



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0080 Amended by Senate General Subcommittee on February 22, 2017
Author: Young
Subject: Children’s Advocacy Centers
Requestor: Senate General
RFA Analyst(s): Gardner
Impact Date: March 7, 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	Undetermined	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

The bill as amended will have no expenditure impact on the General Fund, Other Funds, or Federal Funds. Since no responses were received from surveyed counties, the expenditure impact on county governments is undetermined.

Explanation of Fiscal Impact

Amended by Senate General Subcommittee on February 22, 2017

State Expenditure

The bill as amended requires that Children’s Advocacy Center records released to entities other than the Department of Social Services, law enforcement, and other governmental entities charged with investigations of child abuse or neglect or the provision of treatment services to children or their families be accompanied by an order of protection issued by a circuit court or family court judge to ensure confidentiality of the records.

Department of Social Services. The amendment specifically exempts the department from having to seek orders of protection in Section B of the bill. Therefore, the department reports that the implementation of the bill as amended will have no expenditure impact on the General Fund, Other Funds, or Federal Funds.

Judicial Department. The bill as amended requires a circuit court or family court order of protection to accompany Children’s Advocacy Center forensic interview records released to entities other than DSS, law enforcement, and other governmental entities. If additional orders

are issued as a result, the department expects to manage the expenses within existing resources. If additional hearings are required, this could impact the family court docket or increase the backlog in circuit court if a significant number of additional hearings are held.

State Revenue

N/A

Local Expenditure

The bill as amended requires that records released to an entity other than DSS, law enforcement, and other governmental entities charged with the investigation and prosecution of child abuse must be accompanied by an order of protection issued by a magistrate or family court judge. The local expenditure impact of the bill as amended is unchanged from the bill as introduced on January 10, 2017.

The Revenue and Fiscal Affairs Office contacted twenty-three county governments regarding the impact of this bill and received no responses. As such, the expenditure impact on county governments is undetermined.

Local Revenue

N/A

Introduced on January 10, 2017

State Expenditure

This bill requires that Children's Advocacy Center records released to the Department of Social Services (DSS) during investigations of child abuse or neglect or the provision of treatment services to children or their families be accompanied by an order of protection issued by a magistrate or family court judge to ensure confidentiality of the records. The purpose of the order is to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense. The order may include stipulations requiring a court order for the reproduction or unsealing of records; establishing specific terms and conditions for the viewing of records; sealing of records; extending applicability of the order to all parties, their counsel, and any agency or representative of a party; and requiring the return of all records released under the order of protection to the court upon completion of the matter causing production of the records. The bill also provides that a person failing to obey an order of protection shall be found in contempt of court.

Department of Social Services. The department estimates that the implementation of this bill would have a recurring expenditure impact of approximately \$100,000 in General Funds. Each order of protection would require a minimum of an hour of staff time to draft the order, obtain a signature from a judge on the order and file it with the clerk's office. Last year, 2,078 forensic interviews were performed by Child Advocacy Centers. The department estimates a minimum of one hour would be required to obtain a protective order and file it with the clerk's office at an hourly rate of \$41.53. The estimated personnel cost is \$86,299. Due to current caseloads, additional work cannot be completed by the department's current staff. The department anticipates using temporary hourly or temporary grant positions to complete the work. The department has also estimated \$13,701 in travel, postage, and other related expenses.

Judicial Department. The bill requires a magistrate or family court order of protection to accompany Children’s Advocacy Center records released to the Department of Social Services during child abuse or neglect investigations or the provision of treatment services to children or their families. The department reports that it will manage the cost of any additional orders resulting from the bill and any increase in the number of cases on the family court docket within current resources.

State Revenue

N/A

Local Expenditure

This bill requires that records released to DSS must be accompanied by an order of protection issued by a magistrate or family court judge to ensure confidentiality of the records. The order may make any order as justice requires, which may include that the records may not be reproduced except as authorized by court order, shall be sealed and only opened by court order, and must be returned to the court upon completion of the matter that caused the production of the records. The Revenue and Fiscal Affairs Office contacted twenty-three county governments regarding the expenditure impact of this bill and received no responses. Since no responses were received from the surveyed counties, the expenditure impact on county governments is undetermined.

Local Revenue

N/A



Frank A. Rainwater, Executive Director