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Indicates New Matter

COMMITTEE AMENDMENT ADOPTED

April 19, 2018

**H. 4705**

Introduced by Reps. Bannister, Elliott, Arrington, Long, Chumley, B. Newton, Martin, Henderson‑Myers, G.R. Smith, Trantham, Bryant, Hamilton, Hixon, S. Rivers, Stringer, Brawley and Ballentine

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Read the first time February 21, 2018.

**A** **BILL**

TO AMEND SECTION 63‑7‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANDATED REPORTERS OF CHILD ABUSE OR NEGLECT, SO AS TO ADD RELIGIOUS COUNSELORS AS MANDATED REPORTERS.

Amend Title To Conform

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

SECTION 1. Section 63‑7‑310 of the 1976 Code is amended to read:

“Section 63-7-310. (A) The following persons must report in accordance with this section when, in such person’s professional capacity, he has received information that gives him reason to believe that a child has been or may be abused or neglected as defined in Section 63-7-20:  ~~A~~ a physician, nurse, dentist, optometrist, medical examiner, or coroner, or an employee of a county medical examiner’s or coroner’s office, or any other medical, emergency medical services, mental health, or allied health professional, member of the clergy including a Christian Science Practitioner or religious healer, clerical or nonclerical religious counselor who is a licensed counselor or holds himself out as a counselor or regularly counsels others, school or college administrator, school or college coach, leader of any youth organization chartered pursuant to 36 U.S.C. Subt.II, Pt. B or any similar youth organization, school teacher, counselor, principal, assistant principal, school attendance officer, social or public assistance worker, substance abuse treatment staff, or childcare worker in a childcare center or foster care facility, foster parent, police or law enforcement officer, firefighter, employee of a children’s advocacy center, juvenile justice worker, undertaker, funeral home director or employee of a funeral home, persons responsible for processing films, computer technician, judge, ~~or~~ and a volunteer non‑attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA ~~must report in accordance with this section when in the person’s professional capacity the person has received information which gives the person reason to believe that a child has been or may be abused or neglected as defined in Section 63‑7‑20~~.

(B) If a person required to report pursuant to subsection (A) has received information in the person’s professional capacity which gives the person reason to believe that a child’s physical or mental health or welfare has been or may be adversely affected by acts or omissions that would be child abuse or neglect if committed by a parent, guardian, or other person responsible for the child’s welfare, but the reporter believes that the act or omission was committed by a person other than the parent, guardian, or other person responsible for the child’s welfare, the reporter must make a report to the appropriate law enforcement agency.

(C) A person, as provided in subsections (A) and (B), who reports child abuse or neglect to a supervisor or person in charge of an institution, school, facility, or agency is not relieved of his individual duty to report in accordance with this section. The duty to report is not superseded by an internal investigation within the institution, school, facility, or agency.

~~(C)~~(D) Except as provided in subsection (A), a person~~, including, but not limited to, a volunteer non‑attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA, who has reason to believe that a child’s physical or mental health or welfare has been or may be adversely affected by abuse and neglect may report, and is encouraged to report, in accordance with this section~~ who has reason to believe that a child’s physical or mental health or welfare has been or may be adversely affected by abuse or neglect may report, and is encouraged to report, in accordance with this section. A person, as provided in subsection (A) or (B), who reports child abuse or neglect to a supervisor or person in charge of an institution, school, facility, or agency is not relieved of his individual duty to report in accordance with this section. The duty to report is not superseded by an internal investigation within the institution, school, facility, or agency.

~~(D)~~(E) Reports of child abuse or neglect may be made orally by telephone or otherwise to the county department of social services or to a law enforcement agency in the county where the child resides or is found.

(F) Nothing in this section shall be construed as requiring a person under the age of eighteen to be a mandated reporter pursuant to subsection (A).”

SECTION 2. Section 63-7-450(A) of the 1976 Code is amended to read:

“(A) The Department of Social Services Protective Services shall inform all persons required to report ~~under this subarticle~~ pursuant to Section 63-7-310(A) of the nature, problem, and extent of child abuse and neglect and of their duties and responsibilities in accordance with this article. The department also, on a continuing basis, shall conduct training programs for department staff and appropriate training for persons required to report ~~under this subarticle~~ pursuant to Section 63-7-310(A).”

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

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