**A** **BILL**

TO AMEND SECTION 63-11-310(B)(3) OF THE 1976 CODE, RELATING TO CHILDREN’S ADVOCACY CENTERS, TO PROVIDE THAT RECORDS RELEASED TO THE DEPARTMENT OF SOCIAL SERVICES FOR THE PURPOSES OF INVESTIGATION AND ASSESSMENT OF ALLEGATIONS OF CHILD ABUSE OR NEGLECT SHALL BE ACCOMPANIED BY AN ORDER OF PROTECTION ISSUED BY A MAGISTRATE OR FAMILY COURT JUDGE TO ENSURE THE CONFIDENTIALITY OF SUCH RECORDS, AND TO PROVIDE WHAT SHOULD BE INCLUDED IN SUCH AN ORDER OF PROTECTION.

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

SECTION 1. Section 63-11-310(B)(3) of the 1976 Code is amended to read:

“(3)(a)(i) Children's Advocacy Center records must be released to the Department of Social Services for purposes of investigation, assessment of allegations of child abuse or neglect, and provision of treatment services to the children or their families. The records must be released to law enforcement agencies and circuit solicitors or their agents who are:

~~(a)~~(A) investigating or prosecuting known or suspected abuse or neglect of a child;

~~(b)~~(B) investigating or prosecuting the death of a child;

~~(c)~~(C) investigating or prosecuting any crime against a child; or

~~(d)~~(D) attempting to locate a missing child.

(ii) This provision does not preclude or override the release of information based upon a subpoena or court order, unless otherwise prohibited by law.

(b) Records released to the department pursuant to subitem (a) shall be accompanied by an order of protection issued by a magistrate or family court judge to ensure the confidentiality of the records. The order of protection may make any order as justice so requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense and may provide one or more of the following stipulations:

(i) the records shall not be reproduced except as authorized by court order;

(ii) the records shall be viewed or disclosed only on specified terms and conditions;

(iii) the records shall be sealed and only opened by court order;

(iv) the order shall be applicable to all parties, their counsel, and any agent or representative of a party; and

(v) the records released pursuant to the order of protection shall be returned to the court upon completion of the matter that caused the production of the records.

(c) A person who fails to obey an order of protection issued under this item shall be found in contempt of court.”

SECTION 2. This act takes effect upon approval by the Governor.

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