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COMMITTEE REPORT

April 21, 2021

**S. 229**

Introduced by Senators Shealy, McLeod, Hutto, Jackson, McElveen and Matthews

S. Printed 4/21/21--H.

Read the first time March 18, 2021.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 229) to enact the “South Carolina Child Abuse Response Protocol Act”; to amend Chapter 11, Title 63 of the 1976 Code, relating to children’s services, 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, SECTION 2, by striking Section 63-11-2400 and inserting:

/ Section 63‑11‑2400. In the investigation of a known or suspected crime against a child, a multidisciplinary team must follow the South Carolina Child Abuse Response Protocol as developed by the South Carolina Children’s Justice Act Task Force and the South Carolina Network of Children’s Advocacy Centers. Failure to comply with the South Carolina Child Abuse Response Protocol may not be used by the defense in any prosecution and is not grounds for dismissal of any criminal charge, nor does it provide any cause of action against any state agency, political subdivision, member of a multidisciplinary team, member of any prosecutor’s office, member of any law enforcement agency, or law enforcement officer. /

Renumber sections to conform.

Amend title to conform.

CHRIS MURPHY for Committee.

**A** **BILL**

TO ENACT THE “SOUTH CAROLINA CHILD ABUSE RESPONSE PROTOCOL ACT”; TO AMEND CHAPTER 11, TITLE 63 OF THE 1976 CODE, RELATING TO CHILDREN’S SERVICES AGENCIES, BY ADDING ARTICLE 24, TO REQUIRE THAT MULTIDISCIPLINARY TEAMS INVOLVED IN CHILD ABUSE INVESTIGATION AND PROSECUTION FOLLOW CERTAIN CHILD ABUSE RESPONSE PROTOCOL, TO PROVIDE FOR THE ESTABLISHMENT OF AN ADVISORY COMMITTEE TO REVIEW AND UPDATE THE PROTOCOL, AND FOR OTHER PURPOSES; AND TO AMEND SECTION 63‑11‑310(B)(1), (C), AND (D) OF THE 1976 CODE, RELATING TO CHILDREN’S ADVOCACY CENTERS, TO REQUIRE CHILDREN’S ADVOCACY CENTERS TO HOLD CERTAIN ACCREDITATION STATUS OR BE ACTIVELY PURSUING ACCREDITATION, AND FOR OTHER PURPOSES.

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

SECTION 1. This act must be known and may be cited as the “South Carolina Child Abuse Response Protocol Act”.

SECTION 2. Chapter 11, Title 63 of the 1976 Code is amended by adding:

“ARTICLE 24

South Carolina Child Abuse Response Protocol

Section 63‑11‑2400. In the investigation and prosecution of a known or suspected crime against a child, a multidisciplinary team must follow the South Carolina Child Abuse Response Protocol as developed by the South Carolina Children’s Justice Act Task Force and the South Carolina Network of Children’s Advocacy Centers. Failure to comply with the South Carolina Child Abuse Response Protocol shall not be grounds for dismissal of any criminal charge, nor shall it provide any cause of action against any state agency, political subdivision, member of a multidisciplinary team, member of any law enforcement agency, or law enforcement officer.

Section 63‑11‑2410. (A) The South Carolina Children’s Justice Act Task Force and the South Carolina Network of Children’s Advocacy Centers shall develop and provide initial training on the protocol and updated training as needed for this purpose. The protocol must be publicly available and must be annually reviewed and updated as needed by an advisory committee known as the Child Abuse Protocol Review Committee.

(B)(1) The Governor shall appoint the members of the Child Abuse Protocol Review Committee and may consult with the South Carolina Children’s Justice Act Task Force and the South Carolina Network of Children’s Advocacy Centers in making his appointments. The committee shall consist of thirteen members as follows:

(a) the Executive Director of the South Carolina Network of Children’s Advocacy Centers, or his designee;

(b) one member from state law enforcement;

(c) one member from county law enforcement;

(d) one member from a solicitor’s office;

(e) the Executive Director of the Department of Social Services, or his designee;

(f) one member who is the Medical Director of the South Carolina Children’s Advocacy Medical Response System, or his designee;

(g) one member from the State Guardian Ad Litem Program or Richland County Court Appointed Special Advocates;

(h) one member from a school district;

(i) one member from a statewide organization experienced in working with children with all disabilities;

(j) the Executive Director of the South Carolina Police Chief’s Association, or his designee;

(k) the Executive Director of the South Carolina Sheriff’s Association, or his designee; and

(l) two at‑large members.

(2) The Department of Children’s Advocacy shall convene the first meeting of the committee for the purpose of electing a chair and shall thereafter provide staff support to the committee. Members of the committee shall serve for terms of four years and may serve in a holdover capacity for up to six months after the expiration of their term, should a qualified successor not be appointed.

Section 63‑11‑2420. The Department of Children’s Advocacy shall maintain the protocol and the committee’s updates to the protocol.”

SECTION 3. Section 63‑11‑310(B)(1), (C), and (D) of the 1976 Code is amended to read:

“(1) Children’s Advocacy Centers must establish memoranda of agreement with governmental entities charged with the investigation and prosecution of child abuse. ~~Fully operational centers must function in a manner consistent with standards of the National Children’s Alliance, and all centers must strive to achieve full membership in the National Children’s Alliance~~ Children’s Advocacy Centers must be fully accredited by the National Children’s Alliance or must be an associate/developing or affiliate member of the South Carolina Network of Children’s Advocacy Centers and be actively pursuing full accreditation with the National Children’s Alliance within the next two years.

(C) The South Carolina Network of Children’s Advocacy Centers ~~and the South Carolina Chapter of the National Children’s Alliance~~ must coordinate and facilitate the exchange of information among statewide centers and provide technical assistance to communities in the establishment, growth, and certification of local centers. The network must also educate the public and legislature regarding the needs of abused children and provide or coordinate multidisciplinary training opportunities which support the comprehensive response to suspected child maltreatment.

~~(D)~~ ~~Nothing in this section requires the exclusive use of a Children’s Advocacy Center.~~”

SECTION 4. SECTION 1 and Section 63-11-2410(B), as added by this act, take effect upon approval by the Governor. The remaining provisions take effect one year after approval by the Governor.

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