 63-7-1660, 63-7-1670, 63-7-1680, 63-7-1700, or 63-7-2550; /

Renumber sections to conform.

Amend title to conform.

TOM YOUNG, JR. for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill as amended would have no expenditure impact to the general fund, federal funds, or other funds.

**Explanation of Fiscal Impact**

**Explanation of Amendment by the House of Representatives on April 19, 2016**

**State Expenditure**

This bill as amended would require the Department of Social Services to send notice of a hearing to the foster parent, the preadoptive parent, or the relative who is providing for the child at least ten days prior to the hearing, unless the department must schedule the hearing in less than ten days. The notice should inform those persons caring for the child of the time of the hearing, the right to attend the hearing, and the right to submit a report to and address the court concerning the child. If the Department of Social Services initiates a permanency planning hearing with a summons and petition for review, all parties including the foster parent, preadoptive parent, or relative providing care for a child must be sent the motion of the summons at least ten days before the hearing.

**The Department of Social Services.** The department indicates there is no expenditure impact to the general fund, federal funds, or other funds.

**Judicial Department.** The department indicates there is no data available to determine whether the frequency or length of hearings in Family Court would by impacted by this bill. The department indicates that any expenditure impact to the general fund can by absorbed within existing appropriations. There is no expenditure impact to federal funds or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 63‑7‑1630, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTICE OF CHILD ABUSE AND NEGLECT HEARINGS, SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE TEN DAYS NOTICE OF A HEARING TO, AMONG OTHERS, FOSTER PARENTS AND TO REQUIRE THE NOTICE TO INFORM FOSTER PARENTS OF THE RIGHT TO SUBMIT A REPORT TO THE COURT; TO AMEND SECTION 63‑7‑1700, AS AMENDED, RELATING TO PERMANENCY PLANNING FOR CHILDREN IN FOSTER CARE, SO AS TO REQUIRE THE DEPARTMENT TO PROVIDE NOTICE OF A PERMANENCY PLANNING HEARING TO FOSTER PARENTS AND OTHER PERSONS PROVIDING CARE FOR A CHILD; AND TO AMEND SECTION 63‑11‑720, RELATING TO FUNCTIONS OF THE FOSTER CARE REVIEW BOARD, SO AS TO REQUIRE THE FOSTER CARE REVIEW BOARD TO ADVISE FOSTER PARENTS ABOUT THE RIGHT TO SUBMIT A REPORT TO AND BE HEARD BY THE COURT AT A HEARING CONCERNING THE CHILD.

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

SECTION 1. Section 63‑7‑1630 of the 1976 Code is amended to read:

“Section 63‑7‑1630. The department shall provide notice of a hearing held in connection with an action filed or pursued ~~under~~ pursuant to Subarticle 3, Article 3, Chapter 7, Title 63 or Section 63‑7‑1650, 63‑7‑1660, 63‑7‑1670, 63‑7‑1680, 63‑7‑1700, or 63‑7‑2550 to the foster parent, the preadoptive parent, or the relative who is providing care for a child. ~~The notice must be in writing and may be delivered in person or by regular mail.~~ The department shall send notice pursuant to this section at least ten days prior to the hearing, except where the department must schedule the hearing within less than ten days or where the department otherwise does not have notice of the hearing ten days prior. The notice must be in writing and may be delivered in person or by regular mail. The notice shall inform the foster parent, preadoptive parent, or relative of the date, place, and time of the hearing ~~and of~~, the right to attend the hearing, and the right to submit a report to and address the court concerning the child. Notice provided pursuant to this section does not confer on the foster parent, preadoptive parent, or relative the status of a party to the action.”

SECTION 2. Section 63‑7‑1700(A) of the 1976 Code, as last amended by Act 160 of 2010, is further amended to read:

“(A) The family court shall review the status of a child placed in foster care upon motion filed by the department to determine a permanent plan for the child. The permanency planning hearing must be held no later than one year after the date the child was first placed in foster care. At the initial permanency planning hearing, the court shall review the status of the child and the progress being made toward the child’s return home or toward any other permanent plan approved at the removal hearing. The court’s order shall make specific findings in accordance with this section. An action for permanency planning must be brought for a child who enters the custody of the department by any mechanism, including subarticle 3 or Section 63‑7‑1660 or 63‑9‑330. If the child enters the custody of the department pursuant to Section 63‑9‑330 and no action is pending in the family court concerning the child, the department may initiate the permanency planning hearing with a summons and petition for review. All parties, and the foster parent, preadoptive parent, or relative who is providing care for a child, must be ~~served with~~ sent the motion or the summons and petition at least ten days before the hearing, and no responsive pleading is required.”

SECTION 3. Section 63‑11‑720(A)(6)‑(7) of the 1976 Code is amended to read:

“(6) to advise foster parents of the right to submit a report to and be heard by the court at a hearing concerning the child;

(7) to recommend that a child caring facility or agency exert all possible efforts to make arrangements for permanent foster care or guardianship for children for whom return to natural parents or adoption is not feasible or possible as determined during a case review by the local review board; and

~~(7)~~(8) to report to the state office of the Department of Social Services and other adoptive or foster care agencies any deficiencies in these agencies’ efforts to secure permanent homes for children discovered in the local board’s review of these cases as provided for in items (1) and (2) ~~of this section~~.”

SECTION 4. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑