



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: H. 3800 Introduced on February 2, 2021
Author: Bernstein
Subject: Child Torture
Requestor: House Judiciary
RFA Analyst(s): Payne and Gardner
Impact Date: April 6, 2021

Fiscal Impact Summary

This bill will not impact expenditures of the Judicial Department. They anticipate any increase in proceedings concerning the torture of children pursuant to this bill will be minimal, and any expenses will be managed using existing appropriations.

The impact of this bill on the Department of Social Services (DSS) is pending, contingent upon a response from the agency.

Explanation of Fiscal Impact

Introduced on February 2, 2021

State Expenditure

This bill provides a definition of torture to be used in Chapter 7, Title 63, the South Carolina Children's Code. In addition to providing a definition of the term, Section 1 of the bill adds the term torture to the list of acts considered to be child abuse or neglect. Section 2 of the bill adds torture to the list of conditions for which a family court may authorize DSS to terminate or forego reasonable efforts to preserve or reunify a family. Section 3 of the bill adds torture to the list of grounds upon which a family court may order the termination of parental rights.

Judicial Department. This bill updates the Children's Code to define what acts constitute child torture and provides that persons who commit such acts may have their parental rights terminated. While the bill is anticipated to impact family courts, there is no data on the number of filings, hearings, or trials which may result. As such, the expenditure impact of the bill cannot be determined. The department intends to use existing General Fund resources to manage additional costs associated with any increase in caseloads.

Department of Social Services. DSS is responsible for coordinating with local law enforcement to investigate allegations of child abuse or neglect and for taking custody of children when it is determined a child's home is unsafe. Additionally, DSS is a party to family court proceedings involving family reunification with children and the termination of parental rights. The fiscal impact of this bill for DSS is pending, contingent upon a response from the agency.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director