



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: H. 3538 Introduced on January 19, 2017
Author: J.E. Smith
Subject: Persons with Disabilities Right to Parent Act
Requestor: Senate General
RFA Analyst(s): Shuford
Impact Date: April 13, 2017

Estimate of Fiscal Impact

	FY 2017-18	FY 2018-19
State Expenditure		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	\$0	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

This bill does not have an expenditure impact on the General Fund, Federal Funds, or Other Funds.

Explanation of Fiscal Impact

Introduced on January 19, 2017

State Expenditure

This bill requires the Department of Social Services (department) to make reasonable efforts to avoid the removal of a child from the home of a parent or legal guardian with a disability. The department shall also make reasonable accommodations for a disabled parent as part of placement and visitation decisions, services offered, and evaluations or assessments of parenting capacity.

The bill further defines reasonable efforts when the Family Court is required to determine if the department made reasonable efforts in preserving or reunifying a family or assuming legal custody in the case of a disabled parent or legal guardian. These efforts must be individualized and based on the parent’s specific disability. Reasonable efforts of the department can include referrals for access to adaptive parenting equipment and techniques and reasonable accommodations in accessing services otherwise made available to non-disabled parents or legal guardians.

In addition, the bill prohibits the department, and any other covered entity, from terminating the rights of disabled parents or legal guardians solely because of a disability.

Department of Social Services. The department indicates that the requirements to make reasonable efforts to avoid the removal of a child from the home of a parent or legal guardian with a disability and to make reasonable accommodations for a disabled parent as part of placement and visitation decisions, services offered, and evaluations or assessments of parenting capacity can be managed with existing staff and budget appropriations. The further requirements of referrals for adaptive parenting equipment and techniques and reasonable accommodations in accessing services would not result in additional agency expenditures, since the department is only providing referrals and not providing the services directly. Therefore, the bill does not have an expenditure impact on the General Fund, Federal Funds, or Other Funds of the department.

Judicial Department. The department does not expect a change in the number of family court hearings from the provisions of the bill. If any additional time is needed to review the reasonable efforts of the Department of Social Services, the effect would be to increase the court backlog, but not expenditures. Therefore, this bill does not have an expenditure impact on the General Fund, Federal Funds, or Other Funds of the Judicial Department.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director