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Indicates New Matter

COMMITTEE REPORT

March 27, 2019

**H. 3915**

Introduced by Reps. Kimmons, Davis, Mace, Murphy, Rutherford, Trantham, Rose, Caskey and Felder

S. Printed 3/27/19--H.

Read the first time February 6, 2019.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3915) to amend Sections 63‑7‑10 and 63‑7‑1620, Code of Laws of South Carolina, 1976, relating to principles of the state’s child welfare system, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 63‑7‑10(A) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) The Department of Social Services legal representatives must ensure that the child’s welfare and safety are the predominant basis of all department recommendations and decisions pertaining to abuse and neglect proceedings.”

SECTION 2. Section 63‑7‑1620(4) of the 1976 Code is amended to read:

“(4) The interests of the State and the Department of Social Services must be represented by the legal representatives of the Department of Social Services in any judicial proceeding, who shall ensure that the child’s welfare and safety are the predominant basis of any department recommendations and decisions and who shall have sole discretion on behalf of the department whether to file a child abuse or neglect petition in the family court. The attorney acting as the legal representative in a particular proceeding shall have sole discretion on behalf of the department over any decisions regarding the pursuit, settlement, or appeal of a pending action.”

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

Renumber sections to conform.

Amend title to conform.

PETER M. MCCOY, JR. for Committee.

**A** **BILL**

TO AMEND SECTIONS 63‑7‑10 AND 63‑7‑1620, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRINCIPLES OF THE STATE’S CHILD WELFARE SYSTEM AND LEGAL REPRESENTATION OF THE DEPARTMENT OF SOCIAL SERVICES IN CHILD ABUSE AND NEGLECT PROCEEDINGS, RESPECTIVELY, SO AS TO CLARIFY THAT LEGAL REPRESENTATIVES OF THE DEPARTMENT MUST ENSURE THAT CHILD WELFARE AND SAFETY ARE THE SOLE BASIS OF DEPARTMENT RECOMMENDATIONS AND DECISIONS IN SUCH PROCEEDINGS AND THAT THE LEGAL REPRESENTATIVES HAVE THE SOLE DISCRETION ON BEHALF OF THE DEPARTMENT OVER ANY DECISIONS PERTAINING TO SUCH PROCEEDINGS.

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

SECTION 1. Section 63‑7‑10(A)of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) The Department of Social Services legal representatives must ensure that the child’s welfare and safety are the sole basis of all department recommendations and decisions pertaining to abuse and neglect proceedings.”

SECTION 2. Section 63‑7‑1620(4) of the 1976 Code is amended to read:

“(4) The interests of the State and the Department of Social Services must be represented by the legal representatives of the Department of Social Services in any judicial proceeding, who shall ensure that the child’s welfare and safety are the sole basis of any department recommendations and decisions and who shall have sole discretion on behalf of the department whether to file a child abuse or neglect petition in the family court. The attorney acting as the legal representative in a particular proceeding shall have sole discretion on behalf of the department over any decisions regarding the pursuit, settlement, or appeal of a pending action.”

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

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