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COMMITTEE AMENDMENT ADOPTED AND AMENDED

February 1, 2017

**S. 220**

Introduced by Senators Shealy and McElveen

S. Printed 2/1/17--S. [SEC 2/2/17 2:51 PM]

Read the first time January 10, 2017.

**A** **BILL**

TO AMEND SECTION 63-7-920(C) OF THE 1976 CODE, RELATING TO INTERVIEWS CONDUCTED DURING AN INVESTIGATION OF CHILD ABUSE ALLEGATIONS, TO PROVIDE THAT HEARING IMPAIRED CHILDREN SHALL BE INTERVIEWED USING A SIGN LANGUAGE INTERPRETER NOT RELATED TO THE CHILD, TO ALLOW FOR REMOTE VIDEO INTERPRETATION, AND TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO MAINTAIN A DATABASE OF QUALIFIED INTERPRETERS; AND TO AMEND CHAPTER 25, TITLE 16, RELATING TO CRIMINAL DOMESTIC VIOLENCE, TO PROVIDE THAT INTERVIEWS CONDUCTED DURING AN INVESTIGATION OF CRIMINAL DOMESTIC VIOLENCE IN WHICH A HEARING IMPAIRED CHILD MAY HAVE BEEN INVOLVED OR WITNESSED THE ACT OF DOMESTIC VIOLENCE MUST BE CONDUCTED WITH THE USE OF A SIGN LANGUAGE INTERPRETER NOT RELATED TO THE CHILD.

Amend Title To Conform

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

SECTION 1. Section 63-7-920(C) of the 1976 Code is amended to read:

“(C)(1)(a) 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 or guardians, however, the interview must occur outside the presence of any potential or alleged abusers.

(b) 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.

(c) 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.

(2)(a) The department or law enforcement, or both, must use a trained and qualified American Sign Language interpreter when conducting an interview of a hearing impaired child who communicates in American Sign Language, pursuant to item (1). The child’s parent, guardian, or family member may not act as an interpreter for the child during the interview. The interview may occur outside the presence of the child’s parent, guardian, or other family members, however, the interview must occur outside the presence of any potential or alleged abusers.

(b) The interpreter may interpret from a remote location by communicating with the child using video remote interpreting. If the child is unable to understand, then a live, qualified interpreter from the list compiled pursuant to subitem (c) shall be used.

(c) The department shall maintain a list of qualified sign language interpreters in each county available to conduct interviews pursuant to this subsection or the department may contract with a provider to maintain such a list.

(d) The requirements of Section 63-7-920(C)(2) do not limit the ability of the department or law enforcement from communicating or attempting to communicate with the victim in case of an emergency, at the scene of an incident, or at the discretion of the interviewer if a sign language interpreter is unavailable and obtaining information from the child is necessary prior to the interpreter becoming available.”

SECTION 2. Chapter 25, Title 16 of the 1976 Code is amended by adding:

“Section 16-25-75. (A) A law enforcement officer who is investigating a violation of this article or a violation of Chapter 3, Title 16 that may have involved or occurred in the presence of a hearing impaired child who communicates in American Sign Language must use a trained and qualified American Sign Language interpreter when conducting an interview of the child. The interview may occur outside the presence of the child’s parent or other family members, however, the interview must occur outside the presence of any potential or alleged suspects.

(B) The interpreter may interpret from a remote location by communicating with the child using video remote interpreting. If the child is unable to understand, then a live, qualified interpreter from the list compiled pursuant to Section 63-7-920(C)(2)(c) shall be used.

(C) The requirements of this section do not limit the ability of law enforcement from communicating or attempting to communicate with the victim in case of an emergency, at the scene of an incident, or at the discretion of the interviewer if a sign language interpreter is unavailable and obtaining information from the child is necessary prior to the interpreter becoming available.”

SECTION 3. This act takes effect upon approval by the Governor.

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