~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

May 9, 2017

**S. 448**

Introduced by Senators Young, Shealy, Johnson, Climer, Talley and McElveen

S. Printed 5/9/17--H. [SEC 5/10/17 12:01 PM]

Read the first time April 18, 2017.

**A** **BILL**

TO AMEND SECTION 63‑7‑940, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AUTHORIZED USES OF UNFOUNDED CHILD ABUSE AND NEGLECT REPORTS, SO AS TO AUTHORIZE RELEASE OF INFORMATION ABOUT CHILD FATALITIES OR NEAR FATALITIES; AND TO AMEND SECTION 63‑7‑1990, AS AMENDED, RELATING TO CONFIDENTIALITY OF CHILD ABUSE AND NEGLECT RECORDS, SO AS TO AUTHORIZE THE RELEASE OF INFORMATION ABOUT CHILD FATALITIES OR NEAR FATALITIES.

Amend Title To Conform

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

SECTION 1. Section 63‑7‑940(A) of the 1976 Code, as last amended by Act 291 of 2014, is amended further by adding an appropriately numbered item at the end to read:

“( ) the state director or the director’s designee publicly may disclose findings or information about an unfounded case of child abuse or neglect, the circumstances of which resulted in a child fatality or near fatality, provided that the disclosed information is limited to the following: (a) the cause and circumstances regarding the child fatality or near fatality; (b) the age and gender of the child; (c) information describing any previous reports of child abuse or neglect that are pertinent to the abuse or neglect that led to the child fatality or near fatality; (d) information describing any previous investigations pertinent to the abuse or neglect that led to the child fatality or near fatality; (e) the result of any such investigations; and (f) the services provided by the State and actions of the State on behalf of the child that are pertinent to the child abuse or neglect that led to the child fatality or near fatality. The department may delay public disclosure of findings or information pursuant to this item if the disclosure of the findings or information would threaten the safety or well‑being of a child or the child’s family, or when disclosure of the findings or information would impede a criminal investigation or endanger a reporter of abuse or neglect.”

SECTION 2. Section 63‑7‑1990(H) of the 1976 Code is amended to read:

“(H) The state director or the director’s designee is authorized to prepare and release reports of the results of the department’s investigations into the ~~deaths~~ fatalities or near fatalities of children, ~~in its custody or receiving child welfare services at the time of death~~ provided that the disclosed information is limited to the following: (a) the cause and circumstances regarding the child fatality or near fatality; (b) the age and gender of the child; (c) information describing any previous reports of child abuse or neglect that are pertinent to the abuse or neglect that led to the child fatality or near fatality; (d) information describing any previous investigations pertinent to the abuse or neglect that led to the child fatality or near fatality; (e) the result of any such investigations; and (f) the services provided by the State and actions of the State on behalf of the child that are pertinent to the child abuse or neglect that led to the child fatality or near fatality. The department may delay public disclosure of a report pursuant to this subsection if the disclosure of the report would threaten the safety or well‑being of a child or the child’s family, or when disclosure of the report would impede a criminal investigation or endanger a reporter of abuse or neglect.”

SECTION 3. Section 63-7-20 of the 1976 Code is amended by adding an appropriately numbered item to read:

“( ) ‘Near fatality’ means an act that, as certified by a physician, places a child in serious or critical condition.”

SECTION 4. Section 63‑7‑40 (G) and (J) of the 1976 Code, as last amended by Act 228 of 2016, is further amended to read:

“(G) A person who leaves an infant at a safe haven or directs another person to do so must not be prosecuted for any criminal offense on account of such action if:

(1) the person is a parent of the infant or is acting at the direction of a parent;

(2) the person leaves the infant in the physical custody of a staff member or an employee of the safe haven; and

(3) the infant is not more than ~~sixty days~~ one year old or the infant is reasonably determined by the hospital or hospital outpatient facility to be not more than ~~sixty days~~ one year old.

This subsection does not apply to prosecution for the infliction of any harm upon the infant other than the harm inherent in abandonment.

(J) For purposes of this section:

(1) ‘infant’ means a person not more than ~~sixty days~~ one year old; and

(2) ‘safe haven’ means a hospital or hospital outpatient facility, a law enforcement agency, a fire station, an emergency medical services station, or any staffed house of worship during hours when the facility is staffed.”

SECTION 5. Section 63-7-40(K) of the 1976 Code is amended to read:

“(K) Annually the department shall submit a report to the General Assembly containing data on infants who come into the custody of the department pursuant to this section. The data must include, but are not limited to, the date, time, and place where the infant was left, the hospital to which the infant was taken, the health of the infant at the time of being admitted to the hospital, disposition and placement of the infant, and, if available, circumstances surrounding the infant being left at the safe haven. The department’s report to the General Assembly shall include the number of infants age zero through six months and seven through twelve months as determined to the best of the department’s ability. No data in the report may contain identifying information.”

SECTION 6. This act takes effect upon approval by the Governor.

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